

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, MARCH 19, 1970.

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The meeting was called to order by the presiding officer, Mayor Pro-Tem Lila Cockrell, with the following members present: COCKRELL, JAMES, NIELSEN, TREVINO, HILL, CALDERON, TORRES, BURKE; Absent: McALLISTER.

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70-12 The invocation was given by Reverend Quentin Payne, Covenant Presbyterian Church.

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The minutes of the meeting of March 12, 1970 were approved.

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70-12 Mrs. Irene Wischer, a member of President Nixon's National Citizens Advisory Council on the Status of Women, which functions with the Inter Departmental Committee (Cabinet) on the Status of Women, spoke concerning establishment of commissions at various levels of government.

She asked that the City Council appoint a Commission on the Status of Women and offered to help in its formation. The commission would work closely with the Civil Service Commission and the Labor Department locally, as well as offering recommendations to the City Council as the need arises.

A copy of Mrs. Wischer's statement is on file with the papers of this meeting.

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70-12 The Clerk read the following Ordinance:

AN ORDINANCE 38,370

CANCELLING THE LICENSE OF ALAMO GUIDED  
TOURS TO OPERATE A GUIDED TOURS SERVICE  
IN THE CITY OF SAN ANTONIO.

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Mr. Brooks Barker, Administrative Assistant to the City Manager, explained that the Finance Department has not received any payment from the Licensee since October of 1969. He added that the total revenue received for last year amounts to only \$101.00. He recommended cancellation of the license for failure to perform.

After consideration on motion of Dr. Calderon, seconded by Mr. Hill, the ordinance was passed and approved by the following vote: AYES: Cockrell, Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister.

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70-12 The Clerk read the following Ordinance:

AN ORDINANCE 38,371

AUTHORIZING EXECUTION OF A STANDARD CITY PROFESSIONAL SERVICES CONTRACT WITH PAUL G. SILBUR & ASSOCIATES, INC. TO FURNISH ENGINEERING SERVICES IN CONNECTION WITH A LIGHTING AND ELECTRICAL DISTRIBUTION SYSTEM FOR HEMISFAIR PLAZA AND AUTHORIZING PAYMENT OF A SUM NOT EXCEEDING \$10,000.00 TO THE ABOVE FIRM FOR SAID SERVICES.

\* \* \* \*

Mr. Stewart Fischer, Director of Traffic and Transportation, explained that this is a per diem type of contract. The City needs to get the present system operating properly. He will also make recommendations as to minimum security lighting requirements, as well as recommendations for aesthetic lighting.

After consideration on motion of Dr. Calderon, seconded by Dr. Nielsen, the ordinance was passed and approved by the following vote: AYES: Cockrell, Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister.

70-12 The Clerk read the following Ordinance:

AN ORDINANCE 38,372

ADOPTING REVISED WAGE RATES FOR THE CITY OF SAN ANTONIO TO BE USED IN CONNECTION WITH ALL CITY PUBLIC WORKS CONTRACTS INVOLVING HEAVY CONSTRUCTION TRADES AND REPEALING ORDINANCE NO. 35933 PERTAINING TO THE SAME SUBJECT.

\* \* \* \*

Mr. Mel Sueltenfuss, Assistant Director of Public Works, explained the Ordinance and added that these wage rates will also apply to contracts made by the City Water Board, City Public Service Board and the Transit System.

After consideration on motion of Dr. Nielsen, seconded by Mr. Trevino, the ordinance was passed and approved by the following vote: AYES: Cockrell, Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister.

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70-12 The Clerk read the following Ordinance:

AN ORDINANCE 38,373

ACCEPTING THE PROPOSAL OF GROUP HOSPITAL SERVICE, INC. AND GROUP LIFE & HEALTH INSURANCE COMPANY (BLUE CROSS-BLUE SHIELD OF TEXAS) TO PROVIDE GROUP HOSPITALIZATION AND MAJOR MEDICAL INSURANCE COVERAGE ACCORDING TO THE ATTACHED PROPOSAL; AUTHORIZING THE CITY MANAGER TO SECURE A POLICY WITH SAID CONCERNS AND AUTHORIZING EXPENDITURE OF FUNDS TO DEFRAY COSTS OF SAID PROGRAM FOR THE BALANCE OF THE 1969-70 FISCAL YEAR.

\* \* \* \*

Mr. John Brooks, Purchasing Agent, explained that in the case of insurance that the City advertised for proposals instead of bids. The proposals were submitted to the Insurance Advisory Committee for evaluation. The Committee, after reviewing all of the proposals, has recommended the Blue Cross-Blue Shield proposal as being the best. The Administrative Staff concurs in this recommendation. He added that the Blue Cross proposal is approximately \$137,000.00 under Continental Insurance Company. This represents a savings of \$50,000.00 to the City and a savings of \$87,000.00 to employees covering dependents.

Mr. John Daniels, attorney, representing the Continental Insurance Company, asked consideration of their proposal. He stated that it is their position that Blue Cross did not meet the specifications and pointed out various items in which they deviated from the specifications. He felt Continental Insurance Company is the low qualified bidder.

Mr. Larry Hoffman, representing Blue Cross-Blue Shield, stated that in their proposal they have, in most areas, exceeded the specifications and, in some cases, by a large amount. The variances were reviewed and discussed by the Insurance Committee, who evaluated all the proposals. The Insurance Committee is made up of insurance competitors of Blue Cross-Blue Shield in this area and they felt their proposal is the best program that money can buy. He explained that the variance in ambulance coverage is covered under major medical. As to the maximum payment of \$10,000.00 under the policy, he stated that they would go along with the City's requirement of \$15,000.00 per illness. There would be no additional cost for this.

Mr. Fred Homesley, representing the Insurance Advisory Committee, stated that the Committee feels that the Blue Cross-Blue Shield proposal is the best one for City Employees, which was a determining factor. Unless there were some compelling factor, Blue Cross-Blue Shield should be awarded the contract, as the variances in the proposals are not worth the difference in cost, by far.

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City Manager Henckel stated that Blue Cross-Blue Shield will cost the City \$1.00 per employee more and City Employees covering dependents \$3.00 more per month. The City wants employees to cover their dependents and felt that some employees may drop out of the program if the cost were higher.

The Council then discussed, at length, the proposals. On motion of Mr. Torres, seconded by Mr. Hill, the ordinance accepting the proposal of Blue Cross-Blue Shield was accepted by passage of the ordinance by the following vote: AYES: Cockrell, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: Calderon; ABSENT: McAllister.

In connection with the foregoing Ordinance, Councilman Torres stated that Mr. John Daniels is an attorney for the San Antonio Housing Authority and two weeks ago, Mr. Arthur Troilo, attorney, representing the Urban Renewal Agency, had appeared before the Council on contested cases. He questioned the propriety of an attorney for a City agency appearing before the Council in such cases.

70-12

RECONSIDERATION OF ZONING CASE 3770

Mr. Will Morris, attorney, representing the Texas P.E.O. Home Corporation, Applicants in Zoning Case 3770, in which the Council denied rezoning at a hearing on March 5, 1970, asked the Council to reconsider the rejection of the zoning in this case. The rezoning requested, which was in three parts, was denied in total. The request for B-1 zoning, where the retirement home is desired to be built, and the B-3 zoning, which is proposed for a service station, was not opposed. The principal objection was to the B-2 zoning, which they are willing to eliminate from the request. As to new evidence, he stated that he understood there was a misunderstanding as to whether the City Council could vote on the matter as a whole or take it up in parts. It has been found that the protest petition was actually signed before the case was heard before the Zoning Commission and these people did not understand the zoning plan, which was finally presented to the City Council.

Dr. Calderon suggested that Mr. Morris contact the people in opposition to the Zoning Case and present the new plan to them and obtain their agreement to it and then come back to the Council and ask for reconsideration.

After discussion, Dr. Nielsen made a motion that the action taken in Zoning Case 3770 be reconsidered. The motion was seconded by Mr. Torres. On roll call, the motion to reconsider failed by the following vote: AYES: James, Nielsen, Torres; NAYS: Calderon, Cockrell, Trevino, Hill; ABSTAIN: Burke; ABSENT: McAllister.

Mr. Morris was advised to present the new zoning plan to those in opposition and if he can substantially overcome the objections made, that it would help his case for reconsideration.

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70-12    ZONING HEARINGS

a.        CASE 3703 - to rezone Lot 42, NCB 13330, from "A" Single Family Residential District to "R-3" Multiple Family Residential District, located southeast of the intersection of Aina Lane and Holbrook Road; having 418.31' on Holbrook Road and 889.95' on Aina Lane.

          Planning Director, Steve Taylor, explained the proposed change which the Planning Commission recommended be approved by the City Council.

          No one spoke in opposition.

          After consideration, Mr. Torres made a motion that the recommendation of the Planning Commission be approved provided that a six foot (6') solid screen fence be erected along the east and south property lines where it abutts on Lots 10, 11 and 12, New City Block 13330. The motion was seconded by Mr. Hill. On roll call, the motion carrying with it the passage of the following Ordinance prevailed by the following vote: AYES: Cockrell, Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister.

                                  AN ORDINANCE 38,374

                                  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 42, NCB 13330  
                                  FROM "A" SINGLE FAMILY RESIDENTIAL  
                                  DISTRICT TO "R-3" MULTIPLE FAMILY  
                                  RESIDENTIAL DISTRICT, PROVIDED THAT  
                                  A SIX FOOT (6') SOLID SCREEN FENCE  
                                  BE ERECTED ALONG THE EAST AND SOUTH  
                                  PROPERTY LINES WHERE SUBJECT PROPERTY  
                                  ABUTTS ON LOTS 10, 11 AND 12, NCB  
                                  13330.

                                  \* \* \* \*

b.        CASE 3829 - to rezone Lot 34, NCB 7530, from "R-3" Multiple Family Residential District to "B-2" Business District and the south 638.50' of Lot 35, NCB 7530, from "R-3" Multiple Family Residential District to "R-4" Mobile Home District, located on the northwest side of General Hudnell Drive, 1876.40' southwest of Cupples Road; having 76.4' on General Hudnell Drive and a depth of 997.28' as being measured along the east property line. The "B-2" zoning being on the south 358.78' and the "R-4" zoning being on the north 638.50'.

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Planning Director, Steve Taylor, explained the proposed change which the Planning Commission recommended be approved by the City Council.

Mr. Herbert Schenker, attorney, representing the Billy Mitchell Apartments, pointed out that the zoning ordinance requires three (3) acres for a trailer park. He stated there is less than an acre in this tract. Also, he questioned whether there is enough property for setback and sideyard requirements.

Planning Director, Steve Taylor, stated that because of the length of the property, the map has been reduced and is not to scale. The property under consideration for R-4 has almost three (3) acres of land. This, together with the property already zoned R-4, will total seven (7) acres, more than sufficient for the proposed mobile home park.

After discussion, on motion of Mr. Torres, seconded by Dr. Nielsen, Zoning Case 3829 was referred to the City Attorney for clarification of the questions raised by Mr. Schenker and the hearing was continued to April 16. The motion prevailed by the following vote: AYES: Burke, James, Cockrell, Nielsen, Torres; NAYS: Calderon, Trevino, Hill; ABSENT: McAllister.

c. CASE 3842 - to rezone Lot 35, Blk. 7, NCB 6370, from "C" Apartment District to "B-2" Business District, located northwest of the intersection of W. Martin Street and N. Minter Street; having 110' on W. Martin Street and 103.5' on N. Minter Street.

Planning Director, Steve Taylor, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Dr. Calderon made a motion that the recommendation of the Planning Commission be approved provided that a six foot (6') solid screen fence be erected along the north property line. The motion was seconded by Mr. Hill. On roll call, the motion carrying with it the passage of the following Ordinance prevailed by the following vote: AYES: Calderon, Burke, James, Cockrell, Trevino, Hill; NAYS: Nielsen; ABSENT: McAllister, Torres.

#### AN ORDINANCE 38,375

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 35, BLK. 7,  
NCB 6370 FROM "C" APARTMENT DISTRICT  
TO "B-2" BUSINESS DISTRICT, PROVIDED  
THAT A SIX FOOT (6') SOLID SCREEN FENCE  
BE ERECTED ALONG THE NORTH PROPERTY LINE.

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d. CASE 3858 - to rezone Lot 38 and that portion of Lot 37 not presently zoned "JJ" Commercial, NCB 8679, from "A" Single Family Residential District to "I-1" Light Industry District, located between Parkridge Drive and N. E. Loop 410; having 226' on Parkridge Drive and 112.57' on N. E. Loop 410.

Planning Director, Steve Taylor, 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 Mr. Hill, seconded by Mr. Trevino, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill; NAYS: None; ABSTAIN: Torres; ABSENT: McAllister.

AN ORDINANCE 38,376

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 38 AND THAT  
PORTION OF LOT 37 NOT PRESENTLY ZONED  
"JJ" COMMERCIAL, NCB 8679 FROM "A"  
SINGLE FAMILY RESIDENTIAL DISTRICT  
TO "I-1" LIGHT INDUSTRY DISTRICT.

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e. CASE 3869 - to rezone the east 222' of Lot 12, NCB 10733, from "A" Single Family Residential District to "B-2" Business District and the west 107.47' of Lot 12, NCB 10733, from "A" Single Family Residential District to "R-2" Two Family Residential District, located on the west side of W. W. White Road, 217.9' south of the cutback to Hein Road; having 119.5' on W. W. White Road and a depth of 329.47'. The "B-2" zoning being on the east 222' and the "R-2" zoning being on the remaining portion.

Planning Director, Steve Taylor, 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 Mr. Torres, seconded by Dr. Calderon, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: Calderon, Burke, James, Cockrell, Nielsen, Hill, Torres; NAYS: None; ABSENT: McAllister, Trevino.

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AN ORDINANCE 38,377

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 EAST 222' OF LOT 12, NCB 10733 FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT AND THE WEST 107.47' OF LOT 12, NCB 10733 FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-2" TWO FAMILY RESIDENTIAL DISTRICT.

\* \* \* \*

f. CASE 3873 - to rezone Lot 482-A, NCB 11434, from "B-2" Business District to "B-3" Business District, located on the north side of Culebra Road, 100.48' west of Maiden Lane; having 100.48' on Culebra Road and a maximum depth of 174.36'.

Planning Director, Steve Taylor, 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 Mr. Torres, seconded by Mr. Hill, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: Calderon, Burke, James, Cockrell, Nielsen, Hill, Torres; NAYS: None; ABSENT: McAllister, Trevino.

AN ORDINANCE 38,378

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 482-A, NCB 11434 FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT.

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g. CASE 3875 - to rezone Lot 3, NCB 9812, from "F" Local Retail District to "B-3" Business District, located south of the intersection of Goliad Road and Cato Blvd.; having 160.71' on Goliad Road and 139.01' on Cato Blvd.

Planning Director, Steve Taylor, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Torres made a motion that the recommendation of the Planning Commission be approved provided that a six foot (6') solid screen fence be erected along the west property line. The motion was seconded by Dr. Nielsen. On roll call, the motion carrying with it the passage of the following Ordinance prevailed by the following vote: AYES: Calderon, Burke, James, Cockrell, Nielsen, Hill, Torres; NAYS: None; ABSTAIN: Trevino; ABSENT: McAllister.

AN ORDINANCE 38,379

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 3, NCB 9812 FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT (6') SOLID SCREEN FENCE BE ERECTED ALONG THE WEST PROPERTY LINE.

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h. CASE 3879 - to rezone the south 195' of the west 146.5' of Lot 30, Blk. 3, NCB 3124, from "B-2" Business District to "B-3" Business District, located northeast of the intersection of E. Houston Street and St. James Street; having 146.5' on East Houston Street and 195' on St. James.

Planning Director, Steve Taylor, 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 Mr. Torres, seconded by Dr. Nielsen, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 38,380

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 195' OF THE WEST 146.5' OF LOT 30, BLK. 3, NCB 3124 FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT.

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i. CASE 3880 - to rezone the west 51.26' of Lot 7, NCB 14063, being that portion not presently zoned "B-2", from "O-1" Office District to "B-2" Business District, located on the north side of Mossrock Drive, 72.36' northeast of Woodcliffe Drive; having 51.26' on Mossrock Drive and a maximum depth of 266.62'.

Planning Director, Steve Taylor, 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. Calderon, seconded by Mr. Hill, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 38,381

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 WEST 51.26'  
 OF LOT 7, NCB 14063, BEING THAT  
 PORTION NOT PRESENTLY ZONED "B-2"  
 FROM "O-1" OFFICE DISTRICT TO "B-2"  
 BUSINESS DISTRICT.

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j. CASE 3721 - to rezone the east 200' of Lot 1, NCB 7173, from "B" Two Family Residential District to "B-2" Business District, and Lot 1, NCB 7173, save and except the east 200', and the east 573.22' of Lot 7, NCB 9791, from "B" Two Family Residential District to "R-3" Apartment District, located on the west side of Blanco Road 114.70' south of La Manda Blvd. and 100' north of San Angelo Blvd.; having 169.90' on Blanco Road and a depth of 1546.42'. The "B-2" zoning being on the east 200' and "R-3" zoning on the remaining portion.

Planning Director, Steve Taylor, explained the proposed change which the Planning Commission recommended be approved by the City Council.

Mr. Pleas Naylor of Naylor Realty Company, representing the Applicant, Harry V. Steel, Jr., stated that they have been trying to sell this seven (7) acre tract of land for two (2) years, but cannot do so until it is zoned. They have consulted an architect and the rezoning requested would be the most suitable, which is for business and multiple family apartments. He explained ingress and egress.

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Mr. Ralph Bender, Planning Consultant, representing Quincy Lee Company, presented drawings to the Council showing the proposed development of the project, which will be financed under the FHA 236 Program. They will build a six foot (6') privacy fence around the property to protect the single family residences.

Mr. M. M. Lawson, 911 San Angelo, felt that the property is too narrow for the proposed development and would devalue the surrounding property, in addition to being a nuisance, because of the noise, traffic and trash, which he felt would be created.

After consideration, Mr. Hill made a motion that the recommendation of the Planning Commission be approved, provided that a six foot (6') solid visual screen fence be erected on the north and south property lines, so that the property is properly screened from single family dwellings. The motion was seconded by Mr. Trevino. On roll call, the motion carrying with it the passage of the following Ordinance prevailed by the following vote: AYES: Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 38,382

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 EAST 200' OF LOT 1, NCB 7173 FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT AND LOT 1, NCB 7173, SAVE AND EXCEPT THE EAST 200' AND THE EAST 573.22' OF LOT 7, NCB 9791 FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" APARTMENT DISTRICT, PROVIDED THAT A SIX FOOT (6') SOLID VISUAL SCREEN FENCE BE ERECTED ON THE NORTH AND SOUTH PROPERTY LINES, SO THAT PROPERTY IS PROPERLY SCREENED FROM SINGLE FAMILY DWELLINGS.

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k. CASE 3876 - to rezone Lots 10 and 11, NCB 12892, from "A" Single Family Residential District to "B-2" Business District, located southwest of the intersection of Kaiser Drive and Rigsby Avenue; having 196.77' on Kaiser Drive and 148.6' on Rigsby Avenue.

Planning Director, Steve Taylor, explained the proposed change which the Planning Commission recommended be denied by the City Council. The Commission has recommended approval of "R-2" zoning. The Applicant has appealed the case to the Council and is requesting "B-2" zoning.

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Mr. Douglas Van Buren, representing Ideal Super Market, stated there are two (2) rent houses on the property in question. They propose to remove these buildings and use the property for parking, which is the immediate need. However, they are trying to plan ahead and asked that the Council grant the request.

Speaking in opposition was Mrs. Roberta Trafton, 2406 Kaiser.

After a lengthy discussion, of the merits of the case, Dr. Calderon made a motion that the recommendation of the Planning Commission to deny "B-2" zoning and instead approve "R-2" zoning be approved, provided that screen fencing is installed along the south line and east line of the tract. The motion was seconded by Dr. Nielsen. On roll call, the motion carrying with it the passage of the following Ordinance prevailed by the following vote: AYES: Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister. It was the wish of the Council that the Applicant be instructed to work closely with the Traffic and Transportation Department concerning ingress and egress on Kaiser Drive.

AN ORDINANCE 38,383

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 10 AND 11, NCB 12892 FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-2" TWO FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT A SIX FOOT (6') SOLID SCREEN FENCE BE ERECTED ALONG THE SOUTH AND EAST PROPERTY LINES.

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70-12 The Clerk read the following Ordinance:

AN ORDINANCE 38,384

AMENDING SECTION 36-14(c) OF THE CITY CODE RELATING TO REQUIREMENTS AS TO SEPTIC TANKS IN SUBDIVISIONS LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY.

\* \* \* \*

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

Section 36-14(c) of the City Code shall be amended to read as follows:

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(c) Subdivision plats of property located outside the corporate limits of the city and within five miles thereof, shall, in addition to all other requirements as provided in the City Code, be approved only under the following conditions:

Where the subdivision plat proposes septic tank installations, plans and specifications therefor, approved by the city department of health, shall be required prior to consideration for approval. Percolation tests shall be conducted by the subdivider, under the supervision of the city department of public health, at the site of the proposed installation, in accordance with procedures outlined by the city director of public health, to determine the adequacy of lot sizes and to determine whether there is any reasonable probability that surface or underground water may become infected or polluted from said septic tank installations. If approved by the planning commission, the subdivision plat, together with such plans, specifications, test results and a certified true copy of this amendment shall be filed in the deed records of Bexar County, and the contents thereof shall constitute covenants running with the land which shall be filed in the deed records of Bexar County, and the contents thereof shall constitute covenants running with the land which shall be binding upon the subdivider and/or owners of such property, their heirs, successors and assigns. Guarantees for site improvements as provided in sections 36-25 and 36-26 of this Chapter shall also apply to subdivision plats submitted under this subsection (c). Plats of properties located within the corporate limits of the city shall be recorded, as provided in section 36-27 of this Chapter.

\* \* \* \*

City Manager Henckel stated the Council has been forwarded a copy of the proposed regulations of the Texas Water Quality Board. He has received a letter from Mr. Fred Pfeiffer of the San Antonio River Authority, stating that guidelines are adequate. The guidelines set out in the ordinance for regulating installation of septic tanks are the same as those proposed by the Texas Water Quality Board. When adopted officially by the Board, they will be the controlling factor.

Mr. Robert Awe, 103 Ruelle Street, stated he did not understand the ordinance and felt it would make it easier to pollute the drinking water.

Mrs. E. C. Baker, 131 Shadowhill, Chairman of the Water Resources Committee of the League of Women Voters, expressed concern at the proposed repeal of the present regulations. She urged restrictions remain in force until the Texas Water Quality Board adopts the regulations, so there can be no interim gap in enforcement.

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Mr. Del Winiger, 306 Army Boulevard, representing the Sierra Club, expressed a fear that lifting the present restrictions would damage the Edwards water supply.

Mr. Sam Young, owner of property in Maverick Spring Ranch, and representing 17 other property owners, stated he has been working with the Planning Department in the construction of roads and getting approval of the health director for septic tanks. He has been assured by the Health Department that the proposed septic tanks will not effect the Edwards. While in the Edwards outcrop area, they are not in the critical zone. He urged adoption of the ordinance.

Mr. Jose Olivares, Jr. asked that action be postponed until regulations are promulgated that will fit into a master plan.

Mr. Dan Crow, speaking as an interested citizen and former general counsel of an anti-pollution agency, stated last week he was opposed to repeal of the ordinance until the Texas Water Quality Board promulgated the regulations. The City should take leadership not only in the area, but in planning waste disposal plants. He felt the City Health Department is qualified to regulate septic tank installations and urged adoption of the ordinance.

Mr. Ralph Dietert, Chairman of the Planning Commission, stated the proposed ordinance requires plats to be approved by the Health Department where they propose septic tanks. Without this approval the plat will not be approved and in addition, the City Public Service Board does not furnish electricity without plat approval. Under the present ordinance, no septic tanks are allowed in the Edwards outcrop, but in areas outside the extra territorial jurisdiction of the City, there are no restrictions whatsoever. He urged adoption of the ordinance.

The City Manager then reviewed and discussed at length the proposed ordinance with the Council.

After discussion, Dr. Nielsen made a motion that the Texas Water Quality Board be advised that the City Council is acting under the proposed order entitled "AN ORDER of the Texas Water Quality Board promulgating Regulations for the protection of the quality of water in the Edwards Underground Reservoir; establishing a Critical Zone and a Buffer Zone in portions of Uvalde, Medina, Bexar, Comal and Hays Counties to which regulations set forth in this Order for control of septic tank systems and other waste disposal facilities are applied; designating certain local governmental entities as the agents of the Board to perform administrative functions relating to Rules and Regulations set forth herein," which was furnished the City of San Antonio and request that the Texas Water Quality Board proceed with all dispatch to conclude adoption of said proposed standards. The motion was seconded by Dr. Calderon.

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On roll call, the motion prevailed by the following vote:  
AYES: Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill,  
Torres; NAYS: None; ABSENT: McAllister.

Mr. Hill then made a motion that the ordinance be adopted.  
The motion was seconded by Dr. Nielsen.

Mr. Torres then made a substitute motion that the ordinance  
be adopted and to make a part thereof the order of the Texas Water  
Quality Board. The motion was seconded by Dr. Nielsen.

This was accepted by Mr. Hill. Mr. Hill then made a motion,  
as follows: That the ordinance be adopted and that the order of  
the Texas Water Quality Board be made a part thereof, as well as  
the recommendations of the Edwards Underground Water District.  
Seconded by Mr. Torres, the ordinance was passed and approved by  
the following vote: AYES: Burke, Cockrell, Nielsen, Trevino,  
Hill, Torres; NAYS: Calderon, James; ABSENT: McAllister.

70-12

CITIZENS TO BE HEARD

Mr. Remijo Valdez, representing the Mexican-American  
Betterment Association, and proponent of the Glue Sniffing  
Ordinance, read letters in support of their program to eliminate  
glue sniffing. He asked that the present ordinance be amended to  
allow arrest of people suspected of giving glue to children and  
authority to confiscate glue.

City Attorney Walker advised that you could not arrest  
anyone on suspicion and the Council cannot do anything to require  
putting mustard in glue without statutory authority.

The City Attorney was requested to give the Council a  
history of the enforcement of the Glue Sniffing Ordinance and  
any recommendations he may have to strengthen the present  
ordinance.

Mr. Jerry P. Heltzel, 1647 West Rosewood, stated that he  
went to the Police Department to look at a record for a client and  
was charged seventy-five cents (75¢) to look at it. He asked the  
Council to reconsider this charge, which is provided by ordinance.

City Manager Henckel stated that at the time the ordinance  
was passed, it was understood that the charge was for searching  
the record. There is no charge to an individual or an individual's  
attorney for this service. He said there is no need to change the  
ordinance and he will advise the Police Department concerning this  
matter.

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Mr. Raul Rodriguez, 719 Delgado Street, read a statement concerning conditions at the County Jail at which the flag of the United States is displayed and asked the Council to pass a Resolution condemning the Bexar County Commissioners, County Judge and Sheriff Bill Hauck for dishonoring the flag by flying it in front of the County Jail and requesting that it be taken down.

Mr. Joe L. Martinez, 619 South Nueces Street, spoke in support of free school lunch program for children whether it be in public or parochial schools.

Mr. Stephen Harvasty inquired if the City has recommended to the Transit System that they place "No Smoking" signs on City buses.

Mr. Harvasty then spoke of what he called the five per cent (5%) penalty, charged by the City Public Service Board, on delinquent bills. On a ten dollar (\$10.00) bill, five per cent (5%) amounted to fifty cents (50¢). He alleged this amounts to eighteen hundred per cent (1800%) a year.

Mr. Harvasty stated that the Society for Separation of Church and State advised they are ready to file suit concerning the agreement between the San Antonio Independent School District and the Catholic Archdiocese for the free school lunches for children in the Model Cities Area. He has asked for a delay until the Council takes action.

Mayor Pro-Tem Cockrell stated that the City Attorney has only today furnished them with a copy of his opinion and they have not had an opportunity to study same.

Mr. Elton Schroeder, President of the Building Trades Council, speaking on behalf of construction workers, spoke of the proposed Safety Standards Ordinance. He stated that another construction worker has been killed on Huebner Road at the site of Olmos Building Materials, which he felt is within the jurisdiction of the City.

He felt the City could pass such a Safety Ordinance, if it wanted to, notwithstanding the City Attorney's opinion. While the State Safety Law has been passed, it will be four (4) years before safety standards are perfected by the State Committee.

Mr. Torres asked that this matter be placed on the Agenda in two (2) weeks, as there are certain points, brought up by Mr. Schroeder, on which he will ask the Council to act.

Mayor Pro-Tem Cockrell asked that Mr. Torres furnish a copy of his proposal to the City Manager, so that he may study it and be prepared to comment on it.

Mr. Gabriel Avalos, 121 Glenwood Court, stated that he had bought out Mr. Marvin Levman, operator of Horse and Carriage Tours of San Antonio, Inc., and asked an adjustment in the rates, which are allowed to be charged under the permit to operate horse-drawn carriages upon the City streets.

Mr. Avalos was asked to confer with the City Manager on his request.

- - -  
70-12 At 12:45 P. M. the meeting was recessed.

- - -  
The meeting reconvened at 1:30 P. M.

- - -  
70-12 The following Ordinances were read by the Clerk and explained by City Manager Henckel and after consideration on motion made and duly seconded were each passed and approved by the following vote: AYES: Calderon, James, Cockrell, Trevino, Torres; NAYS: None; ABSENT: McAllister, Burke, Nielsen, Hill.

AN ORDINANCE 38,385

APPROPRIATING THE SUM OF \$3,000.00 OUT OF FIRE STATION BONDS TO BE USED FOR NECESSARY EQUIPMENT AND LANDSCAPING FOR RECENTLY CONSTRUCTED FIRE STATION #32.

\* \* \* \*

AN ORDINANCE 38,386

MANIFESTING AN AGREEMENT WITH THE SYMPHONY SOCIETY OF SAN ANTONIO TO AMEND THE PRESENT LEASE AGREEMENT WHEREBY THE SOCIETY LEASES BUILDINGS 309 AND 310 AT HEMISFAIR PLAZA BY CHANGING THE LEASED PREMISES TO BUILDING 248 (COLOMBIAN PAVILION), ALL OTHER TERMS AND CONDITIONS TO REMAIN UNCHANGED.

\* \* \* \*

- - -  
70-12 The Clerk read the following Ordinance:

AN ORDINANCE 38,387

AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH PATRICK A. QUARLES FOR LEASE OF CLUB ABRAZO AT HEMISFAIR PLAZA FOR A TERM OF FIVE YEARS, WITH A FIVE-YEAR RENEWAL OPTION, FOR ESTABLISHING THEREIN A PRIVATE CLUB.

\* \* \* \*

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City Manager Henckel stated that he was recommending that the Council lease the Club Abrazo in HemisFair Plaza to Patrick A. Quarles for a five-year term. Rental is to be \$750.00 per month, plus 5% of the yearly gross sales up to \$25,000.00 per month; 7½% of gross from \$25,000.00 to \$50,000.00; and, 10% of gross over \$50,000.00. The gross sales will not include membership fees to the private club. The City will furnish 100 parking spaces adjacent to and under the Lake Pavilion. Lessee will pay all utilities.

Major Quarles stated that he plans to incorporate the management under the name of Trinity Enterprises and presented a sketch of their symbol representing the different races in San Antonio. He plans to operate as a nightclub to serve the entertainment and dining needs of business, conventions and tourists, as well as the entire community. He showed a sketch of a piano bar, which he proposes to install and stated that he will change the location of the present stage and raise the dance floor. He plans to bring in top-name entertainers to San Antonio, such as Sammy Davis, Jr. and Nancy Sinatra. He will continue to maintain the Club Abrazo name.

After consideration on motion of Dr. Calderon, seconded by Mr. Trevino, the ordinance was passed and approved by the following vote: AYES: Calderon, James, Cockrell, Nielsen, Trevino, Torres; NAYS: None; ABSTAIN: Hill; ABSENT: McAllister, Burke.

70-12 The following Ordinance was read by the Clerk and explained by City Manager Henckel and after consideration on motion of Mr. Trevino, seconded by Dr. Calderon, was passed and approved by the following vote: AYES: Calderon, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, Burke.

AN ORDINANCE 38,388

AUTHORIZING THE CITY MANAGER TO CONTRACT ON BEHALF OF THE CITY WITH RAUL CORTEZ, D/B/A CORTEZ ENTERPRISES, TO ACT ON BEHALF OF THE CITY IN PROCURING ENTERTAINMENT FOR HEMISFAIR PLAZA FOR EASTER SUNDAY, FIESTA WEEK AND MOTHER'S DAY, 1970, THE COST TO CITY NOT TO EXCEED \$5,500.00.

\* \* \* \*

70-12 The following Ordinance was read by the Clerk and explained by Assistant City Manager Douthit and after consideration on motion of Dr. Calderon, seconded by Mr. Hill, was passed and approved by the following vote: AYES: Calderon, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, Burke.

March 19, 1970  
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AN ORDINANCE 38,389

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SAN ANTONIO JAYCEES PROVIDING FOR LEASE OF SPACE IN THE TOWER FOOD PLAZA, GOLIAD FOOD CLUSTER, AND SERVOMATION BUILDING AT HEMISFAIR PLAZA DURING FIESTA WEEK, TO BE USED FOR SALE OF FOOD AND DRINKS TO THE PUBLIC, CITY TO RECEIVE 15% OF GROSS RECEIPTS.

\* \* \* \*

70-12 The following Ordinance was read by the Clerk and explained by City Manager Henckel and after consideration on motion of Mr. Hill, seconded by Dr. Calderon, was passed and approved by the following vote: AYES: Calderon, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, Burke.

AN ORDINANCE 38,390

MAKING AND MANIFESTING A CONTRACT WITH GLENN ADVERTISING, INC., TO FURNISH CERTAIN ADVERTISING AND PROMOTIONAL SERVICES FOR HEMISFAIR PLAZA IN CONNECTION WITH FIESTA WEEK AND MOTHER'S DAY AND APPROPRIATING \$4,500.00 FROM UNAPPROPRIATED SURPLUS OF THE GENERAL FUND AND AUTHORIZING TRANSFER OF THE SAME TO ACCOUNT 26-01-01.

\* \* \* \*

70-12 The Clerk read the following Resolution:

A RESOLUTION

APPROVING THE SUBMISSION OF A REPORT ON PROGRESS UNDER THE WORKABLE PROGRAM TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

\* \* \* \*

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

Whereas Section 101 (c) of the Housing Act of 1949, as amended, requires an Annual Report be submitted to the Department of Housing and Urban Development and,

Whereas the purpose of this report is to establish compliance with said law in order to receive Program recertification,

March 19, 1970  
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Therefore, the City Manager is hereby authorized to submit this Annual Report "A Review of Progress Under the Workable Program for Community Improvement" to the Regional Office of the Department of Housing and Urban Development.

\* \* \* \*

Mr. M. Winston Martin, Executive Director of the Urban Renewal Agency, stated that the Workable Program was prepared by the City Staff. HUD will review this and may make recommendations to the City with reference to building codes. HUD wants to be sure that the City is not creating new slums while eliminating a slum through the Urban Renewal Program.

After consideration on motion of Dr. Calderon, seconded by Mr. Hill, the Resolution was passed and approved by the following vote: AYES: Calderon, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, Burke, James.

70-12 The Clerk read the following Ordinance:

AN ORDINANCE 38,391

AUTHORIZING THE MAYOR TO EXECUTE A  
1ST AMENDED COOPERATION AGREEMENT  
WITH THE URBAN RENEWAL AGENCY OF THE  
CITY OF SAN ANTONIO FOR THE UNDERTAKING  
AND COMPLETION OF A NEIGHBORHOOD  
DEVELOPMENT PROGRAM, TITLED PROGRAM  
NO. TEX. A-8, MODEL CITIES AREA,  
WITHIN THE CITY OF SAN ANTONIO.

\* \* \* \*

Mr. M. Winston Martin, Executive Director of the Urban Renewal Agency, explained that originally the agreement was for \$6,567,000.00 for various items of work in the Model Cities Area and UR Project One. HUD has come back and asked that Project One, in the amount of \$3,304,000.00 be separated. This will be taken up at a later date. This amendment to the agreement provides for cutting the original agreement to \$3,000,000.00, which will permit work to commence on the Alazan-Apache Creek Drainage Project; acquisition of land for West Side Multi-Service Center site; relocation of displaced persons; and, rehabilitation of some dwellings in the project area.

After consideration on motion of Dr. Calderon, seconded by Mr. Trevino, the ordinance was passed and approved by the following vote: AYES: Calderon, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, Burke, James.

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70-12 The Clerk read the following Resolution:

A RESOLUTION

APPROVING THE SUBMISSION OF AN APPLICATION FOR ADMINISTRATIVE GRANT FOR THE YOUTH PROGRAM TO THE PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY.

\* \* \* \*

Mr. Ed Koplow, Youth Administrator, explained that the City participated in this program last year for the summer months. This year it will be a full-year's program. Under this proposal, it will be operated by the City of San Antonio and will be coordinated and staffed by employees of the City.

After consideration on motion of Mr. Trevino, seconded by Dr. Calderon, the Resolution was passed and approved by the following vote: AYES: Calderon, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, Burke, James.

70-12 The Clerk read the following Ordinance:

AN ORDINANCE 38,392

APPOINTING A MEMBER TO THE BOARD OF HOUSING APPEALS (THOMAS F. RYAN, FOR TERM ENDING JULY 31, 1971, TO REPLACE ROBERT DARDEN, RESIGNED).

\* \* \* \*

Councilman Torres stated that he was not able to attend the Executive Session at which the Council considered appointments and would like at this time to submit the name of a person for appointment to this Board.

The Council then discussed the procedure it has used in the past in selecting persons to be appointed to Boards and Commissions.

Mr. Trevino made a motion that the Ordinance be adopted. The motion was seconded by Mr. Hill.

Mr. Torres then offered the name of Mr. Fernando Pinon for appointment to the Board in place of Mr. Thomas Ryan. The motion died for lack of a second.

On roll call, the ordinance was passed and approved by the following vote: AYES: Calderon, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, Burke, James.

March 19, 1970  
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70-12 The Clerk read the following Ordinance:

AN ORDINANCE 38,393

APPOINTING AND REAPPOINTING MEMBERS TO THE BOARD OF REVIEW FOR HISTORIC DISTRICTS (MR. JAMES B. KEETER, MR. S. B. ZISMAN, MISS MARGARET GETHING, MR. RAYFORD DOBIE AND MR. ROBERT BILLA FOR TERMS ENDING JULY 31, 1971; AND MARY CHRISTINE CARVAJAL FOR TERM ENDING MAY 15, 1972, TO REPLACE MR. PAUL HESSON, RESIGNED).

\* \* \* \*

On motion of Mr. Hill, seconded by Mr. Trevino, the ordinance was passed and approved by the following vote:  
 AYES: Calderon, Cockrell, Nielsen, Trevino, Hill, Torres;  
 NAYS: None; ABSENT: McAllister, Burke, James.

70-12 The Clerk read the following Ordinance:

AN ORDINANCE 38,394

REAPPOINTING MEMBERS TO THE FINE ARTS COMMISSION (MR. G. J. FRY AND MR. GEORGE STREET FOR TERMS ENDING DECEMBER 31, 1972).

\* \* \* \*

On motion of Mr. Hill, seconded by Mr. Trevino, the ordinance was passed and approved by the following vote:  
 AYES: Calderon, Cockrell, Nielsen, Trevino, Hill, Torres;  
 NAYS: None; ABSENT: McAllister, Burke, James.

70-12 The Clerk read an Ordinance reappointing John A. Bitter, Jr., Bob G. Roth, Charles O. Scheer and Max Martinez as members of the Urban Renewal Agency Board of Commissioners for terms ending March 19, 1971; appointing Wilbur Fite for a term ending March 19, 1972, to fill the vacancy created by the resignation of Roland C. Bremer; and, appointing Ralph Winton, Jr. for a term ending March 19, 1972, to replace Morris Collins.

Mr. Hill made a motion that the ordinance be adopted. The motion was seconded by Mr. Trevino.

Dr. Nielsen then made a substitute motion that Mr. Matt Garcia be appointed in place of Mr. Wilbur Fite and Mr. Warren Weir in place of Mr. Ralph Winton, Jr. On roll call, the substitute motion failed by the following vote: AYES: Nielsen, Torres; NAYS: Calderon, Cockrell, Trevino, Hill; ABSENT: McAllister, Burke, James.

March 19, 1970

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The original motion to appoint the persons listed in the ordinance then failed to pass by the following vote: AYES: Hill, Calderon, Cockrell, Trevino; NAYS: Nielsen, Torres; ABSENT: McAllister, Burke, James.

Mayor Pro-Tem Cockrell then announced that this ordinance will be considered again at the Council Meeting on March 26.

70-12 The Clerk read the following Ordinance:

AN ORDINANCE 38,395

APPOINTING MRS. PAUL KLINGER TO THE RIVER WALK COMMISSION AND REMOVING CERTAIN HONORARY AND EX OFFICIO MEMBERS (MRS. PAUL KLINGER FOR TERM ENDING JULY 31, 1972, AND REMOVING ATLEE B. AYRES, DECEASED, AS AN EMERITUS AND HONORARY MEMBER AND REMOVING AUBREY KLINE AS AN EX OFFICIO MEMBER).

\* \* \* \*

On motion of Dr. Calderon, seconded by Mr. Hill, the ordinance was passed and approved by the following vote: AYES: Calderon, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, Burke, James.

70-12 The Clerk read an Ordinance appointing Mr. George de la Garza a member of the Municipal Civil Service Commission to fill the vacancy created by the resignation of Eloy Centeno.

Dr. Calderon made a motion that the ordinance be adopted. The motion was seconded by Mr. Trevino.

Mr. Torres then made a substitute motion that Mr. Matt Garcia be appointed in place of Mr. George de la Garza. The motion was seconded by Dr. Nielsen. The motion failed by the following vote: AYES: Nielsen, Torres; NAYS: Calderon, Cockrell, Trevino, Hill; ABSENT: McAllister, Burke, James.

The original motion to appoint Mr. George de la Garza failed on roll call by the following vote: AYES: Calderon, Cockrell, Trevino, Hill; NAYS: Nielsen, Torres; ABSENT: McAllister, Burke, James.

Mayor Pro-Tem Cockrell then stated that this ordinance would again be considered at the Council Meeting on March 26.

70-12 The Clerk read the following Ordinance:

March 19, 1970  
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## AN ORDINANCE 38,396

APPOINTING A MEMBER TO THE PLUMBING  
APPEALS AND ADVISORY BOARD TO FILL  
THE POSITION OF "REGISTERED PRACTICING  
ARCHITECT" (VERNON HELMKE, JR. FOR  
TERM ENDING JULY 31, 1971).

\* \* \* \*

On motion of Dr. Nielsen, seconded by Mr. Hill, the ordinance was passed and approved by the following vote: AYES: Calderon, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, Burke, James.

70-12 The following Ordinance was explained by City Manager Henckel and after consideration on motion of Dr. Nielsen, seconded by Mr. Hill, was passed and approved by the following vote: AYES: Calderon, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, Burke, James.

## AN ORDINANCE 38,397

PROVIDING FOR THE GENERAL SUBSTITUTION  
OF THE SIGNATURE OF THE ASSISTANT CITY  
MANAGER OR OF EITHER ASSISTANT TO THE  
CITY MANAGER FOR THAT OF THE CITY  
MANAGER, AND REPEALING ORDINANCE NO.  
36802.

\* \* \* \*

WITTE MUSEUM CONTRACT: City Manager Henckel stated that his office has received word that the Museum Association will comply with recommendations made by the staff. The City Attorney is preparing the necessary amendments to the contract in accordance with the recommendations made.

TUESDAY MUSICAL CLUB: City Manager Henckel stated a meeting was scheduled for next week with the Tuesday Musical Club and their attorneys. A report has been sent to Council members on this matter and he asked the Council which of three alternate methods they preferred be followed.

It was brought out the Council understood that the Manager would meet with the group and work out a rental agreement that would meet legal requirements.

City Manager Henckel stated the staff has recommended a rental charge of \$100.00 per month for the building only. Parking area will be open to the public at all times.

After further discussion, Mr. Torres made a motion that Council rescind the lease ordinance between the City and Tuesday Musical Club adopted July 18, 1946 and authorize the City Manager to proceed with rental of the building at a fair rental basis.

City Attorney Walker advised that unilateral cancellation of the lease may result in a law suit.

There being no second to the motion, the City Manager was asked to proceed with negotiations for a lease.

City Manager Henckel reported he has received a letter from the M-K-T Railroad stating they would participate in the amount of 10 percent of the cost of the signal installation.

DEFENDING CITY EMPLOYEES UNDER TORTS CLAIMS LAW

The City Manager stated he had furnished the Council a copy of a legal opinion on the matter.

BLOCKING OF QUINTANA ROAD CROSSING BY TRAINS

The City Manager reported the railroad has taken exception to report on blocking the intersection. They have recently changed the signal so that through trains would not

activate the signals . The Railroad is considering the City's proposal and will reply to them.

The City Manager added that he has informed the railroad the City will enforce the ordinance which prohibits blocking a crossing more than five minutes.

BRUSH PICK-UP SERVICE

The City Manager stated a memorandum has been given the Council members on the change in procedure. It will not be necessary to amend the ordinance. The service is being implemented by quadrants of the City and residents are being notified of the change in service.

SOMERSET, TEXAS

The City Manager reported that Somerset has requested it be released from the City's extra-territorial jurisdiction so that it can incorporate. Planning Director Steve Taylor has requested certain information from Somerset. When it is received and the study completed, a report will be made to the Council.

TEAR GAS BOMBS

A report has been made to the Council on this. Mr. Torres has furnished some information. The staff is also soliciting information from military and civilian sources.

Councilman Torres introduced the following resolution and moved its adoption.

A RESOLUTION

WHEREAS Section 20 of Article 1269m of the Revised Civil Statutes of the State of Texas effectively deprives firemen and policemen of the opportunity to appeal suspensions to the Firemen's and Policemen's Civil Service Commission when such suspensions are for less than fifteen days, and

WHEREAS such provision deprives firemen and policemen of the right of review in disciplinary actions involving their conduct, good order and stature as public employees, and

ac  
March 19, 1970

WHEREAS the right of review in all cases by an independent board, commission or agency is basic to the guaranty of due process procedure, Now Therefore

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

That the Bexar County delegation to the Texas State Legislature and the Texas State Legislature in its next regular session be petitioned to amend Article 1269m of the Revised Civil Statutes of the State of Texas so as to abolish and rescind Section 20 of said article and to amend Section 16 therein by inserting in the third line of said section after the word "indefinitely" the phrase "or for any reasonable period of time."

The motion was seconded by Dr. Nielsen.

Police Chief Bichsel reviewed the present policy of his department on suspensions as well as what effect such a change may have in enforcing discipline if adopted by the Legislature.

After consideration on roll call the resolution was passed and approved by the following vote: AYES: Calderon, Nielsen, Trevino, Hill, Torres, Cockrell; NAYS: None; ABSENT: McAllister, Burke, James.

The City Manager is to forward copies of the above resolution to members of the Bexar County Legislature Delegation.

#### BOND STEERING COMMITTEE

#### ON CAPITAL IMPROVEMENTS

Mayor Pro-Tem Cockrell discussed her memorandum to the Council in which she recommended the following:

1. Accept the report with appreciation for the efforts of each committee member.
2. Ask that the committee continue to work and make a final report to the City Council by June first.
3. Decline the request for the implementation of outside staff for the committee, but request the City Manager to make available to the committee such staff help as to permit the committee to gather all necessary information and complete its report.

After consideration on the motion of Dr. Calderon, seconded by Mr. Hill, the recommendations were adopted by the following vote: AYES: Nielsen, Trevino, Hill, Torres, Cockrell, Calderon; NAYS: None; ABSENT: McAllister, Burke, James.

ac  
March 19, 1970

FOOD STAMP COMMITTEE REPORT

70-12 Dr. Nielsen, Chairman of the Committee, reviewed the report which was submitted to the Council and recorded in the minutes of the March 12, 1970 meeting.

The City Manager again stated his position against appropriating money to another agency without any control of that money. He then reviewed the need of finding a new location for distribution. He stated there is \$200,000 in unappropriated funds. This much will not be needed for the balance of this fiscal year.

After discussion, Dr. Nielsen made a motion that the Food Stamp Committee report be adopted and that a cut-off date of July 31, 1971 be set for withdrawing financial support to the Food Stamp Program and convey this information to the Governor and the Bexar County Legislative Delegation.

Seconded by Mr. Torres, the motion prevailed by the following vote: AYES: Nielsen, Trevino, Hill, Torres, Cockrell, Calderon; NAYS: None; ABSENT: Burke, James, McAllister.

Dr. Nielsen introduced the following resolution and moved to adopt it. The motion was seconded by Mr. Torres.

## RESOLUTION

WHEREAS, the existing agreement for the proposed "North Expressway" project provides that no construction or related expenses of any nature are to be incurred by the City of San Antonio; and

WHEREAS, upon conferences being held recently between representatives of the City and of the Texas Highway Department, with regard to the said expressway, it was reported that agreement had been reached by which construction expenses might be incurred, without federal reimbursement, but from whatever other sources might be available;

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

That no agreement be reached or entered into by this City, or any representatives thereof, with any other persons or agency, by which funds of the City or any of its agencies could be in any way agreed to be utilized for construction expenses or any other expenses for said expressway project.

After discussion, the motion was withdrawn and consideration was postponed until the meeting of March 26, 1970. The staff was asked to be prepared to comment on the resolution.

ac  
March 19, 1970

CARNIVAL DURING FIESTA WEEK

70-12 Councilman Torres stated that a carnival operator feels he had commitments to operate a carnival during Fiesta Week but now he cannot rent land from the Urban Renewal Agency. The question of whether there is going to be more than one carnival in the downtown area should be settled. He asked that this be placed on the agenda for consideration at next weeks meeting.

ZONING HEARINGS

The Council discussed setting one meeting of the month aside for hearing zoning cases only. The other meetings would be devoted to other items of business.

The Council was in agreement that this procedure should be tried out and the City Manager was instructed effective the month of April that zoning hearings be set for the third Thursday of the month. No other items of business will be scheduled on that date.

COUNCIL MEETINGS

The Council then discussed the possibility of having additional meetings, formal or informal to dispose of the backlog of items.

Mayor Pro-Tem Cockrell asked the Council members to consider this during the week so it can be discussed at a later date.

The City Manager informed the Council there is a deadline on Discretionary Funds for Fire and Police Departments and will place this item on next weeks agenda.

ABSENCE OF CITY MANAGER

Mr. Henckel advised the Council he will be out of the City Monday and Tuesday, March 23 and 24 on a trip to Mexico City. The following week on March 30, 31 and April 1, he will be in New York City conferring with bond rating agencies.

The Clerk read the following letter:

March 13, 1970

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

Gentlemen and Madam:

ac  
March 19, 1970

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

3/13/70

Petition of Mrs. Marie Lippe, et al, complaining of conditions at the City Animal Shelter at Brackenridge Park and requesting correction of same.

J. H. INSELMANN,  
City Clerk

\* \* \* \*

There being no further business to come before the Council, the meeting was adjourned.

A P P R O V E D

*Jim McElister*  
M A Y O R

ATTEST:

*JH Inselmann*  
City Clerk