REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, NOVEMBER 27, 1974.

* * * *

The meeting was called to order at 8:30 A. M., by the presiding officer, Mayor Pro-Tem Lila Cockrell, with the following members present: COCKRELL, BLACK, LACY, MORTON, O'CONNELL, PADILLA, MENDOZA; Absent: SAN MARTIN, BECKER.

— — —

74-58 The invocation was given by The Reverend James F. Stone, St. George Episcopal Church.

— — —

74-58 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

— — —

74-58 The minutes of the meeting of November 21, 1974, were approved.

— — —

74-58 ANNEXATION

The Clerk read the following Ordinance for the second and final time:

AN ORDINANCE 44,492

PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LINES OF THE CITY OF SAN ANTONIO, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 17.206 ACRES OF LAND IN THE VICINITY OF O'CONNOR AND STAHL ROADS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO.

* * * *

The Ordinance was explained by Mr. Cipriano Guerra, Director of Planning and Community Development, who said that this annexation was requested by the Northeast Independent School District. There is no opposition to this annexation and he recommended approval.

No one spoke in opposition.

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

— — —

74-58 ANNEXATION PROGRAM

Mr. Morton inquired of the status of a proposed annexation which was discussed several months ago that would establish the City's right to extraterritorial jurisdiction beyond the ETJ of Shertz, Garden Ridge and Selma.

Mr. Cipriano Guerra stated that he is prepared to discuss this matter with the Council in Executive Session. There are some legal problems which need to be discussed.

After discussion, the Council agreed to meet in Executive Session on December 12, 1974, to hear the staff's report.

74-58 DISCUSSION REGARDING 14% FUEL PASS THROUGH CHARGE

The following discussion took place:

MAYOR PRO-TEM LILA COCKRELL: Now, Item VII is an ordinance that we have been considering as sort of a companion to Item VIII and I understand that the majority of the Council wanted VIII, the action on VIII, postponed for two weeks. Now, is it your pleasure on Item VII also that one be postponed, or what is your feeling about this?

MR. ALVIN G. PADILLA: I would be ready, speaking as one member of the Council, to go ahead with Item VII unless we can lend more strength to it by vote of the full Council. That was my only concern on Item VII.

MR. CLIFFORD MORTON: I think that Item VII and Item VIII are tied closely together as a pair of Siamese twins...

MR. PADILLA: They are in a manner of speaking.

MR. MORTON: It may be a little inconsistent for this Council to tell the Governor how to spend the state's money when we haven't made a decision on how we are going to spend the money that is indirectly related to the same subject.

MRS. COCKRELL: All right, may I ask then is it the consensus that Item VII be postponed along with Item VIII for two weeks? Is this the consensus? Is there any other....

MR. W. J. "BILL" O'CONNELL: I would agree to that, Madam Mayor, but I would also like the suggestions that the City Manager has been accumulating on Item VIII still be read aloud today for our edification and future consideration.

MR. LEO MENDOZA: I'd like to support that, Madam Mayor.

MRS. COCKRELL: All right, Item VII by a majority of the Council, Item VII will be pulled from the agenda and rescheduled two weeks from today when, hopefully, all of our members will be back. I know I'm going to be gone next weeks and Mr. Morton is. In two weeks we hope to have a full Council. Now on Item VIII, as I understand the Council's desire, it is that we have the staff report and presentation by the City Manager of the report and various alternatives which he has, but that the Council at that point take the report under advisement and that the final action will be in two weeks. Is that satisfactory with everyone? All right, Mr. Granata.

CITY MANAGER SAM GRANATA: Madam Mayor and Council, "On November 7, I reported to the Council on the CPS contribution to the City budget, with particular attention to the fuel passthrough.

I advised you that the CPS revenue figure had changed, due to rising fuel costs, and that the City's 14 per cent on the fuel passthrough was estimated at $14,543,000 for this fiscal year. I further advised you that the City will need $8,000,000 more than budgeted revenue. The remaining $6,500,000 could be considered as surplus to our planned needs and the Council has the choice of rebating or retaining it.

At that time I presented the following four options:

OPTION 1. Reduce the dollar return from the City's 14 per cent on the passthrough.

(a) The $14,500,000 divided by 14 per cent shows the return on 1 per cent to be $1,035,000. Reducing the 14 per cent to 8 per cent would return over $6,000,000 to the customers.

(b) In the CPS projection of revenues, the City's 14 per cent on gas service passthrough is shown as $4,126,000. The City could waive its part of all passthrough on gas, and this, combined with some other method, would yield the $6,500.00.

OPTION 2. Reduce the ad valorem tax. One penny in the tax rate represents $165,000 in City revenues. To return $6,500,000 to the people, the tax rate could be reduced by 39 cents.

OPTION 3. Provide a method of relief from high utility bills paid by schools, non-profit hospitals and governmental agencies. This would require a new classification in the CPS rate structure, designed to give any degree of relief the Council may desire.

OPTION 4. The City can retain the entire amount and use it for projects beneficial to the people. Some of these projects are: 5 additional health clinics - $1,700,000; Dollarhide drainage project - $4,000,000; enlarging Convention Center Exhibit area - $3,500,000; new recreation centers and expanded youth programs - $8,000,000.

Since that time, I have developed the following additional options:

OPTION 5. The City forego all its 14 per cent on the gas pass-through at once, returning $4,126,000 to the people. Review the matter again in February.

OPTION 6. Remembering that we are dealing with estimated figures, review the actual revenues in February, when the Council sets the tax rate. At that time, if it appears that revenues will be realized, the ad valorem tax could be reduced by 15 cents, releasing the remaining $2,500,000. A Tax reduction would have an advantage in that only the citizens of San Antonio would benefit from it. Waiting until February to make the decision would avoid the danger of a serious shortfall in CPS revenue.

OPTION 7. Contribute $1,500,000 annually to the Fire and Police Pension Fund, which is now actuarily unsound.

OPTION 8. Use the money to bring added dollars into our community.

Use $3,500,000 to add 100,000 square feet of exhibit area to the Convention Center.

Use the $3,000,000 balance to begin the River Corridor project. The planning and predevelopment phase could be accomplished for this amount.

Upon conclusion of my statement on November 7, the Council requested me to return with answers to specific questions.

Reverend Black asked if some relief could be given to families on fixed incomes or on welfare.

Low-income families are usually low energy users. When the Council approved the new CPS rates, it protected this group. Their rates were raised by a lower percentage than the rates of any other customer class.

The greatest hardship upon them is the fuel passthrough, and this is something the City cannot control. The only effective relief the City could give them is through full or partial payment of their utility bills.

It is estimated that 37,000 familes would be classified as poor, and therefore eligible for assistance. However, this group changes from month to month. It would be necessary, every month, to identify each each individual family which would qualify under whatever criteria might be established. The expense of administering such a program might make it uneconomical in terms of benefits to the community.

Some relief could be given by setting rates structured so that low energy users would pay considerably less, proportionately, than others. In considering this, it should be remembered that there are many high-income apartment dwellers who use little energy, and would benefit from the low rates. Also this would not remove the burden of the fuel pass-through.

Mrs. Cockrell expressed particular concern with the burden carried by the schools.

As I understand it, the law governing utility rate setting lays down the broad principle that rates must be fair and equitable between classes and between customers within classes. It does not take into account need or ability to pay.

There are a few utility systems in the country which have special rates for elementary and secondary schools. We offer something roughly similar to this in the rate for boiler gas, which applies to schools only.

There is a possibility that load characteristics and demand by schools may differ from other customer classes by enough to justify a special rate. Determination of this could be done by CPS rate analysts, and a new rate considered by the Council at some time in the future.

The real burden upon the schools is the fuel passthrough. For the period August, 1973 through July, 1974, the fuel passthrough to elementary and secondary schools was $434,080. The City's 14 per cent added $70,664, for a total of $504,744.

CPS estimates that, for the period August, 1974 through July, 1975, the passthrough will be $1,525,300, and the City's 14 per cent will add $248,300. The total passthrough charge of $1,773,600 will be an increase over the last year of $1,268,856. The total bill paid by these schools during this period will $3,907,500; the passthrough will be 45 per cent of this. This is equivalent to a 83 per cent increase in rates.

The impact of the passthrough upon colleges and universities is even greater than that upon primary and secondary schools. For the 1973-74 period, the passthrough to them was $291,509. The City's 14 per cent added $47,455, for a total of $338,964. For 1974-75 passthrough charges are estimated to be $932,300, to which the City's 14 per cent will add $151,800 to make a total of $1,084,100. The total utility bill for this period will be $1,809,400, of which only $725,300 will be base rate charges. The fuel passthrough will be equivalent to a 149 per cent rate increase.

The impact upon other large institutional users, such as hospitals, would be about the same as that upon colleges and universities, as they fall into the same rate classes.

Mr. Morton asked several questions:

QUESTION 1: What is a clear definition of classes of residential customers and what percentage of the total does each class represent?

ANSWER: 82 per cent of CPS residential customers are inside the City and 18 per cent outside. This distribution is consistent throughout residential classes. Inside the City, there are 37,400 low income users, 21 per cent of the total. There are 93,200 average users, or 52 per cent. Modern homes users number 39,900, or 22 per cent. There are 10,100 customers, or 5 per cent, who could be classified as luxury users.

QUESTION 2: If the City gives up the total 14 per cent on the passthrough, what tax increase would be necessary to offset the loss of the $8,000,000 necessary to balance the budget, what part of this tax increase would represent the loss of the $2,900,000 generated outside the City, and what would be the average additional tax paid by each class of residential customer?

ANSWER: To replace the $8,000,000, a tax increase of 48 cents would be required. 18 cents of this would represent the $2,900,000 lost from customers outside the City.

The low income dwelling has an assessed valuation of $3,200. The current tax is $60.48. A 48 cent tax increase would add $15.36, of which $5.76 represents the loss of outside revenue.

The average user dwelling is assessed at $7,500. The current tax is $141.75. A 48 cent tax increase would add $36.00, of which $13.50 represents the loss of outside revenue.

The modern house has an average valuation of $14,400. The current tax is $272.16. A 48 cent tax increase would add $69.12, of which $25.92 represents the loss of outside revenue.

Valuations of luxury homes vary so greatly that no attempt was made to estimate the effect on them.

QUESTION 3: In dollars and in percentages, what are the fluctuations in the fuel passthrough over the past 12 months?

ANSWER: For the period October, 1973 through September, 1974, CPS basic sales revenue was $102,723,000. Fuel passthrough charges totalled $34,179,000.

In October, 1973, the gas price paid, $0.2381 per thousand cubic feet, was practically the contract price. By September, 1974, the price paid has risen to $1.0298 per thousand cubic feet, or 333 per cent over the contract price.

Fuel costs for electrical generation rose in the same way. In October, 1973 the adjusted cost per million BTU was $0.3614 per million BTU, or 50 per cent over the contract price. By September, 1974 the adjusted cost was $1.0509 per million BTU, or 336 per cent over the contract.

For the next 12 months, CPS basic revenues are estimated to be $115,002,000. Fuel passthrough is estimated at $90,842,000. By September, 1975, it is estimated that the gas price will have risen to $1.377 per thousand cubic feet, an increase of 479 per cent over the contract price. During the same period, the adjusted fuel cost for electrical generation will rise to $1.5133 per million BTU, or 528 per cent over the contract.

QUESTION 4: Would businesses benefit more from a rebate of passthrough charges or from a tax cut, and what would be comparable benefits for residences?

ANSWER: Businesses vary so much in energy consumption and in tax valuation, that there is no valid basis for comparison. However, it can be said that industries using large amounts of process gas are facing increases of more than 400 per cent in their fuel bills. No tax relief we can give can equal this increase in costs. On the other hand, some smaller businesses would find a tax cut a distinct advantage.

During the 12 months, October, 1974 to September, 1974, fuel passthrough charges added 27 per cent to the low income residential user's bill, 28 per cent to the average residential user's bill, and 31 per cent to the modern residential user's bill.

Over the next 12 months projections show that this will increase to a total of 73 per cent to the low income residential user's bill, 87 per cent to the average residential user's bill, and 75 per cent to the modern residential user's bill.

The differences in the percentage figures show the effect of the winter penalty for excessive summer use of electricity, which is incorporated in the new rate structure. The high user shows a proportionately smaller passthrough increase only because his bill for basic winter use carries a penalty of about $5.60 a month.

The City's 14 per cent from these passthrough charges would be $13.16 for the low-income user, $31.81 for the average user, and $42.06 for the modern home user. This can be compared with the 48 cent tax increase which would amount to $15.36, $36.00 and $69.12, respectively.

Dr. San Martin asked that Option 1 (b) that I presented be further developed and others concurred in this.

> 1 (b) -- In the CPS projection of revenues, the City's 14 per cent on gas service passthrough is shown as $4,126,000. The City could waive its part of all passthrough on gas, and this, combined with some other method, would yield the $6,500,000.

Foregoing all the 14 per cent of the passthrough on gas would reduce the annual utility bill of the low-income user by $8.32 and the bills of average and modern home users by $9.48.

For residential users, the relief given by this option may be more symbolic than actual. For the schools and institutions, however, the dollar savings would be substantial.

Elementary and secondary schools would save $74,600 a year. Local colleges and universities would save $36,000. Savings by hospitals would be comparable.

As to the effect on businesses, only those firms using large quantities of process gas would realize any appreciable savings.

Mr. O'Connell expressed the thought that the military bases in San Antonio are not the only military bases in the country that have been hit by higher charges for utilities.

As an expansion on this, I requested a survey of major utility systems, both inside Texas and outside. CPS compiled a listing of rates and passthrough charges by 13 utility systems, publicly and privately owned, and using all types of fuel, from coal to nuclear.

Three interesting facts emerged from this survey:

1. Utility bills in Dayton, Ohio, which serves Wright-Patterson Air Force Base, are higher than in San Antonio.

2. Dallas and Fort Worth, which profited from TUFCO'S acquisition of our gas, offer more competitive rates than we do.

3. All the comparison cities have recently had rate adjustments which reflected high fuel costs in the base rates. Even so, every one shows a fuel adjustment added to the bills.

We can draw a conclusion from the survey; high utility bills are a fact of life everywhere. Disagreeable as it may be, we must also conclude that they are here to stay. Low fuel prices are gone forever.

San Antonio is really no worse off than other cities, but they had a long period of steadily rising costs in which to adjust, and San Antonio did not. Most of the increase came to us within a single year. It was this suddenness with which local energy costs caught up with the rest of the nation that caused the hardship.

I firmly believe that it was this rapid rise which caused the anger and concern which our citizens have displayed. I also believe that there has been a failure in communicating to the public the hard fact that, until technology finds a cheap fuel, we can only adjust to higher energy costs, and go on from there.

I believe that at this point I have presented all options, and answered all your questions. To aid you in your decision as to which option offers the most benefit to the citizens of San Antonio, I offer the following suggestions.

If the Council wishes to return the $6,500,000, I suggest option 5, which is foregoing, at once, all the City's 14 per cent of the gas passthrough. This would return $4,126,000 to the people. Further, review the matter again in February and consider Option 6 which is a 15 cent tax cut. This may be possible at that time if there is no shortfall in CPS revenue.

Freeing the gas passthrough from the 14 per cent would help the low-income householder, who needs gas more than he needs electricity, and would protect jobs by making local industry more competitive.

It should be realized that, although the total amount is over $4,000,000, the relief given the individual householder is relatively slight at this time. However, it will give him some degree of protection against the higher gas prices to come.

As mentioned before, this will save the low-income user $8.32 annually and average and modern home users $9.48 annually. It will save the elementary andsecondary shcools $74,600 and the colleges and universities $36,000. Hospitals would also save substantial amounts. Rebates to businesses would vary, but would average only 1 2/10 per cent of their bills.

If the Council wishes to retain the entire amount, I suggest Option 8, which is: Use the money to bring added dollars into our community. Use $3,500,000 to add 100,000 square feet of exhibit area to the Convention Center and use the $3,000,000 balance to begin the River Corridor Project.

Over the past year $34,000,000 has left our City in passthrough payments. This is a heavy blow to our economy. The projected charges of $90,000,000 for thenext year represents an even heavier blow to come. It is the same as if the community lost an industry employing 11,350 workers, each earning $8,000 a year.

We must somehow quickly generate a corresponding inflow of dollars. In my opinion, the best chance for success in this lies in promoting and expanding our second largest industry, tourism.

Enlarging the Convention Center, which already brings millions in, would increase community income from this source. The beautified section of the river is a nationally known and recognized tourist attraction. Expansion and improvement of it can only enhance its appeal.

All the options that involve returning the money are subject to the City Attorney's opinion that, contrary to the recent opinion of the Attorney General, foregoing any part of the 14 per cent is of questionable constitutionality."

MRS. COCKRELL: All right, you have received the report. Now, as I understand, the Council's desire is to take this under advisement and that the final discussion and decision will take place two weeks from today.

MR. PADILLA: Mrs. Cockrell, I agree with that. May I ask the City Manager for a bit of information that would be helpful to me at decision making time. Sam, I would like some information as to what the tax situation is. Let me give you a bit of preface to that. It may, perhaps, help you understand the kind of information I would like for you to make available to me. My first impulse would be to refund whatever we think we can afford to refund to the people of San Antonio through a tax cut. My concern in that area would be that, perhaps, some of the low-income people who do not own property would not gain any sort of benefit from that. I would like to know what the situation is in terms of who the taxpayers of the City are. And, of course, the rest of that equation is that the suburban communities would still, you know, pay the 14 per cent on the pass through and that they wouldn't get a refund. That's my impression of what we ought to do.

MRS. COCKRELL: All right, will you gather this information and then have it available in two weeks.

MR. PADILLA: Yeah, well a few days ahead if you can because in two weeks, presumably, we're going to make a decision.

MRS. COCKRELL: All right, fine, as soon as it is available, then disseminate it first to Mr. Padilla, who asked for it, and then the other members, if that's agreeable.

MR. PADILLA: Fine.

MR. O'CONNELL: I would ask, of course, that the Mayor and Dr. San Martin would be given these things as soon as they get back.

The following discussion took place:

MAYOR PRO-TEM LILA COCKRELL: All right, I would like to ask one other thing. In the Council Meeting of September 26th, I requested the staff to study the feasibility of again appointing a Utility Supervisor on the staff. This came up in the discussion of the employment of another consultant. At that time we were discussing, as I recall, the Bell Telephone rate increase request. I would like to ask the staff if the report is not ready today to have it ready as soon as possible on the situation of the Utility Supervisor. This is something that is provided by the Charter, and I feel very strongly that we should have this person again on the City staff, and I would like to have a report from the Manager on this.

MR. LEO MENDOZA: Mrs. Cockrell, I would like to at this time go on record as supporting that. I have also discussed this with several people and as far as I'm concerned I think that we made a decision two years ago and then, for some reason or another, we decided that it wasn't exactly what we expected. So, I'd like to go one step further and say that we should start interviewing people for that job. I don't know, perhaps maybe since it has been brought up, other Council members may respond, but as far as I'm concerned I am 100 percent for interviewing people at this time for that position.

MAYOR PRO-TEM COCKRELL: Well, since we have asked the City Manager for a report and his summary of this, this situation, let us receive that first.

MR. ALVIN G. PADILLA, JR: Mrs. Cockrell, one additional point on that. I tend to agree with you. I think perhaps in that report there should be an effort made by the Manager to define the position, in more than just simplistic terms. In other words, what do we have to have in terms of organization. A couple of years ago we did have a Supervisor of Utilities. We had one man working in one small office, and I don't think - I think events proved that he was quite limited, and that's without getting into the individual's qualifications themselves or itself, but I think we have to take a look at this in terms of what sort of definition does the job need. What sort of organization does the man have to be surrounded by? What's the task? What's the job? More than just in the general title of Supervisor of Utilities. I think we have to be prepared to face up to the idea that perhaps we need an organization here, if we're going to have an adequate job done. I think we have to address that as part of the report.

CITY MANAGER SAM GRANATA: If I may, Madam Mayor, you said did I have a report. No, I do not, but I would like to address myself to that. I have been here 26 years and there have been two Directors of Public Utilities under this City Charter. One was way back in '52 - '53 and this recent one we had a couple of years ago or just as recent as six months ago, where the gentleman chose to resign. Now, I'll read what the Charter says about it, but let me give you some background on it. I'd be happy to interview a man for the Public Utilities Supervisor, but everytime we have one, I found that the last time we had one, the man does a good job but nobody believes what he finds and we hire a consultant anyway. You hear words like, "Well, he's tied in with that outfit", or "He's local and he's with them." And we have a difficult time. And I'm not being facetious. I don't know what are the right words, but that's the problem that I have. Yes, we can hire a guy. We've got people in the Finance

Office right now that scrub all these things. Tom Ivey and Charlie Cross of the Public Works Department have assisted me in scrubbing this thing for the City Public Service. They can make the study, but when it comes right down to the final decision, and we did have a Supervisor of Public Utilities, we always go out and hire consultants. We had it with the Water Board, back in '52 - '53. It was Phillip Donnell who had two assistants, a man named Carney and a man named Cox, and a couple of secretaries and they, too, then hired an assistant at the time that the Bell Telephone rates came up, and the reason I remember it is because the day that came for Mr. Alexander who then was the Utilities Consultant to give his brief report, his findings, when the Council Chamber was on the third floor, he died right after lunch right in the Chamber and never did give the report. That's why it stands out in my mind. But we always do that. If the majority of the Council wants us to go ahead and begin to interview for a Supervisor of Public Utilities, I'll be happy to.

Now, Section 136 of the Charter says, "There is hereby created the Office of Supervisor of Public Utilities, who shall be nominated by the City Manager and confirmed by the Council. He shall serve at the pleasure of the City Manager and shall receive such compensation as may be fixed by the Council. The Supervisor of Public Utilities shall have assistants as may be determined by the Council in cooperation with the City Manager. The Supervisor shall assemble the facts which are essential to proper determination of cost of service and the fixing of reasonable rates. He shall have and keep up to date an inventory of the property used in public service, the cost of such properties as actually and reasonably incurred or as fixed by appraisal, additions and retirements made each year, the depreciation and all matters that enter into the periodical readjustment of the rate base. He and assistants under his direction shall have power to make and shall conduct all inspections and examinations of public utility properties, accounts and records. At the close of each calendar year or fiscal year, he shall make a comprehensive report and recommendations to the Council, which, after receiving them, may proceed with informal negotiations or with formal proceedings. Every public utility operating within the City shall furnish the Supervisor regular reports as to capital outlay, property retirements, operating revenues, operating expenses, taxes and other accounting matters according to the standard accounting classifications for each such utility. In addition the City may require reports regarding salaries, wages, employees' contracts, service performance and all other records of operation that pertain to proper rate adjustments on the basis of facts and regular administration.

In connection with any application for an increase in rates, fares or charges by a holder of a franchise, or an inquiry initiated by the Council as to the reasonableness of the rates charged by any franchise holder, the Council may refer the matter to the Supervisor for the purpose of affording to the holder a hearing thereon. The Supervisor may give such a rate hearing to any such person, firm or corporation provided for hereunder and report his findings and recommendations to the Council for their adoption, revision and rejection.

The Supervisor, while sitting for the purpose of giving such hearing shall have all the powers herein conferred on the Council to inspect books and compel attendance of witnesses and may prescribe the penalties provided herein for failure or refusal to attend and testify or produce such books.

The Council may certify any such hearing to the Supervisor whenever it deems it advantageous to have the Supervisor sit and give such hearing instead of the Council, provided, however, that the evidence at any hearing so held and the findings of the Supervisor shall be fully reported to the Council for its approval, amendment, revision, or rejection.

The Supervisor shall perform such other duties and services affecting public utilities as are assigned to him or directed by the City Manager or Council."

That's the text of the Charter. If the Council desires, we will begin to interview or do whatever you like.

MAYOR PRO-TEM COCKRELL: It seems to me that when I asked for this report, I had indicated several possible avenues and really I think there are several ways this could be explored. For example, one point was made that possibly there would not be enough work for a full time position. I indicated that we might want to look at the possibility of having a highly skilled, highly qualified person that might be available on a shared basis between San Antonio and one of the other cities, Houston, Austin, or one of the other cities. I think there are several ways to approach the situation, and I would like for you to just review it a little bit more in detail as to what other Texas cities are doing in this respect, if they have a full time or a part time Utility Supervisor on their staff, or if they are doing it entirely by outside consultants or just how they are doing it. I think you could consult with.....

MR. PADILLA: That's why I was saying, Mrs. Cockrell, I think one of the early things that has to be done you have to sort of define what this Utility Supervisor is expected to do. I don't see any benefit in having someone like we did here two years ago. You know, a man in an office and perhaps a secretary and he just superficially examines rate requests or whatever happens to come in. I think the only real benefit to be gained by a Utility Supervisor if he really gets into the meat of things and he stays current on a week by week, month by month basis, all of the time, whether we have a rate request pending or not.

MAYOR PRO-TEM COCKRELL: In regard to Mr. Mendoza's suggestion, may I just say that I don't believe at this time there is a consensus on instructing the Manager to proceed. I think the indication I see is that we would want us to further investigate the matter.

MR. MENDOZA: Well, Mrs. Cockrell, what I would like to suggest then is that we do instruct the City Manager to assign someone on a temporary basis but on a full time basis to deal with the situation. I don't know that this would, if you - I know we're doing this. Why not assign someone from the staff to just stay right on top of this and have someone on a temporary basis while we're getting this report.

MR. CLIFFORD MORTON: I realize that there's been a lot of discussion on this in the local media. Frankly, because I personally have been spending a lot of time informally trying to educate myself and in turn educate others, which I might add, I'm not too successful on in some high places, I have been very impressed with the people who, I think, the Manager has assigned this responsibility for some time. I think I can look at a set of numbers and if they don't ring, make a pretty valid judgment on it. I think the City Manager has confidence in these

people. I think when you look at their experience background they would pretty well parallel what you would be looking for in this Utility Supervisor. I, for one, don't find any great need for concern about the fact that a slot is not being filled by an individual as opposed to an individual filling one or more slots including the slot that doesn't have a specific name in it. I think this is what has happened, and I think that those people who are so concerned about it, if they would take the time to investigate it, I would think that they would find that he has two people that are actually addressing themselves to the job responsibilities that are set out in the Charter which really does not deal with the basic problem that we have here. If you'll look at the job description, if we want to call it that or duties, that this person has according to the Charter, we talk in terms of rates. That is not our real problem. When the pass through equals two hundred times the rate, that's not where the problem is. There was nothing in the job description that says he would analyze the planning for future energy, surplus water or any of this sort of thing and we get down to analyzing the property that each of these utilities have, are these people capable of rendering such a report as set out in the Charter?

Is this right, Sam?

CITY MANAGER GRANATA: Yes, sir, that's right, in addition, as Mr. Morton points out, I'm using two men and Mr. White has been attending all the meetings of the Telephone Company. Carl, would you bring the Council up to date on what you have actually done in tracking the request of the Bell Telephone Company.

MR. LEO MENDOZA: Let me, Sam, just clarify something. I don't think Cliff and I are disagreeing on anything. The only thing I'm saying is that we should identify or publicize,rather, the fact that we do have one or two or three individuals who are a team of people that are working on this and are staying on top of it. This is my main concern. This is what I'm trying to point out that, you know, when we say that we need to hire someone, well, that's fine. If we need to hire someone well let's do it. But in the meantime, we do have some people, and we need to publicize it and identify maybe some of the individuals so that the people will know that we are working on it. That's the only thing that I'm saying. I'm not saying that we should give them a title.

MR. MORTON: For those people who have been raising so much sand about it, it would seem to me that if they were really acting responsibly and in the public's best interest, don't you think they might check beyond the surface before they make the accusation? It would seem to me that this would be the responsible thing to do.

MR. PADILLA: Mrs. Cockrell, point of order.

MAYOR PRO-TEM COCKRELL: Mr. Morton, I would like to say that my original request for the staff to investigate the Utilities Supervisor was made in the September meeting at which time I voiced great confidence in the ability of our staff to do the job of evaluating the telephone rate increase, and I personally opposed hiring an outside consultant at that time. I certainly recognize that we do have capability on our staff. Mr. White,did you want to.....

MR. PADILLA: Mrs. Cockrell, point of order, my understanding is, and I'm not trying to silence any member of the Council in this discussion, but it is my understanding that we agreed to receive a report from the Manager some time in the future, and I think, perhaps, part of Mr. White's remarks might be made part of that report so that we can move things on today. Rather than have a part of it now.....

MAYOR PRO-TEM COCKRELL: Just a moment on the matter on the point of order, the Chair has not yet closed debate, and I feel that unless there is further objection we should go ahead and hear Mr. White since the City Manager called on him to speak. Is there any objection?

MR. CARL WHITE: We have been following and working with the Telephone people since they filed their rate request. What I was going to mention to you and talk a little bit about and, of course, what Al said is true, it would be a part of the report. About four years ago I was sent to Dallas. Dallas has one of the best Public Utilities Department in the entire State, perhaps, in the entire country. They have 17 people, or did at that time, on their staff up there. They don't have anyone on their staff that is capable of taking a look at telephone rates, taking a look at water and sewer rates, electric and gas rates and when they have these kinds of studies, they go for outside consultants. So, there is not one person that exists anywhere that knows everything about telephones, electric and gas, these are all specialized areas. When you get into those fields, you've just got to call in a specialist in that area.

MAYOR PRO-TEM COCKRELL: What does Houston do? Well, I guess you.....

MR. WHITE: Houston does the same thing. They call in outside experts. In Dallas, for example, the telephone company has filed for an increase up there. Dallas has hired, even though they have this full time staff that's been working with the telephone company and working with separations and things like each month, they have hired outside consultants to do their work for them.

CITY MANAGER GRANATA: Just recently, right?

MR. WHITE: Yes, they're in the process of doing it right now.

MAYOR PRO-TEM COCKRELL: All right, then, may we ask then that any other questions the Councilmen may have be directed to the staff on this subject and that we get a final complete wrap up on it, information that the Councilmen either desires or comments they'd like to make or would like to have as part of this report.

CITY MANAGER GRANATA: I'll make a report in several weeks.....

MR. MORTON: Would you be more definitive of what you're really asking for?

MAYOR PRO-TEM COCKRELL: Yes, sir, I'm asking for a complete report about how the Manager views various alternatives in the office that is prescribed in the Charter of Utility Supervisor. What alternatives he sees, whether he sees persons in the Finance Department as doing a portion of the task, whether he views the need to assign a full time person to the task, just really how he views it so that we can once and for all say that either it's a position that is needed or that it's not needed. So, that we will come to some definitive answer.

MR. PADILLA: What I asked, Cliff, is that the office itself be defined. You know that we try and find some definition to it.

REVEREND CLAUDE W. BLACK: I would like to make, because I think we are still not dealing primarily with problem. Their problem is not just simply just providing information. I think it's providing creditable information. I think the problem that we've been facing is that one hand while we get information even from an outside consultants, the issues then say, the papers then present the issue that we have been manipulated by two sets of books from the telephone company. Then we come forward with whether or not the pass through is legal, you know. So, I think what we're really faced with is the process of making the information before the Council the kind of information that has public credibility regardless who brings it here. The fact is the process must produce credibility. Otherwise we're just simply arguing over an issue that is, not necessary, discussing an issue that will not be resolved by any special person employed or any party on the staff unless we work out a process of gathering the information that can be publicly creditable. Otherwise, it seems to me that the information that we've gotten is placed under question because somebody is saying that it's being manipulated. I don't know whether this is accomplished by the employment of a person with special talent in its field or whether it's employed, it's accomplished by staff team activity or whether it's accomplished by special consultants, but it seems to me that we've got to evaluate it and as a step number one, know what to expect from the person. Number two, is how do we put all of these forces that we have available to us in such a package that when the information does come before the Council we can act upon it and not find it challenged or not find the paper saying the Council was manipulated by those forces to bring about raises in the rates of whatever utility it might be.

MR. MENDOZA: Reverend, I knew that eventually you'd say what I wanted to say.

MAYOR PRO-TEM COCKRELL: All right, Mr. Manager, you've heard some of the different concerns and expressions, and so I guess what we really want is just sort of a review of the.....

CITY MANAGER GRANATA: I'll give you a review and report in several weeks, yes, madam.

MAYOR PRO-TEM COCKRELL: Yes, fine, thank you. All right we go then to matters submitted by City Manager for Council consideration.

* * * *

74-58 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, Black, Lacy, O'Connell, Mendoza; NAYS: None; ABSENT: San Martin, Becker, Morton, Padilla.

AN ORDINANCE 44,653

AUTHORIZING EXECUTION OF A LEASE OF SPACE AT STINSON MUNICIPAL AIRPORT WITH N. A. KALT D/B/A STINSON FIELD AIRCRAFT.

* * * *

AN ORDINANCE 44,654

GRANTING PERMISSION TO HIGHLANDS HIGH SCHOOL TO CONDUCT A BONFIRE ON FRIDAY, NOVEMBER 29, 1974, AT 7:30 P.M. ON SAISD PROPERTY DIRECTLY ACROSS FROM SAID SCHOOL, UNDER THE SUPERVISION OF THE FIRE DEPARTMENT.

* * * *

AN ORDINANCE 44,655

ACCEPTING A GRANT OF $2,187.00 FROM THE GOVERNOR'S OFFICE OF TRAFFIC SAFETY TOWARD THE COST OF ATTENDANCE BY TWO POLICE SUPERVISORS AT A POLICE TRAFFIC LAW ENFORCEMENT SUPERVISION SHORT COURSE AT NORTHWESTERN UNIVERSITY; APPROVING A BUDGET AND APPROPRIATING FUNDS.

* * * *

AN ORDINANCE 44,656

AMENDING CHAPTER 38 (TRAFFIC REGULATIONS) OF THE CITY CODE: SETTING FORTH LOCATIONS AT WHICH ELECTRIC TRAFFIC CONTROL SIGNALS ARE IN FULL SIGNAL OPERATION: DESIGNATING ONE-WAY STREETS: DESIGNATING STOP SIGN LOCATIONS: DESIGNATING YIELD RIGHT-OF-WAY SIGN LOCATIONS: SETTING MAXIMUM SPEED LIMITS ON CERTAIN STREETS: ESTABLISHING PARKING METER ZONES: PROHIBITING PARKING AT ALL TIMES ON CERTAIN STREETS: PROHIBITING STOPPING, STANDING OR PARKING, DURING CERTAIN HOURS ON CERTAIN STREETS: PROHIBITING RIGHT TURN ON RED LIGHT AT CERTAIN INTERSECTIONS: AND PROVIDING THAT VIOLATIONS HEREOF BE PUNISHABLE BY A FINE OF NOT LESS THAN $1.00 NOR MORE THAN $200.00.

* * * *

AN ORDINANCE 44,657

APPROPRIATING THE SUM OF $39,475.00 OUT OF VARIOUS FUNDS, FOR THE PURPOSE OF ACQUIRING TITLE TO, AND EASEMENTS OVER CERTAIN LANDS; ACCEPTING THE DEDICATION OF EASEMENTS OVER CERTAIN LANDS; AND AUTHORIZING TRANSFER OF FUNDS; ALL IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

* * * *

AN ORDINANCE 44,658

ACCEPTING THE HIGH BID OF B. W. FOSS IN THE AMOUNT OF $1,667.00 FOR SALE OF CERTAIN CITY-OWNED IMPROVEMENTS AT THE INTERSECTION OF MONTANA AND CHERRY STREETS (NEW TRAFFIC DEPARTMENT SIGN AND SIGNAL SHOP SITE) AND MANIFESTING A BILL OF SALE THERETO.

* * * *

74-58 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, Black, Lacy, Morton, O'Connell, Mendoza; NAYS: None; ABSENT: San Martin, Becker, Padilla.

AN ORDINANCE 44,659

MANIFESTING AN AGREEMENT FOR A ONE-YEAR EXTENSION OF AN EXISTING LEASE COVERING 1.496 ACRES OF CITY-OWNED LAND TO SAN ANTONIO NEIGHBORDHOOD YOUTH ORGANIZATION, BEING A PORTION OF THE FORMER ST. JOHN BERCHMAN PROPERTY LOCATED IN NEW CITY BLOCK 6803 FOR USE AS ADMINISTRATIVE HEADQUARTERS AND VOCATIONAL TRAINING AND UNDER THE SAME TERMS AND CONDITIONS AS THE EXISTING LEASE.

* * * *

AN ORDINANCE 44,660

GRANTING PERMISSION FOR SAN ANTONIO COLLEGE TO CONSTRUCT A 12' CHAIN LINK TENNIS COURT BACK STOP ON PROPERTY AT THE SOUTHWEST CORNER OF WEST MYRTLE AT MAVERICK STREETS.

* * * *

74-58 The Clerk read the following Resolution:

A RESOLUTION
NO. 74-58-67

AUTHORIZING THE CITY ATTORNEY TO FILE SUIT AGAINST RAYMOND L. & BETTY JO JONES, MRS. ERWIN P. WALSH HARRISON, AND ANY OTHER PERSONS, FIRMS, CORPORATIONS, ASSOCIATIONS, OR OTHER LEGAL ENTITIES WHO MAY BE LIABLE FOR UNAUTHORIZED CONSTRUCTION AND DIVERSION OF SURFACE WATERS AT OR NEAR THE ALLEY AT 1440 S. W. MILITARY DRIVE, SAN ANTONIO, BEXAR COUNTY, TEXAS.

* * * *

The Resolution was explained by Mr. Jim Parker, Assistant City Attorney, who said that unauthorized construction was done in a City alley which caused diversion of water onto adjoining property. The Public Works Department has been unable to get the construction removed so this authority to sue is requested in the event such action becomes necessary.

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

— — —

74-58 The following Ordinance was read by the Clerk and explained by City Manager Sam Granata, and after consideration, on motion of Mr. O'Connell, seconded by Mr. Morton, was passed and approved by the following vote: AYES: Cockrell, Black, Lacy, Morton, O'Connell; ABSENT: San Martin, Becker, Padilla, Mendoza.

AN ORDINANCE 44,661

MANIFESTING AN AGREEMENT WITH TOWER FOODS, INC. EXTENDING THE TERM OF THE CONCESSION IN THE TOWER OF THE AMERICAS UNTIL SEPTEMBER 30, 1984, AND PROVIDING A RENEWAL OPTION FOR AN ADDITIONAL FIVE YEAR TERM.

* * * *

— — —

74-58 The Clerk read the following Resolution:

A RESOLUTION
NO. 74-58-68

URGING INTRODUCTION OF LEGISLATION IN THE 94TH CONGRESS OF THE UNITED STATES DESIGNATING AS A NATIONAL HISTORIC PARK THAT AREA OF THE CITY OF SAN ANTONIO COMMONLY REFERRED TO AS MISSION PARKWAY AND FURTHER REQUESTING THAT FUNDS BE APPROPRIATED BY THE CONGRESS TO UNDERTAKE A SUITABILITY/FEASIBILITY STUDY FOR AFOREMENTIONED PROJECT.

* * * *

The Resolution was explained by Mr. Ron Darner, Director of Parks and Recreation, who said that the main purpose of this Resolution is to urge introduction of legislation to authorize a feasibility study of Mission Parkway by the federal government. He recommended approval of the Resolution.

Mr. Mendoza moved that the Resolution be adopted and complimented Mrs. Cockrell and the River Corridor Committee for providing leadership and assistance to his sub-committee to arrive at this point. The motion was seconded by Mr. O'Connell and on the following roll call vote was passed and approved: AYES: Cockrell, Black, Lacy, Morton, O'Connell, Mendoza; NAYS: None; ABSENT: San Martin, Becker, Padilla.

— — —

74-58 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, Black, Lacy, Morton, O'Connell, Mendoza; NAYS: None; ABSENT: San Martin, Becker, Padilla.

AN ORDINANCE 44,662

AUTHORIZING THE PURCHASE OF REPLACEMENT PARTS FOR SEWAGE TREATMENT EQUIPMENT, FROM WALKER PROCESS, FOR A NET TOTAL OF $8,166.40; AND AUTHORIZING PAYMENT TO SAID COMPANY.

* * * *

AN ORDINANCE 44,663

ACCEPTING THE LOW QUALIFIED BID OF SLIMP OIL COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH RUBBER ASPHALT SEALANT ON A CONTRACT BASIS.

* * * *

AN ORDINANCE 44,664

ACCEPTING THE LOW BIDS OF PAUL ANDERSON COMPANY AND WITTIG'S OFFICE FURNITURE TO FURNISH THE CITY OF SAN ANTONIO WITH OFFICE FURNITURE FOR A TOTAL OF $12,171.37.

* * * *

AN ORDINANCE 44,665

ACCEPTING THE LOW QUALIFIED BID OF TENNANT COMPANY TO FURNISH THE CITY WITH A PAVEMENT CUTTING MACHINE FOR A TOTAL OF $3,891.60, LESS 1/2% - 15 DAYS; AND AUTHORIZING PAYMENT TO SAID COMPANY.

* * * *

74-58 The Clerk read the following Ordinance:

AN ORDINANCE 44,666

MANIFESTING AN AGREEMENT WITH LACKLAND CITY WATER COMPANY TO PURCHASE A SEWER SYSTEM.

* * * *

The Ordinance was explained by Mr. Mel Sueltenfuss, Director of Public Works, who said that it manifests an agreement between the City of San Antonio and the Lackland City Water Company for purchase of the Camelot area sewer system. The agreement is conditional on sale of bonds and receipt of proper transfer of title. He recommended approval of the Ordinance.

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

— — —

74-58 ELECTION PROCEDURES

Mayor Pro-Tem Cockrell asked City Clerk J. H. Inselmann to explain briefly the matter of election procedures which he had requested be on next week's agenda.

Mr. Inselmann stated that changes made in the Charter as a result of the recent election now provide for a filing fee, or, in lieu thereof, a petition signed by at least 100 qualified registered voters. He pointed out that a candidate must file for a designated place and, therefore, a petition should be signed designating the place. If a person prefers to pay a $100 filing fee he is free to do so, but it is not refundable. If a candidate wishes to withdraw and re-file for another place he must pay an additional fee of $100 or file another petition.

Mr. Inselmann then explained the application form and petition form and said that ample forms will be available in the Office of the City Clerk. He said that an ordinance establishing procedure will be offered for adoption at next week's meeting.

Mrs. Cockrell requested that any comments or questions be directed to the City Clerk prior to the meeting next week.

— — —

74-58 CITIZENS TO BE HEARD

SAN ANTONIO CHAPTER N.A.A.C.P.

Councilman Reverend Black stated that N.A.A.C.P. has expressed much concern over the recent tragic and terrifying conditions of rape in the community. He said that Mr. Emerson Marcee, President of the local branch and Mr. A. C. Sutton, N.A.A.C.P. Political Action Chairman, were present and wished to address the Council.

Mr. Marcee stated that he was visiting City Council because of the unrest being generated in the Black community because of the massive suspicious arrests taking place because of a rape-murder incident. A number of persons said that they had been questioned and finger printed and felt that their rights were being violated. The local branch of N.A.A.C.P. had unanimously passed a resolution, copies of which were furnished to the Council members, stating that massive arrests of citizens anywhere is unconstitutional and infringes on the civil rights of individuals and strongly protested this action. The resolution also requested that such arrests be halted and that records on these arrests be destroyed.

Mr. A. C. Sutton said that the major problem is that people don't know whether they are being arrested or investigated and what is happening to their records. The people are concerned because if there is a police record it could hinder their job opportunities.

Reverend Black said that he has been concerned about getting information out of a computer once it is put in and the effect computerized information will have on people.

Police Chief Emil Peters assured that no information is put into the computer as a result of the questioning of persons. None of the persons' names have been introduced into the computer. If a person should have a prior record nothing is added to it as a result of any interrogation. He invited anyone to visit his department and inspect their own record on the computer if any.

Mr. Morton said that in all cases after being interrogated, a person should be given a written statement saying that he is not a suspect in this instance.

City Manager Granata said that he will have something prepared to explain the computer procedure and to clarify the whole matter.

Reverend Black asked that in some future "B" Session someone explain in detail the computer system and the information being given it.

Mr. Morton summarized by saying that the Council wants something tangible that an individual can have after he has been cleared that will show that he is no longer under suspicion, and if he has any questions about his record he is invited to inspect his own record.

— — —

74-58 The meeting recessed at 10:40 A. M., and reconvened at 10:55 A. M.

— — —

PRESENTATION BY MR. WILLIAM S. WATSON
PRESIDENT OF GREATER SAN ANTONIO HOMEBUILDERS ASSOCIATION

MAYOR PRO-TEM COCKRELL: The first person signed up to be heard under Citizens To Be Heard is William S. Watson from the Greater San Antonio Homebuilders.

MR. WILLIAM S. WATSON: Thank you, Madam Mayor and members of the Council. I am Bill Watson, President of the Greater San Antonio Homebuilders and representing that association before you today. As you know, Congressman Gonzales offered an amendment to the Safe Drinking Water Act of 1974, on the floor of the House last week. This has since been changed by the Senate. In part, the amendment says, "if the administrator of the EPA determines on his own initiative or upon petition that an area has an aquifer which is the sole or principal drinking water source for the area and which if contaminated would create a significant hazard to public health, he shall publish notice of that determination in the federal register. After the publication of any such notice, no commitment for federal financial assistance through a grant, contract, loan guarantee or otherwise may be entered into for any project which the administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health but a commitment for federal financial assistance may, if authorized, under another provision of the law entered into a plan or design the project to assure that it will not contaminate the aquifer." This is the latest wording as passed by the Senate yesterday. We are in favor of pure.....

MAYOR PRO-TEM COCKRELL: Does the Council have that last wording? I have your resolution but I don't have that last wording. Is that available? Fine, thank you. I'd like to see it. Excuse me, Mr. Watson, go right ahead.

MR. WATSON: We are in favor of pure, safe water. Our association has endorsed the Texas Water Quality Board Protection Order, and their requirements are strict. However, the Builders Association feels that this proposed amendment is improper and unnecessary because of the following: 1. The aquifer is adequately protected through the Edwards Aquifer Protection Order. 2. It would allow further Federal encroachment and control over State and local areas. 3. It creates a cloud over three million acres of land and jeopardizes the interest of over one million persons. 4. It casts a doubt over the future development of the University of Texas at San Antonio. 5. It is a form of confiscation of property without due legal process which is against the basic principles and theories of the Constitution of the United States. 6. It is another effort to increase the Federal government bureaucracy with increased Federal costs resulting in increasing costs to the local taxpayers. 7. It will depress the economy of the Northside of San Antonio and will stop development in San Antonio's most desirable area, which will, in turn, add to the current depression of unemployment problem and unstable economic conditions as they exist. 8. It will hinder municipal bond sales for the cities affected.

In a special meeting for the Board of Directors of our association yesterday, the resolution which you have before you was passed unanimously. We ask that you study our resolution and that you adopt a similar resolution in the immediate future. Thank you.

MAYOR PRO-TEM COCKRELL: Thank you. Are there any questions by any member of the Council?

MR. O'CONNELL: Can I have a copy of your resolution?

MR. WATSON: I laid one on your desk, sir. Do we have all the information here? I have a copy of the resolution and then, of course, the copy of the amendment. Okay, is there anything else that comes with this?

MAYOR PRO-TEM COCKRELL: Mr. Granata, has your staff had time to do any review of this proposed amendment?

CITY MANAGER GRANATA: Very little, but Mr. Sueltenfuss of my staff is the one that has been reviewing it with Mr. Garcia. We only got a copy of the act, when Mel?

MR. MEL SUELTENFUSS: Oh, about three days ago. This just came in this morning.

CITY MANAGER GRANATA: Would you fill in the Council with a few things that you have come up that you discussed with me about the acreage and etc. and what we think about the act at this point.

MR. SUELTENFUSS: Mr. Granata asked that I address myself to some questions. I think that were involved, being involved primarily with the amount of acreage, and this may not be a related subject, I think it was going to address a petition that was coming in, but we have looked at the bill and I think, frankly, the danger probably in the bill lies in the fact that a single individual can make all these decisions. I think this is the thing that disturbs us, that the EPA administrator is the sole determiner, if that's a good word, of whatever actions he feels come down the road. We feel that through environmental impact statements and all of the other things that we normally have to do in connection with the project, at least there is a due process of review and a chance to go back. The new amendment does certainly take out some of the situations that were in the law that I think made it a lot better to the extent that at least now in a Federal program, you can use funds to at least study the solution to the problem which wasn't even in there before. But I think the danger still lies in the problem that the one individual can make the decision on whether the project goes or not.

CITY MANAGER GRANATA: Mel, explain how that under the act could have affected the University of Texas which is over the aquifer.

MR. SUELTENFUSS: Well, of course, UTSA for example, they have about four or five areas, grants that they have but theoretically the administrator could determine, I might use a case in point, say, Chemical Experiments Plant or something like that, and I'm trying to pick something that's obviously, it's probably not a good example, but something that could be border line maybe that in his opinion may contaminate. The word "may" still is in there. That he would have the authority, of course, to withhold any Federal funds in relation to any project. I think there are many, many other safeguards and many other areas in which any projects have to be submitted and reviews obtained that it is difficult to conceive that this power be given to one individual.

CITY MANAGER GRANATA: How many acres of land are in the aquifer in Bexar County that this affects?

MR. SUELTENFUSS: Well, the recharge, of course, we need to talk on terms of recharge zone. We're talking about seventy to eighty thousand acres of recharge zone. I assume that this is the area that would be primarily affected in Bexar County. Now that represents only 26 percent of the total recharge zone and only represents 10 percent of the recharge water that comes into Bexar County. Let me go back and say that again. The land acreage of the recharge in Bexar County is about 26 percent. Now, the recharge of the water that runs on the recharge is only 10 percent in Bexar County. In other words, there's more water falls in the other counties.

CITY MANAGER GRANATA: By volume only 10 percent.....

MR. SUELTENFUSS: By volume only 10 percent of the recharge occurs in Bexar County.

MAYOR PRO-TEM COCKRELL: Mr. O'Connell?

MR. O'CONNELL: A case in point you mentioned University of Texas. Supposing the University of Texas as it will, will grow and it will have some experimental facilities proposed and budgeted with Federal aid, do you say that this administrator, an individual might say, wait a minute this experimental unit you're putting in out here, whatever it might be, cannot have federal aid because.....

MR. SUELTENFUSS: Yes, if he determines that it may contaminate, the word "may" .....

MR. O'CONNELL: "may" not prove.....

MR. SUELTENFUSS: The word "may" is the one - the word "may" was taken out of the first preamble. If you see the capitalized "would" up there that use to be "may" also. But I think the word "may", everybody still has a pretty big hangup on that plus the fact that the one individual, I think, the main thing is that you have one individual able to decide whether something will or will not.....

MAYOR PRO-TEM COCKRELL: Excuse me, Councilman Padilla, did you have-

MR. PADILLA: Go ahead, Reverend Black.

REVEREND BLACK: Don't you think that could also be a liability as well if you only have one. One person could possibly be persuaded that it is not easier than a board of people. I think it works both ways in terms of both the kind of hazards that you have. I think what you're really talking about is the process for arriving at this and I don't know whether or not one is the greater hazard on one side than it is on the other. I have seen cases where the very fact that you just had one person deciding it meant that it was never decided in favor of the issues that were really created and it could be the other way as well. So, possibly what we are really challenging is the method of reaching a decision about the nature of a hazard.

MR. SUELTENFUSS: I think that's basically the problem.

MAYOR PRO-TEM COCKRELL: May we ask Mr. Watson a question. Mr. Watson, I think all of us know, really, just a little bit about this. I have read it in the paper and I have asked the staff to at least begin a preliminary investigation. What are the prognostications for how this bill will proceed at this particular point? I wondered if the Council wanted to give some reaction, what kind of time limits are we in?

MR. WATSON: Well, my understanding, as of this morning, something very unusual has happened in Washington that normally the Senate passed the Safe Drinking Water Act back in June. Normally, it would go to the House and be approved on the House floor which it was with this amendment attached and it would go then back to the Senate for either approval or disapproval of the amendment and then to a conference committee. My understanding is the Senate approved this change to the amendment yesterday on the floor and it will not go to the conference committee, but back to the House to approve the cange to the amendment. Timewise, I don't know. I understand the Congress is going to recess today until Monday. I would imagine the House will act on this the first part of next week.

MR. PADILLA: Mrs. Cockrell, that leads me a question that I wanted to ask, which you I think, already answered and that was, what I was going to ask was how many other areas in the country are affected by the type of aquifer that we have? I think the answer is probably none or very few or you wouldn't have seen that kind of speed which leads me to the conclusion that I believe that you're dealing here with one congressman. I think if this situation existed in many areas then you would see a lot more debate. Now, I'm not speaking for or against the amendment. I'm not that familiar with it, but I think in terms of what you can do I think possibly you might want to consider contacting the congressman's office. Sometimes when you see, well, I mean that sincerely, Cliff, because I'm interested about the aquifer just as you

are though I may or may not agree on any particular set of recommendations that any organization might make about the aquifer, but I'm speaking about the speed situation. Usually in Congress, but I'm not sure that this is the case this time, but in Congress usually if it's an item that concerns a locale then if the people that represent that area want it, it usually moves pretty fast. When you have a situation that concerns many areas of the country then you see it open to debate from all areas of the country. So, if you're concerned about this bill and you seem to indicate that it's moving pretty fast, you might want to establish communication with the congressman's office.

MR. WATSON: Well, of course, we have done this. We've talked to all the Bexar County congressmen and several of the surrounding congressmen from other areas, also the senators from Texas. This is one of our biggest complaints and it's noted in our resolution that there was no debate on the House floor on this amendment. It was taken by a House vote with very few members of the House on the floor. There was no debate. There was no hearings. It's just something that popped up. First thing we knew about it was when it was reported in the paper last Wednesday morning.

MR. PADILLA: Well, would it be true, Sam, that an aquifer such as we have in this part of the country does not exist in too many other locales?

CITY MANAGER GRANATA: That's correct sir. That's a true statement.

MR. WATSON: I understand there's only one other and that's Houston.

MR. MORTON: You're talking about a very unique situation. Like two or three in the whole country.

MR. PADILLA: Well, this is why I said, Cliff, when you do find a condition or situation existing nationwide you usually see a lot of debate in congress. As opposed to that when you have a situation that affects one particular area of the country. If the representatives from that area want it, it usually flies through pretty well.

MR. MORTON: I would like to point out, I'll address the question to you. How did our other two congressmen who have a portion of Bexar County vote in this issue?

MR. WATSON: They voted against it.

MR. MORTON: How many congressmen in the State of Texas voted against it?

MR. WATSON: I don't know, Cliff.

MR. MORTON: Mr. Sueltenfuss, do you know?

MR. SUELTENFUSS: It was indicated ---it was a voice vote. It'd be difficult to determine.

MR. MORTON: It is my understanding there are ten in Texas that are against it.

MR. WATSON: From the correspondence that we've had that Congressman Fisher and Congressman Kazen had voted against this.

MRS. COCKRELL: It's your thinking though that there's going to be action by Monday is that..do you think it might be moving on on Monday?

MR. WATSON: I just don't know. I would say it would come sometime next week.

MRS. COCKRELL: Ordinarily, when we would get a request of this kind I know that the Council's normal reaction is to take something under advisement to ask if both sides can be heard from to contact the congressman, for example, and ask him to present either himself personally or

through an aide his feelings and his reasons for offering the amendment and then also to consider the evidence of any problems that might be created on the other hand by the amendment. What is the Council's feelings?

MR. PADILLA: Mrs. Cockrell, I must say and hold it against it, against me, if you will, I'm not familiar with the bill, with the amendment. When I spoke as I did I wasn't speaking for the amendment or against it. I simply don't know. As a consequence I'm not prepared to vote for or against this resolution this morning. I don't feel that I can vote when I know as little about this subject as I know about this.

MR. MORTON: I'd like to ask a question if I may about the long range implications of it. Mr. Sueltenfuss, I'm going to ask you this question and also there'll be a couple of legal questions. Could we say that within the framework of the modified bill at this time that even south of the aquifer within the City limits where we might be trying to upgrade a certain treatment plant to meet the EPA requirements on that, could funds be jeopardized for the grant if we were treating water that was being discharged from off the aquifer?

MR. SUELTENFUSS: I would think that it could possibly be stretched that far. Of course, obviously a portion of a line that had in that direction, of course, and could someday serve that. I was thinking that would probably one it could be a little more than the treatment facilities itself.....

MR. MORTON: Well, we just take it a step up.....

MR. SUELTENFUSS: Yes, just take it.....

MR. MORTON: Let's ask ourselves this question. If we have a plant that we're requesting a grant an that's located in some other part of Bexar County, are we saying that there's a possibility that the grant would be jeopardized as a result of our treating water that would be coming off the aquifer.

MR. SUELTENFUSS: That's right. I think you could get that packed. That would be a very broad interpretation.

CITY MANAGER GRANATA: I think (inaudible) in my opinion to the fact that it be delayed until you explain a lot of that.

MR. MORTON: I'd like to ask this question, was either the City staff or any member of the Council consulted by the congressman or any member of his staff before this law was passed by the House?

CITY MANAGER GRANATA: No one in my staff was contacted.

MR. MORTON: It would seem to me that some local government agency, whether it be the Alamo Area Council of Governments who has spearheaded the development of the development standards over the aquifer, the County of Bexar, or the City perhaps should have been consulted on this. I realize that there are certain members on the Council that are not held in very high esteem by his office but it seems to me that this is a real slap in the face as far as the whole democratic process. We're talking about something here that can affect the future of this City, the future of this county, for that matter a large part of South Texas. For no local hearings to be called for on this issue I would think it would be slighting the democratic process to some extent. I would like to add, parenthetically, that as far as my advocating this one way or the other, as far as my personal feelings are concerned I do not own one square inch of land over the aquifer or to the north. As a matter of fact, the only land that I own would be immensely benefited by the very strict interpretation of this order. I would say about 100 percent. So I'm not advocating it for my own personal use. I want that made very plain. I'd like to ask this question, to the City Attorney. In a sense does this order as presently drafted in a

sense, has the zoning of property over the area that is to be protected, has it now been delegated to the Federal government?

CITY ATTORNEY REEDER: No, I can't say it's been delegated to the Federal government. It sounds more like it that the Federal government has usurped it. But I'm not familiar - I'll have to call it on that. I haven't read the bill so I don't know precisely what it says. It sounds like the Federal government is just interceding into one more area of what has formerly been local control.

MR. MORTON: If you recall a couple weeks ago before this little, Joe came down the pike, I requested the City Manager to prepare a brief on what the affect would be of the new EPA requirements that will be effective come January 1, 1975, including within the affects, of course, what the additional cost would be to the City of San Antonio in order to be able to comply. Could you tell us where we are on that because it's directly related to what we're talking about here.

CITY ATTORNEY REEDER: No, I'm afraid I can't Mr. Morton. Excuse me, just a minute. Louis Garcia may be working on it. I'll have to find out if he is Mr. Mendoza, I can't answer your question.

MR. MORTON: For any members of the Council who have not had personal experience with EPA I assure you there is no agency in Federal government that I have had dealings with that I find harder to find out really what they want. Is it possible what we're talking about here these environmental impact statements, (inaudible) have a mimimum. I will assure you of that. I'm not advocating development at all if there is one chance in ten hundred million that we are going to pollute the aquifer. I'm not advocating that. I'm really talking about the way in which this bill was developed and what the ultimate effects would be if regulations come out within the framework of the bill as I see it right now. I have a pretty good figure of what the cost to the State of Texas as a whole would be for the new EPA standard requirements and it's $500,000,000 a year to meet the standards for the State of Texas alone. That's an annual figure that would be continuing to increase with inflation.

MAYOR PRO-TEM COCKRELL: That's their present standards?

MR. MORTON: That's the standards that come into effect January 1, 1975.

MR. PADILLA: You're speaking of everyone within the State of Texas, aren't you?

MR. MORTON: Everyone in the State of Texas.

MR. PADILLA: Public and private?

MR. MORTON: Public and private. We are talking about 500 million dollars worth of additional cost for 1975 alone and will increase annually.

REVEREND BLACK: Madam Mayor, it seems to me that there are items within this which we are all in agreement and it seems and maybe we could start with that and then try to see if we can pin point the items of disagreement as far as the nature of the bill and then try to see if we can deal with that as far as the Council is concerned. Now, I think we are all in agreement that we want to keep the water safe, I mean this is generally true. The next thing that is true, that we don't want to inhibit the allocation of federal funds. It seems to be a significant part of growth, as long as we are in agreement there. Now it seems to me that what we are in disagreement on is the process of actually arriving at the point at which this decision is made. Is it possible that we could come up because I don't see anybody in the congrees or Senate voting against an issue that involves the contamination of water regardless of whether they had one or not. That's like motherhood. Everybody is for pure water, you know, and then everybody is for the relationship of the federal government to those kinds of issues. Now it seems to me that the next issue would be how do we amend this to make it more equitable if we feel like it is not and more possible way of deciding this. If that is the issue and it seems to me that's the only hope that you have for dealing with this in my own limited--and I would like to declare that I have no land over the acquifer.

MRS. COCKRELL: All right, does any one else have a comment on this?

MR. O'CONNELL: I would like to make a comment here. We alluded to the fact that we were having trouble getting Congressman Gonzalez' attention whatever we came up with as an idea, and or whatever we agree with that is not good about what we read today, I would suggest Mrs. Cockrell, you might write rather than Clifford or some of the other people..or communicate on our behalf. But I really think that this thing is probably one of those things that goes in so fast that people don't realize all of the consequences and I would trust that this is what Mr. Gonzalez really is involved here with. It probably has good meaning and good reasoning but probably there are some loop holes here that needs to clean up a little bit, and I think that maybe that if you could make a contact, we might save and wait and hold this thing off until all entities can be heard.

MRS. COCKRELL: I would like to have further direction as to what the Council would like for me to communicate. Yes, Mr. Morton?

MR. MORTON: I think that it should be the action of the Council as a body as opposed to anyone individual regardless of what the person's relationship may or may not be with the individual Congressman. We really are not talking about this one Congressman. I think that we should make our position known with all the Congressmen and Senators regardless of whether they are from Texas or any other part of the United States. Essentially, I think what Reverend Black has done, he has broken it down into the basic positions. Number one, we, like everyone else, are for safe water.

MR. PADILLA: And that should be stated in the letter.

MR. MORTON: It should be stated. Number 2, we are concerned about these things: The allocation of federal funds, number two, can the question of protection of the aquifer best be handled on a State or County or City level? And if not, how can the protection of the Aquifer be administered by the Federal Government to minimize the concern that we have for the allocation of federal funds and additional cost for administration and arbitrariness of an individual in the administration of the order. In other words, I really think if you boiled it all down what we are saying is we think the burden of truth should be on the federal government to justify their assessing the responsibility for the protection of this area as opposed to it being done by the State or some sub-agency of the State.

MRS. COCKRELL: All right, let me try to get the feeling of whether or not this position, as Mr. Morton has stated, represents the consensus of the Council.

MR. O'CONNELL: I would say..(inaudible).., but I would like to have you add, I would like to magnify a few things. One is that we are talking about a situation where only 26 per cent is even near our control and that also we would like the Congressmen and Senators to know that they could upset something that is very vital to our growth in the City. As example, the magnification of the work at the University of Texas as an example, because once you spell these things out, "oh, I didn't mean to do that." Well, maybe it might be more evident what could happen.

MR. MORTON: I accept that.

MRS. COCKRELL: Does any one else have a further comment or..I think we had better have a motion so that it will be a part of the Council's business. I want to be sure that I am communicating for the majority of the Council.

MR. MORTON: I so move.

MR. PADILLA: I would like to say this, Mrs. Cockrell. I am sure someone will second it in a minute, but as long as we stay away from the bill I think I can support what Councilman Morton said because I cannot pass or be critical of the bill or the amendment. I am not familiar with it. That is the point I am trying to make. If the voter is based as such a thing as that, I am not prepared to vote and I couldn't. If we are asking for a reconsideration, that we are asking, we are calling the man's attention in this case, the congressional delegation, we are calling their attention to any impact that the bill might have on the community in terms of the way you describe, I think I could support it.

MR. MORTON: And again, before action be taken on it that there be local hearings on the question.

MR. WATSON: This, of course, would air everything out and satisfy what Al Padilla is talking about..I would agree to that.

MR. PADILLA: Frankly, I don't know just out of curiosity, Cliff, I don't know how they determine that. You know, what you pointed out is, I don't know, you called it damaging the Democratic Process, or something. You know, the Federal Government and the State Government for that matter, don't usually have local hearings when they pass legislation.

MR. MORTON: When there is an issue that affects one or two locales in the whole country? Let's just say they have been very inconsiderate.

MR. PADILLA: Sometimes they do, they do.....

MRS. COCKRELL: All right, we have a motion. I'm not positive I can state it all. Was the last part - for clarification, was the last part about having the local public hearings made a part of the motion?

MR. O'CONNELL: I second it.

MRS. COCKRELL: There is a motion and a second. The motion is that we communicate with the congressional delegation expressing certain concerns. They would include the following points, one, enumerate the desire of this City Council in the concern of all to keep the water as pure as we possibly can in the Aquifer. Two, a concern about inhibiting federal funding that may be available for projects in our area, addressing the point of whether or not protection of the Aquifer can best be handled on a State, County or City basis rather than a federal basis, addressing the point that the Council would like to suggest that local hearings be held to explore all avenues of local implications of the bill. All right, are these the main points?

MR. MORTON: And if the protection of the Aquifer cannot be controlled at a local level, then we want assurance that the administration by the Federal Government of the protective order would minimize delays in any change over the Aquifer or the recharge and that cost for this protection be absolute minimum. In other words, what I am saying, we are going to have a lot of extra costs.....

MRS. COCKRELL: All right, does anyone else have anything further to say before we take a vote? All right, call the roll.

AYES: Cockrell, Black, Lacy, Morton, O'Connell, Padilla; ABSENT: San Martin, Becker, Mendoza.

MRS. COCKRELL: All right, I would like to also just add this further thought. And that is, that I think we want to make it clear that we are not in any way criticizing the congressman's motives in introducing this because we share his concern as we have stated. We feel that are some concerns which have been brought to our attention, that we wish to share with him.

MR. WATSON: I certainly appreciate that and I thank you for your time this morning.

MR. PADILLA: I think you are right, Mrs. Cockrell. It is not a matter of motives. I think oneof the answers we would probably get is this business about State and Local agencies taking care of it. You know, it's the chicken and the egg thing. The federal government sometimes responds by saying well, why haven't we done so and we have talked about it here, you know. The Aquifer can't be protected by Bexar County. It will take a State agency at least and something has been done, we have to look at that...not in terms of anything....

MRS. COCKRELL: Mr. Morton has served on the Task Force that has been working very, very hard and they have made recommendations to the Water Quality Board and the final hearing on that in December, so as I understand it, to try to further up grade the standards there.

MR. MORTON: It is not a case at all of the State not willing take the responsibility for the order. As a matter of fact, the Texas Attorney General has intervened himself, personally, before the Texas Water Quality Board opposing certain standards that they were willing to accept, asking for our standards. So you don't have a State Government, not waiting to take the stand. I'm just sorry that it took us as long as it did but, of course, as far as this Council is concerned, I think the action was initiated almost immediately after we came aboard and I just have here a request from certain members of the task force that we disband the task force because our final recommendations are in and essentially our task has been completed.

MR. PADILLA: I think I'm talking when I said nothing has been done, I was talking in terms, you know, an agency set up designated, charged with this responsibility in operation, doing it. I wasn't talking about nothing has been done in terms of concern, hearings, committee meetings, and so forth. I don't want to argue with you about it, but....

MR. MORTON: Let's say this, I don't believe you can get a plat through today over the aquifer. Is that correct? So, essentially everything is in a **state** of suspension until we get an order that is supportable.

MRS. HELEN R. WALTER

Mrs. Helen R. Walter, 5286 Round Table Drive, said that she has started getting a sewer charge on her water bill. The sewer system is not owned by the City of San Antonio. She finally determined that the City Water Board has an agreement to collect sewer charges for the developer who owns the system.

Mr. Mel Sueltenfuss, Director of Public Works, confirmed that there is such an agreement and said that he would get a copy of it for Mrs. Walter. He said also that negotiations are underway for the City to purchase this system.

— — —

MR. WILLIAM WALLACE

Mr. William Wallace, 224 Bogue Street, stated that the City Council should get a thorough briefing on EPA regulations. Mr. Wallace said that the poor people need relief now on their utility bills. He said that the City should help with the bills so that these poor people can eat. He also said that the City's minimum wage ordinance should be reviewed also.

Mayor Pro-Tem Cockrell asked the staff to examine the federal minimum wage law and compare it to the City's ordinance to see what categories of employees that are not covered by federal law are covered under the City ordinance.

City Manager Granata said that this subject will be set up for a future "B" Session discussion.

— — —

MRS. VANI M. AVRUTIS
MR. ARTHUR S. AVRUTIS

Mrs. Vani M. Avrutis, 307 East Pecan, said that she and her husband are qualified EMS Technicians and have also qualified for rescue work. Mr. Paul Bottom of Radio Station KONO had suggested they talk with the Council about a public demonstration of their skills. Mrs. Avrutis said that she would exit from the 10th floor of a building and let herself down on a one-half inch nylon rope. She said the purpose of the demonstration would be to encourage the public to rely on an emergency personnel and their procedures.

After discussion, Mayor Pro-Tem Cockrell referred the matter to City staff to determine if there would be any public relations benefits accrue to the City.

City Manager Granata said that he thought the demonstration should be a private affair possibly with Station KONO.

— — —

MR. CONCEPCION ELIZONDO

Mr. Concepcion Elizondo, 943 San Angelo, said that if any of the 14 percent pass through charge is refunded that no refunds be made to those living outside the City.

Mayor Pro-Tem Cockrell advised Mr. Elizondo that the City Manager had made a report today and had offered several alternatives. No action was taken but his report will be considered by the Council in two weeks.

Mr. Padilla said that the City Manager had recommended that no refunds be made to those persons living outside the City and he concurred with that recommendation. He said that there may be a tax cut. In any event all of the options will be considered.

Mr. Elizondo suggested that the City should have a labor committee and a labor mediator to deal with all labor disputes.

City Manager Granata said that he is working on a task force for labor problems in the future.

— — —

74-58 The meeting was recessed for lunch at 12:10 P.M., and reconvened at 1:30 P. M.

— — —

74-58 ZONING HEARINGS

A. CASE 5828 - to rezone Tract 5M, NCB 10914, 9454 South Presa Street (U. S. 181 South), from "B" Two Family Residential District to "B-3" Business District, located on the northeast side of South Presa Street (U. S. 181 South), 250.03' northwest of S. E. Loop 410 Expressway, having 100' on South Presa Street and a depth of 300'.

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. Mendoza made a motion that the recommendation of the Planning Commission be approved, provided that proper platting is accomplished. 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, Black, Lacy, O'Connell, Mendoza; NAYS: None; ABSENT: San Martin, Becker, Morton, Padilla.

AN ORDINANCE 44,667

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 TRACT 5M, NCB 10914, 9454 SOUTH PRESA STREET (U. S. 181 SOUTH), FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

B. CASE 5816 - to rezone Lot 12, Block D, NCB 10112, 152 El Mio Drive, from "E" Office District to "B-2" Business District, located on the southwest side of El Mio Drive, being 265' southeast of the intersection of El Mio Drive and Melliff Drive, having 50' on El Mio Drive and a depth of 130'.

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, Black, Lacy, O'Connell, Mendoza; NAYS: None; ABSENT: San Martin, Becker, Morton, Padilla.

AN ORDINANCE 44,668

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 12, BLOCK D, NCB 10112, 152 EL MIO DRIVE, FROM "E" OFFICE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

C. CASE 5815 - to rezone Lot 43, Block 20, NCB 8991, 2400 Block of Castroville Road, from "D" Apartment District to "B-3" Business District, located northwest of the intersection of Castroville Road and S. W. 36th Street, having 120' on Castroville Road and 65' on S. W. 36th Street.

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 a six foot solid screen fence is erected on the north property line. 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, Black, Lacy, O'Connell, Mendoza; NAYS: None; ABSENT: San Martin, Becker, Morton, Padilla.

AN ORDINANCE 44,669

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 43, BLOCK 20, NCB 8991, 2400 BLOCK OF CASTROVILLE ROAD, FROM "D" APARTMENT DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ON THE NORTH PROPERTY LINE.

* * * *

D. CASE 5770 - to rezone Lot 1, NCB 15101, Parcels 103 and 105-B, NCB 11633 and a 17.818 acre tract of land out of NCB 15024, being further described by field notes filed in the office of the City Clerk, 7800 Block of Callaghan Road, from "R-3" Multiple Family Residential District to "B-2" Business District, located on the southeast side of Callaghan Road between Torino Drive, Magic Drive and I. H. 10 Expressway, having 850' on Callaghan Road, 1550' on I. H. 10 Expressway, 1570' on Torino Drive, 920' on Magic 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, Mr. O'Connell 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 south property line. Mr. Lacy seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, Black, Lacy, O'Connell, Mendoza; NAYS: None; ABSENT: San Martin, Becker, Morton, Padilla.

AN ORDINANCE 44,670

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, NCB 15101, PARCELS 103 AND 105-B, NCB 11633 AND A 17.818 ACRE TRACT OF LAND OUT OF NCB 15024, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 7800 BLOCK OF CALLAGHAN 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 ON THE SOUTH PROPERTY LINE.

* * * *

E. CASE 5806 - to rezone a 0.6362 acre tract of land out of Tract 70, NCB 11628, being further described by field notes filed in the office of the City Clerk, 7535 Mocking Bird Road, from "A" Single Family Residential District to "R-3" Multiple Family Residential District, located on the northwest side of Mocking Bird Road, being 320' northeast of the intersection of Fredericksburg Road and Mocking Bird Road, having 130' on Mocking Bird Road and a depth of 246.7'.

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. Lacy seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, Black, Lacy, O'Connell, Mendoza; NAYS: None; ABSENT: San Martin, Becker, Morton, Padilla.

AN ORDINANCE 44,671

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 0.6362 ACRE TRACT OF LAND OUT OF TRACT 70, NCB 11628, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 7535 MOCKING BIRD ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

74-58 The Clerk read the following letter:

November 22, 1974

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

Gentlemen and Madam:

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

November 21, 1974 Petition submitted by Mr. F. A. Dinn, Jr., City Fence Company, in behalf of Mr. and Mrs. H. L. Burton, requesting permission to install a ten (10) foot chain link tennis backstop at their residence located at their residence located at 9103 Autumn Leaf.

November 22, 1974 Petition submitted by Mr. J. W. Wilkerson, Land Planner, Royal Crest, Inc., requesting the City to relinquish part of its extra-territorial jurisdiction of property adjacent to Leon Valley in exchange for property in Leon Valley to resolve the problems as outlined in petition letter.

* * * *

/s/ J. H. INSELMANN
City Clerk

There being no further business to come before the Council, the meeting adjourned at 1:45 P. M.

A P P R O V E D

M A Y O R

Charles L. Becker

ATTEST: J. H. Inselmann
City Clerk

November 27, 1974

nsr