

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, AUGUST 23, 1973.

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

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73-43 The invocation was given by Mr. Pete English, South San Antonio Church of Christ.

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73-43 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

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73-43 The minutes of the meeting of August 16, 1973, were approved.

73-43 MENTALLY HANDICAPPED RECREATION PROGRAM

The Clerk read a proposed ordinance to authorize continuance of the Mentally Handicapped Recreation Program for 1973-74 and a contract with Bexar County Trustees for Mental Health and Mental Retardation for its share of the Program costs.

Mr. Ron Darner, Acting Director of Parks and Recreation, stated that this is a continuation of an on-going recreation program for mentally handicapped persons. The City's share is \$48,500 and the Trustees' share is \$48,500.

Mrs. Cockrell pointed out to the Council that a joint meeting of City and County officials is scheduled for tomorrow to discuss the entire Mental Health-Mental Retardation set up including the funding of specific projects. She suggested that the Council might wish to delay action on this ordinance for one week on that account.

After consideration, the Council agreed to postpone consideration of this ordinance one week.

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73-43 The following Ordinances were read by the Clerk and explained by Mr. Mike Kutchins, Assistant Director of Aviation, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: San Martin, Becker, Black, Morton, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell, Lacy, Beckmann.

AN ORDINANCE 42,660

AUTHORIZING A TWELVE (12) MONTH LEASE
EXTENSION BETWEEN THE U. S. POSTAL
SERVICE AND THE CITY FOR CERTAIN SPACE
IN THE TERMINAL ANNEX BUILDING AT
INTERNATIONAL AIRPORT.

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AN ORDINANCE 42,661

MANIFESTING AN AGREEMENT WITH TEXACO, INC., TO EXTEND THE PRESENT LEASE AGREEMENT AT INTERNATIONAL AIRPORT, LEASE NO. 86.

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73-43 The Clerk read the following Ordinance:

AN ORDINANCE 42,662

MANIFESTING AN AGREEMENT WITH MOBIL OIL CORPORATION TO EXTEND LEASE NO. 570 AT STINSON MUNICIPAL AIRPORT FOR AN ADDITIONAL ONE YEAR TERM, ACCORDING TO THE SAME TERMS AND CONDITIONS.

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The Ordinance was explained by Mr. Mike Kutchins, Assistant Director of Aviation, who said that this is a one year extension of an existing lease under the same terms and conditions. He explained to Mr. Padilla that this is a lease of ground space only at three cents per square foot per year. There is another agreement covering the dispensing of gasoline and oil.

Mr. Padilla asked if the rates remain the same or if they are increased periodically as everthing else is.

Mr. Kutchins stated that every five years rates are reviewed by the economic adjustment factor coming into play. The next adjustment will be in July, 1974. There is a continuing review of rates with other airports.

Mr. Raffety pointed out that in September the second phase of the Airport Master Plan Study will be presented to the Council. When and if the third phase of the study is begun the rates and charges at the airport will be included in the study.

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

73-43 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Beckmann, Padilla; NAYS: None; ABSENT: Morton, Mendoza.

AN ORDINANCE 42,663

MANIFESTING AN AGREEMENT WITH MOBIL OIL CORPORATION TO RENEW FOR AN ADDITIONAL FIVE YEAR TERM, ACCORDING TO THE SAME TERMS AND CONDITIONS, THAT PERMIT PROVIDING FOR DELIVERY OF AVIATION FUEL AND LUBRICANTS INTO STORAGE FACILITIES OR DISPENSING FACILITIES OF LESSEES AT STINSON FIELD.

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AN ORDINANCE 42,664

AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH JOHN L. MACHADO, PROVIDING FOR LEASE OF BUILDING NO. 308 AT HEMISFAIR PLAZA FOR A FIVE YEAR TERM COMMENCING OCTOBER 15, 1973.

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73-43 The following Ordinance was read by the Clerk and explained by Chief of Police Emil Peters, and after consideration, on motion of Mr. Beckmann, seconded by Dr. San Martin, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Morton.

AN ORDINANCE 42,665

AMENDING CHAPTER 8A (BILLIARD HALLS) SECTION 8A-16 OF THE CITY CODE OF THE CITY OF SAN ANTONIO BY LOWERING THE AGE REQUIREMENT OF PERSONS NOT PERMITTED TO BE PRESENT IN BILLIARD HALLS WHERE INTOXICATING BEVERAGES ARE DISPENSED UNLESS ACCOMPANIED BY AN ADULT FROM TWENTY-ONE TO EIGHTEEN YEARS; AND PRESCRIBING A PENALTY FOR VIOLATION OF ANY PROVISION CONTAINED HEREIN OF A FINE NOT TO EXCEED TWO HUNDRED DOLLARS.

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73-43 The following Ordinance was read by the Clerk and explained by Chief of Police Emil Peters, and after consideration, on motion of Mr. Padilla, seconded by Dr. San Martin, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 42,666

AMENDING THE PAY PLAN TO CREATE A NEW PERSONNEL CLASSIFICATION ENTITLED TELE-COMMUNICATION TECHNICIAN, AND ADDING FOUR SUCH POSITIONS TO THE POLICE DEPARTMENT.

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73-43

POLICE DEPARTMENT MATTERS

Mayor Becker stated he would like to see a study made of the employment of women in the Police Department so that more police officers could be put in the field.

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Mrs. Cockrell stated that the matter of wider opportunities for women in the Police Department should be looked at. She said that she felt women could contribute more than just being a secretary.

In answer to Mayor Becker's question, Chief Peters stated that a committee has been reviewing the police agility test with the idea of devising a substitute agility test for women. It would still insure that the women who are employed would be able to do tasks that are expected of them.

Mr. Padilla, making reference to recent publicity concerning maintenance problems, asked Chief Peters if reports are true that three and four officers are doubling up in one vehicle.

Chief Peters stated that the automobile problems have escalated due to heat. The reports are somewhat over stated. Some of the overheating is caused by police officers letting their cars idle with the air-conditioning going.

Mr. John Brooks, Director of Purchasing, stated that maintenance costs have been very low with the current fleet. A means is now being worked on to cut off an air-conditioning unit automatically when water temperature gets to a certain point. Additionally, new positions in the maintenance shop are authorized in the new budget and should be filled in about six weeks.

Mr. Padilla stated that it had been brought to his attention that as many as six police officers congregate in one place sometimes.

Chief Peters said that this should not happen and efforts are made to control it. Later at night this could happen because of the very few restaurants that stay open.

Mr. Padilla asked City Manager Granata to look into the matter of why Parkettes are no longer used to write parking tickets as this would be one way of relieving some of the police manpower problems.

City Manager Granata said there had been many problems with the ~~Parkettes~~ and he would check it out and report to the Council.

73-43 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 42,667

ADDING ONE SERGEANT AND THREE DETECTIVES
INVESTIGATORS TO THE POLICE DEPARTMENT
TO WORK IN THE CRIME PREVENTION PROGRAM
FUNDED THROUGH A GRANT FROM THE CRIMINAL
JUSTICE COUNCIL.

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AN ORDINANCE 42,668

APPROPRIATING \$8,000.00 OUT OF FUND NO. 409-06 (FIRE FIGHTING FACILITIES SERIES 1970 BOND FUND) FOR PURCHASE OF EQUIPMENT AND FURNISHINGS FOR THE NEW FIRE STATION ON BABCOCK ROAD NEAR FARM ROAD 1604.

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AN ORDINANCE 42,669

AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH DAVID P. CARTER FOR LEASE OF SPACE AT 140 MAIN PLAZA, TO BE USED FOR OFFICE SPACE FOR CERTAIN ALCOHOL SAFETY ACTION PROJECT ACTIVITIES, AND AUTHORIZING PAYMENT OF \$315.00 PER MONTH AS RENTAL.

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AN ORDINANCE 42,670

CLOSING AND ABANDONING PORTIONS OF OLD FRATT ROAD IN NEW CITY BLOCK 12188, AND AUTHORIZING QUITCLAIM DEEDS TO STANDARD ELECTRIC COMPANY, INC., AND HAGGARD COMPANY, INC., FOR THE CONSIDERATION OF \$385.00 AND \$1.00 RESPECTIVELY, AND RETAINING CERTAIN EASEMENTS THEREIN.

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AN ORDINANCE 42,671

AUTHORIZING PAYMENT OF THE SUM OF \$12,200.00 FOR TITLE TO CERTAIN LANDS TO BE USED IN CONNECTION WITH THE RIVERSIDE GOLF ENTRANCE PROJECT; APPROPRIATING THE SUM OF \$825.00 OUT OF VARIOUS FUNDS, FOR ACQUISITION OF TITLE TO CERTAIN LANDS, AND FOR ACQUISITION OF EASEMENTS OVER CERTAIN LANDS, ALL TO BE USED IN CONNECTION WITH THE STORM DRAINAGE #83-X, THE WALTERS-MOORE STREET AND THE LOST HORIZON SUBDIVISION OFF-SITE SEWER MAIN PROJECTS; ACCEPTING THE DEDICATION OF TITLE TO CERTAIN LANDS, AND THE DEDICATION OF EASEMENTS OVER CERTAIN LANDS, ALL TO BE USED IN CONNECTION WITH THE STORM DRAINAGE #83-X AND THE UNIVERSITY OAKS LIFT STATION SITE PROJECTS; AND AUTHORIZING EXECUTION OF A LICENSE AGREEMENT WITH THE SOUTHERN PACIFIC TRANSPORTATION COMPANY, PROVIDING FOR CONSTRUCTION AND USE BY THE CITY OF THE WALTERS-MOORE STREET OVERPASS.

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73-43

PRESENTATION OF PLAQUES TO FORMER COUNCIL MEMBERS

Mayor Becker recognized five former Council members and asked them to come forward. Those appearing were Mrs. Carol R. Haberman, Mr. Ed Hill, Dr. Robert L. M. Hilliard, Mr. Manuel Calderon, and Mr. Pleas Naylor. Mayor Becker presented each of them with an engraved plaque and expressed to them the appreciation of the people of San Antonio for their service.

Each of the retiring Council members thanked the Council for recognizing them.

73-43

The Clerk read the following Ordinance:

AN ORDINANCE 42,672

GRANTING PERMISSION TO THE FROST NATIONAL BANK TO CONSTRUCT AND INSTALL FOUR RAISED PLANTERS ON THE HOUSTON STREET SIDE OF THE NEW FROST BANK TOWER WITHIN THE PUBLIC RIGHT-OF-WAY, PROVIDING CERTAIN CONDITIONS ARE MET IN THE CONSTRUCTION AND INSTALLATION OF SAID PLANTERS.

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The Ordinance was explained by Mr. George Vann, Director of Building and Planning Administration, who said the new Frost Bank Tower is set back far enough from the street to put in some landscaping. They have asked permission to install special planter boxes in the street right-of-way.

Mrs. Cockrell suggested that a review of the planter boxes in the downtown area should be made as some of them have not been taken care of very well and are unsightly.

City Manager Granata stated he would have the Parks Department check on them.

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

73-43

The Clerk read the following Ordinance:

AN ORDINANCE 42,673

MANIFESTING AN AGREEMENT WITH THE U.S.A. DEPARTMENT OF HUD, WHEREBY THE CITY SHALL DEMOLISH CERTAIN DILAPIDATED STRUCTURES BELONGING TO THE U.S.A, IN CONSIDERATION FOR PAYMENT OF \$350.00 PER PROPERTY.

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

The Clerk read a proposed ordinance which would accept a low bid of \$14,977.00 for a mobile security office at San Antonio International Airport.

Mr. Mike Kutchins, Assistant Director of Aviation, stated that the greatly increased number of security guards at International Airport make additional space necessary. There being no available space in the Terminal Building it was decided that a versatile building mounted on skids would best meet the immediate as well as long range needs. It will have an administrative office, a briefing room, and a locker area. The low bid of Harwell and Harwell meets the specifications and he recommended that the low bid be accepted.

In answer to questions from the Council, Mr. Kutchins said that the building measures 12' x 48'. Included with it are lockers, built-in desks, shelves and other equipment.

Mr. Morton said he was concerned about the high price for this unit and asked what the price would be without all of the extra equipment.

Mr. Kutchins estimated that the lockers would cost about \$3,000.

After discussion by Council members, it was felt that a better value might be obtained through a regular mobile home dealer and the City Manager was asked to have the matter further investigated.

The Ordinance was withdrawn from consideration.

73-43 The following Ordinance was read by the Clerk and explained by Mr. Mel Sueltenfuss, Director of Public Works, and after consideration, on motion of Mr. Beckmann, seconded by Dr. San Martin, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla; NAYS: None; ABSENT: Mendoza.

AN ORDINANCE 42,674

ACCEPTING THE LOW BID OF STEPHENS CONTRACTING CO. TO CONSTRUCT A SANITARY SEWER OUTFALL MAIN ON SALADO CREEK AND PROVIDING FOR A MISCELLANEOUS CONTINGENCY FUND AND ENGINEERING FEES FOR A NET TOTAL OF \$814,899.25.

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The Clerk read the following Ordinance:

AN ORDINANCE 42,675

AUTHORIZING EXECUTION OF A STANDARD CITY CONTRACT WITH HENSLEY-SCHMIDT, INC. ASSOCIATED WITH W. E. SIMPSON, INC., CONSULTING ENGINEERS, TO FURNISH ENGINEERING SERVICES PERTAINING TO THE INSPECTION OF OLMOS DAM AND AUTHORIZING PAYMENT OF \$30,000.00 OUT OF REVENUE SHARING FUNDS.

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The Ordinance was explained by Mr. Mel Sueltenfuss, Director of Public Works, who said that this study of Olmos Dam will include a structural analysis of the dam and a hydrological study of both the basin and downstream. There will be additional costs involved for the topographic mapping and the soil investigation work which will be contracted directly.

In answer to Mr. Padilla's question, Mr. Sueltenfuss said that none of the local engineers felt that they had the expertise for this type of work. He had talked to three local firms, and they agreed that this is a highly specialized project and should go to an experienced firm.

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

73-43 The Clerk read the following Ordinance:

AN ORDINANCE 42,676

AUTHORIZING REIMBURSEMENT FROM THE
GENERAL FUND TO THE SAN ANTONIO MODEL
CITIES THIRD ACTION YEAR PROGRAM FUND
FOR DISALLOWED PROGRAM EXPENDITURES.

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The Ordinance was explained by Mr. Carl White, Director of Finance, who said that this Ordinance clears four of the seven audit findings involving the Housing Center at Model Cities and two remaining audit findings involving the UBSA organization. He said that there had been a meeting with Mr. Finnis Jolly, Area Director of HUD, and he has agreed to reconsider four of seven findings which were discussed with him. A ruling will be made later.

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

73-43 The following Ordinances were read by the Clerk and explained by Mr. Carl White, Director of Finance, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla; NAYS: None; ABSENT: Mendoza.

AN ORDINANCE 42,677

AUTHORIZING THE EXECUTION OF CERTAIN
INSURANCE CONTRACTS BY THE CITY OF
SAN ANTONIO WITH THE SAFEGUARD INSURANCE
COMPANY, AND AUTHORIZING THE PAYMENT OF
INSURANCE PREMIUMS IN THE AGGREGATE SUM
OF \$28,469.00.

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AN ORDINANCE 42,678

AUTHORIZING REFUND OF DUPLICATE
PAYMENTS OF AD VALOREM TAXES ON
FOUR PROPERTIES FOR THE TAX YEAR
1972-1973.

* * * *

1. The South irregular 50 feet of Lot 8 and the South irregular 67.99 feet of Lot 7, Block 22, New City Block 405, account 9-62; payable to the San Antonio Savings & Loan Association; \$3,599.62.
2. Lot 7, Block 9, New City Block 11,725, account 596-49; payable to Main Savings Association; \$2,738.80.
3. The South irregular 412.92 feet of Lot 29, New City Block 11,928, account 599-612-91; payable to First Mortgage Company of Texas, Incorporated; \$24,205.04.
4. Lot 38-4A (1.974 ac.), Block 23, New City Block 13,627, account 635-1359; payable to Quincy Lee Incorporated; \$2,300.51.

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73-43

The Clerk read the following Ordinance:

AN ORDINANCE 42,679

AMENDING CHAPTER 14 OF THE CITY CODE
PROVIDING FOR A "RESIDENCE HOMESTEAD
EXCEPTION FOR THE ELDERLY" AS AUTHORIZED
BY ARTICLE VIII, SECTION 1-b OF THE
TEXAS CONSTITUTION AND PROVIDING FOR
EFFECTIVE DATE, APPLICATION FOR EXEMPTION,
DETERMINATION OF TAX ASSESSOR, LIMITATION
OF EXEMPTION, AND DETERMINATIVE DATE FOR
EXEMPTION.

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The Ordinance was explained by Mr. Carl White, Director of Finance, who said that this "tax exemption" was approved in the annual budget for this year but an Ordinance is necessary to put it in effect. He said that forms and procedures have been set up to accommodate the change and the County Assessor has agreed to permit the use of his exemption records which will be a savings in time and money.

Mrs. Cockrell said that when this exemption was granted to Senior Citizens in Fort Worth there was a Senior Citizens Appreciation Day when all who wished to come in and register in person. There was a festive celebration. She suggested that a similar project be set up by the staff on an appropriate day and in a suitable location.

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After discussion, City Manager Granata said that he would have the Public Information Office look into the matter and make arrangements.

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

73-43 The following Ordinance was read by the Clerk and explained by Mr. Carl White, Director of Finance, and after consideration, on motion of Mr. Lacy, seconded by Mr. Morton, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla; NAYS: None; ABSENT: Mendoza.

AN ORDINANCE 42,680

MANIFESTING AN AGREEMENT WITH BEXAR COUNTY PROVIDING FOR REIMBURSEMENT BY THE CITY FOR COUNTY EXPENSES IN PROVIDING THE SERVICES OF ASSISTANT DISTRICT ATTORNEYS, JUSTICES OF THE PEACE, AND OTHER SERVICES TO THE CITY'S NIGHT MAGISTRATE PROGRAM FOR THE THIRD YEAR OF SUCH PROGRAM, AND REVISING THE COMPENSATION TO BE PAID THE NIGHT MAGISTRATE, SUBSTITUTE JUDGES AND ASSISTANT DISTRICT ATTORNEYS WHO WORK IN SAID PROGRAM IN ACCORDANCE WITH THE CRIMINAL JUSTICE COUNCIL GRANT AWARD CONTRACT IN SUPPORT OF THIS PROGRAM.

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73-43 The Clerk read the following Ordinance:

AN ORDINANCE 42,681

AUTHORIZING EXECUTION OF TWO AGREEMENTS, ONE WITH THE LIVE OAK WATER COMPANY AND THE OAK HOLLOW CORPORATION AND/OR LAD PROPERTIES, INC.; AND ONE WITH BALCONES UTILITIES, INC., EDGAR VON SCHEELE, TRUSTEE AND DONALD E. LEACH, SPECIAL TRUSTEE; SAID AGREEMENTS PROVIDING TERMS AND CONDITIONS UNDER WHICH SEWAGE GENERATED WITHIN CERTAIN AREAS SHALL BE TRANSPORTED AND TREATED BY THE SAN ANTONIO SEWER SYSTEM.

* * * *

The Ordinance was explained by Mr. Carl White, Director of Finance, who said that is a standard type agreement that the City makes with private water companies for the collection of the sewer service fee.

Mr. Morton asked for the location of the Live Oak Water Company so that he would be certain that his company was not involved. The matter was passed temporarily and later in the meeting this question was settled to Mr. Morton's satisfaction.

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

73-43 The following Ordinance was read by the Clerk and explained by Mr. Winston Ulmer, Director of Administrative Services, and after consideration, on motion of Mr. Lacy, seconded by Dr. San Martin, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 42,682

ESTABLISHING CHARGES FOR REPRODUCTION
OF CITY DOCUMENTS ON FILE IN THE CITY
CLERK'S OFFICE.

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One dollar (\$1.00) for the first copy reproduced and
fifty cents (\$.50) for each additional copy.

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73-43 The Clerk read the following Ordinance:

AN ORDINANCE 42,683

AMENDING CHAPTER 38 OF THE CITY CODE
OF THE CITY OF SAN ANTONIO BY ADDING
PROVISIONS PROHIBITING THE MAKING OF
A RIGHT OR LEFT TURN ON A RED LIGHT
AT CERTAIN INTERSECTIONS SPECIFIED
THEREIN; AND PROVIDING A PENALTY FOR
ANY VIOLATION OF NOT MORE THAN
\$200.00.

* * * *

The Ordinance was explained by Mr. John Miller, Assistant Director of Traffic and Transportation, who said that the new state law permits right turns on red lights except where specifically prohibited. It also permits left turns on red lights at the intersection of one way streets. At those intersections where a turn is prohibited on a red light there will be a sign placed.

After discussion, it was also agreed that signs be placed at all intersections where a left turn is permitted on red. Additionally, Mayor Becker asked that the entire situation be publicized by the Public Information Office.

Mrs. Cockrell asked for a staff report on the number of signs required and an estimate of their cost.

Mrs. Cockrell called particular attention to the intersection of Fredericksburg Road and Callaghan Road where the south bound traffic stacks up for a left turn. She said that sometimes traffic backs up two or three blocks and certainly needs a left turn signal immediately.

Dr. San Martin asked about the intersection of 24th Street and West Commerce where there is an extremely dangerous condition.

Mr. Miller described the drainage projects and street programs in the area that are underway. At the present time, 19th Street is under construction so that 24th Street cannot be closed now. When the projects are complete, there will be channeled traffic with turn signals in all directions.

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

73-43 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, Becker, Black, Lacy, Morton, Beckmann, Padilla; NAYS: None; ABSENT: San Martin, Mendoza.

AN ORDINANCE 42,684

ACCEPTING THE LOW BID OF UNION METAL MFG. COMPANY TO FURNISH THE CITY WITH A SPAN TYPE OVERHEAD SIGN BRIDGE FOR A TOTAL SUM OF \$1,300.00.

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AN ORDINANCE 42,685

ACCEPTING THE LOW BID OF SCHNECK AVIATION, INC. TO FURNISH THE CITY WITH HELICOPTER MAINTENANCE AT A COST OF \$31.50 PER FLIGHT HOUR.

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AN ORDINANCE 42,686

ACCEPTING THE LOW BID OF L & M STEEL COMPANY, INC. TO FURNISH THE CITY WITH CERTAIN REINFORCING STEEL BARS FOR A NET TOTAL OF \$2,664.00.

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AN ORDINANCE 42,687

ACCEPTING THE LOW BID OF EASTMAN KODAK COMPANY TO FURNISH THE CITY WITH 35MM COLOR FILM ON AN ANNUAL CONTRACT BASIS FOR A PRICE OF \$59.60 PER ROLL.

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73-43 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Mr. Beckmann, seconded by Mr. Lacy, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla; NAYS: None; ABSENT: Mendoza.

AN ORDINANCE 42,688

ACCEPTING THE LOW BIDS OF PAUL ANDERSON COMPANY, JOHN HERWECK, INC., AND MARY KAY'S CRAFTS CENTER TO FURNISH THE CITY WITH CERTAIN ARTS AND CRAFTS SUPPLIES FOR A TOTAL SUM OF \$2,150.22.

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73-43 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Dr. San Martin, seconded by Mr. Padilla, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Beckmann, Padilla; NAYS: None; ABSENT: Morton, Mendoza.

AN ORDINANCE 42,689

ACCEPTING THE LOW BIDS OF AMERICAN SPORTS CENTER, OSHMAN'S AND WRIGHT'S SPORTS TO FURNISH THE CITY WITH CERTAIN SPORTING GOODS AND ATHLETIC EQUIPMENT FOR A NET TOTAL OF \$15,644.48.

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73-43 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Mr. Beckmann, seconded by Mr. Lacy, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Morton.

AN ORDINANCE 42,690

ACCEPTING THE BID OF CHESTER D. BARROW TO FURNISH THE CITY WITH POSTAGE STAMP VENDING MACHINES AND MAINTENANCE FOR PUBLIC USE IN THE INTERNATIONAL AIRPORT TERMINAL BUILDING FOR A TWO-YEAR PERIOD.

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73-43

CITIZENS TO BE HEARD

RICE ROAD BRIDGE

Mrs. Mary L. Kopecki and Rev. R. A. Callies appeared before the Council with a petition bearing about 200 signatures requesting that the proposed bridge over the Salado Creek on Rice Road be moved to Nebraska Street. They said that the Nebraska Street location would be much better for school children and would also make a better traffic pattern in the area.

City Manager Granata stated that the funds for the Rice Road Bridge were allocated out of Revenue Sharing funds. It would leave a very dangerous low water crossing at Rice Road although there would be a shorter bridge span required at Nebraska Street. It would also require the acquisition of right of way on Nebraska Street.

After discussion, the Council asked that the staff meet with the petitioners in the area for further consideration of the project after which a report will be made to the Council.

MRS. MANY J. FOSTER

Mrs. Many J. Foster, owner of property at 108 Groveton, stated that on June 21, the Council gave her 60 days in which to have the house at this address brought to minimum standards. She related the difficulties she has had and said that now she has some help and asked for an additional 30 days extension.

Mr. George Vann, Director of Building and Planning Administration, said that Mrs. Foster has had several extensions, the last being a 60 day extension by the City Council. He suggested that the Council allow an additional 30 days, but that this be the last extension.

After consideration, Mr. Padilla moved that a final 30 day extension be granted to Mrs. Foster. The motion was seconded by Dr. San Martin and was passed and approved by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Cockrell.

ADELE M. NAVARRO

Miss Adele M. Navarro, Route 11, Box 313, spoke to the Council regarding the preservation of historic sites in San Antonio. She said that there should be a historic ordinance to cover all historic sites in the City just as there is an ordinance to protect the King William Street area. There should also be a historic board to pass on renovations of these buildings.

Mrs. Cockrell stated that a suggested ordinance has been submitted to the City Manager's office for study. This would have far reaching implications and a report has not been made on it yet.

CONCEPTION ELIZONDO

Mr. Conception Elizondo, 943 San Angelo, said that a laborer is not represented on the City Council as all of the Council members are businessmen. He made reference to the recent work stoppage of the City Water Board and said that it should not be necessary for workers to go to such lengths.

Mr. Elizondo also stated that the dog leash law does not work because it requires that the citizens file complaints under this Ordinance. He asked that the Council study the matter and put teeth into the law.

Mr. Elizondo stated that it is wrong for the Council to ask its citizens to conserve energy while at the same time the smaller surrounding towns are free to do as they please.

It was explained to Mr. Elizondo that the City has asked the cooperation of these smaller cities and in most cases have received cooperation.

Mr. Morton stated that he thought Mr. Elizondo had made a point. He said that the weekly reports he gets from the City Public Service Board simply indicate, "We're working on it." He said that this doesn't really tell him anything. He requested that the Chairman or the Manager of the City Public Service Board appear before the Council within the next two weeks and relate publicly what their plan is for the next twelve months.

Dr. San Martin agreed with Mr. Morton but asked that the report be made in one week.

MRS. HELEN DUTMER

Mrs. Helen Dutmer, 739 McKinley, said that when the 1970 bond issue was being worked on, the Rice Road project was sold to the people as just that - the Rice Road Improvement. The people in the area voted for the bonds on the basis that Rice Road would be improved and the drainage improved. She spoke in opposition to changing this project to Nebraska Street.

MRS. MINNIE WEBSTER

Mrs. Minnie Webster, Program Coordinator for the UCPPOC, stated that a family of ten was stranded on I. H. 10 at Comfort, Texas, when their car broke down. They eventually were brought to San Antonio early Monday. Travelers' Aid Society did not give them aid that was requested and to which they were entitled. She asked that the Council contact the Travelers' Aid Society on behalf of the Joseph L. Blunt family.

Mrs. Cockrell suggested that the City's welfare staff check into this matter.

73-43 APPEAL OF MR. V. H. EHLERS TO THE DENIAL OF A HOME IMPROVEMENT CONTRACTOR'S LICENSE

Mr. George Vann, Director of Building and Planning Administration, stated that Mr. V. H. Ehlers had an application for a Home Improvement Contractor's License on April 7, 1972, and the Board found that he was operating under a name other than the name under which he was licensed. Not having an adequate explanation, his license was revoked. He reapplied on May 24, 1972, and was given a 30 day period to clear up five complaints from people he had done work for.

On May 17, 1973, Mr. Ehlers again reapplied for a license and it was found that he had done a job at 3127 War Arrow without a building permit. Under the City Code a license may be withheld if a contractor has been found not to have taken out a building permit. Therefore, his license was withheld again. He still has 16 unanswered complaints through the Better Business Bureau. He has now appealed to the City Council.

Mr. Ehlers stated that he had overlooked getting a building permit. He claimed that he had never had a complaint that went unanswered, although they were not answered through the Better Business Bureau.

Members of the Council expressed concern over the number of complaints filed against Mr. Ehlers. Rev. Black stated that many people don't file complaints although they have a legitimate complaint.

Rev. Black stated that he did not wish to penalize Mr. Ehlers and prevent him from earning a living. Yet, he expressed concern for the many complaints of poor work, overcharging, et cetera, especially among the lower income people, particularly widows.

After discussion, Mr. Vann was asked to check on the outstanding complaints against Mr. Ehlers and report back to the Council next week.

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DISCUSSION REGARDING CITY WATER
BOARD EXTENSION POLICIES

MAYOR BECKER: We had a meeting that was rather lengthy yesterday and we requested, specifically, of certain attorneys that were representing the homebuilders and Greater San Antonio Builders Association, I think is the name of it. It is rather a broad all encompassing name. They're going to build a Tower of Babel. Anyway, they were attempting to meet with attorneys and officials of the City Water Board last night on a matter and they're here to report. Mr. Langley, Mr. Pat Gardner in audience as well as Judge Solomon Casseb. I don't know if any others are here or not.

MRS. LILA COCKRELL: Are the attorneys from the Water Board here?

MAYOR BECKER: I don't know. I don't know.

MR. RALPH LANGLEY: There are no attorneys for the Water Board here. We have conferred with the City Attorney about it, Mrs. Cockrell, and I'll attempt to give a thumb nail report and I'll quote two of the attorneys who are here and they're here to defend themselves and if I misquote them they'll correct it I'm sure. Let me say this, that we proceeded yesterday evening to immediately check into the matter. We found, or I found, that the style of the case involved is called Royalcrest Homes, Inc. versus the City of San Antonio and the City Water Board. It is my understanding that the City Water Board was made a party to the law suit purely as a matter of convenience, in truth and in fact the entity to be sued in these proceedings is the City of San Antonio. In accordance either with the bond indenture or the custom and practice in either of which events the City Water Board's attorneys represent the City in these proceedings. So the matter was turned over to the law firm of Sawtelle, Goode, Davidson & Troilo and that's where that rests.

That law suit was not filed immediately following the passage of the ordinance because of the fact that the attorneys on both sides were looking for a proper test case and a proper set of circumstances which would eliminate all side issues and get with the specific questions as to the validity of the ordinance itself. It took a little doing to do that so it was filed and it has now been docketed and is set for trial on October the 6th of this year with depositions and the factual matters to be explored in the interim.

In accordance with my promise to the Council last night our attorneys, Mr. Gardner and Mr. Bennack immediately made efforts to contact, first of all Mr. Kaufmann. They talked with Mr. Kaufmann by telephone and asked to meet with him and the City Water Board attorneys last night and he indicated that he did not intend to participate in the meeting that he was leaving it up to the lawyers and for us to contact them. Mr. John Davidson, who is the attorney who is handling the actual law suit, was out of the City and will not be back until 2 o'clock this afternoon as I understand it. In the meantime, Mr. Gardner and Bennack made efforts to contact Mr. Sawtelle and did not really make contact with him until this morning. I think they have had a number of telephonic communications with him.

I will now take you back to the matter that was mentioned in the Council meeting yesterday afternoon and that has to do with the statement made by Mr. Kaufmann to the fact that an offer had been made to work out an interim arrangement pending the final disposition of the law suit. Mr. Gardner advises me, and this is confirmed by the City Water Board attorneys, that the only offer that was ever made by the City Water Board was one which would have simply directed itself to assuring the developers of obtaining their damages at the end of the litigation in the event that the plaintiff were successful in setting aside the ordinance. We were advised that there was no other form of interim arrangement to which the City Water Board would be

amenable. This was submitted to our client and was rejected by them and, as I understand it, it was not acceptable to the builders association.

In the conversations with Mr. Sawtelle this morning, accordingly, it was agreed, I think, between counsel that with the matter in that state of affairs that no agreement could be reached before we have committed ourselves to come over and visit with the Council about it. After we had done this and when we arrived at City Hall this morning we talked with Mr. Crawford Reeder and explored with him the various avenues of possible solution to the problem. One of these which we explored with him was the possibility of entering into a temporary injunction voluntarily to be entered in the cause pending the final outcome of the litigation or the revocation or the rescision of the ordinance by the Council. Mr. Reeder, if I understand him correctly, felt that this was not something that he would be willing to recommend to the Council. Secondly, we explored with him the possibility of the adoption of a resolution by the Council simply suspending the operation of the ordinance and directing the Planning Commission and the agencies of the City involved in the filing of plats not to require compliance with the ordinance in the meantime. It is now my understanding that he was of the opinion that this was not a valid approach that he could recommend to the Council. The third alternative that was discussed was the possible rescision of the ordinance. This, of course, ties in with his answer also on the passage of the resolution and in part directs itself to the open meetings law which, the court of civic appeals has held requires the giving of notice in advance of taking of these matters up on the agenda. It was the opinion of Mr. Reeder at that time that the Council could call an emergency session for the purpose of passing upon this matter due to the nature of it and he said if the Council so desired and so directed him he would work with us in the preparation of proper notice for the holding of an emergency session preparatory to the passage of an ordinance rescinding the ordinance which I think he felt was the cleanest way to handle the matter that had been suggested. I tried to state it correctly. Have I stated it correctly, Mr. Reeder?

CITY ATTORNEY CRAWFORD REEDER: You did an excellent job, Ralph. You did alot better than I could do myself. Very good.

MR. LANGLEY: Thank you very much. You flatter me.

MAYOR BECKER: What are the objections to the first avenue?

CITY ATTORNEY REEDER: The first avenue is going to court having an agreed injunction because I don't think it's the proper way to run a government to have to get the juditiary substitute itself for legislative discretion. You are the ones that decide whether it's a good ordinance or not. Frankly, I can go to court and defend this ordinance and I think I can win. So I don't want to go over and lie down on the courthouse floor and let them run over me. If you don't like the ordinance repeal it. That's all there is to that because you are the City Council. That Judge over there isn't. That's what I don't like about the first avenue.

MAYOR BECKER: Alright, the second.

CITY ATTORNEY REEDER: The second avenue was just to tell the Planning Commission look the other way and not enforce your ordinance. That's not the way to run a government.

MAYOR BECKER: So, really, you think the only definitive way that has a propriety attached to it is to just rescind it.

CITY ATTORNEY REEDER: Just repeal it. You have plenary power under the state law and the state constitution and the City Charter to repeal one of your own ordinances or a previous Council's ordinance. The only impediment there was it seems like time was sort of getting in everybodys way and so I suggested to Mr. Langley and Judge Casseb and Mr. Gardner, the attorneys against the ordinance, that perhaps we could

call a special meeting. The Charter provides for that. I know how to do it. All we have to do is write a letter for you to give to the Clerk, Mr. Mayor, setting it up for anytime from this afternoon on and post notice on the board out there that we're having it and that it's an emergency and we'll have to figure out what the emergency is but we can do that and then you can have your special meeting and put it to a vote. I would say ordinarily if it weren't for the open meeting law you could vote on it right now.

COUNCILMAN PADILLA: Mr. Mayor, I don't think it's been established yet that it is an emergency and just as I objected very strenuously to the passage of the ordinance in the first place because I felt that it was rammed through, I would feel the same way and my attitude would be entirely consistent with taking that sort of action to repeal. Now, I think I asked, I know I asked yesterday of Mr. Kaufmann to let us know how much time the Water Board needs to reply. I also asked that if in the interim at the same time that the industry give us some idea of what I call a crunch date. In other words, that point in time when the circumstances or the consequences, I should say, to the City of San Antonio and County and so forth would become an unbearable situation. Now, when we get these two dates then I think we would be able to say if we have an emergency or we do not and I think we should let the process continue at least to that point.

CITY ATTORNEY REEDER: Well, I might make the observation, Mr. Langley might want a differ with me I don't know, that whether there is, in fact, an emergency is a legislative determination and you ladies and gentlemen are the legislators, so that's a matter for you all to determine. It's not a question of law unless it is flagrantly not an emergency. I'll say, basically, it's within your discretion.

PADILLA: With full appreciation for that and I agree, the only way that I could decide as an individual whether we indeed do have an emergency is to get this information and we're going to have it in a matter of days.

LANGLEY: Mr. Padilla, may I speak to that, Mr. Mayor, please? We really didn't come in yesterday saying we would rescind the ordinance today. What we were really saying as the meeting drew on, was that we did have an emergency and that we wanted and asked for some immediate action. I think that the matters that were developed yesterday demonstrated the fact that the industry is suffering daily. It's not a matter of waiting to determine when it will happen. What we would have liked to have, had we been able to reach an accord, would have been some form of suspension of it or an agreed order in the proceedings. Now this is actually what we wanted and what we suggest now that if the Council desires to do so that it be looked upon as a device to withhold the application of the ordinance from here on out until such time as it receives full consideration by the Council. We're not suggesting that nothing further be done, but suggesting this in the light of what the City Attorney's opinion is that it be an interim action and not be looked upon as a final action.

PADILLA: We're also advised by the City Attorney that to get this period of abatement we could not suspend enforcement but, or rather that we should not suspend enforcement, Mr. Reeder said but that we should, in effect, repeal it. Let us follow that a little further. Let us suppose that upon examining all the information and listening to both sides, and we did not listen to both sides yesterday, that we become convinced once again that the ordinance is a valid and proper one and then this Council in a position of voting that sort of ordinance again or putting it back on the book.

LANGLEY: I agree with you.

PADILLA: I think we would be playing yo-yo then, Ralph. Just as Mr. Reeder doesn't like to suspend the enforcement or the ordinance I wouldn't want to be in a position of yes, no, yes, no. That's a

little silly too.

MAYOR BECKER: I'm not an attorney but of all the plans I favor the first one. That seems to be the one with the most logic, historic, setting it aside so to speak until the case could come to trial when... October.....

LANGLEY: October 6, 1973.'

MAYOR BECKER: bringing it into court. How long that might go on only heaven knows.

LANGLEY: Mr. Mayor, may I add this in that connection and my understanding of Mr. Reeder's opinion was not that that would be an invalid action, it would be an action which he would not look upon as being a proper action for the Council to simply turn this over to court. It would be our comment on that that if the Council wants to direct its own attorney pending the final outcome of the litigation to agree to the entry of a temporary injunction there would be nothing invalid about this and it would not be a decision by the court but would be a decision by the Council. I disagree with him about that, I hasten to add.

MAYOR BECKER: The thing that permits me to support the first approach to the situation is simply this, once again I'm not trying to play lawyer so heaven forbid. I thought at one time I wanted to be a lawyer but then I recognized the fact that I couldn't read, so it prevented that but, the thing that interests me more about this situation more than any other one thing is that you have in essence and in fact and in view of God and man certain subdivisions out there right now that have the water and everything to them and all these people are requesting is to extend on to those subdivisions with a plat, as I understand it, if I'm wrong I wish somebody would correct me, that the boundaries of the properties that are contiguous. Is that correct?

LANGLEY: That's correct.

MAYOR BECKER: Adjacent and complete juxtaposition one to the other.

LANGLEY: I think that's correct.

MAYOR BECKER: Now, heretofore, prior to the passage of the ordinance, it was permissible to build a subdivision, hook up the homes to the water system that does in fact exist and all they're asking for is to extend that right to a piece of property that's right next door to it. Now were they going down the street two miles or three miles or whatever distance and if it did not have this proximity factor, it seems to have a bearing in my mind at least and I get impressed by peculiar things perhaps but that is significant to me, was not adjacent, then I might say that this is something else. If these people had to go out and drill another water well and all of that to support these new homes than I would consider that separate and apart, entirely a new deal, a new world, something that was created after the ordinance was passed.

PADILLA: Mr. Mayor, I don't recall the point being made yesterday, you may be in fact correct, but I don't recall the Council being told yesterday that these areas, these plats, that have been refused are all contiguous to existing water.

LANGLEY: Not all, I said some of them.

PADILLA: Yet, this agreed injunction that we're speaking of without prejudice, etc. this would apply to all developers and builders and to all plats submitted. Isn't that correct?

LANGLEY: That is correct, sir. That is correct. It would permit

them to.....

PADILLA: Is it possible that in some cases it would involve drilling a new well and what have you and not necessarily just extending the main that is already there.

LANGLEY: It's possible. I really don't know.

MAYOR BECKER: Let me pursue this just one minute please, Lila, then I'll shut up. Would it be possible, Crawford, to style this thing in such a fashion, and I'm not trying to penalize any one developer because I don't know who all is involved in this situation, would it be possible to style it at this time so that those tracts, those plats that did have this adjacency, this relationship, as being contiguous to an already existing group of homes that had been constructed and created prior to the passage of the ordinance, let's say, and all that is required is to hook up whatever water system, water main or whatever the deal is, an extension of it that those would receive benefits of this temporary restraining or abatement or voluntary injunction and so forth and that it would apply to only those so that the work could proceed on those while this case is being brought to trial and all that business.

CITY ATTORNEY REEDER: Well on the legal end of it I suppose it could pitch it, I don't understand enough about the technical aspects of it, Mayor. I don't know precisely what we're talking about except the validity of a City ordinance. I mean I don't know what the physical facts are. Mr. Sueltenfuss might be able to help me if he's here.

MAYOR BECKER: He'll be back in a while.

CITY ATTORNEY REEDER: It seems to me, while he's going to get Mr. Sueltenfuss, that what we're really doing you're asking, I won't say you specifically, Mr. Mayor, the Council and Mr. Langley, opposing the possibility of going to court to have the court suspend the operation of one of your ordinances. All right. Frankly, this isn't entirely a illegal question. It's partly a question of policy but I it seems to me that it's a very poor policy to leave it up to the court to determine whether you're going to have an ordinance or whether you're not. Now, the people to vote on this to either rescind that ordinance or to uphold it are you. It's not the court. That's what I've got against it and that's the only thing that I've got against it. I don't care, it's not my business whether you repeal it or don't repeal it because you all are the elected representatives of the people but that's not what courts are for and I may be overly technical and everything but it violates everything that I, frankly, that I try to adhere to as a lawyer. I don't think it's a good way to operate.

PADILLA: Crawford, Councils in the past have told the staff not to enforce certain ordinances for a period of time.

MAYOR BECKER: What we're trying to do here, at least what I'm trying to do, is circumvent or obviate the possibility of us acting precipitously on this thing by rescinding it, repealing it, and yet we recognize it as an urgency. We recognize that there is a need to permit these certain people, builders, developers, to continue on with these projects because as we heard yesterday there is some \$25,000,000 worth of work that has been brought to a halt. Well, the \$25,000,000 represents X amount of jobs, paychecks and all that sort of thing. Certain people are likely to be out of work as a result of this situation. So, I guess we're trying to have our cake and eat it too.

CITY ATTORNEY REEDER: That's really what we're doing Mr. Mayor, that's exactly what we're doing. We're trying to figure out an easy way out of this thing and there's not an easy way. We need to vote on it to do it right.

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LANGLEY: Mr. Mayor, could I, pardon me, to maybe disagree with everybody - take the middle ground. I would raise a question about the resolution and this doesn't put it on the back of a court or anybody else. It doesn't put it of record as the Council vacillating on the validity of the ordinance or anything else, but it is a forthright action of this Council to adopt a resolution to instruct its agencies not to enforce it pending a final decision by the court or further action by the Council. Now, with all due respect to the difference of opinion this has been done by the Council before. It was done specifically, in the case of the PUD ordinance. There is a precedent for this and I say to you in all candor if you have a legal question who in the world is going to object? Who's going to raise the legal issue? The developers aren't. The Council isn't going to. The court isn't going to. So, in reality, this would be the Council's facing up to it's own decision and desire. It would do what Mr. Padilla wants to do and namely not do it in the form of a final action and at the same time would satisfy the idea that you were putting it off on the court but it would be a forthright decision by this Council to simply say we hereby go on record as instructing our agencies not to enforce this ordinance from today on pending either a final determination by a court of last resort of this ordinance or an earlier action by this Council.

CITY ATTORNEY REEDER: The obvious answer to that, Mr. Langley, is that if they repeal the ordinance instead of telling the Planning Commission not to enforce it they can later reinstate the ordinance if they think that they had repealed it prematurely. All you're doing is saying let's have a law on the books but play like it's not there and I don't think that's the way to operate whether we did it on PUD or not. I opposed it on PUD.

LANGLEY: That's what I'm trying to

CITY ATTORNEY REEDER: I wasn't City Attorney then. It was somebody else. He opposed it too but the other Council didn't always pay attention to the City Attorney. I don't know whether this one does or not.

LANGLEY: All I'm doing, Mr. Reeder, is trying to

CITY ATTORNEY REEDER: I know what you're trying...you're trying to win and I don't blame you.

MAYOR BECKER: This Council has a unique position of a composition of people. The three carry overs from the last Council all voted against it. The six new members have never been involved in it and the only thing that we're trying to do is to walk that tight rope because we're not sure that the six new ones have had a chance to really study it in depth sufficiently. The three oldest probably haven't either but at least we took a stand. Just to be realistic about it. So what we're trying to do is have it and put it over there on the shelf and not kill it and yet permit people to operate. So how do you get all these coons up the same tree.

LANGLEY: I really haven't heard any legal answer to what I said, your honor, with all due respect. Mr. Reeder disagrees as a matter of policy, but he does not disagree as a matter of law as I understand it because this is a question that would not be so raised.

PADILLA: Crawford, would it be legal to do as Mr. Langley suggests to pass a resolution instructing the city agencies not to enforce it. The question is would it be legal?

CITY ATTORNEY REEDER: Well, of course, whether a thing is legal or not is sort of like asking if its sinful. It depends on what your view point is. As Mr. Langley said, I don't know of any legal consequences that would attach to it. How's it going to look if the press reports this accurately as they always do, saying that the City can, particularly a front page columnist, you know who I mean, here,

we say we've got a law but we're going to play like we don't have it.

PADILLA: What I'm trying to do is get a sense of perspective. Tell me than if you think it is illegal?

CITY ATTORNEY REEDER: I'll tell what I think, Mr. Padilla. I don't think it's illegal and I won't even really say it's legal. None of those is it. They don't even apply. It's just a question of whether it's the sensible thing to do or not. I don't think it is and as a lawyer I don't think that things like this lend themselves to the efficacious running of a government. I'll just put it that way. That's as far as I'll go with it. I don't think anybody could sue us and win, if you take it that way. I'm getting perhaps too far into your area already, but that's the way I feel about it.

COCKRELL: Thank you sir. Let me just say this. We did have a hearing yesterday. At the conclusion of the hearing, Mr. Kaufmann had been instructed or had agreed to come back a week from yesterday and to bring his estimate or the estimate of the Water Board as to the amount of time it would take them to complete the research that would give an answer to the points that were made by the builders. Now, very honestly, I received the report from the builders and got home, I guess at 6 last night, and I haven't even read it. I tried to thumb through it yesterday at the table and I know that there's alot of meat in it that I want to give serious attention to but I haven't even had an opportunity to read it. I think we should at least wait until we hear from Mr. Kaufmann as to their evaluation of the amount of time. I don't think any council member would even consider putting off the decision for an unreasonable length of time but I think to take any kind of action before we have the opportunity to hear that is precipitous. I would just urge that wait until we have the opportunity to hear what Mr. Kaufmann has to say on this point.

MAYOR BECKER: The thing I'm concerned with Mrs. Cockrell, as you can probably well imagine, is how much time is it going to take for them to answer?

COCKRELL: Right, we'll know next Thursday.

MAYOR BECKER: That's the thing that concerns me, because I'm afraid that

COUNCILMAN BECKMANN: Mr. Mayor, I, being one of those new councilmen, I can't help but feel that apparently we have a controversial, to say the least, ordinance on the books. I think the people in the building business have expressed honest concern about that business. I think it behooves this Council to rework this ordinance somehow or other, improve it, to take the necessary time. But in the interim perhaps the best thing to do would be to call this emergency session, take it off the books and then get back, put together some sort of an ordinance that would do the job. Even though, in spite of what Mrs. Cockrell says, even though we think maybe something can be worked out, meanwhile Rome is burning.

COCKRELL: If we are going to consider rescinding the ordinance I would like to speak on substantive issues.

MAYOR BECKER: I can say this in all candor, Alfred, I'm inclined to agree with your approach of the thing. I can tell you that, I don't know that it's possible to sit down and effect a meeting of the minds between the City Water Board and the developers. I don't even think a lifetime would bring it about.

BECKMANN: Well, we can't do it very quickly I don't think.

MAYOR BECKER: What I'm trying to say is that they're both so unalterably opposed one to the other philosophy that polarity is

totally complete. I don't know that we will ever be able to work a blending of these two philosophies. I was sitting up here thinking yesterday and I try to be a great compromiser and probably fail in every instance, but was thinking of a joint venture. Such a thing would be physically and legally and corporately possible with a City entity, you know a joint venture. Where the City Water Board owns 50% and the developers own 50%. 50-50 deal right down the middle. How can that help but satisfy everybody and yet I know that I'm sure, my Lord, there is bound to be law somewhere on the statutes of, either this state or Illinois or somewhere or some past decision that would absolutely prevent this sort of thing from ever taking place because of bond indentures and all this other kind of razzmatazz. Now there's got to be a way to bring about the amalgamation of all these forces because in the meantime the City suffers, we're high and dry, we're aground, not even adrift, just on the ground, on the rocks. We've got the same type of situation at the City Public Service Board with this energy thing. How many of these situations can this City stand at one time? Now that's the thing I question.

COUNCILMAN MORTON: Well, what I'd like to get back to, Mr. Langley, yesterday afternoon what I asked Mr. Kaufmann to do through his attorney and to come up, without really the council getting involved in this question until it has been suggested here this morning, an opportunity to be heard for the other side and so forth. It seems to me that this was a very reasonable request in spite of the fact that Mr. Kaufmann doesn't necessarily feel I could be too objective about the City Water Board. But it seems to be to ask the two opposing sides to say, now look, without either side giving up any legal right under the ordinance what can you do in the interim to where we will not have people who are being laid off jobs. Now, that's what I asked for and you skipped over it very quickly. Apparently at sometime there has been an offer made by the Water Board on what they would do to release the plats but still not give up any of their legal rights in case this Council or a court of law decided to support the ordinance that is on the books. Would you repeat what their position is?

LANGLEY: Their position was simply this. That they would only agree and they said that this was a single and last and only concession at that time. Now, I hasten to add that...they didn't say that today but they said that the only concession they would make would be that in the event that the developer won the law suit that they would agree to the entry of an order that he would be entitled to the recovery of his damages.

MORTON: Well, what do you mean damages?

LANGLEY: Well the loss that he had sustained as a result of the enforcement of the ordinance.

MORTON: If you're talking about this, you're talking about 900 houses...we may be talking about a few million dollars. Is that right?

LANGLEY: This could be true and I want to.....

MAYOR BECKER: Mr. Gardner.....

MR. PAT H. GARDNER: I am going to have to correct that. That was not the offer.

LANGLEY: Oh, I'm sorry.

GARDNER: The offer simply was that if the City Water Board should lose the law suit they would pay the developers the cost of installing the border mains and distribution system. That was all. They would refund their cost.

MORTON: On the plats that were released?

GARDNER: Yes, on the plats that were released.

MORTON: Okay, now my question on this is simply this. Are you telling me that if you had a square mile of property and in the middle of this property you have a 60 unit plat all around it for the rest of this mile if you had a private water system that the City Water Board wants those 60 connections in the middle of it?

GARDNER: Yes, they would have the option of serving it. If they elected to serve it they would be entitled to serve it.

MORTON: Okay.

GARDNER: And they would continue to own that system in that particular section afterwards.

MORTON: In other words, it's possible that they would have to run a main a mile, two miles, three miles to serve 60 lots. Is that right?

GARDNER: Or construct their own production and storage facilities on site.

REV. BLACK: May I ask this question? Have the plats that have been rejected...been rejected on the basis that the City Water Board has elected to serve that group or serve those houses in that plat are there other reasons beyond that?

GARDNER: I'm sure their have been some plats rejected for reasons beyond that. This we cannot quarrel. Our objection is to those that were rejected for failure to permit the City Water Board to serve the area.

REV. BLACK: The reason I raised that question, since it is an option while I have a tendency to agree...to establish the right of the City Water Board to be the sole purveyor, I do recognize an option here and we are going to deal with that option if that is the primary option for rejecting the plats. If that is the primary option that you are insisting on, in terms of rejecting those plats, it seems to me that if it is an option then you could make a decision that would still reserve your right to be the sole purveyor. Now, if somewhere along the line it seems like this Council ought to receive some justification if that is the sole reason for rejecting those plats. This Council ought to get some kind of justification for making that decision. I would not like to see us reject the whole ordinance or reject that principal of being the sole purveyor. The problem I have here it seems to me that when you make this decision I would not like to be supporting an arbitrary decision. You know in other words, I would not like to simply be supporting a decision that had no merit other than the fact that the person has the authority to put it through.

MAYOR BECKER: You know, the thing it seems to me, and I'm just once again doing an observation on this thing, it reminds me of my own business. If we tried to keep all the competition out by putting a store on every corner or in every block in the city, there would be an unrealistic approach to stifling or stymieing or eliminating competition. Yet I can't help but make the comparison between that attitude and that of the Water Board. They're going out of their way if the example Mr. Morton cited is correct of having a square mile or two square miles or something with 60 homes in the center of that particular piece of land they'll have a willingness, or an interest in running a main to service those 60 homes in order to keep somebody else out of the water business. This to me is just an incredible situation. It's not based upon what I consider to be reason. That doesn't make me right and them wrong but that's the way I feel. I'm not asking

for comments from anybody but I just can't help but voice that opinion. That's why this thing is so cotton picking knotty. Because it is not... it has become more emotional, I think, than anything else.

BECKMANN: I would still call for an emergency meeting. I think that the fact that we held this meeting, the fact that adequate notice has been given to all parties concerned, that at least we'd be moving in a direction. It would give everyone an opportunity to be for or against. At least we're moving and so I make that motion that we have an emergency meeting to consider the ordinance concerning the sole purveyor whatever it is numbered. Jake you know that.

MAYOR BECKER: When do you suggest trying to have it?

BECKMANN: As soon as legally feasible.

MAYOR BECKER: That could be this afternoon or tomorrow.

BECKMANN: I think we have to have a certain amount of notice.

COCKRELL: You can have it this afternoon.

MAYOR BECKER: You can have it this afternoon if you want to.

BECKMANN: Oh really!

CITY MANAGER GRANATA: Mayor and Council, let's ask Mr. Reeder. There's some question now about whether you can repeal the ordinance without doing away with all those rules and regulations of the City Water Board, because these are part of all the rules and regulations so maybe you can repeal certain parts of the rules and regulations.

CITY ATTORNEY REEDER: Well, what you have to do is have your repealing ordinance aimed only at what is in controversy here and not repeal all the rules and regulations of the Water Board. I think we can draft that ordinance...in other words we don't want to repeal all the rules and regulations of the Water Board - only the one that is in controversy here if that is the desire of the Council.

PADILLA: And how much time would you need to prepare that, Crawford.

CITY ATTORNEY REEDER: Lawyers time or regular time?

PADILLA: Practical time.

CITY ATTORNEY REEDER: Mr. Gardner, how long do you think it will take to tell me what you want deleted out of this thing.

GARDNER: About three minutes.

CITY ATTORNEY REEDER: All right, okay I would say then about an hour. We could have an ordinance ready in time for the Mayor to sign in the event the Council passes the repealing ordinance. We could have it ready today.

COCKRELL: Mayor, I'd like to speak against the motion.

MAYOR BECKER: Yes, madam.

COCKRELL: Yesterday the statement was made that an effort was made to meet with the attorneys of the Water Board. It is my understanding from what has been said that the primary attorney who represents or handles this particular matter for the Water Board is not even in town, therefore, there has been no opportunity. There has been one telephone conversation with one of the other principals in the firm. To my knowledge from what you have said there has not even been a meeting to discuss the issues, any of them which were discussed yesterday. I think it is highly improper for this Council to proceed

when the attorneys representing the Water Board have not had the opportunity to meet and to even have the opportunity to make their observations to this Council on the proceedings. We have only heard one side. I think that this Council would be doing a grave injustice to move at this time. If we are going to consider rescinding portions of the Water Board policies, I would like to point out to this Council that we are doing so without having the Water Board's position on these matters. In matters that were discussed yesterday, for example, I would like to know whether or not the motion includes the refunding of the cost of the on-site main, if so, who is going to pay the 2 million dollars? Is that going to be put out in immediate cost in the raise in the water rates? If so, how much raise is going to be required to cover the 2 million dollars? What is the average consumers share of the cost of this refund? I would like to point out that in the case that was made yesterday, I have not had time to study the full case but just based on questions that were raised, it was stated that the City of Houston had ordinances which were regarded as highly desirable. Yet upon my questioning, it was also established that the development pattern in the City of Houston was approximately the same as that of San Antonio with most of the development, according to the answer that was given to me yesterday, with most of the development occurring outside the City limits of the City of Houston. Also, I asked the question as to whether or not the lower tax structure outside the City of San Antonio and other cities did not contribute to the fact that the developers would seek the lower tax areas of the City in which to build developments which would affect the lower cost. This was acknowledged to have at least some affect on the problem. These are just a sample of things that to me have not yet completely made the case. Now, perhaps if I have the opportunity to study the case as documented by the home builders, I might see other points that were certainly worthy of consideration. I would not take the position that the present Ordinance is above reproach or that they're not areas to be considered, but at this time, I think we are precipitous, I think we are not showing even courtesy for the attorneys representing the City Water Board to proceed without them being here in attendance, without there having had the opportunity to meet with the attorneys of the plaintiffs. Therefore, I will vote against the motion.

CITY ATTORNEY REEDER: Those same observations, Mrs. Cockrell would apply to any one of the three routes you went.

MAYOR BECKER: Mrs. Cockrell, I can predict as I did yesterday with respect to why the growth of Houston is developing outside the City limits and, generally speaking, it's all because of the freeway and pine trees. Now those trees occur in the south and west portion of the City around Sugar Creek. They occur at NASA, they occur out Farm Road 1960, which is the northwest section of the City. They occur in the western section of the City to a certain extent. Wherever you find the trees, that's where you find the developers. Now the only type of a house built in Houston on barren land is what you call commonly model houses and there are very few of those being built in Houston. The other activity goes out Highway 45 toward Conroe and they are halfway to Conroe with subdivisions. That's got to be way over the City limits. They're also out Highway 59, the highway to Lufkin with subdivisions. But the trees govern where the homes are built whether in the City or out of the City makes no difference. That's where the action is. I think that at least that part of the thing can be explained.

MR. GARDNER: Mr. Mayor, could I speak to one or two points that Mrs. Cockrell has made. First of all the discourtesy, the possible discourtesy to the attorneys for the City Water Board. That law firm and my law firm are close friends and we will take any measure we could not to be discourteous to them. Now, let me explain exactly what happened. We tried to call them all last night and all this morning.

Bob Sawtelle called me at ten o'clock this morning. Bob Sawtelle is conversant with what has occurred with negotiations with the City Water Board and with this lawsuit today. He is the lead attorney. However, I personally feel that Mr. John Davidson has a greater grasp of the detail. However, in talking to Bob Sawtelle this morning I said, "Bob, the City Council expects a report from us. Do you think any negotiation on this interim policy situation would be of any benefit now?" He said, "Well, Pat, it's ten o'clock, what can we decide in an hour?" I said, "Bob, I agree with you, I don't think very much could be decided", and I said, "further more, I'm pessimistic about the whole approach we talked about this a long time. You've made one offer." Incidentally, that offer has not been rejected by the home builders. Mr. Langley made a misstatement there. I've never been able to get the home builders together to submit to them. But I have advised John Davidson and he's aware of course, that it will not be acceptable. I don't see how it can reach an agreement because of the viewpoint of the parties at this time. And he says, well maybe so, we'll be happy to meet with you later. And I said, no, we're going to the City Council at eleven o'clock and if you'd like to be there, be there, here's what we're going to tell the City Council. And we haven't told you a thing other than that one misstatement, other than what I told Bob Sawtelle that we were going to tell you. That's it.

May I speak for just a minute to the Houston situation because I'm conversant with that. I have developer clients who build over there. Most of the development does occur outside the City limits and this is purposeful. The utilities, the water and drainage are put in by WCID, by Water Control and Improvement District in the ETJ of the City of Houston. The City of Houston consents to the formation of these districts, regulates the manner in which the system is being put in and regulates the basic terms of their bonds that are sold. The City of Houston then annexes each one of these districts as they become profitable and in this way the City of Houston insures that it will be in time be the sole purveyor of water in that vicinity and it doesn't spend a dime to do it. This is the way that they insure that they will extend and cover, eventually, the entire ETJ system of the City of Houston. We could do the same thing in San Antonio if we selected the same method.

MAYOR BECKER: I know exactly what you're speaking of and I might say with respect to rain over there I've spent countless hours in helicopters riding over that city. I know what land is developed and what land isn't within reason and I don't think that aside from what you mentioned there is any reason that the same thing couldn't be applied to this community.

MR. BECKMANN: Mrs. Cockrell, just to set the record straight I'm not trying to ram this through, I really feel that by providing a catalytic agent that perhaps the City Water Board would be more prompt in replying to those questions which you specifically asked them yesterday.

DR. SAN MARTIN: I have a comment, Mr. Mayor, I have a comment very much because I'm one of those six new council members that you referred to but I have previous experience in such things. The last time I was on the Council and I just can't see for the life of me that we were presented as Mrs. Cockrell said a red little book by the developers yesterday and we can really act in good conscience properly and knowingly and knowledgeably in a matter so important as this. Mr. Beckmann, with due respect to your motion, I think that once the meeting is set a vote will be taken whether it's this afternoon or tomorrow morning and I can't see that I can honestly, conscientiously, and intelligently vote on anything like that, either today, tomorrow maybe even next Monday.....

MR. BECKMANN: Or next Tuesday, next Wednesday.....

DR. SAN MARTIN: No, I would definitely, definitely insist on a very, very definite time limit and I would ask Mr. Kaufmann of the City Water Board and I am personally of the opinion that sometimes they drag their feet too much not only in the Water Board but in the Transit System, in the City Public Service Board and I think that they need more than just a little bit of prodding, but I personally feel that there's no way that in all conscience that I can vote on anything like that when we got most of the information just yesterday.

MR. PADILLA: Mr. Mayor?

MAYOR BECKER: Yes, Al.

MR. PADILLA: May I speak to the motion, please?

MAYOR BECKER: Yes sir.

MR. PADILLA: Mr. Beckmann, as to your motion I agree with Mrs. Cockrell and Doctor San Martin as to an action rescinding or repealing the Ordinance because I feel that this is a - while we recognize it it would probably be a temporary action while we improve, as you suggest, the Ordinance. I would personally prefer and I could support a resolution, in spite of the fact that Mr. Crawford and I do not agree on this, a resolution instructing the agency to suspend while this Council takes final action. Now, this I could do and not feel that I'm being contradictory to my previous position when I voted against the Ordinance during the last Council. Another possible thing, since we're talking about a time element here.

MAYOR BECKER: Another stretch, Al.

MR. PADILLA: Right, Mr. Mayor. While I am prepared for a resolution to suspend. At this time I would say this, Al, with all due respect, that I'm very conscience of the factor that you described that as while Rome burns because here and yesterday I expressed great concern for working people who will be out of work if we don't find some way of moving these projects forward. I think I could say this. If you were to amend your motion to have this emergency meeting, say, next Wednesday, I might be able to support the motion even though I might not vote for repeal at the time because this would give the Water Board at least a few days to indicate to us what they're talking about, what kind of time stand they're talking about in preparing an answer. We might just find when the Water Board replies that the best thing to do is to wait for their answer if they're not talking about an undue amount of time, but just to meet this afternoon or tomorrow morning.....

MR. BECKMANN: I don't want to meet this afternoon or tomorrow morning. I just want to.....when I say expeditiously I mean with all sides having an opportunity to be heard. I'll be glad to reword that or withdraw that motion and present a resolution then as you have suggested. I would second your resolution that we set aside this particular ordinance until we've had an opportunity to work it out.

MR. PADILLA: Yes and just a minor point of order, it's really moot since you're withdrawing your motion but as far as having any sort of effect you will have to describe a time and date for us to have this emergency meeting and I assumed that you meant to have it this afternoon or tomorrow morning.....

MR. BECKMANN: Not that quickly, when I said expeditiously I just..... I'll repeat with due time all sides to be heard.

MR. PADILLA: All right, as far as I'm concerned, I could support a motion such as Mr. Beckmann had made if the date for this emergency meeting is about next Wednesday, or I could support a meeting where this Council could meet to consider a resolution to suspend.

MR. MORTON: Let me ask a question to the City Attorney. In the case of a resolution is an emergency meeting notice required as opposed to a motion to rescind or repeal.....

CITY ATTORNEY REEDER: It depends on whether the resolution does anything or not, Mr. Morton. If you were passing a resolution in favor of motherhood an open meeting law wouldn't have anything to do with it. If you're passing a resolution to actually accomplish some legal results I think the open meetings law would apply. That's the situation.

REV. BLACK: Mr. Mayor, I would simply like to call the attention of the Council to the matter of concern. One is that we have been, it has been indicated to us that by representatives of the Water Board, and here I'm not taking the position of agreement, I think we do have an emergency on hand, but it seems to me that there is a structural relationship between the Council and the Water Board. I would not like to feel that this Council took a position regarding matters that had been brought to its attention without some expression and the representatives of the Water Board indicated to us that he needed additional time to express those views. Now, I would not like to feel that we have as a Council simply taken action without hearing what I would call expert or professional response to those persons that are in the business. I am neither home builder nor a water person, but I do know how to at least

weigh opinions that have been expressed. I would like to hear from a person who has the kind of responsibility that is related to that responsibility which has been delegated to him under the operations of our City to provide the best possible way of operating our water system. Now to simply not hear his response from the claims of a particular industry in our City, even after he has expressed it, I would favor that position. I think it would not be proper for this Council to take action before hearing it, so I think the real emergency is not how soon we will take action, the real emergency is how soon we'll hear from the Water Board. I would rather act on a motion dealing with instructions to that agency rather than act on a motion dealing with instructions to this Council, because to me this is the real emergency. I have a responsibility to hear from the professionals in this area.

MR. PADILLA: Is there a motion before us?

DR. SAN MARTIN: May we have a motion, Mr. Mayor, Mr. Padilla.

MR. PADILLA: I did not make a motion.

MR. BECKMANN: You did not make a resolution, you were thinking about it.

MR. PADILLA: No, I was.....

MR. BECKMANN: You tangled in all the legal falderal. Where are we now?

MR. PADILLA: I was speaking to your motion, Mr. Beckmann, when I said that as presented I could not support it, but that I could support a resolution though Mr. Crawford ~~does not agree that that's the~~ best way to go to the effect that we suspend if we are to act very quickly in the next couple of days, because I, too, want to hear from the Water Board before anything in final form is done, in my opinion. During my remarks, I believe, you said that you would withdraw and make a motion for this resolution I described. I don't know if you did that or not.

MR. BECKMANN: What you see, I'm sure it's obvious that I would like to answer the problems that are faced by the emergency and give us sufficient time to rework what apparently is a questionable ordinance.

MR. PADILLA: In that much I concur with you.

MR. BECKMANN: That's what I'm driving at, maybe I don't know how to do it.

CITY ATTORNEY REEDER: May be I can help you, Mr. Beckmann and Mr. Al. My name is Reeder not Crawford..... I know you do, but I had to get a laugh out of you. Special meetings of the City Council are called by the Mayor so you don't have to have a resolution. The Mayor could just give notice in writing of a Special Meeting and give it to the City Clerk. Now, what I would suggest you all do is decide whether you want to have a Special Meeting or not, and if so when without any formal motion. I mean you don't have to take a vote and then let the Mayor sign a piece of paper that I'll cause one of my people to write up for him calling a Special Meeting for that time and then I'll worry about the posting of the notice and all that.

MAYOR BECKER: When do you want to have the Special Meeting?

DR. JOSE SAN MARTIN: We have revenue sharing Wednesday.

MAYOR BECKER: That will be a lovely day. That's the day I'd like...

MR. PADILLA: Well, while the Mayor can, as Mr. Reeder says, call a Special Meeting and also Mr. Reeder any three Councilmen can call a Special Meeting or the Manager, I think it's important that before we decide as Council members whether to have this Special Meeting or not that we get pretty much together on what it is we want to consider. Now, I'm not interested in having a Special meeting to repeal the present Ordinance, but I am interested in having a Special meeting to consider a Resolution because that action is not as final at least not in my mind and it does tend to answer the immediate question of loss of jobs and that is the real emergency.

MR. MORTON: May I say something, Mr. Mayor?

MAYOR BECKER: Go right ahead.

MR. MORTON: First of all, press asked me yesterday afternoon, would I vote on this. I will not vote on it for obvious reasons. On the other hand, and I also made this statement that I would not talk to a Councilman on an individual basis regarding it unless they asked me a question. If they asked me I will give you what I believe is the correct answer. But on the other hand, when I see Mrs. Cockrell expressing concern for the fact that these people need time to be prepared, I'd like to elaborate on that just a little bit. I'm sorry that Mr. Kaufmann isn't here because I may be taking a cheap shot, but I would like to say this that since he took a cheap shot at me yesterday afternoon and I really couldn't respond to him in a manner that I would like to. I would like to say this. You noticed he didn't say he was going to come back and request time. He said I will come back and tell you. He used that word three times. When we talked about when he was going to do it. The report that the Builders Association submitted yesterday 90 percent of that information came out of that big, big book that Mr. Zachry was taking credit for. Mr. Zachry had not looked inside of that book. That book was prepared by their accountants, their attorneys, Black & Veatch, as well as their own staff, and the whole report is nothing more than anticipating that this problem was going to come up. If you had wanted to, yesterday afternoon, they could have started their defense immediately because I would say that there is \$100,000 that has been spent in staff time and outside consultants on this question. Now that is it pure and simple. My major concern with the utilities is not this question. It is an attitude that they have that they are not responsive to the public and yet they come up here with the attitude, "we're here for what is best for San Antonio". I think their first loyalty is to that Agency in most cases. There are a few exceptions on those Boards. But I do not feel that this Council has the attitude that the citizens work for us. I do feel that there is a majority of the top management in the Water Board and some of the staff and some of the Board that they really feel it's the other way around and they've forgotten the relationship is "We work for the people". They talk it, but they don't act it. I don't think that we can ignore here this morning the attitude that they had about "how do we work this problem out without giving up any of our positions?", either as a developer or a Water Board. Their attitude was we're going to offer some practical solutions that obviously is unacceptable. Now, that is not in the long range best interest of the City Water Board or the City to come up with something as ridiculous as that kind of an offer if you're correctly stating their position. It's just completely unrealistic.

MR. PADILLA: Mr. Mayor, may I suggest that in an effort to resolve this thing before too much more time passes, and I'm willing to start it myself that you poll the Council very informally as to what when they are willing to meet at a Special meeting and to do, I am willing to meet to consider a Resolution to rescind...

MAYOR BECKER: You are going to hear page and verse verbatim. I can almost quote it myself as to why this Water Board policy should be maintained as it presently is. I guess I've heard it....

MR. PADILLA: I'd like to correct myself, I'm willing to consider a Resolution to suspend, I'm sorry I said rescind.

MAYOR BECKER: The unfortunate facts about all this are that really there's not any way I don't think, to bring about a meeting of the minds between the Water Board and home builders and developers. Unfortunately, that's the situation. I'm not trying to anticipate anybody's actions. I'd have to agree with Mr. Morton, it's just a fact of life, that here we are and there you are and there's no attempt really made to join hands for the betterment of the community.

MR. PADILLA: Well, there's two problems, Mr. Mayor, the immediate one is one of jobs and so forth stopping projects....

MAYOR BECKER: How well I know.

MR. PADILLA: I think the Resolution that I suggest, that I am willing to meet to consider, would answer that immediate problem, and we all know that the Council is going to continue to address the validity of the Ordinance itself, and will take some sort of final action but in the meantime, if we pass a Resolution that will address itself to the immediate problem of letting projects continue.

MAYOR BECKER: I know that this is not part and parcel of what we're talking about here today. I mentioned it once, but I'll repeat it again. As an extension of the philosophies that you're discussing with respect to utilities, the City of San Antonio with respect to the future of this winter at this very time is being toyed with and handled in a capricious fashion only because of a fixation about contractual obligations on the part of this person or that corporation or whoever it is whose hide they are trying to tack on the barn door. And in the interim period, we do not have a satisfactory answer as to what our heating limitations or capabilities are going to be this winter and it's a fact, and I'll defy anybody to take exception to it, it's true. Now, all I want to know is when you all want to meet. I would suggest that we meet with the specific purpose of hearing this thing out and how we can clear the air at this stage of the game, I don't know.

MR. MENDOZA: Well, Mr. Mayor, I'd like to just very briefly.....

MAYOR BECKER: I'm not that optimistic.

MR. MENDOZA: As far as I'm concerned I'd like to say that, first of all, I know we've been, to use your expression, toying around, you know, this problem. It seems to me that the responsibility lies with this Council. To suspend or to do anything else would not be exercising our authority in the area of responsibility. We also have the responsibility or the authority to set a timetable. I think we can do that ourselves. We can say that by next Wednesday, or Thursday, or Friday, or whatever

day we want to set next week, we'd like to get the other side of the coin and possibly be prepared at that time if we feel that we're ready to vote on it, to do so. But, I think we ought to make a decision now that we are going to exercise our authority to set up a date, set up a timetable and instruct or inform the City Water Board that we are doing so, and that we expect some kind of a report from them at this time. If we feel that when we get this report that we should perhaps maybe take the recommendation that Councilman Padilla has made on the suspension, we can do that at that time. But if we don't feel that we have enough information, or if we feel that we should just repeal the Ordinance, well then, I think we should exercise our authority. I think that's why we were elected. To go back and forth, it seems to me like it's just not solving the problem.

DR. SAN MARTIN: Mr. Mayor, may I suggest that Monday morning at 8:30 A. M. and instruct the Chairman of the Board of Trustees, Mr. Kaufmann, that we not only request but that we want him and his Board and his staff to be here at 8:30 on Monday morning and at that time, this Council will take whatever action deems to be necessary.

MR. PADILLA: I'd like to point out that I will not be in town Monday.

MAYOR BECKER: I'd like to suggest that it be Tuesday, if I may, because at 3:00, I have a Public Service Board meeting that I don't want to miss.

DR. SAN MARTIN: Okay, Tuesday at 8:30 A.M., will be fine.

MR. PADILLA: Mr. Mayor, there seems to be a great concern that we are not stumbling on this thing with too much haste. Let me make this suggestion because I think that perhaps Mrs. Cockrell will feel a little bit more comfort in it, as I know I will. Since we talked about Monday and Tuesday, why do we not consider a Resolution? Why do we not put on next Thursday's agenda the consideration of a Resolution to rescind at that time? We're talking about two days with all due respect to the problem and the time element and I think at that time we will be able to accomplish it during our Council meeting.

MAYOR BECKER: When are you going to hear it?

MR. PADILLA: We are going to consider a resolution as I proposed during the meeting next Thursday. We're not going to have a full examination of all the facts at that time, but I think by that time we will have some indication from the Water Board as to when they can respond and we will also have some information from developers as to what the crunch date is and we will also give certain members of the Council the added assurance that we are not trying to go into this thing with an undue amount of haste. I think at that time, we will all be prepared to consider a resolution to rescind.

MAYOR BECKER: How about meeting on Tuesday and hearing about it and then acting on Thursday. It's quarter to two right now, none of us have had lunch. Some of us had a meeting at noon today that we haven't attended yet, the 1:30 zoning cases come up here fifteen minutes ago. There is no way on this earth we can handle this on a Thursday.

MR. BECKMANN: Well, Dr. San Martin, will you put that in a form of a motion?

DR. SAN MARTIN: I move that we have a hearing at 8:30 Tuesday and that the Chairman of the Board of Trustees be advised that this is the time to present whatever evidence. I feel that 99 percent of the evidence

they are going to present, they already know. They know what they are going to present. It's been presented here six months ago.

MR. BECKMANN: I second that motion.

MR. MENDOZA: Can we amend the motion to include that we will take action on Thursday. Some action on Thursday?

DR. SAN MARTIN: It all depends what transpires at the Tuesday meeting. You don't need to lock yourself in, you can, if you wish on Tuesday or leave the final action for Thursday.

MR. MENDOZA: It might help to expedite say for example the reporting system that we're expecting.

MAYOR BECKER: Well, you know, we're not playing alone here. The other people know very well and have known for months, and months and months about the attitude with respect to certain of these policies and more recently this ordinance that was passed in March. They're not strangers to it. To assume that they are is naive. We're all grown men and ladies. We know exactly what their rebuttal is going to be. I can tell you now. Unless they came up here just to prove me wrong which would be a most enjoyable experience, but I don't think that's going to happen either, at least not under those circumstances. So, I think that without locking ourselves in. We can leave Thursday open unless some meeting law or.....

MR. MENDOZA: Well, this is actually the reason.....

MAYOR BECKER:this thing requires.....

MR. PADILLA: Mr. Mayor, I am going to request the Clerk, with the assistance of the City Attorney, if he needs it, as a separate issue from the motion before the House, that he prepare a resolution that we can consider Thursday, to rescind, and I'd like to ask the Clerk to prepare that, and I will submit it to the Council, whether the Council buys it or not that's up to them.....

MAYOR BECKER: We should also have one, if I may suggest, you might as well have a pocket full of them, why not have one that.....

CITY MANAGER GRANATA: To meet the open meetings law, Mayor, put a caption on the agenda for next Thursday to consider action on the City Water Board Extension Policy, then you can have a resolution or.....

MR. MENDOZA: That was my amendment to Dr. San Martin's motion.

MAYOR BECKER: Why not make it all inclusive - rescind, suspend, or any other type of thing so that you have the whole catalogue there in front of you.

CITY MANAGER GRANATA: I think "consider action" will take care of it.

DR. SAN MARTIN: With all consider action that's all you need. It covers a multitude of sins anyways.

MAYOR BECKER: Be prepared though for any eventuality.

MR. PADILLA: Mr. Mayor, I call for the question.

MR. MENDOZA: My amendment, has it been accepted, Doctor, in your motion? Will this be accepted?

MR. PADILLA: I did it as a separate request of my own to the City Clerk.

MAYOR BECKER: All right, now, let's have the resolution.....

DR. SAN MARTIN: This Council hold a special meeting on Tuesday morning at 8:30 A. M., and that the Chairman of the Board of Trustees be advised that this Council expects him and his staff to be present here. If you don't say that they'll come back around Christmas and say we're not ready yet.

MAYOR BECKER: Okay, is there a second to that motion?

MR. BECKMANN: I seconded that motion.

MAYOR BECKER: Okay. Call the roll.

MRS. COCKRELL: I'm voting "no" for the reason that we gave them until Thursday at our meeting yesterday. I think this is unfair. I could not possibly vote for it.

DR. SAN MARTIN: Yes.

MAYOR BECKER: Yes.

REV. BLACK: Yes.

MR. LACY: Yes.

MR. MORTON: Yes.

MR. BECKMANN: Yes.

MR. PADILLA: Yes.

MR. MENDOZA: Yes.

MAYOR BECKER: Okay. So be it. Next Tuesday morning at 8:30 A. M.

CITY MANAGER GRANATA: And Wednesday at 9:00, and the next Thursday at 8:30.

73-43 The meeting was recessed at 1:45 P. M., for lunch and reconvened at 2:40 P. M.

B. CASE 5147 - to rezone a 4.86 acre tract of land out of NCB 14035, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District to "P-1"(R-2) Planned Unit Development Two Family Residential District, located 134' southeast of the intersection of Stockbridge and Big Meadows, being 428.32' northeast of Interstate Highway 10 Expressway; having a maximum width of 380.74' and a maximum depth of 613.55'.

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

No one spoke in opposition.

After consideration, Mrs. Cockrell made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a six foot solid screen fence is erected adjacent to the single family residences to the northwest and northeast property lines. 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, San Martin, Becker, Black, Lacy, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Morton.

AN ORDINANCE 42,691

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 4.86 ACRE TRACT OF LAND OUT OF NCB 14035, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "P-1" (R-2) PLANNED UNIT DEVELOPMENT TWO FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ADJACENT TO THE SINGLE FAMILY RESIDENCES TO THE NORTHWEST AND NORTHEAST PROPERTY LINE.

* * * *

C. CASE 5118 - to rezone Lots 16, 17, and 18, Block 1, NCB 8593, 100 Block of Garner Street, from "B" Two Family Residential District to "B-3" Business District, located on the east side of Garner Street, being 55.43' south of the intersection of Garner Street and Castroville Road; having approximately 145' on Garner Street and a maximum depth of approximately 165'.

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. Beckmann made a motion that the recommendation of the Planning Commission be approved, provided that a six foot solid screen fence is erected along the south and east property lines. 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, San Martin, Becker, Black, Lacy, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Morton.

AN ORDINANCE 42,692

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 16, 17, AND 18, BLOCK 1, NCB 8593, 100 BLOCK OF GARNER STREET, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ALONG THE SOUTH AND EAST PROPERTY LINE.

* * * *

D. CASE 5145 - to rezone the south 140' of the east 120.65' of Lot 2, NCB 10317, 1935 - 1939 Rigsby Avenue, from "B" Two Family Residential District to "B-3" Business District, located northwest of the intersection of Day Road and Rigsby Avenue; having 140' on Day Road and 120.65' on Rigsby Avenue.

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

No one spoke in opposition.

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

AN ORDINANCE 42,693

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 140' OF THE EAST 120.65' OF LOT 2, NCB 10317, 1935 - 1939 RIGSBY AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ALONG THE NORTH PROPERTY LINE.

* * * *

E. CASE 5152 - to rezone Lot 1, and the north 233.28' of Lot 2, Block 3, NCB 14847, Lots 1, 2, and 3, Block 1, NCB 14845, from Temporary "R-1" Single Family Residential District to "B-3" Business District; and Lots 3 through 15 and the south 146.06' of Lot 2, Block 3, NCB 14847, Lots 4 through 13, Block 1, NCB 14845; Lots 1 through 16, Block 2, NCB 14845; Lots 14 through 16, Block 4, NCB 14848, 5000 Block of F. M. 1604 West, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District.

Subject property located southeast of the intersection of the S.A. and A.P. Railroad Tracks and F. M. 1604; having approximately 590.31' on F. M. 1604' and a maximum depth of 2,328.46'. The "B-3" zoning being on the north 351.88' of the subject property and the I-1 zoning being on the remaining portion.

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 a six foot solid screen fence is erected on the property lines adjacent to the residential development. Mrs. Cockrell seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Morton.

AN ORDINANCE 42,694

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, AND THE NORTH
233.28' OF LOT 2, BLOCK 3, NCB 14847, LOTS
1, 2, AND 3, BLOCK 1, NCB 14845, FROM
TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL
DISTRICT TO "B-3" BUSINESS DISTRICT; AND
LOTS 3 THROUGH 15 AND THE SOUTH 146.06'
OF LOT 2, BLOCK 3, NCB 14847, LOTS 4 THROUGH
13, BLOCK 1, NCB 14845, LOTS 1 THROUGH 16,
BLOCK 2, NCB 14846, LOTS 14 THROUGH 16,
BLOCK 4, NCB 14848, 5000 BLOCK OF F. M.
1604 WEST, FROM TEMPORARY "R-1" SINGLE
FAMILY RESIDENTIAL DISTRICT TO "I-1"
LIGHT INDUSTRY DISTRICT, PROVIDED THAT
A SIX FOOT SOLID SCREEN FENCE IS ERECTED
ON THE PROPERTY LINES ADJACENT TO THE
RESIDENTIAL DEVELOPMENT.

* * * *

August 23, 1973
nsr

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F. CASE 5153 - to rezone Lot P-13, NCB 14862, 11900 Block of I. H. 10 Expressway, from "R-1" Single Family Residential District to "B-3" Business District, located on the northwest side of I. H. 10 Expressway being approximately 2,673.09' southeast of the cutback of the intersection of Fredericksburg Road and I. H. 10 Expressway; having 446.99' on I. H. 10 Expressway with a maximum depth of 500'.

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

AN ORDINANCE 42,695

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 P-13, NCB
 14862, 11900 BLOCK OF I. H. 10
 EXPRESSWAY, FROM "R-1" SINGLE FAMILY
 RESIDENTIAL DISTRICT TO "B-3" BUSINESS
 DISTRICT, PROVIDED THAT PROPER
 REPLATTING IS ACCOMPLISHED.

* * * *

A. CASE 5116 - to rezone Lots Red 4 and Red 5, Block 2, NCB 2174, 1221 Ruiz Street, from "C" Apartment District to "B-2" Business District, located on the northeast side of Ruiz Street, being approximately 246.6' northwest of the intersection of Calaveras Street and Ruiz Street; having 50' on Ruiz Street and a depth of 80'.

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

Mr. Marcos Zertuche, representing the applicant, Mr. Mike D. Ferrer, spoke in favor of the application. He said this property has been in use as a grocery store, including the sale of beer to go, since 1937. This use was changed to a bakery from 1964 to 1968. Mr. Ferrer is asking for "B-2" zoning so that he can sell beer to go. He submitted a petition with 20 signatures in favor of the proposed zoning.

No one spoke in opposition.

August 23, 1973
 nsr

After consideration, Mr. Mendoza moved that the recommendation of the Planning Commission be overruled and the application for rezoning be granted. 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, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 42,696

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS LOTS RED 4 AND RED
5, BLOCK 2, NCB 2174, 1221 RUIZ STREET,
FROM "C" APARTMENT DISTRICT TO "B-2"
BUSINESS DISTRICT.

* * * *

73-43 The Clerk read the following letter:

August 17, 1973

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.

August 11, 1973 Petition of Mrs. J. R. Gaston, 2346 Benrus Boulevard, requesting "No Through Traffic" signs at the intersections of Quill Drive at Hillcrest, Benrus at Bandera Road, and Benrus at Ingram Road, to alleviate a traffic problem in the residential area of Woodlawn Hills.

August 16, 1973 Petition of Deane, Strother and Sage, in behalf of Tom Wade, et al, requesting that the City not issue permits for business construction in the area north of Lanark to the Austin Highway and along Walzem Road until the drainage problem in the area has been corrected.

/s/ J. H. INSELMANN
City Clerk

* * * *

There being no further business to come before the Council, the meeting adjourned at 3:10 P., M.

A P P R O V E D



Charles L. Becker

ATTEST: *J. H. Inselmann*
City Clerk

August 23, 1973
nsr

