

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JUNE 28, 1973.

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The meeting was called to order at 8:30 A. M. by the presiding officer, Mayor Charles L. Becker, with the following members present: COCKRELL, SAN MARTIN, BECKER, BLACK, LACY, MORTON, BECKMANN, MENDOZA; Absent: PADILLA. (Mr. Padilla is out of town representing San Antonio on Chamber of Commerce trip to Mexico.

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73-33 The invocation was given by The Reverend Jim Puckett, Harlandale Baptist Church.

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73-33 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

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73-33 PROCLAMATION

AMERICAN INDEPENDENCE WEEK

Mayor Becker read a proclamation declaring the week of June 29th through July 4th, 1973, to be American Independence Week.

Mr. Red McCombs, Chairman of the San Antonio Bi-Centennial Committee, thanked Mayor Becker for his proclamation. He said that his committee will make a full report on its activities in two weeks. Word has been received from the Bi-Centennial Commission in Washington that San Antonio will be officially designated a Bi-Centennial City on or before July 4th, 1973. He briefly reviewed the overall effects of the committee.

Mrs. Vivan Hamlin reviewed the patriotic program designed for American Independence Week.

Also present from the Bi-Centennial Committee were Mr. David Straus, Mr. Al Rohde and "Miss Liberty Belle" Jackie Behrendt.

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73-33 PROCLAMATION

LAB BAND DAY

Mayor Becker read a proclamation proclaiming June 28, 1973, Lab Band Day in honor of the MacArthur High School Lab Band which recently was named national champion at the Mobile, Alabama All American High School Stage Band Festival.

Mr. John Peason, Director, accepted the proclamation for the Band and thanked Mayor Becker and the City Council for the honor.

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73-33"BUTTONS"

"Buttons", a Ringling Bros. Barnum and Bailey Circus clown, greeted Mayor Becker and the Council. He invited Mayor Becker to be Honorary Ring Master on Saturday, July 7, 1973, at the evening performance. He presented the Mayor with a certificate and a silver ring master's whistle.

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73-33 The minutes of the special City Council meeting of June 15, 1973, and the regular City Council meeting of June 21, 1973, were unanimously approved.

73-33CITIZENS TO BE HEARDMEXICAN TRADE FAIR

Mr. Roane Harwood, President of the Greater San Antonio Chamber of Commerce, announced that the Mexican Trade Fair will be held September 10, 1973, through September 14, 1973, in the Convention Center Exhibit Hall. The fair will involve more than 250 Mexican manufacturers who will exhibit over 1000 different products. This is a joint effort of the Chamber of Commerce, City of San Antonio and Mexico's Foreign Trade Institute.

Mr. Armando Gomez, Mexican Trade Commissioner, described the long term goals for the trade fair and expressed the hope that ultimately there will be a permanent Mexican trade center in San Antonio. He praised city officials as well as Chamber officials for the great spirit of cooperation in assuring success for this venture.

MR. BILL SEELIG

Mr. Bill Seelig, 14419 Perchin, said that the area in which he lives was recently annexed by the City. He said that a petition had been circulated in opposition to the annexation. Subsequently, the petition was filed with the City. He said that there were over 100 signatures on the petition in opposition. He asked that the City reconsider the action and set this annexation aside.

After discussion it was pointed out to Mr. Seelig that the annexation was legal in all respects and that nothing could be done to set the annexation aside.

MR. H. H. KIEL

Mr. H. H. Kiel, representing the Bexar County Support Your Local Police Committee, spoke to the Council in opposition to the committee which had been appointed to review charges of police brutality. He said that there are other means already established to make these investigations.

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MR. WILLIAM WEBBER

Mr. William Webber, 326 Faust Street, related a personal problem to the Council.

Mayor Becker asked that someone on the staff talk with Mr. Webber and direct him to the proper agency for assistance.

POLICE REVIEW COMMITTEE

Mr. Jack Paul Leon, Attorney representing the S. A. Police Officers Association, spoke to the Council with reference to the appointment of a Council Committee to investigate charges of police brutality, and asked that the committee be dissolved. He said that the State statutes covering Fire and Police Civil Service Commission make provision for this type of efforts and were designed to keep political influence out of the administration of the Police Department. He felt activities of this committee would tend to bypass State law.

Mayor Becker stated that he had apologized to persons involved in the incident. Such apology was made as the Mayor of the City of San Antonio and was not intended as a condemnation of the Police Department nor did it infer that the Police Department was guilty of any wrong doing. He suggested that the Council should handle these matters as it sees fit or the public will demand the formation of a Civilian Review Board.

Rev. Black said that he wanted to assure members of the Council that as chairman of the committee, he would do all in his power to see that the committee acts within the framework of the law.

Mr. Morton said that he would like for City Attorney Howard Walker to give his opinion as to whether this committee that was appointed has the authority to make the type of investigation that was the objective of the committee.

CITY ATTORNEY HOWARD WALKER: Mr. Mayor, as has been pointed out, this is, of course, not a council committee. You have mentioned that.

MR. MENDOZA: Did you say this is not a council committee?

MR. WALKER: Yes. The Mayor has indicated that he made the appointment and the Council has not, itself, appointed a committee.

The reason I raise the question is this. Before I get through I am going to get into a possible violation of civil rights, a possible violation of due process of law which might effect individual members of the Council or the Council as a body.

The statute, 1269M that Mr. Leon explained to you at the "B" session, was designed by the state legislature and adopted by the voters of San Antonio to be the method to be followed in the investigation, disciplining or firing of police officers and firemen. It is a special statute of the State of Texas. I am not aware that any other state has it. They may have but I'm not aware of it. This is a special statute in Texas and it has been in existence now since 1938 or somewhere along in there. It sets out the procedures, they are quite detailed as a matter of fact, that should be followed whenever an incident occurs in which it would appear that a police officer has violated his duty in his reaction to members of the public. And there is a Civil Service Commission named

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by statute and appointed here by City Council since we adopted it who serves in that capacity and function.

On the other hand we have a Charter provision which provides that the City Council is authorized to make investigations of City matters. It doesn't specify them as such. It's just a sort of general purpose authority granted the City Council and under which presumably, this committee would operate. Now, under the authority granted in this Charter provision, so long as it is not in conflict with the state law it, of course, can be applied by the City Council.

Here is where we get into our big debate. Does it involve any conflicts? Now, these conflicts generally are determined and resolved by matters of fact. What is the committee doing? How far is it going? What is to be its ultimate decisions in this matter? I think this - I think that the City Council has the authority to investigate the Fire Department as to its functions and activities, to investigate the Police Department, per se, as to its functions and activities. I don't think there is much doubt about that and I don't believe the police would quarrel with that too much. I am somewhat apprehensive, however, if in the exercise of the authority of the committee there might possibly be a violation of the due process of law with reference to individual police officers whether or not then there may be a violation of civil rights. If - I say if - there is a violation of civil rights then I am apprehensive as to the liability of individual Council members or the Council collectively.

It bothers me to some extent, I don't know the answer to it. I would say this - that if the City's Committee should proceed to an ultimate conclusion assuming that it finds from its investigations that there is reason to believe the peace officers have violated the civil rights of citizens and then would attempt to apply its disciplines that at that point the police officer is denied due process of law and the reason for that is that the state statute specifies exactly how due process of law must be applied in the disciplining of police officers.

So, I think you have the question here and I don't know how far the committee intends to go. You've given me a hypothetical fact situation here. I don't know how far the committee intends to go. If it only intends to make the cursory examination as to the activities of the Police Department as a Police Department. In other words, if you intend to find out whether or not the Police Department of San Antonio is in its policies and in its activities, actually involving itself in brutality, I think you have the authority under the Charter to determine those facts. But having determined them, then what is the next step? What do you do next? Allright, the only thing you can do, the only thing that can legally be done to discipline those officers, if discipline is now deemed advisable, is for the Chief - not the City Manager, not the Police Commission itself but the Chief - to file a complaint. The City Council can't file it. You can't order it filed. The Commission itself can't file it. It can be done in one way only and that is what the state legislature says. Now, if it is not done that way then do you have a question of a violation of due process as far as the police are concerned.

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Mr. Mendoza said that he felt that the Civil Service Commission should investigate this problem and report to the Council in accordance with the law.

After consideration, Mr. Morton said that this committee has no authority to issue subpoenas and to take testimony under oath and he questioned what kind of facts could be obtained. In view of this he made a motion that this committee be dissolved pending an investigation by staff which will be reported to the Council next Thursday morning and if

the Council is not satisfied with that investigation then this matter will be referred to the Fire & Police Civil Service Commission and at that time get a report from them; then review whether the Council wants a committee but in the interim this committee be dissolved.

Dr. San Martin seconded the motion by Mr. Morton.

After discussion the motion carried by the following roll call vote Ayes: COCKRELL, SAN MARTIN, MORTON, BECKMANN, MENDOZA. Nays: BECKER, BLACK, LACY. Absent: PADILLA.

Mayor Becker thereupon declared the committee dissolved.

REV. BLACK: I would like to go on record at this point. I shall continue to encourage and invite citizens of this community who have been engaged in events involving conflict with police to the Council meetings to make known their problems. I would like to say that because I think it has access to this Council and I think this is the place it ought to be made known.

MRS. COCKRELL: I want to make a statement. I want to say first of all that I am sure every member of this Council respects the right of individuals to be heard and the fact that we have allowed the Citizens to be Heard on such an important place on our agenda certainly attests to our interest in that capacity. I think following the hearing of the citizens that each of us also want to respond in a way in which action or justice is accomplished. In voting for this resolution I did so because I believe that justice is better accomplished for all citizens involved whether they be members of the public or whether they be members of the police officers group by following the legally constituted procedures. By having these statements taken under oath and by that authority to whom is given the responsibility by law. So, it is no lack of interest or concern for the citizens complaints nor no prejudging of their validity but simply a matter that, in my opinion, I feel that justice is best accomplished by going through the legally constituted procedures.

73-33 ZONING HEARINGS

A. CASE 4969 - to rezone Tracts A and B, NCB 8410 save and except the north 36.6' of the east 32' of Lot B and the south 3.4' of the east 32' of Lot A, located at 815 and 823 Vance Jackson Road, from "B" Two Family Residence District to "B-2" Business District; and the north 36.6' of the east 32' of Lot B and the south 3.4' of the east 32' of Lot A, located at 815 and 823 Vance Jackson Road, from "B" Two Family Residence District to "B-3" Business District.

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

Mr. Mike Wish recalled to the Council that on May 3, 1973, the Council approved the application to rezone this tract. However, the "B-3" zoning was erroneously placed at the corner of the property when it should have been moved to the south to permit installation of gas pumps without afflicting traffic flow.

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 and that a six foot screen fence is erected along the west property line. Mr. Beckmann seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: San Martin, Becker, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Padilla.

AN ORDINANCE 42,400

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 TRACTS A AND B, NCB 8410 SAVE AND EXCEPT THE NORTH 36.6' OF THE EAST 32' OF LOT B AND THE SOUTH 3.4' OF THE EAST 32' OF LOT A, LOCATED AT 815 AND 823 VANCE JACKSON ROAD, FROM "B" TWO FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT; AND THE NORTH 36.6' OF THE EAST 32' OF LOT B AND THE SOUTH 3.4' OF THE EAST 32' OF LOT A, LOCATED AT 815 AND 823 VANCE JACKSON ROAD, FROM "B" TWO FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SCREEN FENCE IS ERECTED ALONG THE WEST PROPERTY LINE.

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B. CASE 5021 - to rezone a 0.809 acre tract of land out of NCB 12053, being further described by field notes filed in the Office of the City Clerk, located at 927 North Loop Road, from "A" Single Family Residential District to "B-3" Business District, being 86.3' northwest of the intersection of Jones-Maltsberger Road and North Loop Road; having 195' on North Loop Road and a maximum depth of 181'.

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, Beckmann, Mendoza; NAYS: None; ABSENT: Padilla.

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AN ORDINANCE 42,401

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.809 ACRE TRACT OF LAND OUT OF NCB 12053, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, LOCATED AT 927 NORTH LOOP ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, BEING 86.3' NORTHWEST OF THE INTERSECTION OF JONES-MALTSBERGER ROAD AND NORTH LOOP ROAD; HAVING 195' ON NORTH LOOP ROAD AND A MAXIMUM DEPT OF 181'. PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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C. CASE 5038 - to rezone Lots 3 through 10, Block 1, NCB 15650, located at 6900 Block of Wurzbach and 5800 Block of Evers Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District.

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. 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, Beckmann, Mendoza; NAYS: None; ABSENT: Padilla.

AN ORDINANCE 42,402

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 3 THROUGH 10, BLOCK 1, NCB 15650, LOCATED AT 6900 BLOCK OF WURZBACH AND 5800 BLOCK OF EVERS ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT.

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D. CASE 5050 - to rezone Lots 13 and 14, Block 5, NCB 11721, located at 2007 and 2003 Lockhill-Selma, from "A" Single Family Residence District to "R-3" Multiple Family Residence District.

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

AN ORDINANCE 42,403

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 13 AND 14,
BLOCK 5, NCB 11721, LOCATED AT 2007
AND 2003 LOCKHILL-SELMA, FROM "A"
SINGLE FAMILY RESIDENCE DISTRICT TO
"R-3" MULTIPLE FAMILY RESIDENCE
DISTRICT.

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E. CASE 5052 - to rezone Lots 21 and 23, Block 1, NCB 10733, located at 1131 South W. W. White Road, from "F" Local Retail District and "A" Single Family Residence District to "B-3" Business District.

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

No one spoke in opposition.

After consideration, Mr. Beckmann made a motion that the recommendation of the Planning Commission be approved, provided that a six foot solid screen fence is erected along the west 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, Beckmann, Mendoza; NAYS: None; ABSENT: Padilla.

AN ORDINANCE 42,404

AMENDING CHAPTER 42 OF THE CITY CODE
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ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 21 AND 23, BLOCK 1, NCB 10733, LOCATED AT 1131 SOUTH W. W. WHITE ROAD, FROM "F" LOCAL RETAIL DISTRICT AND "A" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ALONG THE WEST PROPERTY LINE.

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F. CASE 5056 - to rezone Lots 2 and 3, Block 11, NCB 15502, located at 2600 Block of S. W. Loop 410, from Temporary "R-1" Single Family Residence District to "B-3" Business District.

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. 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 42,405

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 2 AND 3, BLOCK 11, NCB 15502, LOCATED AT 2600 BLOCK OF S. W. LOOP 410, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

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G. CASE 5058 - to rezone Tract A, NCB 15054, 14.482 acres, located at 102 and 156 Jeanie Riley, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District.

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 and that a non access easement be imposed along the intersection of Warpath Drive with the subject property and that portion of the alley abutting subject property. Mr. Mendoza seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Padilla.

AN ORDINANCE 42,406

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS TRACT A, NCB 15054, 14.482 ACRES, 102 AND 156 JEANIE RILEY, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT A NON ACCESS EASEMENT BE IMPOSED ALONG THE INTERSECTION OF WARPATHE DRIVE WITH THE SUBJECT PROPERTY AND THAT PORTION OF THE ALLEY ABUTTING SUBJECT PROPERTY.

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H. CASE 5061 - to rezone Tract 4 and Lots 38 and 39, save and except the southwest 500' NCB 14735, being that portion not presently zoned "R-6", from Temporary "R-1" Single Family Residential District to "R-6" Townhouse District, located 500' northeast of Vance Jackson Road and 605.6' northwest of Wurzbach Road; having a width of 240.2' and a maximum length of 1400'.

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 be 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 42,407

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION

AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS TRACT 4 AND LOTS 38 AND 39, SAVE AND EXCEPT THE SOUTHWEST 500' NCB 14735, BEING THAT PORTION NOT PRESENTLY ZONED "R-6", 6900 VANCE JACKSON ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-6" TOWNHOUSE DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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I. CASE 5071 - to rezone a 12.345 acre tract of land out of NCB 15083, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District to "R-6" Townhouse District, located east of the intersection of Whisper Willow Drive and Whisper Spring Drive; having 863.08' on Whisper Spring Drive and 1777.61' on Whisper Willow Drive.

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

No one spoke in opposition.

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

AN ORDINANCE 42,408

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 12.345 ACRE TRACT OF LAND OUT OF NCB 15083, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-6" TOWNHOUSE DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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J. CASE 5026 - to rezone a 23 acre tract of land out of NCB 14857, located at 11800 Block of Huebner Road, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District; a 7.5 acre tract of land out of NCB 14857, located at 11800 Block of Huebner Road, from Temporary "R-1" Single Family Residential District to "O-1" Office District; a 10.3 acre tract of land out of NCB 14857, located at 11800 Block of Huebner Road, from Temporary "R-1" Single Family Residential District to "B-2" Business District; a 45.8 acre tract of land

out of NCB 14857, located at 11800 Block of Huebner Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District; and a 45.5 acre tract of land out of NCB 14857, located at 11800 Huebner Road, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District, being further described by field notes filed in the office of the City Clerk.

Subject properties are located on the northwest side of Huebner Road, being 373.74' southwest of the intersection of Honeycomb Drive and Huebner Road, having a total frontage of 2197.86' on Huebner Road and a maximum depth of 5596.11'. An overall map showing the above mentioned tracts is available in the office of the City Clerk.

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 be erected along the southeast boundary line adjacent to the single family residences and along the other single family platted lots existing to the southeast part of the property. 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 42,409

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 23 ACRE TRACT OF LAND OUT OF NCB 14857, 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; A 7.5 ACRE TRACT OF LAND OUT OF NCB 14857, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT; A 10.3 ACRE TRACT OF LAND OUT OF NCB 14857, 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; A 45.8 ACRE TRACT OF LAND OUT OF NCB 14857, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT; AND

A 45.5 ACRE TRACT OF LAND OUT OF NCB 14857, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, (11800 BLOCK OF HUEBNER ROAD), PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE BE ERECTED ALONG THE SOUTHEAST BOUNDARY LINE ADJACENT TO THE SINGLE FAMILY RESIDENCES AND ALONG THE OTHER SINGLE FAMILY PLATTED LOTS EXISTING TO THE SOUTHEAST PART OF THE PROPERTY.

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K. CASE 5047 - to rezone Lot 330 and the east 92' of arbitrary tract C, 9400 Block of South Zarzamora Street, from "B" Two Family Residential District to "B-2" Business District, located on the east side of South Zarzamora Street between Mally Boulevard and Villaret Boulevard; having a distance of 829.7' between Mally Boulevard and Villaret Boulevard with a total frontage of 604.2' on South Zarzamora Street, 167' on Villaret Boulevard and 92' on Mally Boulevard.

Mr. Gene Camargo, Planning Administrator, stated that the applicant, Mr. James F. Williams, had requested "B-2" zoning but the Planning Commission had recommended instead that "R-3" zoning be approved. Mr. Williams appealed this decision and is asking the Council to overrule the Planning Commission.

Mr. Williams spoke in favor of his application, He described the area and pointed out other business zones. He said he had no plans to build but would try to sell the property.

After consideration, Mr. Morton made a motion to overrule the Planning Commission and the property be rezoned to "B-2" zoning, 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: San Martin, Becker, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: Cockrell; ABSENT: Padilla.

AN ORDINANCE 42,410

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 330 AND THE EAST 92' OF ARBITRARY TRACT C, 9400 BLOCK OF SOUTH ZARZAMORA STREET, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

73-33
A. M.

The meeting recessed at 11:10 A. M. and reconvened at 11:30

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nsr

73-33 Dr. San Martin read the following resolution:

A RESOLUTION
NO. 73-33-34

COMMENDING THE DEPARTMENT OF MODEL
CITIES, ITS DIRECTOR, STAFF, AND
CITIZENS' PARTICIPATION POLICY
COMMISSION FOR THEIR CONTRIBUTIONS
TO THE MODEL NEIGHBORHOOD AREA.

* * * *

Dr. San Martin spoke of the many improvements that have been accomplished in the Model Cities area and asked for the Council's favorable consideration.

Mr. Raul Rodriguez took exception to the resolution and said it should not be passed.

After consideration, on motion of Dr. San Martin, seconded by Mr. Beckmann, the Resolution was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Beckmann, Mendoza; NAYS: Morton; ABSENT: Padilla.

73-33 Mayor Becker was obliged to leave the meeting and Mayor Pro-Tem Black presided.

73-33 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Becker, Padilla.

AN ORDINANCE 42,411

ACCEPTING THE LOW BID OF MOBILE INTERNATIONAL CO., INC. TO FURNISH THE CITY WITH A LIBRARY BOOKMOBILE TRAILER FOR A TOTAL SUM OF \$11,275.00.

* * * *

AN ORDINANCE 42,412

ACCEPTING THE LOW BID OF VULCAN SIGNS & STAMPINGS, INC. TO FURNISH THE CITY WITH CERTAIN ALUMINUM STREET SIGN BRACKETS AND RELATED HARDWARE FOR A NET TOTAL OF \$8,776.24.

* * * *

73-33 The Clerk read the following Ordinance:

AN ORDINANCE 42,413

ACCEPTING THE LOW BID OF CRANE SUPPLY COMPANY TO FURNISH THE CITY WITH CERTAIN ROUND, PORTABLE FIBERGLASS ENCLOSURES FOR A NET TOTAL OF \$4,788.00.

* * * *

The Ordinance was explained by Mr. John Brooks, Director of Purchasing, who said that in May bids were advertised for these round fiberglass enclosures which are used by the Public Works Department around sewage lift stations and other places where portable enclosures are needed. No bids were received the first time except from Crane Supply Company. It was readvertised for the purpose of trying to get other people interested in bidding. The second time also, Crane was the only bidder. It meets the specifications and is within cost estimates. He recommended adoption of the ordinance.

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

73-33 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Becker, Padilla.

AN ORDINANCE 42,414

ACCEPTING THE LOW BIDS OF MISSION ELECTRIC
SUPPLY INC., AND PRIESTER-MELL CO., INC.
TO FURNISH THE CITY WITH CERTAIN MISCELLANEOUS
ELECTRICAL SUPPLIES FOR A TOTAL OF \$6,567.59.

* * * *

AN ORDINANCE 42,415

AUTHORIZING THE PURCHASE OF CERTAIN
CHEMICALS FROM NALCO CHEMICAL CO.
PERTAINING TO SEWAGE TREATMENT FOR
A NET TOTAL OF \$3,827.00.

* * * *

AN ORDINANCE 42,416

AUTHORIZING THE PURCHASE OF CERTAIN
SEWAGE FILTERING MATERIALS FROM GARY
AIRCRAFT CORP. FOR A TOTAL OF
\$4,416.00.

* * * *

73-33 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, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Becker, Padilla.

AN ORDINANCE 42,417

CONSENTING TO THE ASSIGNMENT OF LEASE NO. 601 AT STINSON MUNICIPAL AIRPORT FROM ALCOR AVIATION, INC. TO EXCALIBUR AVIATION COMPANY.

* * * *

AN ORDINANCE 42,418

AUTHORIZING PROJECTS UTILIZING GRANT-IN-AID FUNDS FOR CONTINUING EXTENSION OF PUBLIC LIBRARY SERVICES TO AREAS WITH NO OR INADEQUATE SERVICE, APPROPRIATING FUNDS THEREFOR, AND ACCEPTING GRANTS FROM THE TEXAS STATE LIBRARY, IN THE AMOUNT OF \$5,412.50 AND \$39,472.00.

* * * *

AN ORDINANCE 42,419

GRANTING PERMISSION TO THE NATIONAL BANK OF FORT SAM HOUSTON TO INSTALL 1 1/2 INCH P.V.C. SLEEVE ACROSS QUITMAN STREET.

* * * *

73-33 Item 10 of the agenda being a proposed amendment to Chapter 12 of the City Code was withdrawn from consideration at the request of the City Manager.

73-33 The following Ordinances were read by the Clerk and explained by Mr. Jim Gaines, Director of HemisFair Plaza, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Becker, Padilla.

AN ORDINANCE 42,420

MANIFESTING AN AGREEMENT WITH MARY HINDELANG, D/B/A "HOUSE OF HINDELANG", TO TERMINATE THE LEASE AGREEMENT PROVIDING FOR LEASE OF SPACE IN BUILDING NO. 307 AT HEMISFAIR PLAZA.

* * * *

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AN ORDINANCE 42,421

AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH TRUDIE SKAGGS, AN INDIVIDUAL, PROVIDING FOR A LEASE OF BUILDING NO. 307 AT HEMISFAIR PLAZA FOR A ONE YEAR TERM WITH A ONE YEAR RENEWAL OPTION.

* * * *

AN ORDINANCE 42,422

MANIFESTING AN AGREEMENT WITH ARDYTH HAECKER, AN INDIVIDUAL D/B/A "GALLERIA #319", TO TERMINATE CITY REVENUE CONTRACT NO. 1621, PROVIDING SPACE IN BUILDING NO. 319 AT HEMISFAIR PLAZA.

* * * *

AN ORDINANCE 42,423

AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH JOHN LIONS, AN INDIVIDUAL, D/B/A "BELGIUM GIFT WARE", PROVIDING FOR LEASE OF 1,200 SQUARE FEET IN BUILDINGS 218 AND 219 AT HEMISFAIR PLAZA FOR A ONE YEAR TERM, ENDING JUNE 14, 1974.

* * * *

73-33 The following Ordinance was read by the Clerk and explained by Mr. Jim Gaines, Director of HemisFair Plaza, and after consideration, on motion made and duly seconded, was passed and approved by the following vote: AYES: Cockrell, San Martin, Black, Lacy, Beckmann, Mendoza; NAYS: None; ABSENT: Becker, Padilla; ABSTAIN: Morton.

AN ORDINANCE 42,424

AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH BILL WOLFGRAM, AN INDIVIDUAL D/B/A "BILL WOLFGRAM ENTERPRISES", PROVIDING FOR LEASE OF 150 SQUARE FEET OF SPACE IN BUILDING NO. 302 AT HEMISFAIR PLAZA FOR A ONE YEAR TERM, ENDING MAY 31, 1974.

* * * *

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73-33 The following Ordinances were read by the Clerk and explained by Mr. Jim Gaines, Director of HemisFair Plaza, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Becker, Padilla.

AN ORDINANCE 42,425

AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH WALTER H. HATFIELD, JR., AN INDIVIDUAL D/B/A "HATFIELD PAPER MACHE", PROVIDING FOR LEASE OF 400 SQUARE FEET IN BUILDING NO. 209 AT HEMISFAIR PLAZA FOR A ONE YEAR TERM, ENDING JUNE 14, 1974.

* * * *

AN ORDINANCE 42,426

AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH CLAUDIA ANN PATTERSON, AN INDIVIDUAL D/B/A "JEWELRY CONCEPTS", PROVIDING FOR LEASE OF SPACE IN BUILDING NO. 214 AT HEMISFAIR PLAZA FOR A ONE YEAR TERM, ENDING APRIL 30, 1974.

* * * *

73-33

HEMISFAIR PLAZA RENTALS

Mr. Mendoza asked what the vacancy situation is at HemisFair Plaza.

Mr. Gaines said that about 90 percent of the space is rented. There has been some turnover and a few tenants who were affected by the closure of the Durango Street parking lot have terminated. There may be one or two other cancellations, but he felt that the situation is pretty well stabilized.

73-33

HEMISFAIR PLAZA CURRENT STATUS

Mr. Morton said that at some future date he would like to have an agenda item to discuss with Mr. Gaines "where we are", and "where you recommend that we go".

Mrs. Cockrell said that at an earlier session she had asked the Staff to prepare a master plan indicating a direction.

City Manager Granata said this plan is in the mill and will be ready as soon as possible.

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Mr. Morton asked that a report be included to show an analysis of leases in HemisFair indicating square footage of area in each lease, the term of the lease and where there is some problem with occupancy show how many times there has been a turnover in a particular space, and also rate per square foot.

73-33 The following Ordinance was read by the Clerk and explained by Mr. Ron Darner, Acting Director of Parks and Recreation, and after consideration, on motion made and duly seconded, was passed and approved by the following vote: AYES: Cockrell, San Martin, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Becker, Padilla.

AN ORDINANCE 42,427

AMENDING AND EXTENDING FOR A TWO-YEAR PERIOD THE CURRENT CONTRACT HELD BY MELVIN WILLIAM O'BRYANT FOR OPERATION OF JOHN R. McFARLIN TENNIS CENTER.

* * * *

73-33 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, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: Becker, Padilla.

AN ORDINANCE 42,428

APPROPRIATING FUNDS FOR THE IMMUNIZATION MAINTENANCE PROJECT - FOURTH YEAR, APPROVING A PERSONNEL COMPLEMENT FOR THE PROJECT, AND ACCEPTING A GRANT FROM THE U. S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE IN SUPPORT OF THE PROJECT.

* * * *

AN ORDINANCE 42,429

AUTHORIZING PURCHASE OF "PRINCIPLES OF MANAGEMENT" COURSE MATERIALS FROM THE AMERICAN MANAGEMENT ASSOCIATION AT A COST OF \$4,800.00 AND APPROVING PAYMENT OF THE SAME OUT OF CITY PUBLIC SERVICE CAREERS ACCOUNT, FUND 770.

* * * *

73-33 The Clerk read the following Ordinance:

AN ORDINANCE 42,430

APPROVING AND AUTHORIZING PURCHASE OF DISPOSITION PARCEL NOS. 3 AND 3A, NEW CITY BLOCK 13419 LOCATED IN CENTRAL WEST PROJECT, TEX. R-39, FROM THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO FOR A TOTAL CONSIDERATION OF \$104,500.00; AND AUTHORIZING PAYMENT FOR SAME FROM SPECIAL PROJECTS ACCOUNT 99-21-03.

* * * *

The Ordinance was explained by Mr. Winston Martin, Executive Director of the Urban Renewal Agency, who said that this is the culmination of an agreement made by the City several years ago to purchase the building occupied by the Agency which is adjacent to the Police Headquarters Building as a close out of Project No. 39. Urban Renewal will continue to occupy the property and will pay rent on it.

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

73-33 The following Ordinances were read by the Clerk and explained by Mr. Melvin Sueltenfuss, Director of Public Works, and after consideration, on motion made and duly seconded were each passed and approved by the following vote: AYES: Cockrell, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: San Martin, Becker, Padilla.

AN ORDINANCE 42,431

ACCEPTING THE LOW BID OF H. B. ZACHRY CO. FOR CONSTRUCTION OF THE NEBRASKA STREET LIFT STATION ABANDONMENT PROJECT; AUTHORIZING EXECUTION OF A CONTRACT COVERING SAID WORK; AUTHORIZING THE SUM OF \$97,382.00 OUT OF SEWER REVENUE FUND 820-02 PAYABLE TO SAID CONTRACTOR AND THE SUM OF \$5,000.00 TO BE USED AS A MISCELLANEOUS CONTINGENCY ACCOUNT.

* * * *

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AN ORDINANCE 42,432

ACCEPTING THE LOW BID OF H & L ENTERPRISES FOR CONSTRUCTION OF THE JOHN MARSHALL SUBDIVISION OUTFALL SEWER MAIN EXTENSION; AUTHORIZING EXECUTION OF A CONTRACT COVERING SAID WORK; APPROPRIATING THE SUM OF \$26,125.00 OUT OF SEWER REVENUE FUND 820-03 PAYABLE TO SAID CONTRACTOR, THE SUM OF \$1,300.00 TO BE USED AS A MISCELLANEOUS CONTINGENCY ACCOUNT AND \$925.00 PAYABLE TO PAPE-DAWSON, CONSULTING ENGINEERS.

* * * *

73-33 Mayor Becker returned to the meeting and presided.

73-33 The following Ordinance was read by the Clerk and explained by Mr. Melvin Sueltenfuss, Director of Public Works, and after consideration, on motion made and duly seconded, was passed and approved by the following vote: AYES: Cockrell, Black, Lacy, Morton, Beckmann, Mendoza; NAYS: None; ABSENT: San Martin, Padilla; ABSTAIN: Becker.

AN ORDINANCE 42,433

AUTHORIZING EXECUTION OF TWO (2) AGREEMENTS WITH THE UNITED STATES OF AMERICA, PROVIDING FOR USE OF THE CITY'S SANITARY LAND FILLS BY KELLY AIR FORCE BASE AND LACKLAND AIR FORCE BASE AT A RATE OF \$1.25 PER TON OF SOLID WASTE AND GARBAGE DELIVERED TO SAID SANITARY FILLS.

* * * *

73-33

PROCLAMATION

BLACK EXPRESSIONS DAY

Mayor Becker read a proclamation setting June 30, 1973 as Black Expressions Day when Alpha Phi Alpha Fraternity and the Senior Opportunity Service Center are sponsoring displays of objects of Black oriented art forms at Roseville Apartments.

Mrs. Patricia Pickett accepted the proclamation from Mayor Becker and invited members of the Council to attend the function.

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73-33 Dr. San Martin invited Mr. Robert L. Frazer to appear before the Council. He then read the following resolution:

A RESOLUTION
NO. 73-33-35

- WHEREAS, Mr. Robert L. Frazer, was appointed Director of Parks and Recreation for the City of San Antonio on September 16, 1955 and has served continuously in that capacity, and
- WHEREAS, under his stewardship the Department grew from approximately 150 employees and a budget of \$1,057,000 in 1955 to 540 regular employees and 325 seasonal employees and a \$4,881,000 budget in 1973, and
- WHEREAS, he has established a close working relationship with Federal Agencies that has resulted in nearly \$3 million in grants for parks and recreation capital facilities to be enjoyed by all of our citizens, and
- WHEREAS, through his guidance and support the Paseo Del Rio and La Villita have gained world wide attention as a model for downtown development and a place of natural beauty and charm, and
- WHEREAS, he has established many recreation programs for the handicapped and has made life more abundant for our people and with emphasis on recreational activities especially designed for children, and
- WHEREAS, Mr. Frazer is leaving the City of San Antonio to return to the field of education, NOW THEREFORE:

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

- Section 1. That the City Council, speaking for all of the citizens of the City of San Antonio, extends greatest appreciation, praise and admiration to Robert L. Frazer for tasks faithfully and excellently done, and
- Section 2. That the City Council joins with the Staff in wishing him great success and happiness in his future endeavors.

* * * *

On motion duly made and seconded the resolution was adopted by acclamation.

73-33 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, Mendoza; NAYS: None; ABSENT: Padilla.

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AN ORDINANCE 42,434

AUTHORIZING EXECUTION OF A STANDARD CITY CONTRACT WITH VICKREY AND ASSOCIATES TO FURNISH ENGINEERING SERVICES AND PREPARE PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF THE OFF-SITE SEWER MAIN TO SERVE ONE NORTH PLACE UNIT 7 AND APPROPRIATING \$1,625.00 OUT OF SEWER REVENUE FUND 820-03 PAYABLE TO SAID ENGINEERS AND \$200.00 TO BE USED AS A MISCELLANEOUS CONTINGENCY ACCOUNT.

* * * *

AN ORDINANCE 42,435

ACCEPTING THE LOW BID OF MEADER CONSTRUCTION COMPANY, INC. FOR THE CONSTRUCTION OF LARKSPUR SANITARY SEWER OUTFALL MAIN PROJECT; AUTHORIZING EXECUTION OF A CONTRACT COVERING SAID WORK; APPROPRIATING THE SUM OF \$31,467.54 OUT OF SEWER REVENUE FUND 820-03 PAYABLE TO SAID CONTRACTOR AND THE SUM OF \$1,573.38 TO BE USED AS A MISCELLANEOUS CONTINGENCY ACCOUNT.

* * * *

AN ORDINANCE 42,436

RELEASING A TRACT OF LAND CONSISTING OF 1.519 ACRES FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO TO PERMIT SUCH AREA TO BE WITHIN THE EXCLUSIVE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HILL COUNTRY VILLAGE.

* * * *

AN ORDINANCE 42,437

MANIFESTING AN AGREEMENT WITH HASKINS AND SELLS CERTIFIED PUBLIC ACCOUNTANTS, FOR AUDITING SERVICES IN COMPLIANCE WITH AUDIT REQUIREMENTS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OF THE MODEL CITIES FOURTH ACTION YEAR PROGRAM, FOR A COST NOT TO EXCEED \$40,000.00.

* * * *

AN ORDINANCE 42,438

ESTABLISHING A PROJECT ENTITLED
TRAFFIC SAFETY SYSTEMS MANAGEMENT
PROJECT - 1ST YEAR, APPROPRIATING
FUNDS AND APPROVING A PERSONNEL
COMPLEMENT FOR THE PROJECT, AND
ACCEPTING A GRANT FROM THE STATE
TRAFFIC SAFETY ADMINISTRATION IN
SUPPORT OF SUCH PROJECT.

* * * *

73-33OUT OF TOWN VISITORS

Mayor Becker recognized Mr. and Mrs. John Chulos from Oak Park, Illinois, and Mr. and Mrs. Marvin Nagurse, Oak Park, Illinois. The people are visiting San Antonio while attending the Optomist Convention. He welcomed them to San Antonio.

The visitors responded by expressing their appreciation for the hospitality extended by the people of San Antonio.

73-33 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, Mendoza; NAYS: None; ABSENT: Padilla.

AN ORDINANCE 42,439

APPROPRIATING ADDITIONAL FUNDS FOR THE
CITY'S EMERGENCY EMPLOYMENT ACT -
SECT. 6 PROGRAM FOR USE IN THE 1973
SUMMER RECREATION SUPPORT PROGRAM,
APPROVING ADDITIONAL POSITIONS FOR
SUMMER YOUTH WORKERS AND ACCEPTING
A GRANT FROM THE U. S. DEPARTMENT
OF LABOR IN SUPPORT THEREOF.

* * * *

AN ORDINANCE 42,440

APPROPRIATING THE SUM OF \$35,430.00 OUT
OF VARIOUS FUNDS FOR THE ACQUISITION
OF TITLE TO CERTAIN LANDS AND EASEMENTS
OVER CERTAIN LANDS, IN CONNECTION WITH
THE STORM DRAINAGE #83-X (SIX MILE CREEK),
THE WALTERS-MOORE STREET AND THE NORTH
WOODLAND HILLS OFF-SITE SANITARY SEWER
MAIN PROJECTS; AND ACCEPTING THE
DEDICATION OF TITLE TO LANDS AND CON-
STRUCTION EASEMENTS OVER CERTAIN LANDS,
AND AUTHORIZING EXECUTION OF A LICENSE
AGREEMENT, IN CONNECTION WITH THE
STORM DRAINAGE #83-X (SIX MILE CREEK)
PROJECT.

* * * *

AN ORDINANCE 42,441

APPROPRIATING \$14,768.50 OUT OF STREET IMPROVEMENT BONDS, 1970, FUND #409-02 PAYABLE TO THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, SUBJECT TO THE ORDER OF THE DEFENDANTS NAMED IN CONDEMNATION CAUSE NO. C-960, IN SATISFACTION OF THE AWARD OF SPECIAL COMMISSIONERS AND FOR PAYMENT OF COURT COSTS IN SAID CAUSE, ALL IN CONNECTION WITH THE ACQUISITION OF THE FEE TITLE TO 0.1993 AC. OF LAND OUT OF TRACTS 1A AND 2A, NCB 8184, AS WELL AS FOR A 24 MONTH CONSTRUCTION EASEMENT TO 0.2574 AC. OUT OF TRACTS 1A AND 2A, NCB 8184, ALL IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, NEEDED FOR THE QUINTANA ROAD GRADE SEPARATION PROJECT.

* * * *

AN ORDINANCE 42,442

APPROPRIATING \$780.00 IN HIGHWAY LAND RIGHT OF WAY BONDS, 1970, FUND NO. 409 TO APPROPRIATION ACCOUNT 40-90-01, EXPENSE ACCOUNT 5-04 FOR DEPOSIT WITH THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, IN SATISFACTION OF JUDGMENT IN CONDEMNATION CAUSE NO. C-578, STATE OF TEXAS, ET AL. VS. PEARL SLAVIN, ET AL. IN THE COUNTY CIVIL COURT AT LAW OF BEXAR COUNTY, TEXAS.

* * * *

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73-33 The meeting recessed at 1:05 P. M. and reconvened at 2:10 P. M.

- - -
73-33 PLANNED UNIT DEVELOPMENT ORDINANCE (PUD)

The Mayor declared open the public hearing on an ordinance amending certain sections of Chapter 42 of the City Code pertaining to the zoning and regulation of Planned Unit Developments; providing a penalty not to exceed \$200.00 for violation and providing for severability.

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Mr. George Vann, Director of Building and Planning Administration, stated the City has been working on the Ordinance for a couple of years. It has been reviewed by the staff of his department, Public Works, Traffic and Transportation and other staffs involved. Several meetings have been held with home builders and developers and it is felt a meeting of minds has been reached. He added that the Planning Commission recommended approval of the Ordinance.

Mr. Howard Null, Supervisor in the Department of Planning and Building Administration, reviewed and discussed with the Council the changes to the existing PUD Ordinance which provide for 13 separate PUD districts; changes in table of permitted uses; zoning change requirements; density, access and internal circulation, width of streets, utilities and garbage collection, building spacing, common open spacing, maintenance, public liability insurance, drainage, operation of home associations and their responsibilities as well as those of developers, maintenance contingency fund, etc.

The Mayor being scheduled to attend a City Public Service Board meeting at 3:00 P. M., the hearing was recessed in order for the Council to consider the following resolutions.

The Clerk read the following resolution:

A RESOLUTION
NO. 73-33-36

ADVISING THE C.P.S.B. THAT THE CITY
COUNCIL OF THE CITY OF SAN ANTONIO
REQUESTS AND EXPECTS THE FULLEST
COOPERATION AND COMMUNICATION
BETWEEN THAT BODY AND THE CITY COUNCIL
RELATIVE TO ALL OPERATIONS OF THE
C.P.S.B.

* * * *

WHEREAS, the citizens and industries of San Antonio currently face an energy crisis of which neither the City Council nor the citizens were fully aware until recent weeks, and

WHEREAS, the C.P.S.B. was in a position to have known of the pending crisis many months prior to the inception thereof, and

WHEREAS, there have been other instances of failure of communication, if not outright secretiveness upon the part of the C.P.S.B. toward both the City Council and the citizens of San Antonio, and

WHEREAS, the City Council has been requested by the C.P.S.B. to give approval to the C.P.S.B.; entering into a contract with the cities of Houston and Corpus Christi relating to the construction of a nuclear electric plant, known as the South Texas Project to help fulfill long range future electrical needs of the City of San Antonio, and

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WHEREAS, it is clear that the C.P.S.B., the City Council, and the citizens of San Antonio are rapidly entering into a new era in which cooperation of all concerned is vital to the public welfare, NOW THEREFORE:

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

Section 1. The C.P.S.B. is hereby directed henceforth to communicate fully and completely with the City Council with reference to all of C.P.S.B.'s operations - current and future.

Section 2. Failure to so cooperate will result in the City Council's taking such action as it may deem appropriate, including but not limited to, the imposition of financial and legal sanctions.

Section 3. The City Manager is hereby instructed to furnish the C.P.S.B. with a list of areas and specifics in which cooperation is demanded.

* * * *

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

* * * *

The Clerk read the following resolution:

A RESOLUTION
NO. 73-33-37

EXPRESSING THE CITY COUNCIL'S
APPROVAL OF THE CITY PUBLIC SERVICE
BOARD'S PARTICIPATION IN THE SOUTH
TEXAS PROJECT.

* * * *

WHEREAS, San Antonio faces the prospect of a long-range fuel shortage for both domestic and industrial purposes, and

WHEREAS, nuclear-generated electricity has been the subject of exhaustive study by both the C.P.S.B., aided by competent consultants, and by the City Council, and

WHEREAS, public hearings have been held upon this matter, and

WHEREAS, the Council is convinced that this mode of energy production may be adopted with both safety and efficiency; provided that security and protective measures are followed, and

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WHEREAS, the C.P.S.B. is in a position to enter into a contractual agreement with the City of Houston and City of Corpus Christi, which cities are already committed to a nuclear electric plant near Bay City, Texas, known as the South Texas Project, under which agreement San Antonio would receive 30 percent of the electric power generated by such plant in return for paying 30 percent of the cost of construction thereof, NOW THEREFORE:

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

Section 1. The City Council deems it to be in the public interest that its approval be given to the C.P.S.B.'s participation in the South Texas Project in order that San Antonio may be assured of safe and adequate electric power after 1980 and such approval is hereby given.

* * * *

Mr. Beckmann moved the adoption of the resolution. The motion was seconded by Dr. San Martin.

The Mayor expressed concern that the resolution did not mention a maximum dollar cost of the participation. The morning paper, he said, mentioned that the estimated cost had risen from \$200,000,000 a few weeks ago to in excess of \$300,000,000. After discussion, Mrs. Cockrell stated she felt the members of the Council wish the Mayor to be the "watchdog" on City Public Service Board, and being there and voicing concern about the cost and knowing the Council is with the Mayor in those matters, she thought the voice will be heard.

Rev. Black said he was going to vote against the resolution and made the following statement:

"I think that the endorsement of the action of the C.P.S.B. by this City Council far out weighs the influence of the City Council in the decision making process of the C.P.S.B. It seems to me something that is so vital and has many ramifications that if we go on record endorsing it, that there ought to be an equivalent kind of influence in the kind of decision making process that takes place with something as dangerous in many ways, as demanding of the finances, resources, of this community. I feel for that reason I cannot vote for it. In addition to this, I long ago gave up on the idea that religious leadership was infallible. I have also given up on the idea that scientific voices are infallible. I cannot altogether accept the idea that there are no options. I believe that we are caught up in a kind of economic movement that speaks to us as if there were no options. I think, therefore, I find myself committed to the idea that I could not give my endorsement to this."

The resolution was then passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Lacy, Morton, Beckmann, Mendoza; NAYS: Black; ABSENT: Padilla.

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Mr. Morton made a motion that as a first step on items the Mayor has been instructed to obtain from the C.P.S.B.: (1) that on or before August 1st of this year, the C.P.S.B. furnish the Council with a comprehensive short-range plan for serving our energy requirements; specifically short-range, from August 1st or time the report is made, until the time that the first coal plant is in operation; and, (2) as soon as the information is available on the audit of the commitments and reserves of Coastal States, that information should be made public to the Council and to the citizens promptly.

The motion was seconded by Dr. San Martin and approved by the following vote: AYES: Cockrell, Becker, Black, Beckmann, Morton, San Martin, Mendoza, Lacy; NAYS: None; ABSENT: Padilla.

73-33 Mayor Becker was obliged to leave the meeting and Mayor Pro Tem Black presided.

73-33 The public hearing on the PUD Ordinance was reconvened at 3:00 P. M.

* * * *

Dr. San Martin asked the City Manager, if he and the Staff recommended the proposed amendments, not only from an administrative point of view but also as to legality.

City Manager Granata stated he does recommend the changes. The staff of all departments has had a great deal of input. There is some question of legality on some of the items. The staff has worked on every aspect of it and also recommends it.

Mr. Jim Parker, Assistant City Attorney, explained there was a prior opinion of the City Attorney's Office that the original passage of the original ordinance was completely illegal in many, many aspects of it. In law, you have a presumptiveness of the validity of an ordinance once it is passed even though the Legal Department may think there are problems with it. These proposed amendments to the ordinance will correct many of the objections that the City Attorney's Office previously raised. But there are still some of a paramount nature that the City Attorney's Office is still of the opinion that the PUD Ordinance cannot be passed, a legal PUD, without enabling state legislation.

Mr. Morton stated that Corpus Christi and other cities have PUD Ordinances. There is a question on the part of Mr. Parker regarding whether you need state legislation as in the case of condominiums. He commented that people who are very well fielded in real property law, both in San Antonio, Dallas and Houston, have advised it is not necessary to have enabling state legislation for planned unit developments.

In answer to a question by Dr. San Martin, Mr. Parker stated that the City Attorney's Office signs ordinances only as to form and not as to content. The City Manager stated this has always been the

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case unless specifically asked, then they will.

Dr. San Martin stated that it would help the Council to have the City Attorney's thinking on legality, especially on ordinances such as the one under consideration.

Mr. William S. Watson read the following statement:

"Mr. Mayor, members of the City Council my name is Bill Watson. My address is 8103 Broadway. I'm here today representing the Greater San Antonio Builders Association. You have before you an ordinance that, if passed, will allow developers to create planned unit developments within the City's planning jurisdiction. What is the planned unit development or PUD? It is the development project with the following characteristics; one, buildings grouped in clusters allowing an appreciable amount of land for open space; two, higher densities in conventional developments in the same acreage; three, part of the land used for non-residential purposes such as shopping and employment centers; four, the common ground is owned and maintained by legally created owners associations in which all of the owners of the PUD are members. A PUD will create a residential environment suitable to a more leisurely carefree life. This does not mean that all PUDs will be residential. You could develop an office complex as a PUD or anyother types of developments.

The PUD concept is not really new. The Lewisburg Square area on Beacon Hill in Boston, with its private streets and open space, is maintained today by the Homes Association founded in 1844. A recent NAHP survey said that a thousand or more cities and counties in the U. S. have PUD Ordinances, and there are more than 3,000 PUDs in existance. Over three years ago the Greater San Antonio Builders Association requested the City Planning Department to draft an ordinance to allow the creation of planned unit developments. Many thousands of man hours were spent by the members of the Builders Association, the City Staff and many other interested parties in creating an ordinance that was passed by the City Council on June 15, 1972. In August, 1972, it came to light that the City Attorney's Office objected to the legality of certain portions of the ordinance as it was passed by the Council. At this point in time the Council put a 30 day freeze on the ordinance and ordered the Planning Director to cease processing any plats under the PUD Ordinance. The freeze still exists today. The Builders Association retained Mr. Pat Gardner, an attorney very knowledgeable in the land development field, to meet with the City Attorney and work out the legal portions of the ordinance and to draft the necessary amendments. Again, many man hours were spent. A public hearing was held before the City Planning Commission to which there was no opposition from any interested party. And what you have before you today is the final results of these sessions. We have been assured by Mr. Gardner that this is a legal ordinance. We urge the passage of this PUD Ordinance. Thank you."

Mrs. John F. Dutmer, 739 McKinley, stated that she was glad to learn that citizens would be notified of proposed changes, which was not in the ordinance before. She referred to utilities, whereby the developer can have them delivered to a master meter and he in turn send the service to the units and asked who would set the rates paid by the individual users. She also inquired about the provision for garbage collection exemption and maintenance.

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City Manager Granata stated PUDs would be exempt from City garbage pickup the same as apartment projects, if they file a letter that the service is being provided by a private contractor.

Mr. Morton stated that Homeowners Associations and property owners would monitor bills to see that they are not overcharged. As to maintenance, the Homeowners Association will be responsible for the maintenance after 51 percent of the units have been sold. Prior to that the developer is responsible. In addition, there are HUD provisions which place certain responsibilities on developers and he felt maintenance should not be a problem as most the payments to the maintenance fund are paid with the mortgage payment.

Mr. Lloyd Booth, 1639 Lockhill-Selma, stated he was in favor of the ordinance. He felt Mr. Vann and his staff; Mr. Watson and his group of builders and developers have done as good a job as can humanly be done. He has worked under PUD Ordinances in another city and they work fine. They probably will produce more high-priced developments. He thought planned unit developments would be something to be proud of in the years to come. He added that no matter how hard they try to write the first of anything they are going to write a few problems. This is the first attempt, but not without a great deal of effort and hoped the Council and Mrs. Lecznar of the Planning Commission, and Mr. Vann and his staff will all remember that only after a year or two years of use will they really know if this is the exact wording and whether or not certain little changes are necessary. There may be problems, just as there were the first time the townhouse ordinance was written. Anytime you try to write something without years of experience you are going to miss a few points or you are going to write a few things that shouldn't be there. He felt it was a good ordinance to be proud of.

Everyone wishing to speak having done so, the hearing was declared closed.

Dr. San Martin then made the following motion: that the Legal Department give the Council their evaluation of what, if any, additional measures are needed or may be incorporated at this time and included in the ordinance in order to make it a legal document, and if possible this be done in one week.

The motion was seconded and after discussion, was passed by the following vote: AYES: Cockrell, Black, Beckmann, San Martin, Lacy, Mendoza; NAYS: Morton; ABSENT: Becker, Padilla.

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CHARTER REVISION

Mrs. Cockrell suggested that the previous Charter Revision Committee be reactivated with replacements named for the three Council members (Becker, Black and Cockrell), and new officers named. The City Council could request the committee to review the major recommendations, review recent charter elections in other Texas cities and then make an amended report by November 1, 1973. She felt utilizing this committee, which has already done a great deal of work and is familiar

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with the issues, would be more efficient than appointing a new committee.

Rev. Black asked that a copy of the Charter Committee's report be sent to Council members for review.

Mr. Mendoza asked that Council be furnished a roster of the committee members and their attendance record.

73-33

STATUS REPORT ON URBAN DESIGN
MECHANISM AND HISTORICAL PRESERVATION

Mrs. Cockrell referred to the subject report received by Council members. She said they are faced with the problem that in order to implement this design mechanism and historic preservation policy, the Council will be facing up to budget appropriations. The items were included in a supplemental budget by the Comprehensive Planning Department which like many other supplement budgets were not incorporated into the proposed budget by the Manager for reasons of monetary considerations. She said this is an area of urgent concern to the City in terms of the future design, the preservation of our historic heritage and cultural aspects of our City. She asked the Council to consider adopting these proposals and review the possibility of adding this to the proposed budget, which is now under consideration.

There being no further business to come before the Council, the meeting adjourned at 3:30 P. M.

A P P R O V E D



Charles L. Becker

ATTEST:

J. H. Durelman
C i t y C l e r k

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