

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, APRIL 4, 1974.

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

74-14 The invocation was given by The Reverend John Yanta, Sacred Heart Catholic Church.

74-14 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

74-14 ADDENDUM TO MINUTES OF MARCH 21, 1974

In reference to Ordinance No. 43,557, Mr. Padilla stated he was voting No because he had asked the question, "What is the method used in arriving at who buys these properties? Is it an auction sale or how is it done? I did not have my question answered that I asked Mr. Wagner. He was interrupted and the answer never came forth. Under these circumstances I vote No, and that is why I am voting No."

74-14 The minutes of the meeting of March 28, 1974, were approved.

74-14 BOOKER T. WASHINGTON ELEMENTARY SCHOOL  
W. W. WHITE ELEMENTARY SCHOOL

Rev. Black stated that he wished to recognize a class of students from W. W. White Elementary School accompanied by their sponsors, Mr. Don McAskill, Principal and Mrs. Kenzie and Mrs. Oaks. Master Gregg Oaks, a student, introduced the sponsors and each individual student.

Rev. Black also recognized a class from Booker T. Washington Elementary School. Ivy Galish, a fifth grade student, greeted the Council and introduced the sponsors of the class, Mrs. T. M. Walker, Mrs. S. Turbon and Mrs. P. Severyns.

74-14 PRESENTATION OF HOLY CROSS HIGH SCHOOL

Brother William Dooling of Holy Cross High School introduced the Principal of the school, Brother William Nick.

Brother Nick, speaking for the students and faculty of Holy Cross High School, thanked the Council for its reconsideration of rental rates for the Arena. This reduction in rate will greatly aid the Vicki Carr Benefit Concert. In appreciation for the Council's action, Brother Nick presented each Council person complimentary tickets to the May 11 concert by Miss Carr.

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Mayor Becker recognized a large contingent of persons in the Council Chamber who were seeking to have the Nolan Street underpass rebuilt and put in service. He said that comments were recently made in the newspapers concerning this project to the effect that the City Council had refused to restore the underpass. These reports were completely in error. He then asked the City Manager to give a report on the status of the project.

City Manager Sam Granata stated that the Nolan Street underpass has been funded with Revenue Sharing funds totaling one million dollars. On July 30, 1973, the City retained a consulting engineer, Steven Cante, to prepare plans and specifications. The preliminary plans have been delivered to the Director of Public Works and are being reviewed now.

City Manager Granata also explained that the underpass will have a 44' clear span roadway with a 6' pedestrian sidewalk on each side. The structure will begin at Live Oak Street and extend to Cherry Street. There is a need to acquire some additional right of way. If there are no problems in obtaining the right of way, it is hoped that construction can begin in January, 1975.

Mrs. Sutton Taylor, speaking for the Citizens Committee for the construction of the Nolan Street Underpass Now, said she wanted to stress the need to assign top priority to this project. She presented a petition to the Council signed by several hundred persons.

Rev. Black stated that the City Council has been responsive to the needs of the Eastside and that funds for this project were made available over six months ago. He said that it does have priority but there are some things that have to be done.

Mr. Lacy said that it might be possible, in view of the emergency nature of this arterial street being closed, that acquisition could be speeded up. He suggested that the City Manager have the legal staff to look into this possibility.

Mr. W. S. Clark, Land Division Chief, stated that he doesn't know of any particular acquisition problems and hopes that it can be accomplished quickly.

Mr. Irving Middleman, a member of NAACP, spoke of the urgency because emergency vehicles cannot get to the Eastside when grade crossings are blocked by a train. He said that all of the streets on the Eastside need to be looked at and improved.

Mr. Mel Sueltenfuss, Director of Public Works, distributed copies of a status report on Eastside projects showing that over \$16 million in public works projects are underway at the present time.

Mrs. Cockrell suggested that since a railroad is involved in the project, there might be some federal funds available for it.

Mayor Becker, in closing the discussion, said that the problem really is one to be handled by the railroad, but since nothing seemed to be accomplished, the project was taken over by the City. He again assured everyone that the City is behind this project, and it will receive top priority.

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MONTHLY REPORT FROM CITY PUBLIC SERVICE BOARD

Mr. Don Thomas, Rate Analyst for the City Public Service Board, made the following statement:

"Mr. Mayor, I have a tabulation here for the Council. (A copy of the tabulation is included with the papers of this meeting.)

Mr. Mayor and Council members, I appeared last month as you recall, and I gave you a tabulation which showed you the effects on March bills. This is the same tabulation, and I have included another line on the tabulation for April bills. As you can see we are projecting the average residential gas and electric bill for April to be \$18.16 as compared with the figure that I gave you last month of \$20.81. This is a decrease of \$2.65 over the previous month - or computing it out it is 12.7 percent reduction.

I might just mention that there are two factors that contribute to this slight decrease - one is the lower usage figure used in the computation is also shown on the tabulation to the left of this number. Secondly, I indicated last month that our cost of gas for the month of February would be down slightly and, of course, that was known at that time. That contributed to the decline.

There is one other point on the tabulation that I think that you will see. It is in the lower left hand corner. It is a projection of the price for gas that we will pay during the month of March - 62.14 cents per mcf which you will recognize as being the highest price for gas we have had to pay to date to Lo-Vaca Gathering Company. The former high was in December which was 58.9 cents which was the first big increase that we experienced. I have other information about this if the Council has questions."

MR. CLIFFORD MORTON: In summary are you really saying that there is a period here of temporary relief? It's not something we should anticipate as far as the long pull is concerned on prices?

MR. THOMAS: That's correct. As you recall, last month Councilman Padilla asked me along these lines. From other information we have, the indications are that we will center around the 50 cent average here and it will creep up a few cents per month on into the future. The price of new gas, as you are familiar, is ranging up to \$1.10 to \$1.25 so we are creeping up to that over a period of time. I hope it's a longer period than it might be though. Of course, usage will start going up in May and June.

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74-14LO-VACA GATHERING COMPANY

Dr. San Martin stated that the Council must discuss the problem of the City's relations with Lo-Vaca and Coastal States. About ten days ago the representatives of the City Public Service Board were reviewing the economic aspects of Coastal States' books. The examination of the books should be completed next week.

Dr. San Martin asked that the Council agree on a date to discuss this matter. (No date was set. The matter to be discussed in "B" Session.)

74-14 The following Ordinance was read by the Clerk and explained by Mr. Tom Raffety, Director of Aviation, and after consideration, on motion of Dr. San Martin, seconded by Mr. Mendoza, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Padilla.

## AN ORDINANCE 43,606

AUTHORIZING EXECUTION OF A CONTRACT WITH CHAPARRAL ENTERPRISES INTERNATIONAL FOR LIMOUSINE SERVICE AT SAN ANTONIO INTERNATIONAL AIRPORT.

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74-14 The Clerk read the following Ordinance:

## AN ORDINANCE 43,607

AUTHORIZING PAYMENT TOTALING \$2,725.00 TO THE ROBERT CHAVEZ ORCHESTRA, FELIX SOLIS ORCHESTRA AND HARRY PACK QUARTET TO FURNISH FREE ENTERTAINMENT TO THE PUBLIC AT THE GOLIAD FOOD CLUSTER AT HEMISFAIR PLAZA DURING EASTER SUNDAY AND FIESTA WEEK.

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The Ordinance was explained by Mr. Jim Gaines, Director of HemisFair Plaza, who said that for the past four years it has been the policy of HemisFair Plaza to furnish live music for free dancing during Easter and Fiesta Week in the Goliad Food Plaza. It has proved to be a very popular event. He recommended adoption of the Ordinance.

Mrs. Cockrell said she thought this entertainment is a very good idea, but it may require some extra maintenance in the area while the entertainment is going on.

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

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74-14 The following Ordinance was read by the Clerk and explained by Dr. William R. Ross, Director of the San Antonio Metropolitan Health District, and after consideration, on motion of Rev. Black, seconded by Mr. Mendoza, was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Padilla.

AN ORDINANCE 43,608

AUTHORIZING THE EASTSIDE NEIGHBORHOOD HEALTH CLINIC PROJECT AND ESTABLISHING A BUDGET FOR THE SAME; ACCEPTING THE LOW BID OF SCOTT AND JENNISON CO., FOR CONSTRUCTION OF SAID CLINIC; AUTHORIZING EXECUTION OF A CONTRACT COVERING SUCH WORK, APPROVING PAYMENT OF \$265,320.00 TO SAID CONTRACTOR OUT OF FUND NO. 792-14 AND \$16,040.00 TO BE USED AS A MISCELLANEOUS CONTINGENCY ACCOUNT, ALSO \$21,200.00 PAYABLE TO HESSON & MAY, ARCHITECTS, FOR ARCHITECTURAL FEES.

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74-14 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; NAYS: None; ABSENT: Padilla, Mendoza.

AN ORDINANCE 43,609

ACCEPTING THE LOW BID OF MISSION CONTRACTORS, INC., FOR CONSTRUCTION OF AN OFF-SITE SEWER LINE FOR CROWNRISE NO. 1 SUBDIVISION; AUTHORIZING EXECUTION OF A CONTRACT COVERING SUCH WORK AND APPROPRIATING \$16,415.40 OUT OF SEWER REVENUE FUND PAYABLE TO SAID CONTRACTOR, \$825.00 TO BE USED AS A MISCELLANEOUS CONTINGENCY ACCOUNT AND \$305.00 PAYABLE TO TRAVIS-BRAUN & ASSOCIATES AS ADDITIONAL ENGINEERING FEES.

\* \* \* \*

AN ORDINANCE 43,610

APPROPRIATING \$9,184.45 OUT OF SEWER REVENUE FUNDS PAYABLE TO S.B.S. JOINT VENTURE, DEVELOPER OF WOODSTONE NORTH UNIT 1, AND \$459.22 TO BE USED AS A MISCELLANEOUS CONTINGENCY ACCOUNT TO COVER INCREASED COST BY CONSTRUCTING AN OVERSIZE ON-SITE SEWER MAIN AS AUTHORIZED BY SECTION 36-35B OF THE CITY CODE.

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## AN ORDINANCE 43,611

AMENDING ORDINANCE NUMBER 43515 PASSED ON MARCH 7, 1974, SO AS TO CLARIFY THE INTERSECTIONS AT WHICH LEFT TURNS ARE PROHIBITED DURING CERTAIN HOURS.

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## AN ORDINANCE 43,612

ACCEPTING THE PROPOSAL OF ALAN M. VOORHEES AND ASSOCIATES, INC., FOR CONSULTANT SERVICES IN DETERMINING THE MOST FEASIBLE SOLUTION TO THE TRAFFIC PROBLEMS AT RECTOR AND SAN PEDRO AVENUE, FOR A FEE NOT TO EXCEED \$3,400.00 AND PROVIDING FOR PAYMENT.

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74-14 The Clerk read the following Resolution:

A RESOLUTION  
No. 74-14-18

REQUESTING TEXAS HIGHWAY COMMISSION APPROVAL OF AN ENERGY CONSERVATION PROGRAM FOR SAN ANTONIO.

\* \* \* \*

The Ordinance was explained by Mr. Stewart Fischer, Director of Traffic and Transportation, who said that this is request for a grant from the Federal Aid Highway Fund in the amount of \$259,475.00. Congress is urging all communities to engage in this energy conservation measure. The project includes a car pooling project. He described the various processes to be used in developing information to furnish citizens about others living in their area and driving to the same general area each day and offering them an option of joining a car pool. There is also a travel time study which is intended to determine locations where buses are experiencing delays and the cause. This will point up locations where efforts can be made to reduce delay and reduce waste of fuel. No City funds will be used.

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

74-14 The Clerk read the following Ordinance:

## AN ORDINANCE 43,613

CLOSING AND ABANDONING A PORTION OF LULLWOOD AVENUE, A PORTION OF ROSEWOOD AVENUE AND A PORTION OF HOLLYWOOD AVENUE, AND AUTHORIZING A QUITCLAIM DEED TO L. B. PALMER & SONS FOR THE CONSIDERATION OF \$1,924.00 AND THE DEDICATION OF ADDITIONAL RIGHT OF WAY FOR THE REALIGNMENT OF HOLLYWOOD AVENUE.

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The Ordinance was explained by Mr. W. S. Clark, Land Division Chief, who said that the two small portions to be closed deadend at the frontage road of I. H. 10. He had a plat of the area showing the property being considered. When closed, the property would be quitclaimed in favor of L. B. Palmer & Sons, who own the adjoining property. The property is to be sold at appraised value based on the rights that are being retained. No objections were encountered from any City department or utility.

Mayor Becker felt that it would be better to leave Lullwood open and close Hollywood in order to have a better angle to merge traffic to enter the ramp on I. H. 10.

Mr. Stewart Fischer, Director of Traffic and Transportation, said that he agreed with Mayor Becker in his analysis of the situation but said that he had not been given this choice. He said that most traffic enters the frontage road at Hildebrand, very little traffic enters at Hollywood.

Mr. Padilla questioned the price at which these two parcels are being sold saying that two lots like this couldn't be purchased for \$1,924 in San Antonio.

Mr. Clark explained that the City is retaining all of its utility and drainage easements on these parcels and this reduces their value since nothing can be built on the land involved. The formula is to use the same value as land recently sold in the area reduced by 50 percent because of the easement. It is also to be remembered that the City did not own fee title to the land to begin with. There is also a serious drainage problem here.

At Mr. Padilla's request, Mr. Clark explained the policy followed by other cities in closing streets.

After further discussion, 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, Lacy, Morton, Beckmann, Mendoza; NAYS: Padilla; ABSENT: Black.

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CITIZENS TO BE HEARD

SAN ANTONIO FOSTER PARENTS ASSOCIATION

Mr. Ralph Fritz, representing the San Antonio Foster Parents Association, said that this week has been proclaimed National Action for Foster Children Week. During this week an attempt is made to advertise the program and to recruit new foster parents. In San Antonio there are eight social agencies to work with about 300 foster children. Community support is badly needed to insure that all children in need of foster care can be helped. Additional funding is also needed.

Mr. Fritz explained the problems involved in clothing, feeding and caring for the special needs of these children. Support is given by the State but never fully covers expenses. He also explained the manner in which children are processed by local social agencies to be sure that they are adequately cared for.

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Mayor Becker expressed his concern about the burden which foster parents bear in caring for these children and made certain suggestions. He also asked Mr. Fritz to discuss this program with his assistant.

Mr. Fritz reviewed some of the problems he meets in attempting to get medical and dental care for the children which he discussed with Dr. San Martin who made some suggestions.

Mr. Fritz then read the Bill of Rights for Foster Children which was ratified by Congress on April 28, 1973. (A copy of this Bill of Rights is included with the papers of this meeting.)

Upon motion by Mrs. Cockrell, seconded by Mr. Mendoza, the Bill of Rights for Foster Children was unanimously ratified.

MR. A. C. SUTTON

Mr. A. C. Sutton stated that the closure of the Nolan Street underpass has encouraged other problems in the area. There was a recent murder and the drug problem in the area has become severe. He asked for additional police protection.

City Manager Granata stated that he would refer this problem to the Police Chief.

REV. S. E. STEWARD

Rev. S. E. Steward, Shiloh Missionary Baptist Church, urged that the Nolan Street project be expedited all possible.

Rev. Steward also made reference to two houses near his church which should be demolished. He said he had requested this before but nothing happened. The houses are at 1112 Hedges and 2315 Dakota.

Mr. George Vann, Director of Building and Planning Administration, said that he has a long list of structures in that area to be demolished and would be glad to go over it with Rev. Steward.

Rev. Steward then asked for sidewalks in the 800 to 1200 block of Hedges.

The City's sidewalk policy was explained to Rev. Steward by Mr. Padilla who suggested that he get in touch with the Planning Department.

Rev. Steward then described the drainage problem at Grimes and Hedges and asked that something be done about it.

City Manager Granata said that this is a major project and will have to be classed as a bond project. Meanwhile, the area will be sprayed for mosquitoes and improved as much as possible.

CROSS ROADS SHOPPING CENTER

Mr. Conrad Hernandez, owner of Cross Roads Shopping Center located at General McMullen and West Commerce, requested permission to again have a carnival promotion at the shopping center from April 16 to 28, 1974, and from November 1 to 10, 1974. Permission for this same type of promotion was granted by the Council last year. Permission is required because the property is not zoned for the purpose of a carnival. There is an application currently in process to have rezoning accomplished.

In answer to Mrs. Cockrell's question, Mr. George Vann stated there were no complaints received because of the carnival last year. There are no residences in the immediate vicinity.

After consideration, Dr. San Martin made a motion that zoning restrictions be waived in order to permit this request for both dates. The motion was seconded by Mrs. Cockrell and on the following roll call vote was passed and approved: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

MR. J. L. SMITH

Mr. J. L. Smith, 203 Nolan, said that all arteries on the Eastside of San Antonio should be considered as well as Nolan Street. He compared completed projects on the Westside and said that he felt the Eastside did not receive its due share.

Mayor Becker reminded Mr. Smith of the status report of Eastside projects which was presented earlier in the meeting by Mr. Sueltenfuss.

Mr. Padilla outlined the steps and procedures for getting projects included in a bond election and invited Mr. Smith to participate in the process when another bond election is proposed.

URBAN RENEWAL PROJECTS

Mr. Padilla made the following statement:

"Last week at the Urban Renewal meeting, I inquired as to why the resolutions approving sales or purchases simply say, sold by the Urban Renewal Agency to a party but not identified or bought from the owner by San Antonio Development Agency.

The reason I pointed this out was because in Kenwood there are indications that, since the project has been announced for the last two years or so, there are indications, and I use that word because I cannot prove it at this time, that speculation has been involved.

I urged the San Antonio Development Agency Board to try to see how we can - you know, there's no question of the legality of it. As far as I know the speculation is legal, but it has the effect of victimizing the people who live in the area. They sell fairly cheap and then we turn right around and buy it from the speculator at a greater price. He profits. The person that loses the money or takes the loss is the one that can least afford it and has been there for years.

Another thing that comes up and I would like for you to have your people coordinate with San Antonio Development Agency. I am aware of one piece of property that the City has marked for acquisition through the San Antonio Development Agency. Less than six months ago we sold that property at a sheriff's sale for back taxes. The people that bought it then are getting ready to sell it back to us. Now, it seems to me that we ought to have some kind of coordination so that when we do have those situations, and I have no idea of the frequency of them, but if we know that we are going to acquire a piece of property why sell

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it six months ago or five months ago for back taxes and then turn right around and buy it from them again. Incidentally, the people that bought it are some of the people that have been acquiring properties over there. I call that speculation. That's my own word. I think we should get together with San Antonio Development Agency and see if we can prevent as much as possible in the future."

MAYOR BECKER: That's a rather kind word to apply to it. Speculation is mild.

GUESTS OF MR. ALFRED G. BECKMANN

Mr. Beckmann recognized his brother-in-law and his wife, Mr. and Mrs. Bill Herpel of Thibodaux, Louisiana. Also visiting the meeting was Mrs. Betty Beckmann.

Mayor Becker welcomed Mr. Beckmann's guests to the meeting.

MR. DOUGLAS VAN BUREN

Mr. Douglas Van Buren spoke to the Council with reference to zoning case No. 5206 which the Council heard on March 28, 1974, and denied. The basis for the denial was because of certain deed restrictions. Mr. Van Buren said that he had made further investigations and felt that he had sufficient new evidence to justify the Council in rehearing the case.

Mayor Becker asked the City Attorney to check the zoning laws to see if a rehearing can be done legally. He then advised Mr. Van Buren to discuss this matter with the Council later in the day during "B" Session.

Mr. Morton said that the new evidence should be discussed with the City's legal staff to determine if there is a valid issue for the Council to address itself to.

MRS. MARIA DOMINGUEZ

Mrs. Maria Dominguez, 250 Freiling Drive, said that she had received her City tax statement and was surprised to find a notice on the back of the envelope saying that partial payments would not be accepted. She said that this did not affect her but she felt that many people would be unable to pay their taxes in one lump sum.

Mrs. Dominguez said also that a friend had gone to pay her taxes but payment was refused on the grounds that the property was to be sold for taxes.

Mr. Louis Garcia, Assistant City Attorney, informed Mrs. Dominguez that the City does not encourage partial payments but they will be accepted.

This statement was verified by City Manager Granata who said that a partial payment arrangement can be worked out with the Tax Collector. He also said that when taxes are offered then the property would be withdrawn from a sale for taxes. He said that he would have the matter Mrs. Dominguez mentioned investigated.

Mayor Becker asked that a pamphlet be prepared in English and Spanish explaining all of the procedures for tax sales. He asked that the pamphlet be kept as simple so that the average person could easily understand it.

Mr. Morton asked that the staff supply the Council with a typical set of forms and letters that go out from the time a piece of property becomes delinquent until the time that the property is actually auctioned off with the time frames included.

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74-14 The meeting recessed for lunch at 12:10 P. M., and reconvened at 1:50 P. M.

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74-14 ZONING HEARINGS

B. CASE 5488 and Ordinance No. 43,614 - See page No. 19 of these minutes.

C. CASE 5481 - to rezone Lots 8 and 9, Block 20, NCB 856, 811 - 815 East Quincy, from "E" Office District to "B-1" Business District, located on the northwest side of East Quincy Street, being 58.4' southwest of the intersection of East Quincy and Wilmington Avenue; having 116.8' on East Quincy and a depth of 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, on motion of Dr. San Martin, seconded by Mrs. Cockrell, the recommendation of the Planning Commission was passed and approved by the passage of the following Ordinance by the following vote: AYES: Cockrell, San Martin, Becker, Black, Morton; NAYS: None; ABSENT: Lacy, Beckmann, Padilla, Mendoza.

AN ORDINANCE 43,615

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 8 AND 9, BLOCK 20, NCB 856, 811 - 815 EAST QUINCY, FROM "E" OFFICE DISTRICT TO "B-1" BUSINESS DISTRICT.

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D. CASE 5486 - to rezone the northwest irregular 140' of Lot 1, NCB 8409, 3938 Fredericksburg Road, from "F" Local Retail District to "B-3" Business District, located east of the intersection of Spencer Lane and Fredericksburg Road; having 149.39' on Spencer Lane, 140' on Fredericksburg Road and 41.33' on the cutback between these two streets.

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

No one spoke in opposition.

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

AN ORDINANCE 43,616

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 NORTHWEST IRREGULAR 140' OF LOT 1, NCB 8409, 3938 FREDERICKSBURG ROAD, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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E. CASE 5470 - to rezone Lot 9, Block 2, NCB 16032, 1000 Block of Bitters Road, from "A" Single Family Residential District to "R-6" Townhouse District, located west of the intersection of Bitters Road and Country Trail; having 288.38' on Bitters Road and 120' on Country Trail.

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

No one spoke in opposition.

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

AN ORDINANCE 43,617

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 9, BLOCK 2, NCB 16032, 1000 BLOCK OF BITTERS ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-6" TOWNHOUSE DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ALONG THE SOUTHWEST PROPERTY LINE.

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F. CASE 5380 - to rezone a 2.659 acre tract of land out of NCB 12065, being further described by field notes filed in the office of the City Clerk, 900 Block of Bitters Road from "A" Single Family Residential District to "B-3" Business District; and a 16.163 acre tract of land out of NCB 12065, being further described by field notes filed in the office of the City Clerk, from "A" Single Family Residential District to "R-3" Multiple Family Residential District.

The "B-3" zoning being located south of the intersection of Bitters Road and Maltsberger Lane; having 470' on Bitters Road and 295' on Maltsberger Lane.

The "R-3" zoning being located 295' southwest and 470' southeast of the intersection of Bitters Road and Maltsberger Lane; having 588.72' on Bitters Road and a total of 1233.16' on Maltsberger Lane.

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 and that a six foot solid screen fence is erected along the southeast 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, Morton, Mendoza; NAYS: None; ABSENT: Beckmann, Padilla.

AN ORDINANCE 43,618

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 2.659 ACRE TRACT OF LAND OUT OF NCB 12065, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 900 BLOCK OF BITTERS ROAD, FROM "A" SINGLE FAMILY

RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT; AND A 16.163 ACRE TRACT OF LAND OUT OF NCB 12065, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ALONG THE SOUTH-EAST PROPERTY LINE.

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G. CASE 5421 - to rezone Lots 205 - 209, NCB 11985, 800 Block of Bitters Road, from "A" Single Family Residential District to "B-3" Business District, located north of the cutback between Bitters Road and Heimer Road; having 450' on Bitters Road, 140' on Heimer Road and approximately 70' on the cutback between these two streets.

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

AN ORDINANCE 43,619

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 205 - 209, NCB 11985, 800 BLOCK OF BITTERS ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

\* \* \* \*

H. CASE 5422 - to rezone a 2.769 acre tract of land out of NCB 13752, being further described by field notes filed in the office of the City Clerk, from Temporary "A" Single Family Residential District to "R-3" Multiple Family Residential District; and a 1.847 acre tract of land out of NCB 12103, being further described by field notes filed in the office of the City Clerk, from Temporary "A" Single Family Residential District to "B-3" Business District.

The "R-3" zoning being located southeast of the intersection of Sentinel Drive and Broadway; having 480' on Broadway and 270' on Sentinel Drive.

The "B-3" zoning being located north of the intersection of Broadway and Sentinel Drive; having 295' on Sentinel Drive and 350' on Broadway.

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

No one spoke in opposition.

After consideration, Dr. San Martin made a motion that the recommendation of the Planning Commission be approved, provided that proper platting is accomplished. 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, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Padilla.

AN ORDINANCE 43,620

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 2.769 ACRE TRACT OF LAND OUT OF NCB 13752, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT; AND A 1.847 ACRE TRACT OF LAND OUT OF NCB 12103, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

\* \* \* \*

I. CASE 5483 - to rezone Lot 1, Block 7, NCB 11723, 11000 Block of Baywood Drive, from "A" Single Family Residential District to "R-3" Multiple Family Residential District, located east of the intersection of Baywood Drive and Anchor Drive; having 120' on Baywood Drive and 150' on Anchor Drive.

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

No one spoke in opposition.

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

AN ORDINANCE 43,621

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, BLOCK 7, NCB 11723, 11000 BLOCK OF BAYWOOD DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

\* \* \* \*

J. CASE 5398 - to rezone a 3.112 acre tract of land and an 8.045 acre tract of land out of NCB 14572, being further described by field notes filed in the office of the City Clerk, 4900 Block of Higgins Road, from Temporary "R-1" Single Family Residential District to "B-2" Business District; and a 6.703 acre tract of land out of NCB 14572, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District.

The 3.112 acre tract of land being located east of the intersection of Higgins Road and Nacogdoches Road; having 300' on Higgins Road and 440.50' on Nacogdoches Road.

The 8.045 acre tract of land being located south of the intersection of Uhr Road and Higgins Road; having 588.74' on Uhr Road and 700' on Higgins Road.

The 6.703 acre tract of land being located 300' northwest of the intersection of Higgins Road and Nacogdoches Road; having 799.50' on Higgins Road with a maximum depth of 463.17'.

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

No one spoke in opposition.

After consideration, Dr. San Martin made a motion that the recommendation of the Planning Commission be approved, provided that proper platting is accomplished, that a six foot solid screen fence is erected on the southwest property line adjacent to the single family residences and that a non-access easement be imposed across the stub of Deland if the property is used for multi-family use. 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, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 43,622

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 3.112 ACRE TRACT AND AN 8.045 ACRE TRACT OF LAND OUT OF NCB 14572, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, 4900 BLOCK OF HIGGINS ROAD; AND A 6.703 ACRE TRACT OF LAND OUT OF NCB 14572, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED, THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ON THE SOUTHWEST PROPERTY LINE ADJACENT TO THE SINGLE FAMILY RESIDENCES AND THAT A NON-ACCESS EASEMENT BE IMPOSED ACROSS THE STUB OF DELAND IF THE PROPERTY IS USED FOR MULTI-FAMILY USE.

\* \* \* \*

74-14 Mayor Becker was obliged to leave the meeting and Mayor Pro-Tem Beckmann presided.

A. CASE 5485 - to rezone a 2.727 acre tract of land out of NCB 11520, being further described by field notes filed in the office of the City Clerk, 200 Block of West Quill Drive, from "A" Single Family Residential District to "R-6" Townhouse District, located on the south side of West Quill Drive, being 278' west of the intersection of West Quill Drive and Hillcrest Drive; having 195.35' on West Quill Drive and a depth of 500'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Planning Commission recommended be approved by the City Council. Mr. Camargo advised that while the Planning Commission recommended approval, notices show more than 20 percent opposition and, therefore, seven (7) affirmative votes of the Council is required to rezone the property.

Mr. G. H. Frey, one of the applicants, stated they were asking for "R-6" Townhouse District to construct 22 townhouses on the 2.727 acre tract. He said it was not economically feasible to run utilities to the property for ten single family houses. As far as schools are concerned, he felt the proposed townhouses would have less children than in the single family residences:

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Mr. Abramoff, the other applicant and owner of the property, stated he did not think he could develop the property for residences. The townhouses would be sold as separate properties and there will be separate walls for each unit.

Discussion brought out that if the property is rezoned "R-6", a maximum of 58 units could be constructed on the property.

Mr. Raul Fuentes spoke in opposition stating that the property in question is surrounded by single family residences located on large spacious lots. He felt the requested change would devalue property in the area.

Mr. R. G. Teal expressed the same objections and added that a six foot fence would not keep him from looking at a high storied building next door.

Mr. G. O. Garcia stated that when he bought his property he was under the impression it was a residential subdivision, and they were supposed to build eleven houses on a street with cul-de-sac. He presented to the Council a copy of deed restrictions that run to 1998 and are renewable, which restrict property to single family residences.

After some discussion as to whether the property in question was covered by deed restrictions, Dr. San Martin made a motion that action be postponed. Seconded by Mr. Padilla the motion prevailed by the following vote: AYES: San Martin, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSTAIN: Cockrell; ABSENT: Becker.

Mrs. Cockrell then stated that it seems that Council is getting into a different procedure. In the past the Council did not handle restrictions. If restrictions were valid, the people were protected by them.

Assistant City Attorney Tom Finlay stated the City does not enforce deed restrictions no matter what the property is zoned; developers have to comply with both. It doesn't hurt to look into restrictions, but they don't control zoning.

In rebuttal, Mr. Frey stated he checked with the title company and said the deed restrictions on the property in question have expired and are not in effect any longer.

After further discussion, Dr. San Martin asked that his motion to postpone action be withdrawn. This was agreeable to the Council.

Dr. San Martin then made a motion that the recommendation of the Planning Commission be overruled and the rezoning be denied. Seconded by Mrs. Cockrell, the motion, prevailed by the following vote: AYES: Cockrell, San Martin, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: None; ABSENT: Becker.

B. CASE 5488 - to rezone Lots 15 and 16, Block 6, NCB 2264, 1503 West Travis, from "C" Apartment District to "B-2" Business District, located northwest of the intersection of Colorado Street and West Travis Street; having 129.8' on Colorado Street and 88.06' on West Travis Street.

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

No one spoke in opposition.

Dr. San Martin felt this was a flagrant case of spot zoning. He asked that the Planning Department be contacted to see what Model Cities contemplates in this area.

Mr. Camargo stated that Model Cities proposes plans to redevelop the area for single family residences and mixed commercial uses. The applicant in this case is proposing a convenience store.

Mr. Gonzalo Rodriguez, representing his uncle, who is the applicant, stated that the property at one time was used for a grocery store. His uncle understood, when buying the property, that he could operate a store. They find now this was not so and therefore made application for "B-2" and asked that it be approved.

After consideration, Mr. Morton 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 on the west property line. Mr. Mendoza seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, Black, Lacy, Morton, Beckmann, Padilla, Mendoza; NAYS: San Martin; ABSENT: Becker.

AN ORDINANCE 43,614

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 15 AND 16, BLOCK 6, NCB 2264, 1503 WEST TRAVIS, FROM "C" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ON THE WEST PROPERTY LINE.

\* \* \* \*

74-14      AGENDA ITEM NO. 10

The Clerk read a proposed ordinance to amend Section 18A-10 of the City Code so as to provide for a hearing before the Home Improvement Advisory Board prior to cancellation of a Home Improvement Contractor's or Salesman's license.

The following conversation took place:

MR. GEORGE VANN, DIRECTOR OF BUILDING AND PLANNING ADMINISTRATION: Mr. Mayor, this enables the Home Improvement Advisory Board to hold a hearing and determine whether a home improvement contractor is entitled to a license or his license is to be revoked or suspended under certain conditions. After that happens then he could appeal directly to the court to determine whether the Home Improvement Advisory Board was correct or not.

MR. ALVIN PADILLA, JR: George, why is this being changed? Now, they appeal to the Council, do they not? I recall only one case of a person with a license to do home improvements coming before the Council in the last couple of years anyway. So, we're not snowed under with that kind of traffic.

MR. VANN: That's not the problem, Mr. Padilla. The problem is that at the time we bring that before the Council we have to use a lot of hearsay evidence. The lawyer defending the home improvement contractor generally objects to that type of evidence. They would rather have a hearing before the court where they could present evidence that follows the rules as established by the statutes and civil procedure in the courts.

MR. PADILLA: If you give me a moment, George. I've got to find just exactly where we are here. The different reasons for revoking a license - some of these made a lot of sense. In other words, if someone was found guilty of a felony conviction, etc., etc. There was one that dealt with a judgment. This is a question more than anything else. I was wondering what we interpret as a judgment to use it as grounds for revoking a license? Now, frequently, a judgment is not altogether that bad in business as long as it is satisfied. Many times people in business are involved in legal proceedings and sometimes the businessman loses. As long as he is responsible enough to answer and satisfy the judgment, would he still be subject to his license being cancelled?

MR. VANN: No, sir.

MR. PADILLA: I don't think that is what it says here.

MR. VANN: No. At the time that the hearing is held before the Home Improvement Advisory Board the judgment they are talking about is that there has been a judgment taken against the home improvement contractor on some home improvement contract. That is generally what they will take into consideration. If a client of his has had a home improvement contract with this particular contractor and he has not completed the job or the job is faulty in some respect and the judgment is taken against him on this particular thing. That's what they take into consideration.

MR. PADILLA: What happens if the judgment is taken, and he satisfies it? Let's say that.....

MR. VANN: If the judgment is satisfied then the Home Improvement Advisory Board will then ask for a release. If he has a release then he has satisfied.....

MR. PADILLA: Then the fact that he had a judgment issued against him does not prejudice his license per se.

MR. VANN: No. If he has a release - no, sir.

REV. CLAUDE BLACK: May I raise a question on this? One of the areas in which there is the greatest amount of complaint in terms of any hearing you would have is the failure to perform any home improvement contract

project in or taken by the contractor or willful deviation. This seems to me to be the major area of complaint. Now, my own experience has been that the specifications that are generally presented to the persons that they do the work for are so general that it would be almost impossible to do anything.....(inaudible)..... Unless you are going to put some regulations on the kind of specifications that he is expected to present in getting his permit then that major fact around which the complaint gathers is really neutralized because the kind of specifications they usually write out, particularly the ones that are operating because we are not talking about a lot of legitimate men. I'm talking about those that go out - the ones that we really have a problem with. They usually write in such general terms as, "fix the front steps." How are you going to deal with a man.....

MR. VANN: I agree with you, Rev. Black, that the specifications or the contracts that they write are very nebulous most of the time. However, the law that we apply there is the Building Code. If they meet minimum standards of the Building Code this is what we apply. The contract itself between the party that the home improvement contractor is doing the work for and the contractor we really don't pay that much attention to it because they are rather nebulous and a lot of them don't contain anything except there is an agreement to pay a certain amount of money for a job. If they meet the Building Code or the Electrical Code or the Plumbing Code or whatever that is the way we satisfy the job.

MAYOR PRO-TEM BECKMANN: Any more questions?

MR. PADILLA: The original question I asked, George, is why is this being changed?

MR. VANN: The only reason it is being changed, Mr. Padilla, is that we feel the home improvement contractor can present his case in a better fashion when he presents it to the court rather than to present it to the Council, and we have to use a lot of hearsay evidence, particularly when there is a lawyer on the other side objecting to every bit of the evidence that you bring up because it is necessary for us if we want to go into a full hearing before the Council, it will be necessary for us to bring, as an example, the person who wrote the complaint at the Better Business Bureau, the person who investigated his background at the Police Department, the person who investigated his background at the District Attorney's office because of hot checks. We have to bring those persons right into the Council Chamber in order to give him a full type of hearing that he can have before the court and determine whether he is right or wrong or whether the Home Improvement Board is right or wrong. I think this is what we are trying to get at. When the Home Improvement Board suspends a license or revokes a license a man is entitled to a proper type of hearing, and I agree with the lawyer when they come in here, and they tell me you are presenting a lot of hearsay evidence because I am. Under the rules of evidence I shouldn't be standing up here and telling the Council that these are the records that are reflected in the Better Business Bureau. I should bring the custodian of the records of the Better Business Bureau and stand up here and tell you what those records are.

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MR. PADILLA: I have a question to that. I can see the point of a man being under threat of losing his license, however, what is the status of someone that appeals to the court and there is a time element in there - let's say three months, six months, a year or two before the court acts on this thing. What is the status? Is he still in business?

MR. VANN: Yes, sir.

MR. PADILLA: In the case of home improvement contractors that are victimizing the public, we are, in effect, giving them more time by this new procedure in which to stay in operation while the case comes up before the court. Is that true?

MR. VANN: That could be true in some cases depending on what kind of docket you have. However, the same problem arises when you have a hearing before the Home Improvement Advisory Board and then before the Council. You do have a certain amount of time elapse there. We can make an administrative determination that this man, if he victimizes people, that we will not issue him a permit period. Then he will be forced to go to court and mandamus me to issue him a permit to do the work.

MR. PADILLA: Can you suspend his license and keep it suspended while the court hears the case?

MR. VANN: Yes, sir. I can refuse, for cause, not to issue a permit to anyone. The court can mandamus me if the facts are proper that I must issue a permit. However, there is nothing in the law that says that I must issue a permit.

MR. PADILLA: Are you talking about a permit for a project? Or are you talking about his license to operate in the City of San Antonio?

MR. VANN: I'm talking about any kind of permit or the license to operate. You see, if he has a Home Improvement license, he still has to get a permit to do the work. So the key to the thing is to get the permit. So, if there is one man that comes in here and he has been victimizing people, I can arbitrarily say, "No, I'm not going to issue you a permit." Then the courts will tell me whether I have to issue him a permit or not.

MR. PADILLA: Can he then get the homeowner to take out the permit?

MR. VANN: Well, he can get the homeowner to take out the permit regardless because under the law a homeowner can take out a permit. I can take out a permit to do work at my house as well as you can.

MR. PADILLA: What I was asking you is if you deny a permit to a contractor can he go back to the homeowner and say you will have to go get the permits. The homeowner comes in and gets the permit and then where are you?

MR. VANN: If that homeowner is foolish enough to take out the permit, yes, sir.

MR. PADILLA: The homeowner may not know that you denied it.

MR. VANN: I understand that, but they will generally check with us. We'll key that to the address.

MR. PADILLA: Last question. Who took the initiative in wanting you to change this procedure?

MR. VANN: The Home Improvement Advisory Board recommended it.

MR. PADILLA: It didn't come from the lawyers?

MR. VANN: No, sir.

MAYOR PRO-TEM BECKMANN: All right, Council, what's your choice?

DR. JOSE SAN MARTIN: Can we always put it back, Mr. Mayor, if it's not working out?

MAYOR PRO-TEM BECKMANN: I presume we can always change it, can't we?

MR. VANN: Certainly we can always change it.

MR. PADILLA: Was this thing briefed in "B" Session?

MR. VANN: No, sir. We had it scheduled for a "B" Session a couple of times and it was passed over and we never did get to you, frankly.

MR. PADILLA: I have some reservations about it.

DR. SAN MARTIN: Mr. Mayor, may I suggest that we put it on the regular agenda for -- I'm not going to vote on this one until next week.

MAYOR PRO-TEM BECKMANN: George, do you want to bring it back next week?

MR. VANN: Yes, sir. You want it back on the "A" Session next week?

MAYOR PRO-TEM BECKMANN: Yes. That's right.

\* \* \* \*

(This item was postponed one week.)

74-14 The following Resolution was introduced by Councilman Morton and on motion by Councilman Morton, seconded by Councilman San Martin, was passed and approved by the following roll call vote: AYES: Cockrell, San Martin, Black, Lacy, Morton, Beckmann, Padilla; NAYS: None; ABSENT: Becker, Mendoza.

A RESOLUTION  
NO. 74-14-19

COMMENDING THE EXECUTIVE DIRECTOR AND STAFF  
OF THE ALAMO AREA COUNCIL OF GOVERNMENTS FOR  
THEIR PARTICIPATION AND ASSISTANCE IN PRE-  
PARATION OF THE RECOMMENDATIONS OF THE ALAMO  
AREA COUNCIL OF GOVERNMENTS TASK FORCE FOR  
PROTECTION OF THE QUALITY OF WATER IN THE  
EDWARDS UNDERGROUND RESERVOIR.

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74-14 Item No. 12 of the agenda being a proposed ordinance authorizing a quitclaim deed of property valued at \$457,500 from the City to the Urban Renewal Agency was withdrawn from consideration at the request of the City Manager.

74-14 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Mr. Mendoza, seconded by Dr. San Martin, was passed and approved by the following vote: AYES: Cockrell, San Martin, Black, Lacy, Morton, Beckmann, Padilla; NAYS: None; ABSENT: Becker, Mendoza.

AN ORDINANCE 43,623

ACCEPTING THE LOW BID OF UNIVERSAL BOOKBINDERY TO FURNISH THE CITY WITH CERTAIN BLOCK BOOK SHEETS FOR A TOTAL SUM OF \$1,800.00.

\* \* \* \*

74-14 The Clerk read the following Ordinance:

AN ORDINANCE 43,624

ACCEPTING THE LOW BID OF PULSE AMBULANCE SERVICE TO FURNISH THE CITY OF SAN ANTONIO WITH MORGUE TRANSFER SERVICE AT A COST OF \$12.50 PER TRANSFER.

\* \* \* \*

The Ordinance was explained by Mr. John Brooks, Director of Purchasing, who said that seven bids were received for this service ranging from a low of \$12.50 to \$100.00 each. The low bid submitted by Pulse Ambulance meets the requirements of the Fire Department. He recommended approval of the Ordinance.

In answer to Mr. Padilla's question, Mr. Brooks said that the Emergency Medical personnel will continue to take accident victims to the hospital. The morgue transfer service will only be used for obviously dead bodies such as remains that have been found after several days.

Dr. San Martin commented that at this price no company can make any money and expressed the fear that in a few months the Council will be asked to modify the contract.

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, Black, Lacy, Morton, Beckmann, Padilla; NAYS: None; ABSENT: Becker, Mendoza.

74-14 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, Black, Lacy, Morton, Beckmann, Padilla; NAYS: None; ABSENT: Becker, Mendoza.

AN ORDINANCE 43,625

AUTHORIZING THE PURCHASE OF CERTAIN ELECTRICAL MATERIALS FROM THE PERRY SHANKLE CO., CONSOLIDATED ELECTRICAL DISTRIBUTORS AND AMFAC ELECTRICAL SUPPLY CO., FOR A TOTAL SUM OF \$3,209.33.

\* \* \* \*

74-14

COUNCIL COMMITTEE ON COUNCIL PROCEDURE

Mrs. Cockrell stated that the Council's Committee on Council Procedures needs to meet to discuss pending matters. After considering the matter the Committee which includes Mr. Morton and Rev. Black agreed to meet following the Special Council Meeting to be held on Friday, April 5, 1974.

Mr. Padilla suggested that the Committee study the possibility of starting Council meetings at a time other than 8:30 A. M. Since the meetings seem to start around 9:00 A. M., anyway, perhaps that should be considered.

Mrs. Cockrell stated that the matter of time would be discussed and also invited suggestions that any Council member might have to simplify Council procedures.

74-14

RIVER CORRIDOR PROJECT

The following conversation took place:

MRS. LILA COCKRELL: The matter of staffing arrangements very obviously is under the jurisdiction of the City Manager. There is a certain amount of policy involved and in terms of priorities, I would like a reaffirmation from the Council that the River Corridor Project has a high priority with the Council. I just feel that somehow or other we have not quite given it a high enough level staffing arrangement, and I think the only way that the Council can address this is to reaffirm that we do wish this whole project to have a high level priority. I am concerned about the flow of information that needs to come to the Council. I in no way want this to be considered in any way criticism of any individual staff member. I just think that we perhaps have not set the whole project up in a high enough priority that it is really moving and getting sufficient attention that I think it needs. So, I would like to make that comment. It's been my feeling that the Council has been behind the River Corridor Project and would like to see it move. I just think somehow or other it's got to have a higher level priority within our system.

MAYOR PRO-TEM BECKMANN: Lila, who do we have on that?

MRS. COCKRELL: Mr. Dirk Dahlman is the project coordinator. The way it is set up, of course, we have the City Manager and then it is under Mr. Cip Guerra in the Community Development and Planning and then under Mr. Guerra I am not quite sure which of two individuals whether it's Mr. Stromberg or Frank Leach. I believe it is under Frank now and then Dirk Dahlman is the next level down.

I think a project of this size when you are coordinating the work of six different agencies is going to have to get moved up

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in the higher priority some way or other to really get the attention. This person is trying to coordinate staff with six different agencies and I think about the - well, it's about the third or fourth man down.... It's not really placing the whole project in a high enough priority. I think we can give this as sort of a reading of the Council to the Manager. The staff arrangements are certainly his to make.

MR. CLIFFORD MORTON: I'd like to ask this question. On River Corridor - exactly where do we stand as far as having the plans agreed upon?

MRS. COCKRELL: The River Corridor plan that we have now is more or less a plan for about a 20 year deal. It will take that long to get the whole thing accomplished. We are in the first stages and the first stages involves, first of all, flood control. The flood control is handled up to Johnson Street and we are now at the point where the San Antonio River Authority is working from Johnson Street to Nueva and from Nueva to Convent. Those two sections are in engineering and all of those studies that are going on right now. It's going to take several more years for that to be completed. Then, in addition to that, we are working on the southern part with the Mission Plan that was incorporated into the River Corridor plan. We have asked the staff to draw up a total picture there again of the funding in the Mission Parkway part of it.

The City has appropriated as a starter, you might say, three hundred thousand dollars. The County has appropriated \$50,000 in that particular segment of the Corridor. We are expecting to get both state and federal funds for certain portions of it. I think it needs to flow faster. We need to be getting our information back from the staff of these different estimates. There are suggestions right now, for example, of priority items that the City Council should consider in the spending of the \$300,000 that we have allocated?

What should be done right now? We need to get the predictions of what would be the future requests coming to the City, to the County. What requests are going to be sent to the state and so on. I feel that there is quite a bit more staff work that needs to be done to keep the whole thing moving.

Overall it's a 20 year deal, and it has to start at the bottom and go up because of the flood control problem. In addition to the flood control that the San Antonio River Authority is doing, the City, of course, is making an inspection of Olmos Dam. That was one of the first things called for under the River Corridor plan. That is nearing completion. In 30 to 60 days we expect to get that report. That, of course, affects the flood control on down river. So these are some of the things that are moving but it is almost impossible to put a total price tag on the thing because there are options of how different things will develop but we are starting at the bottom and working upstream. I think at least for the Mission Parkway we ought to be able to get from the staff a total package of this is what the whole thing is going to cost. I understand it is around \$10 million. This is in increments where we suggest that we go for the money on these different things.

MAYOR PRO-TEM BECKMANN: Lila, wouldn't you say that part of the priority is well defined? There is no question about that.

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MRS. COCKRELL: Oh, yes. I think that we would like to get as much of the Mission Parkway part of it done as we can early in the game, as much as we can so we'll have something to show for the Bi-centennial. It won't be possible to complete that in its entirety, but I think we can get quite a bit accomplished. I'm just concerned that it's not kept moving and we're not getting the flow of information from the staff on the subject.

MR. CIPRIANO GUERRA: I might try and respond to that. About 30 days ago we were before you with the Mission Plan to get it approved as part of our overall master plan. At that time Councilman Morton asked us for a more specific definition of the source of funds. We promised to be back with that in 60 days. Part of the work we are doing, as you know, Mrs. Cockrell, has to do with getting priorities not set just by staff, but we take input from the River Corridor Committee and the Mission Task Force.

We have already started the work - well, it's almost complete really - of planning what these potential sources of funds are for various parts of the program. With regard to prioritizing them, I would look to the committee to assist us with that work. If we can get an input from the committee we can submit it to the Council.

MRS. COCKRELL: But the committee has already given input on the matter of purchases with the \$300,000. There are other things that we have given input on that we don't seem to get them all back to the Council. That's what is concerning me. Maybe we are short in staff some way. Maybe we need additional staff.

MR. GUERRA: No. I'm afraid maybe we had a communication breakdown. I thought as Chairman of the Committee you would be bringing that back to Council, but if you prefer for staff to do it we'll do it.

MRS. COCKRELL: I had indicated to Mr. Granata that I feel that the staff must be responsible for taking these things back through channels. I don't think it's up to individual Council members to place things on the agenda and so forth. I think the staff.....

MR. GUERRA: Very well. I did not understand that and that's the reason we have not brought them back. We thought as Committee Chairman you would be bringing them back.

MRS. COCKRELL: I'm not the Committee Chairman. I'm the Vice-Chairman.

MR. MORTON: On that same point.....(inaudible).....related to River Corridor. Mr. Guerra's department and Mr. Beckmann and Mendoza and I have, of course, been working.....(inaudible)..... on Alamo Plaza. We plan to prepare a report. Do you want such a report from this committee signed by me as Chairman to the Council?

DR. SAN MARTIN: Mr. Mayor, this is a specific Council committee appointed by the Mayor. I think it should come back through the Council.

MR. MORTON: This is what I would like to know. Maybe this is what has happened.

MRS. COCKRELL: Now on ours we have a River Corridor Committee, and we don't even have - I have asked several times to try to get an ordinance. I've been getting this for six months about trying to get an ordinance even appointing the committee. I think we are kind of moving along trying to get the ordinance prepared. I am on there representing

AACOG. I'm not on there representing the City, and I just don't feel that it is up to the Chairman to do the staff work of preparing this and bringing it back in as a report.

MR. GUERRA: There is no intent, Mrs. Cockrell, and if we had a breakdown in communication, we'll correct it. With regard to the ordinance, I provided you with a copy of the first draft last week. You made some comments on it, and I've got Dirk working on the changes and I'll have that back for you next week. I think part of it was a break in how we thought we were operating. Once we solve that I think we'll get moving again.

DR. SAN MARTIN: .....(inaudible).....

MR. MORTON: Mrs. Cockrell, if you are through on that point, I would like to, while we are on the subject, tell you that we are scheduled to come back to you on the 12th of April. One of our committee members, Pat Legan, has a trip scheduled to be out of town today through next Wednesday or Thursday. We did not want to finish our deliberations and recommendations without him there.

MAYOR PRO-TEM BECKMANN: I'll be out of the City, too.

MR. MORTON: So, we have scheduled our Wednesday meeting for Friday of next week. We were...(inaudible)....optimistic in thinking that we could get all of the questions resolved. It will run too close to the next couple of weeks. We are coming back to the Council with a specific set of recommendations.....

DR. SAN MARTIN: You are talking about Friday the 12th for the....

MR. MORTON: On Friday the 12th we will be meeting over there in a shirt sleeve type session. This is the committee that you appointed which you are all invited to visit as you have been to all of the other meetings. The purpose of this meeting will be to get down to the nuts and bolts type session and say, "Okay, we've had some really great ideas for which I think we owe a lot of different people." First of all, I think the community feels that this Council is an action oriented Council and it is going to take action. It is going to be deliberate, decisive and swift. In addition to that, we have had excellent support from the press. We've had excellent staff support and beyond that I think we've had an excellent advisory committee. The absenteeism is -- they were really here. Other than that they've been there and their interest is in carrying this thing through to conclusion and getting it back to you where you will have some very simple decisions to make. They'll take all the chaff out of it. So, we're talking, Dr. San Martin, of approximately April 20th would be my guess when we will be to Council with recommendations so you can say we want to schedule a hearing on it, we want to think about it for two, three, four weeks, whatever. I'm saying that sometime during the month of May this Council would had had it approximately 30 days from the time it receives a set of recommendations, which I assure you will be short, to make a decision on what, if any, of the recommendations you want to accept and take action on.

REV. BLACK: That's Friday the 12th at 9:00 o'clock.

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MR. MORTON: That's at 9:00 o'clock at the German-English School and, again, it's a work type session, and you are welcome to come. I think we've got most of the ideas in. I won't say they are all in because there seems to be one that always keeps jumping up through the woodwork.

DR. SAN MARTIN: Are you confining the meeting from 9:00 to 12:00, or do you go beyond?

MAYOR PRO-TEM BECKMANN: Mr. Morton has been very efficient at closing it off at 9:00 to 12:00.

MR. MORTON: We want to stay until we get.....

DR. SAN MARTIN: The only thing I want to point out, Cliff, is that it happens to be Good Friday. I don't know if City Hall is closed a half day on Good Friday.

MR. GUERRA: While we are clarifying some of these relationships, I would like to give you my interpretation of a couple of other projects so if they are not clear we can get staff back on them. The Council also referred the Arciniega property and the Alamo Plaza Project to this committee and if that's proper we'll keep it in that context. If not, staff will get back on it.

MR. MORTON: Okay.

MAYOR PRO-TEM BECKMANN: I think one of the things, Councilman Morton, that you have done with this committee though is that you have clearly defined the priorities and taken a step at a time. I think this is the problem with the River Corridor. In spite of the fact that we think we know what we are talking about we often get way afield.

(Several talking at once)

MAYOR PRO-TEM BECKMANN: Well, you see drainage doesn't show up very well, but if you are going to overhaul HemisFair, it looks pretty good.

MR. MORTON: I'd like to ask permission at this stage of the game to do this - on the Arciniege property because of the recommendations that eventually could come back to you, I would ask that this definitely not be on the market for any use at this time until you have an opportunity to deliberate because you are eliminating one of the options that you may have. We don't want to slip it out. Some of these things can happen. One person is responsible for getting rid of a piece of property and it might be something that is very important.

MRS. COCKRELL: Could I put in one last comment about the River Corridor? One thing that I think might be of interest to this Council - when I was at a national meeting in Los Angeles, I learned that in the Omaha, Nebraska area they have a similar project. Their river is a bigger river and a much longer river, but it has many similarities in that there is a lot of downtown redevelopment in the City of Omaha that is being done now by private development that is keyed right into this river front project. I really think that it would be worthwhile for the Council to send a delegation there to discuss this and how they are getting the private capital involved and what they are doing and the whole ball of wax. I think they have a very exciting, really moving project. I might say that they have a staff of seven professionals plus secretarial backup working just on their river project. I want to be sure that I am not thought to be criticizing staff. The thing is we need to have enough staff and a high enough staff on the job to really get the whole thing moving. I just think that one person.....

MAYOR PRO-TEM BECKMANN: That's a pretty big river. What river are we talking about: The Missouri. It's navigatable.

MR. GUERRA: It's a 78 mile plan, I believe.

MAYOR PRO-TEM BECKMANN: It's a navigatable river - the type that hauls all the grain.

MR. GUERRA: Mrs. Cockrell, as you requested we have sent a letter to Omaha and asked them to furnish us more information and whatever materials they have and have voiced the idea of possibly bringing up a delegation.

MAYOR PRO-TEM BECKMANN: Doesn't SARA have that area from Johnson Street to Nueva or are they doing anything on it?

MR. MEL SUELTFUSS: It's an approved project as far as the Corps of Engineers is concerned. There are no funds available this time, but they are in the process of design. They are doing a lot of preliminary work on it.

\* \* \* \*

74-14

TEXAS RAILROAD COMMISSION

Dr. San Martin stated that the Council still needs to address itself to the questions raised by Judge Langdon in Austin two weeks ago. He said that the Council did receive a report from the City Attorney on this matter which bears on the subject. In about a week the Council should have a complete report from the City Public Service Board on the financial condition of Coastal States Gas Company.

Dr. San Martin suggested that in two weeks at "B" Session the entire "B" Session be dedicated to a meeting with Mr. Matthews and the City Public Service Board to determine what, if anything, the Council will decide to do.

Mr. Morton suggested that this be a closed meeting provided it meets the rules of the open meeting law.

Mr. Tom Finlay, Assistant City Attorney, stated that he would check on the scope of the meeting to see if it meets the requirements of the law.

74-14

REAFFIRMATION OF COUNCIL-MANAGER GOVERNMENT

Mrs. Cockrell made the following statement:

"I am concerned from time to time by things I read in the press and I feel that the Council needs to be reaffirming its support of the way Council-Manager government is supposed to work. I am concerned that the press evidently is interpreting action by various Council members to be, in effect, that the Council is trying to interfere in management decisions. I feel that we must all avoid doing this. It is contrary to the City Charter and so, just as one member of the Council, I would like to reaffirm my strong support for Council-Manager government, and I feel that it is most important that all of us keep these relationships in mind.

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March 29, 1974

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

Gentlemen and Madam:

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

- March 25, 1974      Petition of Mr. Jack Carden, Operation Manager, Phelps King Corporation, Rio Lado Motel, 1100 North St. Mary's Street, requesting permission to erect a seven (7) foot large rock wall in front of the property located at 1100 North St. Mary's Street.
- March 26, 1974      Petition of Mrs. Ruth A. Homen, 2602 Spokane, in behalf of Mrs. A. C. Lewis, 2602 Hiawatha, requesting permission to install a hand rail on City property between the curb and sidewalk at her residence.
- March 28, 1974      Petition of Major Imogene Foster, 12426 La Albada Drive, a nurse at Brooks Medical Center, requesting permission to keep an extension she has added to a portion of her backyard fence.
- March 29, 1974      Petition of Mr. Conrad A. Hernandez, President of Crossroads Shopping Center Merchants Association, requesting permission to operate a carnival on the parking lot of the Crossroads Shopping Center, West Commerce at General McMullen, from April 16th through April 28th, 1974 and from November 1st through November 10th, 1974.

\* \* \* \*

/s/    J. H. INSELMANN  
          City Clerk

There being no further business to come before the Council, the meeting adjourned at 3:20 P. M.

A P P R O V E D

Charles L. Becker

ATTEST: *J. H. Inselmann*  
          City Clerk

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nsr

