

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, SEPTEMBER 2, 1982.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Henry Cisneros, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, HARRINGTON, ARCHER, HASSLOCHER, CISNEROS. Absent: NONE.

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82-38 The invocation was given by Reverend S. H. James, Second Baptist Church.

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82-38 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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82-38 MR. LLOYD DENTON

Mayor Cisneros read the following Resolution of Respect:

WHEREAS, The City Council of the City of San Antonio has learned of the passing of one of its outstanding citizens, Mr. Lloyd Denton, and

WHEREAS, Mr. Denton was a devoted public servant, constantly involved in civic activities in order to achieve a quality way of life, and

WHEREAS, Among his many public duties, he served the City over a decade as a member of the San Antonio Transit Board of Trustees and the Metropolitan Transit Authority, and

WHEREAS, Mr. Denton's contribution in the building industry was an invaluable asset to the economic welfare of the City of San Antonio; NOW, THEREFORE:

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

SECTION 1. That with the death of Mr. Lloyd Denton, the City of San Antonio has lost a valued citizen and friend.

SECTION 2. That the Mayor and members of the City Council hereby express their heartfelt regrets on the death of Mr. Denton, and extend to his family their deep and sincere sympathy.

SECTION 3. And it is hereby directed that a copy of this Resolution be spread upon the minutes of this meeting and a copy thereof presented to the members of the bereaved family.

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Mrs. Dutmer moved to approve the Resolution. Mr. Hasslocher seconded the motion.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Alderete.

Mayor Cisneros spoke of the many accomplishments of Mr. Denton. Mayor Cisneros and members of the City Council then presented the Resolution of Respect to Mrs. Denton.

82-38

ROSITA FERNANDEZ ALMAGUER

Mayor Cisneros noted the announced retirement from active entertainment of Mrs. Rosita Fernandez Almaguer, and spoke of the many accomplishments of Mrs. Almaguer under her professional name of "Rosita," stating that she has become a symbol of admiration for thousands. Mayor Cisneros then read the following Proclamation:

This extraordinary City earned its position among America's unique cities because of the many contributions made in the past by special people like you. Our present City is nothing more and nothing less than the sum of all these efforts.

The Mayor and members of the City Council would like to express their appreciation for the many years of enjoyment you have given the citizens of San Antonio through your special gift of entertainment. You will surely be missed as the main attraction of Fiesta Noche Del Rio. Your international fame has brought much recognition to the City and we are proud to claim you as our very own "Rosita".

At this time, the Mayor and City Council call to the attention of all the citizens of San Antonio your very important contributions and hereby proclaim you as

**"BENEFACTORA DE LA COMUNIDAD"**

The community owes you a great debt of gratitude. You should always take great pride in knowing that you have joined the ranks of all eminent San Antonians who have made this City such an exceptional place with such a bright future.

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Ms. Berriozabal spoke of Rosita's many long years combining entertainment with the chores of maintaining a good home and raising children. She spoke of Rosita as a pioneer in the field of business and professional women of San Antonio.

Mayor Cisneros expressed gratitude to Mr. Raul Almaguer for allowing his wife to share her singing talents with San Antonio's citizens.

Mr. Alderete spoke of the many occasions when the Almaguers served as goodwill ambassadors for San Antonio on visits to Mexico and other nations and states.

Mrs. Dutmer spoke of a number of occasions when she worked with Rosita on projects and activities.

Mr. Archer stated that Rosita is the single most celebrated citizen of San Antonio.

Mr. Thompson thanked Rosita for carrying the message of San Antonio to others, through the years.

Mayor Cisneros and other members of the City Council then presented Rosita with the Proclamation, a La Villita plate and a dozen red roses.

82-38 The minutes of the meeting of August 19, 1982 were approved.

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Mr. Webb moved that items 5 - 16 constituting the consent agenda be approved. Mr. Hasslocher seconded the motion. On voice vote, the motion, carrying with it the passage of the Ordinances, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

AN ORDINANCE 55,747

ACCEPTING THE LOW BID OF W. M. SMITH COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH AN AIR COMPRESSOR FOR A TOTAL OF \$4,985.00

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AN ORDINANCE 55,748

ACCEPTING THE LOW BID OF WATER POLLUTION CONTROL CORPORATION TO FURNISH THE CITY OF SAN ANTONIO WITH AERATION EQUIPMENT FOR A TOTAL OF \$127,031.50.

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AN ORDINANCE 55,749

ACCEPTING THE LOW BID OF STURDI-STEEL COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH BLEACHERS FOR A TOTAL OF \$16,448.00.

\* \* \* \*

AN ORDINANCE 55,750

APPROPRIATING \$17,625.00 AND AUTHORIZING THE EXPENDITURE THEREOF FOR THE ACQUISITION OF LAND IN CONNECTION WITH A PROJECT TO PROVIDE ACCESS FROM E. TERMINAL DRIVE TO MCALLISTER FREEWAY SOUTHBOUND.

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AN ORDINANCE 55,751

AUTHORIZING EXPENDITURE OF THE SUM OF \$6,405.00 FOR THE PURPOSE OF ACQUIRING TITLE AND/OR EASEMENTS TO CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

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AN ORDINANCE 55,752

APPROPRIATING FROM CERTAIN FUNDS AMOUNTS IN THE TOTAL SUM OF \$387.00 IN PAYMENT FOR EXPENSES INCURRED IN BROOKSIDE ADDITION - UNSEWERED AREA NO. 86, CROSS CREEK ROAD ACCESS AND ENCINO PARK TREATMENT PLANT ABANDONMENT/NORTHERN HILLS LIFT STATION IMPROVEMENT.

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AN ORDINANCE 55,753

AUTHORIZING A LEASE AGREEMENT WITH LARRY OHLENBURGER FOR LEASE OF SPACE IN LA VILLITA.

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## AN ORDINANCE 55,754

CLOSING AND ABANDONING A PORTION OF PRISCILLA STREET FROM WHITMAN TO WAGNER STREETS BETWEEN NEW CITY BLOCKS 8030 AND 8031, AND AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIM DEEDS TO MARIA G. SANCHEZ, ET AL., THE ADJACENT OWNERS, FOR A CONSIDERATION OF \$1.00.

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## AN ORDINANCE 55,755

AUTHORIZING PAYMENT OF REFUNDS TO PERSONS MAKING OVERPAYMENTS OR DOUBLEPAYMENTS ON 16 TAX ACCOUNTS.

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## AN ORDINANCE 55,756

ACCEPTING THE HIGH BID(S) RECEIVED IN CONNECTION WITH CITY FUNDS AVAILABLE FOR DEPOSIT IN INTEREST-BEARING CERTIFICATES OF DEPOSIT.

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## AN ORDINANCE 55,757

APPROVING THE LIBRARY SYSTEM SERVICES STATE GRANT PROJECT 1982/83 FOR THE PERIOD FROM SEPTEMBER 1, 1982 TO AUGUST 31, 1983; ACCEPTING A GRANT OF \$478,746.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION FOR THE OPERATING COST OF THE PROJECT AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT; ESTABLISHING A FUND; APPROVING A BUDGET AND PERSONNEL POSITIONS.

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82-38 TRAVEL AUTHORIZATION - Granted:

Councilman Joe Webb to travel to Washington, D.C. from September 16, 1982 to September 19, 1982, to attend the Congressional Black Caucus Foundation, Twelfth Annual Legislative Weekend.

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82-38LABOR DAY

Ms. Joan Suarez, representing the AFL-CIO Council, stated that the statue memorial to labor leader and AFL-CIO founder Samuel Gompers is almost complete, and thanked the City Council on behalf of the AFL-CIO and other co-sponsors of the Labor Day celebration upcoming. She invited members of the Council to view the Labor Day parade and to take part in other aspects of the celebration.

Members of the governing board of the AFL-CIO presented tee-shirts to City Council members, the shirts bearing the celebration logo.

Several City Council members congratulated the Council for its work on the Labor Day celebration events.

Mayor Cisneros spoke of the planned attendance for the Labor Day events of Mr. Lane Kirkland, President of the AFL-CIO, and spoke of the Gompers statue as a symbol of labor in San Antonio.

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ZONING HEARINGS

17. CASE 8962 - to rezone Tract A, NCB 11379, in the 1600 Block of Callaghan Road, in the 5400 Block of Old Hwy. 90 West, from "R-A" Residence-Agriculture District to "I-1" Light Industry District, located northeast of the intersection of Callaghan Road and Old Hwy. 90 West, having 800' on Callaghan Road and 1267' on Old Hwy. 90 West.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

Mr. Andy Guerrero, Planning Administrator, stated that of the 27 cards mailed to property owners within 200 feet of the subject property, three were returned in opposition and 13 in favor. He noted that there was opposition present in the audience.

Mr. Edmundo Zaragoza, representing the proponent, stated that the property is pastureland owned by the Centeno family since the 1940's, and the proponent desired to open a quality flea market on the site. He distributed photographs of the area to the City Council.

Mrs. Ernestina Padron, 1919 S.W. 34th Street, San Martin de Porres Area Vice-President of Communities Organized for Public Service (COPS), spoke in opposition to the request, and also distributed other photographs of the area and the surrounding residential area. She stated her belief that the property needs something located on it that would create many good jobs for persons in the neighborhood.

Mrs. Helen Ayala, 106 Heiman, Chairman of the Edgewood Area COPS Economic Development Committee, stated that her group wants only a viable economic development for the Edgewood Area, and spoke in opposition to the request.

Mr. Joe Van de Walle, Jr., 5342 Old Highway 90 West, representing Van de Walle Farms stated that his property has a common boundary with the subject property, and spoke against the request.

In response to a question by Mayor Cisneros, Mr. Guerrero stated that six votes in the affirmative would be needed to approve the zoning request.

Mr. Zaragoza stated that much I-1 light industrial zoning already is present in the area, and noted that the flea market would only be temporary. He spoke of the proponent's willingness to develop the property for other uses. In response to a question by Mr. Thompson, Mr. Eloy Centeno, the proponent, stated that he already has spent some \$50,000 on the property, and provided details of the planned flea market operation.

Mr. Thompson spoke against the projected use, but spoke in favor of an industrial usage for the property that would be beneficial to the economics of the area. He spoke against any zoning that would permit sale of alcoholic beverages in the area.

Mr. Archer spoke against the request and the disadvantages of living close to a flea market.

Mrs. Dutmer spoke of having to remind the proponents to clean this land in the past, and stated her dissatisfaction with flea market visitors and their failure to observe the rights of neighbors. She also spoke against I-1 light industrial zoning on so large a tract of land.

In response to a question by Ms. Berriozabal, Mrs. Ayala discussed attempts by COPS to speak with the proponents about the development, and the need for both sides to get together to talk over the issues involved. She spoke in support of efforts of residents in the neighborhood seeking to develop their area to economic advantage.

In response to a question by Mr. Wing, Mr. Guerrero discussed the various allowed uses under an R-A agricultural zoning.

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Mr. Alderete discussed other possible zoning uses for the land. He also spoke of a possible postponement of the matter so that the proponents can re-study their options.

Mr. Alderete moved to approve a B-3R zoning for the property, but the motion died for lack of a second.

Mr. Thompson moved that the recommendation of the Zoning Commission be denied. Mrs. Dutmer seconded the motion. On roll call, the motion to deny the requested rezoning prevailed by the following vote: AYES: Berriozaba Webb, Dutmer, Eureste, Thompson, Alderete, Harrington, Archer, Cisneros; NAYS: Wing, Hasslocher; ABSENT: None.

Case 8962 was denied.

82-38

CITY-COUNTY CONTRACTS

Mayor Cisneros stated that County Commissioner John Steen has proposed a compromise on the matter of City-County contracts, and spoke in favor of cooperative efforts of City and County in this area.

Mr. John Steen, County Commissioner, stated that County Commissioners Court has endorsed his compromise plan. He distributed printed copies of the proposal to members of the City Council, a copy of which is a part of the papers of this meeting. He spoke to specific proposals for Emergency Medical Services, library services and services of the Metropolitan Health District for Bexar County residents. Mr. Steen stated further that Commissioners Court would be meeting tomorrow on these matters.

Mr. Alderete moved to accept the compromise proposal. Mr. Archer seconded the motion.

Mayor Cisneros spoke of the issue as a good compromise, a middleground that keeps alive the matter of City-County cooperation. He asked Mr. Steen to work to resolve, in the future, such matters between City and County.

Mr. Hasslocher spoke on the matter of EMS collections, and asked if Bexar County was prepared to guarantee the amount noted as collectable by the Bexar County Hospital District in the proposed compromise. He also spoke to past problems in negotiating these issues.

Mr. Steen stated that billing and collections, under the proposal, would be transferred to Bexar County Hospital District, and the District would absorb any losses.

Mr. Louis J. Fox, City Manager, stated that the City's current EMS collection system can collect some \$500,000 per year, and stated further that there are many issues involved in EMS operations, and spoke to several. Mr. Fox stated that in any joint agreement, resolution will also be needed on a number of other matters such as the jail prisoner charges, etc., all of which bear on the total picture of City-County relations.

A discussion then took place concerning the expected \$1.2 million such a compromise agreement would input into the new City budget, if approved, and the ability of Bexar County to get along without library bookmobile services.

In response to a question by Mr. Thompson, Mr. Steen estimated that Bexar County's year-end balance should be about \$3-4 million, and noted that the controversy over City-County contracts has been a matter of principle, not one of money.

Mrs. Dutmer made an amended motion that after the \$118,294 in administrative costs has been recovered by the Bexar County Hospital District under the proposed 75%-to-BCHD/25%-to-the-City formula, all remaining collections are to be returned to the City of San Antonio to be used to expand EMS services such as the long-range plan to phase-in four additional EMS units. Mr. Thompson seconded the motion.

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Mrs. Dutmer then made a secondary amended motion that the cost to keep City prisoners in Bexar County Jail will not be increased. Mr. Alderete seconded the motion.

Mr. Webb spoke to the ability of BCHD being able to do a better collection job of EMS billings.

In response to a question by Mr. Harrington, Mr. Fox stated that the function of collecting for EMS services would be transferred to BCHD, and those employees of the City now working in that area would be given the opportunity to work into other City jobs.

In response to another question by Mr. Harrington, Mayor Cisneros spoke to the proposed splitting the difference in the library services payment.

In response to a question by Mr. Alderete, Mr. Fox stated that additional revenues would be welcomed by the City for inclusion in its new budget, and that if the City Council is changing its policy of having a set formula for pricing of City services, he can live with this. He further stated that the Council needs to set in concrete a formula that would avoid such problems each year that City-County contracts expire.

Following discussion of the amendments and whether the County will agree to the conditions discussed, Mayor Cisneros stated that Mr. Steen had broached a compromise on three points, and the Council will need to approve or disapprove the proposed compromises. Mayor Cisneros stated that he does not feel that the jail prisoner matter should be linked with this issue, at this time.

Mr. Eureste spoke in support of the main proposals, in addition to the EMS administration amendment. He stated that the City would be protected on per-capita jail fees by the contract currently in force. He also spoke in favor of five-year contracts for such services with Bexar County, with perhaps a 5% escalator clause, and asked that this feeling be conveyed to Commissioners Court.

(At this point, Mayor Cisneros was obliged to leave the meeting; Mayor Pro Tem Webb presided.)

Mr. Hasslocher spoke in favor of asking the County for an additional \$150,000, stating that the City needs a minimum of \$555,300 for EMS service to Bexar County, in order to break even.

Mr. Wing asked Bexar County Commissioners to look into the possibility of reopening closed health clinics in Bexar County.

(At this point, Mayor Cisneros returned to the meeting to preside.)

After discussion, the secondary amended motion failed to carry by the following vote: AYES: Webb, Dutmer; NAYS: Berriozabal, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; ABSENT: None.

The first amended motion then prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

Mr. Hasslocher made an amended motion that Bexar County guarantee a minimum of \$555,300 for EMS service, and that an additional \$150,000 also be paid by Bexar County for the City-provided services. Mr. Harrington seconded the motion.

After consideration, the amended motion failed to carry by the following vote: AYES: Wing, Harrington, Hasslocher; NAYS: Berriozabal, Webb, Dutmer, Eureste, Thompson, Alderete, Archer, Cisneros; ABSENT: None.

Mr. Eureste then made an amended motion to request City staff to begin studying a proposal for a five-year contract for City-County services, with an escalator clause based upon either a formula or on increased costs. Mr. Archer seconded the motion.

At this point, Mr. Archer asked that the study also include other City-County items. It was accepted by maker and seconded as part of the amended motion.

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After discussion, the motion prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

Mr. Alderete asked that a commission of City and County officials be named to explore a possible joint City-County complex.

The main motion, as amended, then prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Archer, Cisneros; NAYS: Harrington, Hasslocher; ABSENT: None.

Mr. Steen thanked the Council for its consideration, and spoke of his hope for continued good relations between City and County.

Mayor Cisneros stated that the City would draft a proposed Ordinance for consideration after County Commissioners Court enacts the necessary legislation.

82-38 The Clerk read the following Ordinance:

AN ORDINANCE 55,758

AMENDING CHAPTER 36 (SUBDIVISIONS) OF THE CITY CODE SO AS TO REVISE THE REGULATIONS FOR WATER SERVICE, SYSTEM EXTENSION, AND SERVICE LINE INSTALLATION ("REGULATIONS"); MAKING CERTAIN DETERMINATIONS OF FACT AS A BASIS FOR THE ADOPTION OF SUCH AMENDMENTS; AND ADOPTING SUCH REGULATIONS AS REVISED.

\* \* \* \*

Mayor Cisneros briefly explained the request of City Water Board.

Dr. Jose San Martin, Chairman of the trustees of the City Water Board, provided a brief background of the request for an Ordinance, stating that it is the result of two joint meetings of the City Water Board trustees and the City Council, and follows elimination of the Community Water Development Fund.

Mrs. Dutmer moved to approve the Ordinance. Mr. Harrington seconded the motion.

Mr. Eureste made an amended motion that this action be viewed as interim policy, to be reviewed in not less than eight months, and that during that time, City Water Board and the City Planning Department staff work together (a) to review and make recommendations on correction refund schedules, and (b) to review policy on major transmission extensions. Ms. Berriozabal seconded the motion.

Mr. Arthur Troilo, CWB attorney, stated his opinion that the City Council must assure that the regulations in this Ordinance are, in fact, in effect, noting that the Council can always make changes in policy matters.

Ms. Sonia Hernandez, Executive Secretary of Communities Organized for Public Service (COPS), urged that this package be reviewed by the Council in eight months.

A brief discussion took place concerning alleged verbal attacks on public figures.

Ms. Angie Becker, representing the Metropolitan Congregational Alliance urged these policies be considered interim policies.

Mr. Ted Foote, MCA, spoke of the new provisions on per-lot refunds to developers, and urged further consideration of additional cuts in refunds. He stated his belief that new customers should bear the costs of new water mains.

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Mr. Arthur Martinez, MCA, stated his belief that better policies can be developed, with new water customers bearing the costs of new water mains.

Mr. Carl Bond, representing the Greater San Antonio Chamber of Commerce stated that the Chamber of Commerce endorses the new policies, and offered to assist in developing new policies in the future. He urged the Council to consider the impact of the new policies, and asked that no further burden be placed on developers.

Mr. Cliff Terrell, Chairman of the Governmental Relations Committee of the North San Antonio Chamber of Commerce, spoke in support of the changes, stating that they are fair to all. He noted that business needs stable, consistent policies in this area, and urged that any new policies consider the impact upon business and industrial development of San Antonio.

Mr. Bill Schlansker, representing the Greater San Antonio Homebuilders Association, stated that water is vital to growth, and spoke in endorsement of the new policies. He then spoke against any more changes that would adversely impact development.

Mr. Art Burdick, President of the Greater San Antonio Homebuilders Association, stated that all concerned need to help hold down the cost of new homes. He spoke to the importance of maintaining San Antonio's image of positive growth, and stated his concern that the amendment to review these policies in eight months will hamper developers of projects which will take longer than eight months to get underway.

Mrs. Dutmer spoke of her concern with the eight-month provision for review, stating that she is not in favor of halting all reimbursements to developers.

Mr. Harrington spoke against the amendment, stating his belief that new homeowners will be the ones to bear the impact of the new policies.

Mr. Eureste stated that most new homes today are being built outside the city limits, and spoke of the need for equity in development. He further stated that current policies on water extension subsidize developers, and that now, we are reaching for a balance.

Mr. Thompson stated that Council plans only to review these policies in eight months, not necessarily to change them.

After discussion, the amendment prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Eureste, Thompson, Alderete, Cisneros; NAYS: Dutmer, Harrington, Archer, Hasslocher; ABSENT: None.

The main motion, as amended, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: Dutmer; ABSENT: None.

82-38 The Clerk read the following Ordinance:

AN ORDINANCE 55,759

APPROVING AND ADOPTING ADJUSTED CHARGE SCHEDULES DETAILING COSTS, FEES, AND CHARGES IMPOSED UNDER THE REGULATIONS FOR WATER SERVICE, SYSTEM EXTENSION, AND SERVICE LINE INSTALLATION; AND APPROVING A SEVERABILITY CLAUSE.

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Mr. Thompson moved to approve the Ordinance. Mr. Alderete seconded the motion.

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In response to a question by Mr. Eureste, Mr. Louis J. Fox, City Manager, stated that he would research the cost of new homes in San Antonio.

Dr. Jose San Martin, Chairman of Trustees of the City Water Board, stated that the fees stated in this Ordinance are based on actual cost of services.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Eureste, Thompson, Alderete, Archer, Cisneros; NAYS: Dutmer, Harrington, Hasslocher; ABSENT: None.

82-38 The Clerk read the following Resolution:

A RESOLUTION  
NO. 82-38-46

AUTHORIZING THE WATER WORKS BOARD OF TRUSTEES TO TRANSFER \$2,000,000 FROM THE SURFACE WATER CONSTRUCTION PROGRAM TO THE PLASTIC WATER SERVICE LINE REPLACEMENT PROGRAM.

\* \* \* \*

Mrs. Dutmer moved to approve the Resolution. Ms. Berriozabal seconded the motion.

Mayor Cisneros provided a brief background of the plastic pipe replacement program, stating that City Water Board members reportedly do not want to tap the surface water fund in order to fund the plastic pipe replacement program.

Mr. Robert Van Dyke, General Manager, City Water Board, stated that the City Water Board is requesting withdrawal of its previous Resolution, requesting transfer of some \$2 million to the plastic pipe replacement program, stating that work will continue using City Water Board forces for the remainder of this fiscal year.

Mayor Cisneros stated that the City Council can give direction to the City Water Board, but it is not binding, being only a suggestion.

A discussion then took place on the action of last week and the request by City Water Board for funds for the plastic pipe replacement program.

In response to a question by Mayor Cisneros, Mr. Louis J. Fox, City Manager, stated that City staff is recommending that a loan be taken from the surface water construction program to fund the plastic pipe replacement program.

In response to a question by Mr. Eureste, Dr. Jose San Martin, Chairman of Trustees of the City Water Board, stated that the City Water Board had requested \$2 million from the substandard water main replacement fund to be placed in the plastic pipe replacement program.

Mr. Eureste stated that he felt that the request to withdraw the City Water Board Resolution cannot be dealt with because the City Water Board has not met formally to consider the withdrawal request.

Ms. Berriozabal expressed concern about the report she received in response to her questions last week. She stated that the question on the status of the water leak repairs was not included. She called attention to the condition of Morales Street.

Ms. Berriozabal made an amended motion that within seven days, she want a written report from City Water Board on the status of the plastic pipe replacement program, by Council district and the number of repairs made by street block; and that within seven days, she also wants a written report from City Water Board on the status of work being done on the substandard main replacement program, specifically, the level of activity and a plan of action

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listing projects with start-up dates, completion dates and estimated expenditures. Mr. Alderete seconded the motion.

Mr. Van Dyke stated that the City Water Board now is writing a computer program that will show these repairs, by street address, and it should be ready by October 1.

Mrs. Lilly Lopez, Communities Organized for Public Service (COPS), stated that COPS wants more plastic pipe replacement done on the south and west sides of the city, and spoke against taking funds from the substandard main replacement fund.

Mr. James Foster, representing the east side COPS, stated his concern that replacement of substandard mains is not proceeding adequately, and spoke against subsidizing other work at the expense of the inner-city residents. He stated that his organization is in favor of the motion for a report on the level of activity in this area within seven days.

Sister Rose McCue stated that there is not enough water pressure on the east side mains to fight fires.

Father Bob Gonzalez stated that economic development will not come to the east side because it has too many remaining two-inch water mains serving the area.

Ms. Sonia Hernandez, COPS, spoke to the lack of clarity of City Water Board reports, and stated her belief that the City should consider taking over the City Water Board.

Mrs. Dutmer stated that leaking plastic pipes are affecting many area water wells because of the substantial water loss from those leaks, and stated her belief that the City Water Board does not want to use surface water funds because it could affect the City Water Board's request for a permit to construct the Applewhite Reservoir.

Mr. Wing made an amended motion to instruct the City Manager to report on the feasibility of taking over the City Water Board by the City of San Antonio. Mr. Webb seconded the motion.

In response to a question by Mr. Thompson, Dr. San Martin stated that he did not know the effect that using funds from the surface water program would have on the Applewhite permit request.

Mr. Hasslocher stated his belief that the City should use the \$1.2 million windfall from Bexar County, to be realized from costs of City-County contracts next fiscal year, for plastic pipe replacement.

A discussion took place concerning manual compilation of locations where plastic water lines have been replaced, by Council district.

Mr. Archer stated that a "B" Session is needed to see about appointing a committee to study the entire question of water for San Antonio.

Mr. Eureste spoke of his concern that City Water Board did not conduct an open public meeting on its decision to seek withdrawal of the City Water Board Resolution.

A discussion then took place concerning conversations between Mayor Cisneros and Mr. Tom Fox, Executive Director of Edwards Underground Water District, on possible usage of Edwards Underground Water District resources for the plastic pipe replacement program.

After consideration, the second amended motion concerning information relative to the feasibility of the City taking over the City Water Board failed to carry by the following vote: AYES: Berriozabal, Webb, Wing, Eureste, Alderete; NAYS: Dutmer, Thompson, Archer, Hasslocher, Cisneros; ABSENT: Harrington.

The first amended motion concerning the two City Water Board reports to be prepared within seven days relative to plastic pipe replacement and substandard main replacement then prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Eureste, Alderete; NAYS: Dutmer, Thompson, Archer, Hasslocher, Cisneros; ABSENT: Harrington.

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zabal, Webb, Wing, Eureste, Thompson, Alderete, Cisneros; NAYS: Dutmer, Archer, Hasslocher; ABSENT: Harrington.

The main motion, as amended, carrying with it the passage of the Resolution, then prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Harrington.

ZONING HEARING (continued)

18. CASE 8946 S.R. - to rezone Lots 31 and 32, Block K, NCB 11559, 2102 Bandera Road, from "A" Single Family Residence to "R-3" Multiple Family Residence District for a day care center caring for over twenty (20) children, located on the northeast side of Bandera Road, being 170' northwest of the intersection of Bandera Road and Skyview Drive having 300.1' on Bandera Road and a maximum depth of 181.7'.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

Mr. Andy Guerrero, Planning Administrator, stated that of the 15 notices mailed out to property owners within 200 feet of the subject property, two notices were returned in opposition to the request and five in favor. He noted that there was opposition present in the audience today.

Mr. John R. Pollock, proponent, explained his planned use for the property as a day care center for more than 20 children.

Mrs. Letricia Pollock detailed the need in the area for such a center.

Mr. William T. Wheeler, 4730 View Drive, spoke against encroachment of such uses into older residential neighborhoods, and stated that he fears a request for business use on this property later.

Mrs. Joe Bonugli, 130 West Skyview, spoke of previous objections being raised to other requests by this proponent for changes to the zoning on this property.

Mr. Pollock stated that he is planning to erect a double privacy fence some 40 feet into his property from the rear property line in order to buffer adjacent residents from the children's playground.

Mr. Wheeler spoke of Mr. Pollock running his plumbing business from his home on the property, and also spoke to advertisement for the plumbing business in the Yellow Pages of the telephone book, listing that address.

After discussion, Mr. Harrington moved to deny the recommendation of the Zoning Commission. Mr. Wing seconded the motion.

Mr. Alderete spoke to the possibility of rezoning the property to R-1, which would allow for care of 10 children at a day care center; or perhaps an R-2, which would allow 15 children to be cared for.

Mr. Alderete made a substitute motion to grant an R-1 zoning with special permission to care for up to 10 children. The motion died for lack of a second.

Several Council members spoke of their concern for intrusion of such a use into a residential area.

Mr. Alderete made a substitute motion to grant an R-1 zoning with special permission to care for up to 10 children. Mrs. Dutmer seconded the motion.

After consideration, the substitute motion failed to carry by the following vote: AYES: Berriozabal, Dutmer, Alderete, Cisneros; NAYS: Wing, Thompson, Harrington, Archer, Hasslocher; ABSENT: Webb, Eureste.

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The main motion to deny the recommendation of the Zoning Commission then prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

Case 8946 S.R. was denied.

19. CASE 8956 - to rezone the south irr. 332.2' of the north 522.2' of the east 490.4' of tract 7-B, NCB 10928, 7827 Old Corpus Christi Road, from "B" Residence District to "I-1" Light Industry District, located on the southwest side of Old Corpus Christi Road, being approximately 362' northwest of the intersection of Dan's Court and Old Corpus Christi Road, having 332.2' on Old Corpus Christi Road and a maximum depth of 490.4'.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

No citizen appeared to speak in opposition.

After discussion, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished if necessary, and that the applicant work with the Traffic Engineering Division for street dedication if necessary. Mr. Thompson seconded the motion. On voice vote, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Thompson, Alderete, Harrington, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb, Eureste, Archer.

AN ORDINANCE 55,760

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH IRREGULAR 332.2' OF THE NORTH 522.2' OF THE EAST 490.4' OF TRACT 7-B, NCB 10928, 7827 OLD CORPUS CHRISTI ROAD, FROM "B" RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED IF NECESSARY AND THAT THE APPLICANT WORK WITH THE TRAFFIC ENGINEERING DIVISION FOR STREET DEDICATION IF NECESSARY.

\* \* \* \*

20. CASE 8959 - to rezone a 1.878 acre tract of land out of Lots 4 and 5, NCB 8406, being further described by field notes filed in the Office of the City Clerk, in the 3400 Block of Fredericksburg Road, from "F" Local Retail District to "B-3" Business District, located on the southwest side of Fredericksburg Road, being approximately 1150' northwest of the intersection of Fredericksburg Road and Babcock Road having 282' on Fredericksburg Road and a depth of 290.15'.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

No citizen appeared to speak in opposition.

After consideration, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished if necessary, and that the applicant work with the Traffic Engineering Division for proper ingress and egress, and for street dedication. Mr. Wing seconded the motion. On voice vote, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Thompson, Alderete, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb, Eureste, Harrington, Archer.

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## AN ORDINANCE 55,761

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 1.878 ACRE TRACT OF LAND OUT OF LOTS 4 AND 5, NCB 8406, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 3400 BLOCK OF FREDERICKSBURG ROAD, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED IF NECESSARY, AND THAT THE APPLICANT WORK WITH THE TRAFFIC ENGINEERING DIVISION FOR PROPER INGRESS AND EGRESS, AND FOR STREET DEDICATION.

\* \* \* \*

21. CASE 8964 - to rezone the remaining portion of Lots 10 and 11, Block 1, NCB 16198, in the 5300 Block of U.S. Highway 87 East (Rigsby Avenue), from Temporary "R-1" One Family Residence District to "B-3R" Restrictive Business District, located on the southside of U.S. Highway 87 East, being approximately 540' east of intersection of Bermuda Drive and U.S. Highway 87 East, having 120' on U.S. Highway 87 East and depth of 30'.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

No citizen appeared to speak in opposition.

Mrs. Dutmer stated that she has no objections to a sign on this property so long as the property is kept clean.

After consideration, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved. Mr. Wing seconded the motion. On voice vote, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Thompson, Alderete, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb, Eureste, Harrington.

## AN ORDINANCE 55,762

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 REMAINING PORTION OF LOTS 10 AND 11, BLOCK 1, NCB 16198, IN THE 5300 BLOCK OF U.S. HIGHWAY 87 EAST (RIGSBY AVENUE) FROM TEMPORARY "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT.

\* \* \* \*

82-38

CITIZENS TO BE HEARD

MRS. DORIS TAYLOR

Mrs. Taylor, representing the ROBBED organization, read to the Council a prepared proposal submitted by San Antonio ROBBED, a copy of which is a part of the papers of this meeting, dealing with "Reclaim America Week," and asked that the Council consider setting a Resolution for next week's Council meeting for action, so that a copy can be hand-carried to the Conference in Philadelphia September 11 - 14, 1982.

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Mayor Cisneros noted that the request also involved some \$2,959 in City funds to pay for bus transportation, lodging and conference registration for 11 persons from San Antonio, and stated his concern that allocating City funds for this use would set a precedent.

Mr. Webb moved to accept the Resolution proposed and schedule it for consideration at next week's City Council meeting. Ms. Berriozabal seconded the motion.

Mr. Webb made an amended motion to approve the proposal to fund the trip for 11 persons from San Antonio. The motion died for lack of a second.

After consideration, the main motion prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Cisneros; NAYS: None; ABSENT: Alderete, Harrington, Archer, Hasslocher.

82-38 The Clerk read the following Ordinance:

AN ORDINANCE 55,763

AUTHORIZING AN AGREEMENT WITH TEXAS A & M ENGINEERING EXTENSION SERVICE FOR SAID SERVICE TO PRESENT TWO TRAINING COURSES TO CERTAIN PUBLIC WORKS EMPLOYEES IN THE WASTEWATER DIVISION, AND PROVIDING FOR PAYMENT.

\* \* \* \*

Mr. Wing moved to approve the Ordinance. Mr. Thompson seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Hasslocher, Cisneros; NAYS: None; ABSENT: Alderete, Harrington, Archer.

82-38 The Clerk read the following Ordinance:

AN ORDINANCE 55,764

AUTHORIZING THE SUBMISSION OF THE FY'83 COMPREHENSIVE EMPLOYMENT AND TRAINING PLAN OF THE ALAMO CONSORTIUM TO THE DEPARTMENT OF LABOR; ACCEPTING THE GRANTS UNDER THE VARIOUS CETA PROGRAMS; APPROVING THE BUDGETS; ESTABLISHING FUNDS AND ACCOUNTS FOR THE PROGRAM YEAR; APPROVING A STAFF COMPLEMENT AND BUDGET FOR THE CITY'S CETA PROGRAM; AND AUTHORIZING EXECUTION OF THIRD-PARTY AGREEMENTS WITH PROGRAM OPERATORS CONTINGENT UPON FINAL FUNDING ALLOCATIONS FROM THE DEPARTMENT OF LABOR.

\* \* \* \*

Mr. Archer moved to approve the Ordinance. Mr. Alderete seconded the motion.

(At this point, Mayor Cisneros was obliged to leave the meeting. Mayor Pro Tem Webb presided.)

Mr. Arturo Alonzo, Jr., representing the Texas A&M Engineering Extension Service, stated his concern with the allocating of training funds in San Antonio through the CETA program, stating his belief that they are too thinly distributed, thus diluting the overall program.

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In response to a question by Mrs. Dutmer, Mr. Narcisco Cano, Director of the Department of Economic and Employment Development, spoke to the distribution of funds for administrative portions of various programs, noting that some programs have a larger allocation of administration funds because they administer more programs.

Mrs. Dutmer expressed her concern with the small allocation of funding for Texas A&M, when at the same time the City is asking them to bring other functions of the university to San Antonio.

In response to a question by Mr. Webb, Mr. Cano stated that administration of CETA programs encompasses about 20% of funding.

Mr. Thompson compared several agencies with differing administrative cost ratios.

(At this point, Mayor Cisneros returned to the meeting to preside.)

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Eureste, Thompson, Alderete, Archer, Hasslocher, Cisneros; NAYS: Dutmer; ABSENT: Harrington.

82-38 The Clerk read the following Ordinance:

AN ORDINANCE 55,765

APPROPRIATING \$5.5 MILLION IN URBAN DEVELOPMENT ACTION GRANT FUNDS FOR USE IN LAND ACQUISITION, RELOCATION, DEMOLITION, CONSTRUCTION AND ADMINISTRATION IN THE VISTA VERDE SOUTH PROJECT.

\* \* \* \*

Mr. Alderete moved to approve the Ordinance. Mr. Wing seconded the motion.

In response to a question by Mr. Thompson, Mr. David Garcia, Vista Verde South project coordinator, spoke to the timetable involving Mr. Frank Dominguez, project developer, noting that Mr. Dominguez has until December 1, 1982 to show evidence of having secured the necessary funding for the Vista Verde South development project. Mr. Garcia stated that if Mr. Dominguez cannot produce such assurance by that time of having the necessary \$7 million, he will forfeit the \$2.5 million he already has invested in the project.

Ms. Jane Macon, City Attorney, stated that if the project developer defaults, the City has recourse to sue for damages.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Archer, Cisneros; NAYS: None; ABSENT: Harrington, Hasslocher.

82-38 The City Council recessed the meeting at 8:10 P.M. for supper, reconvening at 8:45 P.M.

82-38 The Clerk read the following Ordinance:

AN ORDINANCE 55,766

APPROVING A CONTRACT FOR AN ENERGY STUDY AND APPROPRIATING \$46,400.00 FROM THE GENERAL FUND CONTINGENCY THEREFOR.

\* \* \* \*

Mr. Archer moved to approve the Ordinance. Mr. Wing seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Alderete, Harrington, Archer, Cisneros; NAYS: None; ABSENT: Eureste, Thompson, Hasslocher.

82-38 The Clerk read the following Ordinance:

AN ORDINANCE 55,767

INCREASING PARKING RATES AT THE RIVER BEND  
PARKING GARAGE AND PROVIDING FOR LONG TERM  
CONTRACT PARKING AGREEMENTS WITH INDIVIDUALS  
OR COMPANIES.

\* \* \* \*

Mr. Archer moved to approve the Ordinance. Mr. Wing seconded the motion.

Mrs. Dutmer expressed her concern for the planned higher costs for the parking garage usage, stating her opinion that it will discourage citizens from coming downtown.

Mr. Louis J. Fox, City Manager, stated that the Certificates of Obligation that financed the River Bend Parking Garage are paid for by the revenues produced by the garage. He further stated that if the City does not get the higher rates, it cannot meet the costs to finance the bonds. He then spoke of his belief that the demand is there for use of the garage, despite the higher costs.

Mrs. Dutmer made a substitute motion to leave the monthly parking rate on the River Bend Parking Garage at its present \$30 in lieu of the proposed \$50, and accept staff recommendations on the remainder of the charges. Mr. Alderete seconded the motion.

A discussion took place concerning break-even costs and usage rates on the parking garage.

Ms. Berriozabal made a second substitute motion to maintain the current rate schedule for the River Bend Parking Garage. Mr. Webb seconded the motion.

Mr. Thompson and Ms. Eureste both spoke in support of staff recommendations on the rates, in order to maintain debt service requirement fulfillments.

Mr. Webb spoke in support of holding the line on the rates, stating that it would cost the City only \$88,000 next year to do so.

After consideration, the second substitute motion failed to carry by the following vote: AYES: Webb; NAYS: Berriozabal, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; ABSENT: None.

The first substitute motion also failed to carry by the following vote: AYES: Dutmer; NAYS: Berriozabal, Webb, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; ABSENT: None.

The main motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: Webb, Dutmer; ABSENT: None.

82-38

DISCUSSION OF ANNEXATION PROCEDURES

Mr. Louis J. Fox, City Manager, spoke of several requests for annexation by areas outside the present city limits, and asked Council to reinstate its

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former Annexation Committee in order to study several such requests for annexation by the City of San Antonio.

After discussion of proposed annexation areas and staff recommendations, Mr. Alderete moved to approve the City staff recommendation to reinitiate the Annexation Committee. Mr. Wing seconded the motion. On voice vote, the motion prevailed by the following vote: AYES: Dutmer, Wing, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: Berriozabal, Webb, Eureste, ABSENT: None.

82-38

AUDIT COMMITTEE

Mayor Cisneros asked that three members of City Council serve on a Council Audit Committee, to be chaired by Mr. Wing.

82-38 The Clerk read the following Ordinance:

AN ORDINANCE 55,768

APPOINTING FIVE COUNCIL MEMBERS TO SERVE ON THE LOCAL GOVERNMENT APPROVAL COMMITTEE WHICH MUST APPROVE ALL RATES, FARES, TOLLS, CHARGES, RENTS, OR OTHER COMPENSATION ESTABLISHED BY VIA METROPOLITAN TRANSIT SYSTEM.

\* \* \* \*

Mayor Cisneros asked Councilwoman Dutmer to chair the Local Government Approval Committee for VIA Metropolitan Transit matters, and also asked Council members Archer, Thompson, Berriozabal and Wing to serve.

After discussion, Mr. Archer moved to approve the Ordinance. Mr. Harrington seconded the motion. On voice vote, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

82-38 The Clerk read the following Ordinance:

AN ORDINANCE 55,769

WAIVING THE FEE FOR THE EXHIBIT HALL FOR NOVEMBER 24, 1982 THANKSGIVING DINNER FOR SENIOR CITIZENS.

\* \* \* \*

Mr. Archer moved to approve the Ordinance. Mr. Wing seconded the motion.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: Dutmer; ABSENT: None.

82-38 The Clerk read the following Ordinance:

AN ORDINANCE 55,770

AMENDING ORDINANCE NO. 55329 AND PROVIDING FOR ALLOCATION OF FUNDS FOR DISBURSEMENT

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FROM THE CITY GENERAL FUND BUDGET.

\* \* \* \*

Mr. Harrington moved to approve the Ordinance. Mr. Archer seconded the motion.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

82-38 The Clerk read the following Resolution:

A RESOLUTION  
NO. 82-38-47

ACCEPTING A GIFT FROM THE BEAUTIFY SAN ANTONIO ASSOCIATION OF A REPLICA OF THE LIBERTY BELL, TOGETHER WITH A PEDESTAL THEREFOR AND INSTALLATION THEREOF, AND EXPRESSING THE CITY'S SINCERE APPRECIATION FOR THIS GIFT.

\* \* \* \*

Mr. Archer moved to approve the Resolution. Mr. Wing seconded the motion.

After discussion, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

82-38 TRAVEL AUTHORIZATION - Granted:

Councilwoman Berriozabal to travel to Minneapolis, Minnesota September 8 - 10, 1982 to attend the Human Development Steering Committee meeting.

\* \* \* \*

82-38 The Clerk read the following Ordinance:

AN ORDINANCE 55,771

WAIVING THE RENTAL FEES FOR THE USE OF THE CONVENTION CENTER FACILITIES IN CONJUNCTION WITH A JOB FAIR FOR THE UNEMPLOYED TO BE HELD NOVEMBER 8TH AND 9TH, 1982 BY THE SAN PEDRO HILLS LIONS CLUB.

\* \* \* \*

Mr. Harrington moved to approve the Ordinance. Mr. Hasslocher seconded the motion.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: Webb, Dutmer; ABSENT: None.

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82-38 The Clerk read the following Ordinance:

AN ORDINANCE 55,772

PROVIDING FOR MUNICIPAL COURT POLICY  
GUIDELINES.

\* \* \* \*

Mayor Cisneros stated that Mr. Wing and his committee performed much hard work on this report.

Mr. Wing then made the following report:

The Committee was charged with the task of looking into the following major areas of concern to the public, and to the Mayor and City Council of the City of San Antonio:

1. Operation of Municipal Court;
2. Need for a full time Environmental Court;
3. Allegations of preferential treatment by Judges;
4. Allegations of abuse of judicial discretion.

During our study and evaluation of the allegations, we found that there is reason for concern. After a series of meetings (with input from the public, City Council members, City Manager, City Attorney, Presiding Judge of Municipal Court, Municipal Court Administrator, Fire Chief, Deputy Chief of Police and City Departmental Representatives who have an inspection function) the Committee analyzed pertinent data and inspected the physical layout of Municipal Court. The Committee has concluded the following:

To improve productivity of the administrative operations at the Municipal Court, personnel need to be added. In the Environmental Court, we found that to date the case load keeps increasing and at present has two days in which cases are heard and adjudicated. The Committee feels that over the course of the next few months, the Environmental Court will grow to full time status.

In the area associated with Municipal Judges, we found cause for grave concern, for example indiscriminate dismissals of traffic citations for chronic offenders. We have found evidence that there is preferential treatment by Municipal Judges.

In other areas we found evidence of questionable practices, for example, conducting Municipal Court business in Judge's Offices, particularly the summary dismissals of citations without the involvement of the prosecutor.

There exists a lack of responsibility on the part of the Municipal Judges who are Council appointees; however, the City Council must share the burden of responsibility for not providing clearly defined written policy in dealing with the duties and performance of Municipal Judges. We realize the importance of an independent judiciary and of judicial discretion. We are also mindful that Municipal Court is a source of revenue for San Antonio; however, those factors should not be placed above the public safety of our citizens. With this in mind, the Committee has specific recommendations which we hope that the City Council will approve and implement immediately. There are some changes suggested which will require the full cooperation of the City Council and the City Manager.

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● Operation of Municipal Court:

This Committee feels a two shift operation is imperative in Municipal Court. The first shift should run from 8:00 a.m. to 4:00 p.m. and second shift from 12:00 noon to 8:00 p.m. The two shifts will overlap from 12:00 noon to 4:00 p.m. This will aid in the increase we project in processing both traffic and environmental citations in the future. We would like to see three Municipal Court Judges on first shift and two in the second shift with a full compliment of support personnel. There exists a serious need for clerical and cashier personnel. The Committee recommends that the data system presently in use be programmed to allow easy access to all processed dismissals, mandatory dismissals, not guilty and nolo prosequi citations. This information is needed in order to investigate any future allegations concerning Municipal Court citations and for performance evaluation by the City Council of Municipal Judges. We also recommend that the prosecutor's offices be located in the close proximity to the Courts. This Committee recommends that monthly records from Municipal Administrator on the number of Municipal Court citations processed and the disposition reflect the number of mandatory dismissals by each Judge.

● Environmental Court:

That we continue to support the present operation. We feel that in time this Court will evolve into a full-time court. We recommend that new City personnel, who have citation issuing authority, be trained properly in filling out citations thereby insuring the filing of proper complaints in Municipal Court.

● Policy Guidelines for Municipal Judges:

1. No unilateral dismissals. All dismissals must be agreed on by both Judge and prosecutor in open court. No exceptions.
2. No action and/or processing of any moving violations can be initiated or conducted without thorough review of the defendant's previous driving record. Both Judge and prosecutor must verify said review by affixing identification stamp to the defendants driving record, prior to the Court's disposition or adjudication of the complaint. If this course of action works, we would like to see it extended to all types of traffic violations.
3. Create an identification stamp clearly identifying each Judge and prosecutor. All citations processed must have both identification stamps, or the citation will not be processed.
4. No Municipal Judge shall conduct Municipal Court business behind closed doors. No exceptions. Plea bargaining to be initiated in the prosecutor's office. Both prosecutor and Judge must agree on the plea bargaining. Final disposition shall take place in open court.
5. Any moving violation dismissed as a result of plea bargaining shall require notation and identification as such and the citation upon which a fine was paid shall be cross referenced to the citation dismissed and the amount of fine recorded.
6. No plea bargaining on speeding in school zones. No plea bargaining on racing.
7. Rotate the Presiding Municipal Judge position among all present Municipal Judges. Presiding Judgeship shall rotate every three months.

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8. Performance of Judges be evaluated by Council Committee every 90 days, or as necessary.
9. The Committee recommends that the above policy guidelines, one through eight be implemented immediately. Violation of this new Council Policy will be grounds for removal of the Municipal Judge by City Council action.

Mayor and members of the City Council, the Committee also recommends reviewing the following:

1. Creation of Municipal Courts of Record.
2. Election of Municipal Judges.
3. That two new Courts be initiated and staffed as soon as fiscally possible for the City.
4. That City Council establish by ordinance lowered speed zones in and around senior citizens complexes and public parks.

Finally, we recommend that the Committee meet with all the Municipal Court Judges and apprise them of the action taken by this Council here today.

*Frank D. Wing*  
FRANK D. WING, Chairman  
Municipal Court Committee

Mr. Harrington moved to approve the Ordinance. Mr. Thompson seconded the motion.

Mayor Cisneros asked that the Council committee that produced this report should report to the full Council periodically on the status of its recommendations.

Mr. Hasslocher spoke in support of the report.

Mrs. Dutmer spoke in support of having Municipal Court be a 'court of record', and urged Council to support the Ordinance.

Mr. Thompson asked the Council to make a clear policy statement on the matter of 'court of record'.

Ms. Berriozabal spoke of several issues outlined in the report that need attention.

In response to a question by Mr. Eureste, Ms. Jane Macon, City Attorney stated that a 1981 study of Municipal Court indicated that prosecutors were handling only 28-30% of the dismissals, and expressed her concern that the City might have more problems such as this.

Mr. Eureste spoke in support of creation of 'courts of record' for Municipal Court, with election of the judges rather than appointment by the City Council.

In response to a question by Mr. Eureste as to whether or not a City Charter amendment would be needed to accomplish creation of 'courts of record' in Municipal Court, Ms. Macon stated that in all probability, such a Charter change would be needed.

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Mr. Eureste stated his concern that Municipal Court judges have been dismissing tickets themselves, in their offices, and stated his belief that no one but an attorney should be allowed to be an agent for someone with traffic ticket or tickets appearing before judge and prosecutors in Municipal Court.

At this point, Mayor Cisneros stated that because of the late hour, the Library budget matters scheduled for "B" Session discussion would be postponed until next week.

Mr. Wing stated his belief that non-attorneys should not be taking tickets before Municipal Court judges for adjudication behind closed doors. He stated that he favors a review of the 'courts of record' matter.

Mr. Eureste urged that Municipal Court be taken out of the hands of the City Council and the public allowed to elect the judges there. He asked that Ms. Macon draft the necessary paperwork to get this matter onto the April 1983 City election ballots.

In response to a question by Mr. Webb, Mr. Bill Arnette, Administrator of Municipal Courts, discussed the matter of having both Municipal Court judges and prosecutors having a special stamp with which to stamp any dismissed ticket under the proposed new policy. Mr. Arnette also spoke in favor of extending the operating hours of Municipal Court.

Mr. Hasslocher stated that the recommendations contained in this report probably will eventually correct many of the problems in Municipal Court, and thanked Mr. Archer for his part in bringing Municipal Court matters to the Council's attention.

Mrs. Dutmer stated her concern that the City might face certain legislative problems in securing 'courts of record' designation for Municipal Court and asked Ms. Macon for a report dealing with a study of her points of concern in this area.

A discussion then took place concerning the obtaining of traffic ticket information by members of City Council and the access that members of City Council have to Municipal Court records.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

82-38

COUNCIL STATIONERY

Mrs. Dutmer asked that a policy be set by City Council that its members not be allowed to use official City Council stationery to express personal opinions.

Mr. Hasslocher spoke of a recent letter that Mr. Eureste had written to another person, with a copy of that letter sent to a local newspaper, and stated his belief that such usage of official stationery is not in the best interests of the City.

Mr. Eureste spoke of a number of threats on his life having been made in the past, then spoke of his response to a written criticism. He stated that the newspaper involved has a history of attacks upon him, and spoke of initiating a boycott of that newspaper. He asked that a City Council committee review just what can and what cannot go into a letter with a City letterhead.

Mr. Alderete stated that he is a public official and as such, is entitled to use official stationery, stating his further belief that the U.S. Constitution protects his right to say what he wants to say.

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Mrs. Dutmer spoke in opposition to certain uses for City letterhead stationery by City Council members.

Mayor Cisneros stated that there exists no policy governing what a City Council member can or cannot say, and recommended that the City Clerk procure a stock of stationery for each individual Council member to use, with that member's name on it, similar to the format now used for several members of the Council.

Ms. Berriozabal stated that the Council cannot legislate what its individual members say or write.

Mayor Cisneros stated his belief that this is not a decision for the City Council to make.

82-38

PHOTO AND MODELLING STUDIOS

Mr. Wing asked the City Attorney's office to investigate the possibility of creating an Ordinance similar to the massage parlor Ordinance, this one dealing with photo studios and modelling studios that may be a cover for illegal activities such as massage parlors were, in the past, in the City.

Ms. Jane Macon, City Attorney, stated that her office already is working in this area.

There being no further business to come before the Council, the meeting was adjourned at 10:35 P.M.

A P P R O V E D

*Henry Cisneros*  
M A Y O R

ATTEST: *Kenna S. Rodriguez*  
C i t y C l e r k