

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JULY 24, 1980.

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The meeting was called to order at 1:00 P.M., by the presiding officer, Mayor Lila Cockrell with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, CANAVAN, ARCHER, STEEN, COCKRELL; Absent: NONE.

80-38 The invocation was given by Reverend J. Henry Pangborn, St. Stephen's United Methodist Church.

80-38 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

80-38 The minutes of the regular meeting of July 10, 1980 and the special meeting of July 10, 1980 were approved.

80-38 RESOLUTION OF RESPECT -- ROBERT H. H. HUGMAN

Mayor Cockrell read the following Resolution:

A RESOLUTION
NO. 80-38-58

WHEREAS, Life came to a close on Tuesday, July 22, 1980, for Robert H.H. Hugman, and

WHEREAS, He is internationally recognized as the concept architect for one of San Antonio's most famous attractions, the beautiful River Walk called the Paseo Del Rio, and

WHEREAS, He is considered the first person to envision both the commercial and esthetic potential of the historic river bend winding through downtown San San Antonio, a dream that came to fruition in 1942, and

WHEREAS, His design ideas and sketches formed the framework for the eventual beautification of this world-famous attraction which began to take shape through the availability of Work Projects Administration funding in the late 1930's, and

WHEREAS, His vision and talents, no longer available to the City of San Antonio, will be sorely missed by one and all; NOW, THEREFORE:

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

SECTION 1. That with the death of Robert H.H. Hugman, the City of San Antonio has lost a valuable asset to its past, present and future.

SECTION 2. That this City Council joins with his family and friends in their sorrow over his death and

July 24, 1980
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July 24, 1980
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extends its sincerest sympathy and prayer of comfort to those who were near him.

SECTION 3. And it is hereby directed that a copy of this Resolution be spread upon the minutes of this meeting and a copy thereof presented to his family as a token of our deepest sympathy.

* * * *

Mr. Webb moved to approve the Resolution. Mrs. Dutmer seconded the motion. On roll call, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Canavan, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Alderete, Archer.

80-38 PRESENTATION BY THE BEAUTIFY SAN ANTONIO ASSOCIATION

Ms. Sadie Raye, President of the Beautify San Antonio Association and Mr. O.P. Schnabel, Founder, presented the City Council with the Governor's Community Achievement Award. She explained that six awards were given in the State of Texas and that San Antonio was given the award for Cities with population over 60,000. Ms. Raye requested that this award be placed at the Convention Center along with the award received several years ago.

Mayor Cockrell on behalf of the City Council stated that she was honored to receive the award and commended the Association for its accomplishments.

80-38 CONSENT AGENDA

Mr. Steen moved that items 7-43 constituting the consent agenda be approved with the exception of items 26 and 35 to be considered individually. Mr. Webb seconded the motion.

On roll call, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Canavan, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Alderete, Archer.

AN ORDINANCE 52,469

ACCEPTING THE LOW QUALIFIED BID OF STUDER'S PHOTOS, INC., TO FURNISH THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH PHOTOGRAPHIC EQUIPMENT FOR A NET TOTAL OF \$3,968.52.

* * * *

AN ORDINANCE 52,470

ACCEPTING THE PROPOSAL OF HONEYWELL TO FURNISH THE CITY OF SAN ANTONIO MAIN LIBRARY WITH TEMPERATURE CONTROL MAINTENANCE FOR A NET TOTAL OF \$5,239.00.

* * * *

AN ORDINANCE 52,471

ACCEPTING THE LOW QUALIFIED BID OF MICRO TECH INC., TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH MICROFILM

READERS FOR A NET TOTAL OF \$8,437.00.

* * * *

AN ORDINANCE 52,472

ACCEPTING THE BID OF WATSON DISTRIBUTING COMPANY, INC., TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH THREE-WHEEL VEHICLES FOR A NET TOTAL OF \$12,869.00.

* * * *

AN ORDINANCE 52,473

ACCEPTING THE LOW BID OF GOLDTHWAITE'S OF TEXAS TO FURNISH THE CITY OF SAN ANTONIO WITH A HYDRAULIC SPRINKLER SYSTEM FOR A TOTAL OF \$36,861.61, LESS 10%-20 DAYS.

* * * *

AN ORDINANCE 52,474

ACCEPTING THE LOW BID OF KLINE'S OF SAN ANTONIO TO EXECUTE AN ANNUAL CONTRACT WITH THE CITY OF SAN ANTONIO FOR WORK UNIFORMS FOR THE FISCAL YEAR 1980-81.

* * * *

AN ORDINANCE 52,475

APPROVING THE ASSIGNING OF THE EXISTING CONTRACT FOR LPG EQUIPMENT PARTS AND SERVICE FROM HNG PROPANE COMPANY TO SUPERIOR FUELS, INC.; SAID CONTRACT TO TERMINATE JULY 31, 1981.

* * * *

AN ORDINANCE 52,476

EXERCISING AN OPTION TO EXTEND THE CURRENT ANNUAL CONTRACT WITH THE CALGON CORPORATION TO FURNISH THE CITY OF SAN ANTONIO WITH LIQUID POLYMER.

* * * *

AN ORDINANCE 52,477

ACCEPTING THE LOW BID OF HELICOPTER SPECIALISTS, INC., TO EXECUTE AN ANNUAL CONTRACT WITH THE CITY OF SAN ANTONIO POLICE DEPARTMENT FOR POLICE HELICOPTER PARTS AND SERVICES.

* * * *

AN ORDINANCE 52,478

APPROPRIATING FROM CERTAIN FUNDS AMOUNTS IN THE TOTAL SUM OF \$774.00 IN PAYMENT FOR EXPENSES INCURRED IN CONNECTION WITH ACQUISITION OF ADDITIONAL LAND FOR MITCHELL LAKE; NEW BRAUNFELS OVERPASS; OLMOS CREEK DRAINAGE #88-87; ROSILLO CREEK SEWER OUTFALL-

July 24, 1980
mb

PHASE A; SPRING CREEK FOREST SUBDIVISION
UNIT 2 DRAINAGE OUTFALL; STORM DRAINAGE
#58C (CULEBRA-MARTIN); AND UNSEWERED AREA
NO. 57 & 58.

* * * *

AN ORDINANCE 52,479

AUTHORIZING EXPENDITURE OF THE SUM OF
\$49,029.00 OUT OF VARIOUS FUNDS FOR
THE PURPOSE OF ACQUIRING TITLE TO CER-
TAIN LANDS; ACCEPTING THE DEDICATION
OF TITLE TO CERTAIN LANDS; ALL TO BE
USED IN CONNECTION WITH CERTAIN RIGHT-
OF-WAY PROJECTS.

* * * *

AN ORDINANCE 52,480

AUTHORIZING THE CITY MANAGER TO ENTER
INTO A STANDARD PROFESSIONAL SERVICES
CONTRACT WITH CARRAGONNE/REYNA, CON-
SULTANTS, A JOINT VENTURE, TO PLAN AND
DESIGN THE REHABILITATION OF THE CORE
AREAS OF BRACKENRIDGE PARK.

* * * *

AN ORDINANCE 52,481

AUTHORIZING THE CITY MANAGER TO ENTER
INTO A STANDARD PROFESSIONAL SERVICES
CONTRACT WITH GARCIA ENGINEERING ASSOCIATES
TO PROVIDE PROFESSIONAL SERVICES AND PREPARE
PLANS AND SPECIFICATIONS FOR THE "CONCEPCION
CREEK SEWER CROSSING REPLACEMENT" PROJECT.

* * * *

AN ORDINANCE 52,482

AUTHORIZING THE CITY MANAGER TO ENTER
INTO A STANDARD PROFESSIONAL SERVICES
CONTRACT WITH D.R. FRAZOR AND ASSOCIATES
TO PROVIDE PROFESSIONAL SERVICES AND
SPECIFICATIONS FOR THE "ALSBROOK LIFT
STATION ABANDONMENT" PROJECT.

* * * *

AN ORDINANCE 52,483

ACCEPTING THE LOW QUALIFIED BID OF HOGAN
MECHANICAL, INC., IN THE AMOUNT OF
\$1,257,595.00 TO CONSTRUCT THE RILLING
ROAD WASTEWATER TREATMENT PLAN UPGRADING
PHASE "R" PROJECT; AUTHORIZING A CONTRACT;
APPROPRIATING FUNDS FROM 1980 SEWER
REVENUE BONDS; AND AUTHORIZING PAYMENT
OF THE CONTRACT AND CONTINGENT CONSTRUCTION
EXPENSES.

* * * *

AN ORDINANCE 52,484

ACCEPTING THE LOW QUALIFIED BID OF HOGAN

MECHANICAL INC., IN THE AMOUNT OF \$1,111,820.25 TO CONSTRUCT THE SALADO CREEK WASTEWATER TREATMENT PLANT IRRIGATION SYSTEM; AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD PUBLIC WORKS CONSTRUCTION CONTRACT; APPROPRIATING 1980 SEWER REVENUE BOND FUNDS AND AUTHORIZING PAYMENT OF THE CONTRACT AND CONTINGENT EXPENSES AND ADDITIONAL ENGINEERING FEES.

* * * *

AN ORDINANCE 52,485

AUTHORIZING EXECUTION OF FIELD ALTERATION NO. 6 IN THE SUM OF \$20,500 TO THE CONTRACT FOR CONSTRUCTION OF DAWSON DRAINAGE PROJECT 12A, 12B, 12C; AND REVISING THE BUDGET FOR SAID PROJECT.

* * * *

AN ORDINANCE 52,486

ACCEPTING THE GRANT FROM THE FEDERAL AVIATION ADMINISTRATION FOR RUNWAY AND TAXIWAY IMPROVEMENTS AT INTERNATIONAL AIRPORT; APPROPRIATING REQUIRED MATCHING FUNDS FROM THE AIRPORT REVENUE FUND; APPROVING A REVISED BUDGET; ACCEPTING THE LOW QUALIFIED BID OF MEADER CONSTRUCTION CO. INC., TO CONSTRUCT RUNWAY AND TAXIWAY IMPROVEMENTS AT INTERNATIONAL AIRPORT; AUTHORIZING A CONSTRUCTION CONTRACT AND PAYMENT OF COSTS OF THE PROJECT.

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AN ORDINANCE 52,487

ACCEPTING THE LOW QUALIFIED BID OF IMPERIAL CONSTRUCTION COMPANY IN THE SUM OF \$162,012.00 FOR CONSTRUCTION OF AN ADDITION TO THE MAINTENANCE COMPLEX AT INTERNATIONAL AIRPORT; AUTHORIZING EXECUTION OF A STANDARD PUBLIC WORKS CONTRACT; AND AUTHORIZING PAYMENTS FROM FUND 51.

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AN ORDINANCE 52,488

ACCEPTING THE LOW QUALIFIED BID OF D.D.W. CONSTRUCTION COMPANY IN THE SUM OF \$1,384,224.42 FOR THE DEMOLITION UTILITIES RELOCATION AND SURFACE PARKING PROJECT AT INTERNATIONAL AIRPORT; AUTHORIZING EXECUTION OF AN A.I.A. FORM OF AGREEMENT FOR THE PROJECT; APPROPRIATING THE SUM OF \$4,453,436 OUT OF FUND 51 AND AUTHORIZING PAYMENT FOR THE PROJECT, \$69,211.58 FOR CONTINGENT CONSTRUCTION EXPENSES AND \$3,000,000 FOR PROFESSIONAL FEES.

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AN ORDINANCE 52,489

AUTHORIZING PAYMENT OF REFUNDS TO PERSONS

MAKING OVERPAYMENT OR DOUBLE PAYMENTS
ON 42 TAX ACCOUNTS.

* * * *

AN ORDINANCE 52,490

FINDING THAT CERTAIN TAX ASSESSMENTS ARE
INVALID AND ORDERING THAT THE INVALID
ASSESSMENTS AND THE TAXES BASED THEREON
BE CANCELLED.

* * * *

AN ORDINANCE 52,491

MANIFESTING AN AGREEMENT BETWEEN THE CITY
OF SAN ANTONIO AND MOBIL OIL CORPORATION
TO EXTEND THE PRESENT LEASE AGREEMENT
AT STINSON MUNICIPAL AIRPORT (LEASE #570)
FOR A PERIOD OF ONE YEAR.

* * * *

AN ORDINANCE 52,492

AUTHORIZING THE CITY MANAGER TO EXECUTE
A LEASE AMENDMENT TO THE LEASE AGREEMENT
BETWEEN THE CITY OF SAN ANTONIO AND
SWEARINGEN AVIATION CORPORATION AUTHORIZED
BY ORDINANCE 41605 DATED DECEMBER 21, 1972.

* * * *

AN ORDINANCE 52,493

APPROVING THE PRICE AND CONDITIONS OF
SALE BY THE URBAN RENEWAL AGENCY OF
THE CITY OF SAN ANTONIO OF CERTAIN
SINGLE-FAMILY RESIDENTIAL LOTS LOCATED
WITHIN THE KENWOOD NORTH PROJECT, TEX.-
R-136.

* * * *

AN ORDINANCE 52,494

ACCEPTING THE HIGH BIDS(S) RECEIVED
IN CONNECTION WITH \$3,000,000.00 IN
CITY FUNDS AVAILABLE FOR DEPOSIT
IN INTEREST-BEARING CERTIFICATES OF
DEPOSIT.

* * * *

AN ORDINANCE 52,495

AUTHORIZING EXPENDITURE OF CITY FUNDS
IN AN AMOUNT UP TO \$20,000 TO MATCH A
LIKE AMOUNT PROVIDED BY THE MUSIC PER-
FORMANCE TRUST FUND TO CO-SPONSOR A
FREE-TO-THE-PUBLIC, TEMPO '81 LIVE MUSIC
PROGRAM; AUTHORIZING A COOPERATIVE AGREE-
MENT WITH THE MUSICIANS SOCIETY OF SAN
ANTONIO COVERING SUCH PROGRAM

* * * *

AN ORDINANCE 52,496

APPROPRIATING \$28,250 FROM THE 1970 PARKS IMPROVEMENT BOND FUND TO FUND PROJECT 41-010012, SAN ANTONIO BOTANICAL CENTER TO CARRY OUT UNFINISHED PHASE I IN-HOUSE WORK THEREON AND AUTHORIZING PAYMENT OF \$6,000 FOR ADDITIONAL ARCHITECTURAL SERVICES RELATED THERETO.

* * * *

AN ORDINANCE 52,497

REVISING THE BUDGET OF THE DISTRICT 6 CONTINGENCY ACCOUNT IN THE GENERAL FUND ALLOCATING THE SUM OF \$35,000.00 FOR EXPENDITURE FOR CERTAIN PROJECTS.

* * * *

AN ORDINANCE 52,498

AUTHORIZING THE TRANSFER OF UNEXPENDED BALANCES HELD IN ACCOUNTS IN THE GENERAL OBLIGATION DEPARTMENT SERVICE FUND FOR RETIREMENT OF PRINCIPAL AND INTEREST ON CERTAIN BONDS WHICH HAVE BEEN FULLY RETIRED TO ACCOUNTS FOR PRINCIPAL AND INTEREST ON OTHER OUTSTANDING BONDS.

* * * *

AN ORDINANCE 52,499

APPROPRIATING THE SUM OF \$117,592.58 IN THE DEVELOPER CUSTOMER SEWER CONNECTIONS ACCOUNT FOR EXPENDITURES IN 1979/80 FOR DEVELOPER CUSTOMER SEWER LINE CONNECTIONS.

* * * *

AN ORDINANCE 52,500

AUTHORIZING THE DIRECTOR OF FINANCE TO WRITE OFF CERTAIN DELINQUENT ACCOUNTS RECEIVABLE OF THE AVIATION, CONVENTION FACILITIES, AND PARKS AND RECREATION DEPARTMENTS DEEMED UNCOLLECTIBLE.

* * * *

AN ORDINANCE 52,501

AUTHORIZING CHARGES TO VARIOUS FUNDS TO REIMBURSE THE GENERAL FUND FOR COST OF SERVICES PROVIDED BY THE RIGHT-OF-WAY AND LAND ACQUISITION DIVISION AND THE ENGINEERING AND TESTING AND INSPECTIONS DIVISIONS OF THE PUBLIC WORKS DEPARTMENT IN CONNECTION WITH VARIOUS PROJECTS DURING THE 1979/80 FISCAL YEAR.

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AN ORDINANCE 52,502

RESERVING UNEXPENDED 1979-80 APPROPRIA-

TIONS FOR CERTAIN SPECIAL PROJECTS FOR
CARRY FORWARD AS 1980-81 APPROPRIATIONS;
AUTHORIZING THE LAPSE OF UNEXPENDED 1979-
80 APPROPRIATIONS FOR CERTAIN OTHER
SPECIAL PROJECTS; AND RESERVING ENCUMBRANCES
OF 1979-80 APPROPRIATIONS FOR CARRY FORWARD
AS 1980-81 APPROPRIATIONS.

* * * *

AN ORDINANCE 52,503

APPROPRIATING ADDITIONAL FUNDS AND RE-
PROGRAMMING PRIOR APPROPRIATIONS IN
CERTAIN FUNDS TO PROVIDE FOR INCREASED
REQUIREMENTS IN CITY DEPARTMENTS AND
PROJECTS.

* * * *

80-38 The Clerk read the following Ordinance:

AN ORDINANCE 52,504

ACCEPTING THE LOW QUALIFIED BID OF H.B.
ZACHRY COMPANY IN THE SUM OF \$478,478.00
TO CONSTRUCT STINSON AIRPORT RUNWAY,
TAXIWAY AND DRAINAGE IMPROVEMENTS; AUTHORIZ-
ING EXECUTION OF A STANDARD PUBLIC WORKS
CONTRACT; AND AUTHORIZING PAYMENTS FROM
FUND 26-058.

* * * *

Mr. Steen moved to approve the Ordinance. Mr. Canavan
seconded the motion.

In response to a question by Mrs. Dutmer, Mr. George Noe,
Administrative Assistant to the City Manager, explained that this
Ordinance grants the resurfacing of runway 1432, drainage
improvements, and taxiway improvements, but does not grant an
extension to the runway, per se.

Mr. Thompson asked regarding improvements to the runway, and
if the City would be qualified to ask for an Instrument Landing
System at Stinson.

Mr. George Noe, explained that a report by the Aviation
Director will be forthcoming later in the week regarding this matter.

Mr. Thompson informed the Council regarding the decision by
the City of Castroville not to accept the instrument landing system
and strongly encouraged the relocation of such a system to Stinson
Field.

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

80-38 The Clerk read the following Ordinance:

AN ORDINANCE 52,505

AUTHORIZING THE WRITE-OFF OF \$109,902.17

July 24, 1980
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AS UNCOLLECTIBLE ACCOUNTS RECEIVABLE FOR
SERVICES RENDERED BY THE EMERGENCY MEDICAL
SERVICES DIVISION OF THE FIRE DEPARTMENT.

* * * *

Mr. Webb moved to approve the Ordinance. Mr. Steen seconded the motion.

In response to a question by Mrs. Dutmer, Mr. George Noe, Administrative Assistant to the City Manager, explained that the total authorized write-offs to date have amounted to \$690,064.70.

Mrs. Dutmer stated that she felt that was a marvelous program but expressed concern regarding the uncollectible accounts.

Mr. Wing stated that failure to collect is not due to the inefficiency of the program, on the other hand, the City of San Antonio has the best collection rates in America.

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

80-38 ZONING HEARINGS

44. CASE 8141 was temporarily withdrawn from consideration. See pages 11-12 of these minutes.

80-38 ECKHARDT AMENDMENT

Mayor Cockrell announced that the Bob Eckhardt Amendment requiring the Interstate Commerce Commission to limit their rates set for hauling coal had been approved by a vote of 204 showing support and 197 against.

80-38 ZONING HEARINGS (continued)

45. CASE 8134 to rezone Lot 9, save and except the south 120' and the east 186.2' of the south 64.64' of Lot 7, Block 21, NCB 8992, 2329 Castroville Road, from "C" Apartment District and "JJ" Commercial District to "B-3R" Restrictive Business District, located off the northwest side of Castroville Road, being 190' northeast of the intersection of Castroville Road and S.W. 36th Street, being approximately 120' northwest of Castroville Road, having a width of 169' and a depth of 240'.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Canavan moved that the recommendation of the Zoning Commission be approved provided that a six foot solid screen fence is erected and maintained along that portion of the subject property which abutts the residential zoning. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste.

July 24, 1980
mb

-9-

AN ORDINANCE 52,506

AMENDING CHAPTER 42 OF THE CITY CODE
 THAT CONSTITUTES THE COMPREHENSIVE ZONING
 ORDINANCE OF THE CITY OF SAN ANTONIO BY
 CHANGING THE CLASSIFICATION AND REZONING
 OF CERTAIN PROPERTY DESCRIBED HEREIN AS
 LOT 9, SAVE AND EXCEPT THE SOUTH 120' AND
 THE EAST 186.2' OF THE SOUTH 64.64' OF
 LOT 7, BLOCK 21, NCB 8992, 2329 CASTROVILLE
 ROAD, FROM "C" APARTMENT DISTRICT AND "JJ"
 COMMERCIAL DISTRICT TO "B-3R" RESTRICTIVE
 BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT
 SOLID SCREEN FENCE IS ERECTED AND MAINTAINED
 ALONG THAT PORTION OF THE SUBJECT PROPERTY
 WHICH ABUTTS THE RESIDENTIAL ZONING.

* * * *

46. CASE 8139 to rezone the southwest 282.38' of Lot 87, and the southeast 71' of the southwest 282.38' of Lot 86, NCB 11630, from "A" Single Family Residential District to "O-1" Office District, located north of the intersection of Callaghan Road and Greatview Road, having 282.38' on Callaghan Road and 313' on Greatview Road; all of lot 84, the southwest 282.38' of Lot 86 and the northwest 171' of the southwest 282.38' of Lot 85, NCB 11630, in the 8300 Block of Greatview Road, from "A" Single Family Residential District to "R-3" Multiple Family Residential District, located on the northeast side of Greatview Road, being 313' northwest of the intersection of Callaghan Road and Greatview Road, having 675' on Greatview Road and a maximum depth of 764.12'.

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

Ms. Eleanor W. Kennedy, a resident of the neighborhood, stated that she was not in opposition to the proposed plans but expressed concern over the fact that there are no parks in the area. She asked what the future plans were regarding the need for parks in this area.

Mr. Canavan, Councilman for this district, explained that the closest park in the area of the subject property is Dellview and concurred with Ms. Kennedy's remarks regarding the lack of parks in the area.

Mayor Cockrell recommended that Ms. Kennedy submit her recommendation to the Parks Board so that they may review her request.

No citizen appeared to speak in opposition.

After consideration, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell NAYS: None; ABSENT: None.

AN ORDINANCE 52,507

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 SOUTHWEST 282.38' OF LOT 87, THE SOUTHEAST 71' OF THE SOUTHWEST 282.38' OF LOT 86, NCB 11630, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT; ALL OF LOT 84, THE SOUTHWEST 282.38' OF LOT 85, AND THE NORTHWEST 171' OF THE SOUTHWEST 282.38' OF LOT 86, NCB 11630, IN THE 8300 BLOCK OF GREATVIEW ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

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80-38 Discussion on item 44, continued.

CASE 8141 to rezone Lot 1, Block 1, NCB 15829, in the 1300 Block of Oblate Drive, in the 7400 Block of Jones Maltsberger Road, from "A" Single Family Residential District to "B-2" Business District, located on the south side of Oblate Drive, between Skipper Drive East and Jones Maltsberger Road, having 279.73' on Oblate Drive, 532.76' on Skipper Drive East and 533.84' on Jones Maltsberger Road.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. He explained that eighteen notices were returned in opposition, one notice was returned in favor. He submitted a petition of 19 signatures opposing the change.

Mr. Herb Quiroga, Land Developer for Ray Ellison Industries, presented a drawing of the subject property and the surrounding areas. He presented a legal document as proof that Ray Ellison has clear title to the property. He gave background information regarding the subject property. He stated that Ray Ellison in the construction of any development on this property would respect the 728 contour line. He also presented a plat, approved by all the City agencies, determining where the 728 contour line is, which allows them to build in this area. He presented a letter from the City Attorney which specified that there are no restrictions on the property.

Mr. Steen expressed concern that the majority of the residents were in opposition and that there were no definite plans at this time as to what was being proposed on the subject property.

Mr. Canavan concurred with Mr. Steen's remarks and felt that the developer and the residents of the neighborhood should work out some type of compromise. He suggested that this case be postponed in order that some type of agreement could be reached.

Mr. Quiroga stated that he felt that all efforts in trying to reach a compromise had failed and again urged the Council to grant the rezoning request.

Mr. Eureste expressed his opinion that the property belongs to a private party and he has the right to do whatever he desires although the neighborhood feels that the subject property should be a park. He stated that should this zoning request be denied, the City should buy the property from Ray Ellison and turn it into a park.

Ms. Regina Cusick, Attorney representing some of the residents in opposition, presented a petition signed by some of the residents in opposition to the zoning request. (The petition is on file with the minutes of this meeting.) She stated that several of the residents had understood that the subject property would

July 24, 1980
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eventually be turned into a park when they purchased their land. She stated that the rezoning of the subject property would be contrary to the character of the neighborhood. She stressed the concern expressed by the residents that they do not know what plans are being proposed for this property.

Mr. Canavan again suggested that this case be postponed.

Mr. Billy Quinn, 374 Barbara, stated that when some of the residents purchased their property, they were showed a plat where the park would be. He stated that the property in question is within the contour limits of Olmos Basin Reservoir and no building of any kind is supposed to be erected with those contour lines. He spoke strongly in opposition to the proposed plans.

Mr. Eureste then spoke in support of putting this property to use.

Mr. Wayne Gallentine, 1363 Oblate, presented slides of the subject property and the surrounding areas. He spoke against Zoning Commission's recommendation to erect a fence because he feels that this would be an eye sore to the neighborhood. He also stated that the proponent of the rezoning claims that the character of the neighborhood has changed to "O-1" zoning which would require an excavation ditch being on Oblate proceeding south to the freeway. He strongly urged the Council not to grant the rezoning request.

Ms. Leo Hamilton, 479 Shannon Lee, also spoke in opposition. She spoke against the proposed fence as recommended by the Zoning Commission and also stated that there would be an increase in traffic should the rezoning be granted. She stated that the subject property has served as a playground for the children in the neighborhood and the residents desire to keep it in that state.

Ms. Cusick stated that the proposed rezoning would be detrimental to the character of the neighborhood and this is what the residents are mainly concerned about.

In rebuttal, Mr. Quiroga stated that they have a clear title to the property and it mentions nothing about the area being set aside for a park. He presented the actual subdivision plat which was approved by all the City agencies and determines where the 728 contour line is and which also allows Ray Ellison to build in that area. He stated that he had no objections to the "O-1" type of classification should the Council decide to grant such a classification due to the concerns expressed by the citizens. He further stated that a building would be built on the subject property which would be compatible with the neighborhood and an asset to the City of San Antonio. He presented a letter from the City Attorney which specified that there are no restrictions on the property whatsoever to prevent the developer from building on the property and further stated that the developer would respect the 728 contour line.

Mr. Eureste spoke on behalf of the residents and felt that the subject property should be left as is and that the City should make an effort to buy the property, since there is failure to compromise between the citizens and the developer.

Mr. Thompson expressed his concern that the property should not be left vacant and spoke in support of the rezoning request.

At this time, Mrs. Dutmer made a motion to approve the "O-1" zoning for the subject property. Mr. Webb seconded the motion.

Ms. Cusick stated that the residents would be opposed to a "O-1" zoning classification. She stated that they are concerned over the fact that there are no foresight plans for the property and the citizens feel that the land is valuable and would not care to switch the zoning on this land at this time.

Mr. Alderete spoke on behalf of the residents because of their investment.

At this time, Mrs. Dutmer made a motion to postpone this zoning case for three weeks. Mr. Thompson seconded the motion.

Mr. Canavan spoke in support of the "O-1" zoning.

Mr. Steen asked that the citizens meet with the developer and arrive at some type of a compromise and asked that the Council grant the "B-2" zoning.

After discussion, the motion to postpone failed to carry by the following vote: AYES: Cisneros, Wing, Eureste, Thompson, Cockrell; NAYS: Webb, Dutmer, Alderete, Canavan, Archer, Steen; ABSENT: None.

The main motion to grant "O-1" zoning on the subject property failed to carry by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Cockrell; NAYS: Alderete, Archer, Steen; ABSENT: None.

CASE 8141 was denied.

80-38

APPEAL OF THE MUSCULAR DYSTROPHY ASSOCIATION

Ms. Janet Comfort, representing the Muscular Dystrophy Association, distributed a report to the Council regarding the 4th Annual Top Rock Search event scheduled for August 16 and 17 to be held at the Sunken Gardens Theater at Brackenridge Park. (A copy of her report is on file with the official minutes of this meeting.) She explained that the Sunken Gardens Theater at Brackenridge Park has been reserved with plans to hold the event from approximately noon to 6:00 P.M., both Saturday and Sunday. She stated that all proceeds including the one-dollar admission price, goes directly to the Muscular Dystrophy Association. Ms. Comfort stated that a current City Ordinance will not allow the sale of beer at the Sunken Garden Theater in Brackenridge Park which such prohibition would greatly reduce the potential proceeds benefitting the Muscular Dystrophy Association. She further explained the security that has been arranged through Sgt. Rudy Rudewich of the San Antonio Police Department and urged the Council to waive the existing Ordinance and grant their request.

Mr. Leo Rose, President of the South Texas Telethon Committee distributed a report regarding the proposed event (a copy of which is on file with the minutes of this meeting.) He spoke regarding the security arrangements and asked that the Council grant their request.

Mr. Ron Darner, Director of Parks and Recreation, spoke regarding the event in 1977 when Top Rock Search was held and the sale of beer was permitted. He stated that since this time, no group has been allowed to sell beer at the Sunken Garden Theater and should this request be granted, it would set a precedent. He spoke strongly against the waiver of this Ordinance.

At this time, Dr. Cisneros made a motion that the waiver be granted for the reason being that "this is strictly a judgement call." Mr. Canavan seconded the motion.

Mr. Steen spoke strongly in opposition to the motion. He stated that any future requests would receive his favorable consideration.

Mr. Canavan spoke in support of the motion. He felt that this would be better way to help the organization raise their own funds rather than having the taxpayers support the cause.

July 24, 1980

mb

Mr. Webb also spoke in support of the motion. He concurred with Mr. Canavan's remarks although he expressed concern for the citizens who have come before the Council in the past and have been turned down.

Mayor Cockrell expressed concern regarding the serious objections to the disturbances that have occurred due to the consumption of alcohol in the past at the Sunken Garden Theater. She stated that she would be voting in favor and would be making an exception but also stated that she would be watching this event very closely.

Ms. Comfort reassured the Council that all precautions would be observed and again urged the passage of the Ordinance. In response to a question by Mr. Thompson, she explained that there is a \$10,000.00 difference should the consumption of beer not be allowed and further stated that MDA anticipates 8,000 to 10,000 people per day.

Mr. Steen then stated that in the future, should anyone come before the Council requesting such a waiver, he would be voting in support.

At this time, Mr. Archer made a motion to repeal Ordinance No. 48169. Mr. Steen seconded the motion.

Mayor Cockrell recommended that Mr. Archer circulate a memo and obtain the six signatures necessary to place Ordinance No. 48169 on the agenda for next Thursday. She stated that she is not in favor of repealing the Ordinance.

After consideration, the motion repealing the Ordinance failed to carry by the following vote: AYES: Archer, Steen; NAYS: Cisneros, Webb, Dutmer, Wing, Thompson, Canavan, Cockrell; ABSENT: Eurete, Alderete.

Mr. Thompson stated that each case should be looked at on its own merit.

The Clerk then read the following Ordinance:

AN ORDINANCE 52,508

GRANTING THE APPEAL OF THE MUSCULAR
DYSTROPHY ASSOCIATION FOR A WAIVER OF
ORDINANCE NO. 48169.

* * * *

On roll call, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Thompson, Canavan, Cockrell; NAYS: Dutmer, Archer, Steen; ABSENT: Eurete, Alderete.

80-38

APPEAL OF ALLIED STORES REGARDING THE PROPOSED
DEMOLITION OF THE FAIRMOUNT BUILDING

Mr. Ralph Langley, Attorney, representing the DeBartolo Corporation introduced Mr. Robert Schreiber, Vice-President /General Counsel for the DeBartolo Corporation.

Mr. Schreiber explained the background information regarding this item. He stated that the Corporation is aware of the historical significance of the building as pointed out by the San Antonio Conservation Society and submitted a copy of an agreement reached between the San Antonio Conservation Society and the DeBartolo Corporation.

July 24, 1980
mb

Mr. Langley explained the synopsis of the agreement and gave detailed information as to how the parties had come to such a decision.

Ms. Joanna Parrish, President of the San Antonio Conservation Society, read a prepared statement before the Council. (Her statement is also on file with the minutes of this meeting.) She spoke in favor of the request of Allied Stores Inc., and DeBartolo developers for a demolition permit for the Fairmount Hotel, under the conditions of the agreement submitted by DeBartolo.

A discussion then took place among the Council members regarding the agreement as presented to the Council.

City Manager, Thomas E. Huebner, strongly urged the Council's approval of the demolition permit under the conditions as outlined by the parties involved.

After discussion, Mrs. Dutmer made a motion to approve the appeal of Allied Stores subject to terms of the agreement as presented. Dr. Cisneros seconded the motion. On roll call, the motion, carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Alderete.

80-38 ZONING HEARINGS

47. CASE 8130 to rezone a 0.16 acre tract of land out of Lots 2 and 3, Block 6, NCB 8745, being further described by field notes filed in the Office of the City Clerk, 623 New Laredo Highway, from "R-2" Two Family Residential District to "I-1" Light Industry District, located off the south side of W. Gerald Avenue, being 75' east of the intersection of W. Gerald Avenue and Fleming Street, being 60' off of W. Gerald, having a width of 120.23' and a depth of 70'.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Thompson moved that the recommendation of the Zoning Commission be approved provided that a six foot solid screen fence is erected and maintained along the west property line. Mr. Steen seconded the motion.

Mr. Wing amended the motion to incorporate staff's recommendation that no access easement be granted on Gerald Avenue, but on the New Laredo Highway. That the non-access easement as referred to by Mr. Wing is accomplished by the area of "R-2" zoning, remaining fronting onto Gerald Avenue and denying any access of Industrial uses onto Gerald. Dr. Cisneros seconded the motion. On roll call, the motion on the amendment carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Canavan. The main motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Alderete, Canavan.

AN ORDINANCE 52,509

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 0.16 TRACT OF LAND OUT OF LOTS

July 24, 1980
mb

* * * *

2 AND 3, BLOCK 6, NCB 8745, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK FROM "R-2" TWO FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE WEST PROPERTY LINE.

* * * *

48. CASE 8142 to rezone 0.156 acre tract of land out of NCB 15828, being further described by field notes filed in the Office of the City Clerk, in the 6400 Block of Castle Cross Drive, from Temporary "R-1" Single Family Residential District to "B-1" Business District, located on the west side of Castle Cross Drive, being 135' south of the intersection of Castle Hunt Drive and Castle Cross Drive, having 75' on Castle Cross Drive and a depth of 300'; a 0.861 acre tract of land out of NCB 15828, 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, located on the west side of Castle Cross Drive, being 210' south of the intersection of Castle Hunt Drive and Castle Cross Drive, having 125' on Castle Cross Drive and a depth of 300'; a 1.937 acre tract of land out of NCB 15828, being further described by field notes filed in the Office of the City Clerk, in the 5900 Block of Rittiman Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located northwest of the intersection of Rittiman Road and Castle Cross Drive, having 283.47' on Rittiman Road and 289.50' on Castle Cross Drive.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Steen moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished and that a six foot solid screen fence is erected and maintained along the north property line. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Canavan.

AN ORDINANCE 52,510

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 0.156 ACRE TRACT OF LAND OUT OF NCB 15828, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 6400 BLOCK OF CASTLE CROSS DRIVE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT; A 0.861 ACRE TRACT OF LAND OUT OF NCB 15828, 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 1.937 ACRE TRACT OF LAND OUT OF NCB 15828, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK IN THE 5900 BLOCK OF RITTIMAN ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL

July 24, 1980
mb

DISTRICT TO "B-3" BUSINESS DISTRICT,
PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED
AND THAT A SIX FOOT SOLID SCREEN FENCE IS
ERECTED AND MAINTAINED ALONG THE NORTH
PROPERTY LINE.

* * * *

49. CASE 8143 to rezone Lot 10, Block 3, NCB 14687, from Temporary "R-1" Single Family Residential District to "O-1" Office District, located 200' northeast of Babcock Road and approximately 370' southeast of Huebner Road, having a length of 200' and a width of 130'.

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

No citizen appeared to speak in opposition.

After consideration, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished with the adjacent property fronting onto Babcock Road so that the replatted property shall front onto Babcock Road. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Canavan.

AN ORDINANCE 52,511

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 10, BLOCK 3, NCB 14687, FROM TEMPORARY
"R1" SINGLE FAMILY RESIDENTIAL DISTRICT
TO "O-1" OFFICE DISTRICT PROVIDED THAT
PROPER PLATTING IS ACCOMPLISHED WITH THE
SUBJECT PROPERTY FRONTING ONTO BABCOCK
ROAD SO THAT THE REPLATTED PROPERTY SHALL
FRONT ONTO BABCOCK ROAD.

* * * *

50. CASE 8153 to rezone Lot 9, Block 29, NCB 10330, 1505-1507 Amanda Street, from "B" Two Family Residential District to "B-3R" Restrictive Business District, located southwest of the intersection of Hammond Avenue and Amanda Street, having 221.39' on Hammond Avenue and 160' on Amanda Street; Lots 6 and 7, Block 29, NCB 10330, in the 600 Block of Roland Avenue, from "B" Two Family Residential District to "I-1" Light Industry District, located on the northeast side of Roland Avenue, being 130' northwest of the intersection of Roland Avenue and Amanda Street, having 100' on Roland Avenue and a depth of 150'.

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

No citizen appeared to speak in opposition.

After consideration, Dr. Cisneros moved that the recommendation of the Zoning Commission be approved provided that street dedication is accomplished, if necessary. Mr. Wing seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES:

July 24, 1980
mb

Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Canavan.

AN ORDINANCE 52,512

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 9, BLOCK 29, NCB 10330, 1505-1507 AMANDA STREET, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT; LOTS 6 AND 7, BLOCK 29, NCB 10330, IN THE 600 BLOCK OF ROLAND AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT STREET DEDICATION IS ACCOMPLISHED, IF NECESSARY.

* * * *

51. CASE 8135 to rezone Lot 1, Block 65, NCB 15403, 7508 Military Drive, from Temporary "R1" Single Family Residential District to "B3R" Restrictive Business District, located on the east side of Military Drive, being 225' north of the intersection of Military Drive and Marbach Road, having 60' on Military Drive and a depth of 150'.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Alderete moved that the recommendation of the Zoning Commission be approved provided that a six foot solid screen fence is erected and maintained along the east property line. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Canavan.

AN ORDINANCE 52,513

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 65, NCB 15403, 7508 MILITARY DRIVE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE EAST PROPERTY LINE.

* * * *

52. CASE 8125 to rezone the northeast 56' of Lot 19, Block 1, NCB 11965, in the 10000 Block of N. McCullough Avenue, from "A" Single Family Residential District to "B-2" Business District, located west of the intersection of McAllister Freeway and McCullough Avenue, having 79' on McAllister Freeway and 56' on McCullough Avenue.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Steen moved that the recommendation of the Zoning Commission be approved provided that proper ingress and egress is accomplished. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Canavan.

AN ORDINANCE 52,514

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 NORTHEAST 56' OF LOT 19, BLOCK 1, NCB 11965, IN THE 10000 BLOCK OF N. MCCULLOUGH AVENUE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER INGRESS AND EGRESS IS ACCOMPLISHED.

* * * *

53. CASE 8145 to rezone Parcel 5, NCB 15330, 319 Pinn Road, 7506 W. Commerce Street, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District, located southwest of the cutback between W. Commerce Street and Pinn Road, having 525.5' on W. Commerce Street, 1054.6' on Pinn Road and 107.25' on the cutback between Pinn Road and W. Commerce Street.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Steen moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Canavan.

AN ORDINANCE 52,515

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 PARCEL 5, NCB 15330, 319 PINN ROAD, 7506 W. COMMERCE STREET, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

54. CASE 8151 to rezone a 1.768 acre tract of land out of NCB 14794, being further described by field notes filed in the Office of the City Clerk, in the 8900 Block of Wurzbach Road, from "O-1" Office District to "B2" Business District, located on the northwest side of Wurzbach Road, being 365' northeast of the intersection of Gardendale Drive and Wurzbach Road, having 256.62' on Wurzbach Road and a depth of 300'.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Steen moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished and that a six foot solid screen fence is erected and maintained along the northwest and northeast property lines in compliance with the City Code requirements. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Canavan.

AN ORDINANCE 52,516

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 1.768 ACRE TRACT OF LAND OUT OF NCB 14794, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 8900 BLOCK OF WURZBACH ROAD, FROM "O-1" OFFICE DISTRICT TO "B2" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTHWEST AND NORTHEAST PROPERTY LINES IN COMPLIANCE WITH THE CITY CODE REQUIREMENTS.

* * * *

80-38 The meeting was recessed at 4:07 P.M. and reconvened at 4:20 P.M.

80-38 DISCUSSION ON CITY PUBLIC SERVICE BOARD'S BOND ORDINANCES AND RATE INCREASE

The Clerk read the following Ordinance:

AN ORDINANCE 52,517

BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, APPROVING AND AUTHORIZING THE GIVING OF NOTICE OF INTENTION TO ISSUE \$85,000,000 "CITY OF SAN ANTONIO, TEXAS, ELECTRIC AND GAS SYSTEMS REVENUE IMPROVEMENT BONDS, NEW SERIES 1980-A," AND DECLARING AN EMERGENCY.

* * * *

MAYOR COCKRELL: All right, I see that in the 4:00 P.M. posted time, there are the first two Ordinances that relate to the bonds. The third ordinance relates to rate - a raise in proposed rates, and it

may be that persons are here to speak on one or the other of these. So, first we're considering the Bond Ordinances. I will try to call on each individual who is registered to speak on Item 5 and then at that time, the individual can clarify if they prefer to speak on the bonds or if they were to speak on the rates, or both, whichever they may be. The first speaker registered is Mr. Richey.

MR. E.L. RICHEY: I want to speak on the rates.

MR. KARL WURZ : I want to speak on the rates.

MAYOR COCKRELL: Mr. Earl Davies.

MR. EARL DAVIES : Yes, I'm here to speak on the matter of the bonds, but before, I'd like to preface my testimony against the bonds with a quote from the Rousseau's Social Contract . "Once such a multitude as we have assumed is thus united in a body politic. . . ."

MAYOR COCKRELL : Yes, sir, can you give your name, please.

MR. DAVIES : Yes, my name is Earl Davies and I'm representing C.O.N.E. "Once such a multitude as we have assumed is thus united in a body politic, no one can offend one of its members without attacking it. Still less can any one offend it without its members being injured. As for the sovereign, once it consists exclusively of individuals who are its members, it has no interest that goes against theirs and cannot possibly have such an interest."

I now proceed to the body of my testimony.

Madam Mayor and members of the City Council, my name is Earl Davies and I'm representing C.O.N.E., Collegiate Opposition to Nuclear Energy. I would like to comment on the bizarre way in which the meeting was conducted last night, and the rudeness exhibited by the City Council when they left the hearing several times during the presentation. There was also a member who left without listening to both sides of the argument. Is it perhaps that this member is afraid that his load of indifference will muddy his lilly-white suit. How can these Council representatives. . . .

MAYOR COCKRELL : All right, the Chair is going to have to call you to order. The only thing that is up for discussion today is the issuance of the bonds. It is not the subject of last night's hearing. You are welcome to state your position on the bonds today.

MR. DAVIES: Well, I think that in relation to

MAYOR COCKRELL: The Chair has ruled, sir, please abide by the ruling.

MR. DAVIES : All right, then I would just want to say that I'm against these bond hearings because I have a feeling that they are unjust. In relationship to last night's public hearing , it's not enough time for the public to digest the information that was presented, and, therefore, I move, of course, it's to no avail that the bond hearing be moved up, and if it can't be then I just protest that these bond hearings are held at this time.

MAYOR COCKRELL: Thank you, sir. Next speak is Lanny Sinkin.

MR. LANNY SINKIN: Mayor Cockrell, members of the City Council, my name is Lanny Sinkin, CoCoordinator of Citizens Concerned About Nuclear Power. We are here because our organization firmly believes that the evidence justifies our conclusion that San Antonio should end its participation in the South Texas Nuclear Project. We appear because our conscience dictates that we must appear whether our actions succeed today or ever. Some of you think of us as self-righteous and emotional. Righteous indignation is a justifiable expression if you believe that actions harmful to your community are

July 24, 1980
mb

being taken. We act in self-defense. We are here because we want to urge you to consider that you may be making a terrible mistake. We are appalled that there seems to be no hesitation despite the order to show cause, despite the accident at Three Mile Island, despite the tripling of cost, despite the no solution to the radioactive waste problem and despite all the rest of the evidence we tried to submit to you last night. I say, "tried," because most of you were not really listening to us last night, you do not want to hear what we had to say. Last night's hearing was an excellent example of repressive tolerance which gives the appearance of permitting public participation but negates that participation at the same time.

MAYOR COCKRELL: Mr. Sinkin, we would appreciate if your remarks would be on the merits of what is before us today.

MR. SINKIN What is before us is the bonds, and the public hearing last night was to discuss the nuclear power project. The bonds are to pay for the project, they are inextricably linked.

MAYOR COCKRELL: Yes, we'll ask that you direct your comments as being for or against the bonds.

MR. SINKIN: We have brought you facts, evidence, and analysis and you ignored them. One of the hardest things for people to do is admit a mistake; you cannot avoid that decision forever by pretending there has been no mistake, and I urge you to vote against the bonds.

As this is perhaps my last appearance before you for some time to come, I want to take a moment to express my concerns more generally. I looked at the fact that four years after the voters of San Antonio, overwhelmingly rejected the zoning for the super mall. There is still no run-off regulations for the recharge zone, there has also been no money raised for purchase of the sensitive areas. This bond issue today would be enough money to purchase most of the sensitive areas of the Edwards Aquifer Recharge Zong. I looked at the fact that surface water is still being pushed even though we have plenty of water in the Aquifer to see until the next century, and I look at the fact you do not hesitate in the face of all the evidence to unquestionably embrace the South Texas Nuclear Project. I wonder what is happening to our community I am concerned that those with grandiose plans for this community are carrying out those plans with no regards for the means by which they are carried out. I am concerned that the public will does not find expression in official action, and I am concerned that blind committments are drawing us to disaster. I wish you all well, more importantly, I wish this community well.

MAYOR COCKRELL: Thank you sir. The next speaker is Mr. Bob Farrington.

MR. BOB FARRINGTON: Madam Mayor, Members of the City Council, my name is Robert Farrington. I'm representing the Greater San Antonio Chamber of Commerce. In light of last night's hearing of the South Texas Nuclear Project, I don't want to belabor the Chamber's position, except to reiterate our continual support of the project. We've commented on every hearing that's been held so far by the Council in endorsement of the South Texas Nuclear Project and we continue to believe that it is the best energy buy for the money. Thank you.

MAYOR COCKRELL: Thank you, sir. Mr. Howard Rogers. Oh excuse me, I skipped one speaker. Dr. George Barnwell, is he here? I know there was, I believe this is a paper that was distributed to the Council and we will be happy to file it.

MR. JOE ALDERETE: He did not want to speak, he asked me to distribute copies to the Council.

MAYOR COCKRELL: Well, we'll certainly be very happy to file this with the minutes of this meeting. The next speaker is Mr. Howard Rogers.

MR. HOWARD ROGERS: I personally have comments about the rate increase and am in support of the bond issue. Shall I talk about both or shall I wait for later.

MAYOR COCKRELL: Well, why don't you just wait then and hold yours until the rate increase then. Thank you. I see C.O.P.S. isn't for the rate increase, thank you. Then, Van Coppenolle.

MS. LORETTA VAN COPPENOLLE : I am here to present certificates to City Councilmen. This does not deal directly with the bond issue, may I proceed?

MAYOR COCKRELL: Well, I would prefer you do that in Citizens To Be Heard if it's not related to the bond issue, we're trying to keep it just on the bond issue at this time.

MS. COPPENOLLE: What time will that be?

MAYOR COCKRELL: I can't give you a definite time. It will be just a little bit later in the program. I believe we have concluded all of the persons who were registered to speak. Some of our Council members are not present, I wonder if we could get the full Council here.

All right, we have concluded the Citizens To Be Heard. Now, I'll call on Dr. Cisneros.

DR. HENRY CISNEROS: Mayor, I'd like to just present to the Council, some statistics that have been prepared on the Nuclear Project, particularly they are statistics that show the economics of the project and why I personally continue to support it.

The first table that you'll see, table one, and there is a graphic on it on the wall for those citizens that would like to see it. The first on field and generations statistics, makes a very important point and that is that when mega watt generation rises as you see it did from May to June of this year, from 600,000 to 900,000 of a thousand kilowatts per hour, the percentage of gas must increase. In May, gas was 35% in June it was 44.5%. Now the reason for that was that the Coal Plants were operating at maximum capacity; they were already using all that they could so that when the additional generation demand came on line, it had to come from natural gas. Now, what the significance of that is, that because gas costs are so high, even though gas only rose to 44.5%. The cost of natural gas for 9.3 million in June exceeded the cost of coal 9.2 million in June. So, the purpose of this is to show that when you were tied to those two fuels you were hostage to the price escalation in those two fuels.

The next table, table 2 is a comparison of unit fuel cost, over the course of the last year. What you see is the steady escalation in the cost of natural gas, per million Btu's with the largest escalation coming from May to June of this year, \$2.39 in May, \$2.48 in June. That's the largest escalation that occurred this year, since January at least and the second escalation over the course of the whole period. I just saw in the newspaper that the latest price escalation was, I believe 2.59, no 2.65 was the latest price quoted, in thousand cubic feet, in millions of Btu's that would probably compute 260. So, there's just a continuation of that steady escalation in the price of natural gas. On the coal side, you see again a steady, a figure of steady increases \$1.32 for million Btu's equivalent in July of 79, and a \$1.70 and that's largely because of the increase in the rail prices. So, the picture is one of steady escalation in the cost of fuels when we're locked on to gas and coal.

July 24, 1980
mb

That suggests then that if you're interested in releasing the or reducing the reliability in those fuels, that one looks at Nuclear Power and the next table comes from another chart, this is one that I asked the City Utility Supervisor to prepare and it's very informative because what it shows is the mix of production costs when you have Nuclear involved as part of your power source. You see Commonwealth Edison for example in Chicago which uses Nuclear Power, nuclear costs .7 cents per kilowatt hour as against 2.8 cents per kilowatt hour for coal and 8.9 cents per kilowatt hour for oil and gas mixtures, a very significant difference in what coal represents in their, I mean what nuclear represents in their fuel mix, and that what keeps their average residential cents per kilowatt hour, down in the 5.3 range. Similarly some of the others, Sacramento is blessed with having hydroelectric power but their nuclear cost is .9 cents per kilowatt hour, that 's in contrast to the 1.8 cent per kilowatt hour cost of coal to the Tennessee Valley Authority, which is governmental subsidized and has been, but still must pay 1.8 cents for coal per kilowatt hour. It's instructive to look, for example, at Omaha Public Power District in Omaha, Nebraska, nuclear generation there is .5 cents per kilowatt hour. Coal costs 1.6 per kilowatt hour, and oil and gas prices are 6 cents per kilowatt hour, so nuclear wherever it's a part of the mix serves to keep down the average residential cents per kilowatt hour delivered price of electricity, and in City Public Service case, coal is 1.5 cents, oil and gas at 2.3 cents per kilowatt hour and that's the reason given in addition to City Public Service overhead that our average residential price is 4.6, I think it's somewhat reassuring, it gives a little perspective to see that 4.6 is in the range of other utilities are paying, but are charging, but with nuclear that average could be brought down.

The final chart is one that I think also gives some perspective. Many persons in assessing the role of the nuclear project, the price of the nuclear project, the price of construction and the debt service associated which it has attributed all of the increases that CPS must sustain the rising price of the bills to the nuclear project, or to the debts sustained to the nuclear project. What table 4 shows is the distribution of the revenue dollars at CPS in the last fiscal year; 54% was the fuel, that has increased this uyear so that 56% of every dollar that CPS has received goes to paying for fuels, the cost of fuels. In contrast to that the bonds requirements to cover debt are down 13% last year only 9% this year. So, if you really want to get into what it is that we're paying for with every CPS dollar, 56% of that goes to handle the cost of fuels, a continual escalation in the costs of gas, a continual escalation.

MAYOR COCKRELL: Excuse me, just a moment sir, there's too much noise over there by the door, I would appreciate if we could have the doors closed so there won't be so much noise.

DR. CISNEROS: So, that the burden in off cost increases really is on fuel and coal and gas prices in particular and not on bond requirements. It's true, bond requirements are 9% of the total dollar, but 56% of that dollar is spent on the price of fuel which is to me, an argument, a strong argument for continuing the process of diversification beyond oil and gas which has escalated as we see.

That covers these tables, I simply want to make two quick points, two additional points. One of them is if you look at the demand characteristics over the course of last year, that CPS is projecting that when the first unit of the STP comes on line in 1984, it will bring San Antonio's total megawatt capability on a given day, to something 3,100 megawatt capability, 3,100. What they expect on the hottest day of that year in 1984 is 2,700 megawatts so that there's a spread of some 600 there. That's not a large spread, but is exists, the difference between 27 and 31 I guess is 400. Now, CPS projected that difference using a projection of 6% growth every year in the peak day. In other words, the peak day from one year to

July 24, 1980
mb

the next year will grow by 6%. In fact, in fact what is happening is the growth is a lot more than that. If you look at the hottest day this year, it is 12.6% over the hottest day last year. The hottest day this year occurred on June 20 and something on the order of 2100 megawatts were required when CPS estimated that what would be required on the hottest day of this year was 1930. So, there's a 12.6% increase. Now, we can't say that every year it's going to grow by 12.6. We've got some unusual circumstances in the heat this year. But, it looks as if a prudent analysis would have to say that it is going to grow more than 6%, and that it's going to grow then that figure that they are planning for in 84 is going to grow higher than what they're projecting right now, and that's an argument that says we need the power. Now, the next thing you do then after you determine that you need the power is you analyze what is the cheapest way to get it, and I think that the data that's presented here as well as others that we have seen of comparative costs on a per kilowatt hours delivered will be from nuclear power. If you look at projection information of experts who are looking at the escalation in the other fuels, you can see the pattern. In coal, in 1975 we were paying \$16.00 a ton for coal. Today we're paying \$26.00 a ton for coal. Estimates are that in 1985, we'll be paying something in the order of \$45.00 a ton for coal that's between the coal prices and the transportation cost. If you look at natural gas, contract prices in 1973 was 23 cents; the charge this month was \$2.65. Bill Greehey, President of Valero is saying that natural, he is now having to buy spot gas at \$6.00 per thousand cubic feet, and that after 1985 when the deregulation takes effect that we can count seven eight and nine dollar per thousand cubic feet of natural gas. We would be foolish to allow ourselves to be trapped onto natural gas or coal even lignite as our sources of fuel. And that's the reason, I think this is a totally defensible proposition for the City of San Antonio, and would move the appropriate ordinance on the authorizing the Notice of Intention to issue bonds.

MR. GENE CANAVAN: Second the motion.

MRS. HELEN DUTMER: All right, I forgot what I was going to say.

MAYOR COCKRELL : Mr. Alderete.

MR. ALDERETE: A question for Dr. Cisneros, what was the bond requirements for coal plants and natural gas plants as far as percentage of total revenue dollar?

DR. CISNEROS: What are the bond requirements as a percentage of the total revenue dollars?

MR. ALDERETE : In other words, you got bond requirements 13% I assume, and 9% CPS distribution of revenue dollars in Table 4. What was it for coal plants?

DR. CISNEROS: This is the actual dollar, this is the actual way we're spending our money. This is not a projection or a hypothetical analysis of what it would be with other plants. This is what we are spending.

MR. ALDERETE: No, I'm asking what we spend on the Deely plants, I mean that's an actual thing.

DR. CISNEROS: Our total bond indebtedness and requirements out of our actual revenues to cover debts service amount of 9%. Now, what percent of that is for coal as against the nuclear you'd have to ask the CPS people, all I know is that we have debt that requires that out of every dollar we spend 9 cents to cover the debt. In contrast to 56% going to fuel. So, it just is not accurate for people to say that bills are rising or that costs are increasing because we are involved in the nuclear project. In fact, the greatest cost of escalation is the increase in the fuel prices.

July 24, 1980
mb

MR. ALDERETE : All right, since you don't have the answer to that one, do you possibly have any information as to what is the area that Three Mile Island plant used to serve what they are paying for now for electricity, it's coming off another bridge.

DR. CISNEROS : No, I don't have that information.

MR. ALDERETE: Well, I know that's possibly a hypothetical situation but nevertheless, it's still, you know, a real situation there that I think needs to be contended with. Do you know what the bond requirements may be for disposing of the plant - the decommissioning the plant, what the bond requirements may be for bearing the excess fuel beyond a ten years containment that we have, do you have that projection built in? Do you know what the capital costs are going to be for that, is what I'm asking.

DR. CISNEROS: All the costs of bond indebtedness required to sustain the project over the period of the next fifteen years are outlined in the report that was just provided the Council by the staff, fifteen year projection on bond requirements and a fifteen year projection on debt service requirements.

MR. ALDERETE: Was this debt service requirement, this form was just provided for us, when was it drawn up last.?

DR. CISNEROS: I'm sure it was very recent because it's a response to Mr. Eureste's question for a fifteen year project. It was just presented in the last half hour.

MR. ALDERETE: Will it be safe to say that this thing is changed since 1973?

DR. CISNEROS : Oh, I'm sure it has.

MR. ALDERETE: I guess the point I'm trying to make is, Henry, is I'm not trying to target you personally, I'm just simply saying that if there is a case, that there is a lot of unknown quantities that need to be addressed. I think that has been the arguments put forth by several of us that are concerned with the economics of the plant.

DR. CISNEROS: I understand that.

MR. ALDERETE: And, you know what we are showing here is part of the picture and you're very right on the figures that are here, but there is the rest of it that needs to be recognized and that we need to be cognizant of and that is the additional concern that I think needs to be weighed.

DR. CISNEROS: I understand the question of uncertainty in the future. The central point that I'm trying to make is represented by the chart that shows the actual facts on what other utilities are paying for nuclear power as against other fuels. And that the trend line for the other fuels is a continuation upward.

MR. ALDERETE: I concur with your findings, what I'm saying is your findings are not complete though.

MAYOR COCKRELL: The Chair is going to ask if we not just have the two-way discussion. If we may, Mr. Steen.

MR. ALDERETE: Why can't we discuss between Council members? I mean, you know, he made a presentation, I wanted to discuss with him.

MAYOR COCKRELL: Yes, sir, you may ask questions but the Chair would like to have the opportunity for it not to go on indefinitely, with just a two-way discussion.

MR. ALDERETE: It wasn't indefinitely, Mayor, it's kind of hard to just cut it off in less than five minutes.

July 24, 1980
mb

MAYOR COCKRELL: Thank you. All right, we have heard the speakers from the audience and the speakers from the Council, we have a motion for the approval of the Ordinance. The Clerk will call the roll.

MR. JOE WEBB : Madam Mayor.

MAYOR COCKRELL: Yes, Mr. Webb.

MR. WEBB: I haven't heard the caption read.

MAYOR COCKRELL: It was read, yes sir, at the beginning.

MR. WEBB: Read at the beginning? Well, I'm sorry, I missed it I guess I wasn't here.

MAYOR COCKRELL: Do you have any other questions, Mr. Webb? All right.

MR. BERNARDO EURESTE: What's the vote going to be taken on.

MAYOR COCKRELL: The first vote is on the Bonds, the issuance of the bonds and then the second is, there are two Ordinances in connection with the Bonds, then the third is on the rates and at the time of the rates there are some additional citizens who have not yet been heard who want to be heard on that issue.

MR. EURESTE : Oh well, okay, I'm going to vote against the bond increase or the bond sale because I'm against the project and that schedule, that was given to us that talks about, I called in and this is what is known as internal memorandum of CPS, and we got it we made external, but this internal memorandum projects the bond issue that would be floated through the year 1994-1995 and it talks about the years 1992-'93, where CPS will be selling \$605 million dollars worth of bonds that year, the year '94-'95, CPS will be selling \$640 worth of bonds that year between 1980 this year and the year 1995, over the next fifteen years CPS will be selling a total of \$4,925,000,000 million dollars worth of bonds.

MR. WEBB : Will you speak a little louder, I didn't hear that figure.

MR. EURESTE: The amount of bonds that CPS will sell over the next fifteen years, totals out at \$4 billion, 925 million dollars worth of bonds and over the fifteen years to cover that bond issue, CPS is asking for a rate increase each year for the next fifteen years. This year it is 2.4 next year it is 3.0 the year after that '82-'83, it's 3.0, the year after that is 2.0, that's percent. The year after it is 2.5; the year after that is 2.5; and the year '86-'87, it is 2.0; and the year '87-'88, it is 4.0; in the year '88-'89, it is 6.0 and that is 6.0 for the following year and then 6.0 for the following year.

MAYOR COCKRELL: The Chair is going to ask if you will at this time discuss the bonds and not the rate increase because that will be handled in just a few minutes and will let you speak on the rate increase at that time.

MR. EURESTE: What was Dr. Cisneros talking about?

MAYOR COCKRELL: The bonds.

MR. EURESTE: Oh, okay. Outstanding debt in the year 1980-81, the outstanding debt for CPS is \$915,500,000. That does not include the \$160 million that would be sold in the year '80-81. By the year 1994-95 the outstanding debt for CPS will stand at \$4,938,400,000. That's 4 billion. When you place the interest and principal together the pay back on this principle of \$4,900,000,000 will be 128% of that plus 100% of that amount will give CPS an indebtedness equal to about \$10 billion, and I just wanted to state this for the record so that the citizens of San Antonio know, you know, if you're being taken to the cleaners you might as well know early in the game because this is where we're headed. And the first mistake and the first major error of CPS was to get us involved in the nuclear project, and we are not through with the cost, these conservative estimates of CPS not estimates based on the real cost of the project, as we know the nuclear project has already escalated in cost to the City of San Antonio by over 300 percent, and it is very likely that the increase of the 706, 750 million that it is estimated will be our cost for the project through completion, it is very possible that will escalate by another 100% before the project is completed.

So, if we look at the figures that we have here today of indebtedness, you can easily apply a 20% factor and escalate the figure each year by 20% compounded, and you will come out with a debt that goes beyond the imagination. Thank you very much.

MAYOR COCKRELL: Mrs. Dutmer.

MRS. DUTMER: Yes, I thought of what I wanted to ask. I know the answer already - I think by reading the complete package that was presented to us. For a matter of record I would like to have a statement that these bonds are not in any way to be used for the building of the new CPS building, if someone could give me that assurance.

MAYOR COCKRELL: Mr. Spruce, would you comment. The question was, is any portion of this particular bond issue to be used for the proposed new CPS building?

MR. SPRUCE: Thank you, Mayor Cockrell and members of the Council. Mrs. Dutmer, we talked about that because we heard you raise that question last night. We can say to you at this time that none of this particular bond issue will be used toward the new building. We can say that because there will be no land acquisition associated with the new building until late spring of 1981. No construction until considerably after that. There will be only some relatively small expenses associated with engineering and architectural fees which we will pay out of our I & C fund improvements and extensions fund. However, I think it's only fair to say that before that project is completed, the way funds are accounted for at CPS we have never segregated funds just as these bonds that we're talking about only about 69% of these bonds will be used in connection with the nuclear power plant. The rest of the money goes for other capital improvement such as transmission lines, distribution lines, substations, etc. Unless we do segregate those funds, and this is something that we're supposed to talk to the Board about because of the involvement with the UDAG area.

The money will all be co-mingled, that is the bond money and the money that we use out of the I & C funds for construction will all be put together. Unless we do segregate, and then at that

time it would not be honest or fair to say to you all that none of the bond money was used in connection with the building. But this issue has no bearing on the new building, will not be used for that.

MRS. DUTMER: This particular is later down the road?

MR. SPRUCE: Yes, Madam.

MRS. DUTMER: All right. I'd also like to know, is the rate increase incumbent in any way upon these bond payoffs?

MR. SPRUCE: No, Madam.

MRS. DUTMER: All right, thank you.

MAYOR COCKRELL: Mr. Thompson.

MR. THOMPSON: Madam Mayor, in the comments that have been made about our increasing our bond indebtedness, that has a chilling effect as we hear the great amounts of credit that we are obligating ourselves for, but at the same time it speaks to so many other things that we can take heart from and that is, one, the growth potential of our City, the credit potential of our utility which obviously it must sustain that kind of credit potential to advance \$4,900,000,000 worth of debt. Those are all projections with hope that we do that because it's indicative of the growth pattern that we expect. If the growth pattern is not there, certainly we have made course corrections that will tone that down.

So, as we throw those figures out with almost abandon - without care, it's for the chilling effect of them. We must realize that if we need that and for our utility's growth then certainly we have to have it. It is an exact match. It's a non-profit effort on the part of our utility. So I'm, I am in fact thrilled to see that we have this kind of expansion ability for our City. That for the next fifteen years we have that kind of growth on the horizon for our City. If those figures were going down and down, and down then I guess we would take heart that we would have no bonded indebtedness. That we will have no credit, we will have no rate increases. Because of the inflation and that the factors causing things to go up we see those impacting on it, but I see our City growing, and I see our utility growing to match it, and I want to give credit for that.

MAYOR COCKRELL: I'd just like to add that, of course, as you have mentioned, these are simply projections in the future. They're dependent upon whether in fact we do build a new plant that burns lignite which is the next projected plant or whether additional power plants are needed on past that and so the debt that has been mentioned is certainly by no means all related to the current South Texas Nuclear Project. I just want to clarify that.

All right, we have two members out of the room. We're about ready for the vote. Let me issue a call to see if we can get them back in the room for the vote.

MR. WEBB: If no Council members are signed up to speak, while we're waiting for the other two Council members I'd like to just take the privilege of saying that I'm like one of my colleagues - I heard him say the other day that he'll have no part in this and talking on another subject, and I want to say that here and now and forever more that I'll have no part in spending \$10 billion over the next fifteen years of our tax payers money. We're selling bonds at

the rate of 100 and they're asking for \$160 million of bonds to be sold for the year '80-81 and a 2.4 rate increase in order to help cover that debt along with the selling of the bonds and that those will escalate every year until we will have sold in the year of 1994-95, that year we will sell \$640 million worth of bonds. So I just want to say that I am not part of this although I'm a member of this Council and the majority rules. I understand that, but I do want the records to reflect loud and clear that I have never been in favor of this kind of - without maybe going for a referendum for all the citizens of San Antonio to say, "yes, this is right", I think would be a better way to do it than for a few members of the Council.

So I'm just asking that everybody understand that I am not in favor of this kind of financing - high finance to build nuclear plants or any other kind of facility that has a potential of a great safety hazard, and you've heard the Commissioner say from the Nuclear Regulatory Agency last night say that there he does not expect a fail safe nuclear power plant out of this. So I just cannot vote in clear conscience. I have to be reminded of what the good book says, and I'm talking about the Bible that I have to be reminded of the fact that He says that this world will be destroyed by fire, and I think we're setting up just right so it will be destroyed by fire, and I just want to say that, and I believe that I plan to live a Christian life and this is one way that I can show that I'm not in favor of nuclear power. My vote is no.

MAYOR COCKRELL: All right. We now have all our Council members back. We'll have a roll call vote on this ordinance.

MR. WING: I'm voting it but that does not mean I'm unChristian. Yes.

MR. EURESTE: No, and I'm Christian.

MR. THOMPSON: The vote is for the bond, and I vote yes.

MR. ALDERETE: The vote's for the bonds, I vote no.

MR. CANAVAN: Yes.

MR. ARCHER: Yes.

MR. STEEN: Yes.

MAYOR COCKRELL: Yes.

DR. CISNEROS: Yes.

MR. WEBB: No.

MRS. DUTMER: Yes.

CITY CLERK: The motion carried by 8 affirmative votes, 3 opposed.

MAYOR COCKRELL: All right. The next caption.

The Clerk read the following Ordinance:

AN ORDINANCE 52518

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, APPROVING THE "OFFICIAL NOTICE OF SALE" (INCLUDING ABBREVIATED FORM TO BE PUBLISHED) AND "OFFICIAL STATEMENT" PREPARED IN CONNECTION WITH THE ISSUANCE OF THE PROPOSED \$85,000,000 "CITY OF SAN ANTONIO, TEXAS, ELECTRIC AND GAS SYSTEMS REVENUE IMPROVEMENT BONDS, NEW SERIES 1980-A"; AUTHORIZING EXECUTION OF SAID DOCUMENTS AND THE PUBLICATION OF SAID ABBREVIATED NOTICE OF SALE; AND DECLARING AN EMERGENCY.

* * * *

Mr. Steen moved to approve the Ordinance. Dr. Cisneros seconded the motion.

Mayor Cockrell: This is an accompanying bond ordinance. Clerk will call the roll.

MR. EURESTE: No.

MR. THOMPSON: Yes.

MR. ALDERETE: No.

MR. CANAVAN: Yes.

MR. ARCHER: Yes.

MR. STEEN: Yes.

MAYOR COCKRELL: Yes.

DR. CISNEROS: Yes.

MR. WEBB: No.

MRS. DUTMER: Yes.

MR. WING: Yes.

MAYOR COCKRELL: The motion carries by the same vote. We will now go to the third caption, if you'll read it, then I will call on the citizens who are signed to be heard.

80-38 The Clerk read a proposed ordinance regulating the rates for electric and gas service through the City of San Antonio Electric and Gas Systems operated by the City Public Service Board of San Antonio.

MAYOR COCKRELL: Fine. The first speaker is Mr. Richey.

MR. E. L. RICHEY: Mayor Cockrell, members of the City Council, my name is E. L. Richey, a citizen of San Antonio and District No. 1. For the record I want to let you know that I am strongly opposed to the rate increase proposed by the CPSB at this time. We're told to tighten our belts, to bite the bullet; also we are told to conserve energy, fine,

but for whose benefit. We, the citizens of San Antonio are trying to conserve and tighten and bite, if you will, then we see instances of those who want us to comply with their directive. They ignore their own directive. As for the dreaded rate increase, how can you get money from an empty pocket. By 1995 we will have holes in those pockets from trying to reach down in there for more money. Anybody can tell you that. I also want to add my name to those in opposition to the planned move of the CPSB headquarters from its present headquarters to Vista Verde South. I'm 100% in support of the council person who is fighting CPSB plan move; that person is Helen Dutmer, and I mean it.

MAYOR COCKRELL: Thank you, sir. The next speaker is Mr. Karl Wurz.

MR. KARL WURZ: Mayor Cockrell and City Council, my name is Karl Wurz. I'm a citizen of San Antonio and I'm against the proposed CPS rate increase of 2.4% mainly because it, in my opinion, penalizes the low kilowatt user that has a low demand which is nearly balanced between night and day and which is nearly balanced between summer and winter. It needlessly favors those who have year round central electric air conditioning and heating. I also fear that part of this rate increase will go towards the production of a new fantasy land, the brain child of a political movement that is the movement of present CPS headquarters to another site and the erection of several new buildings. These two note worthy reasons are my primary objections to proposed CPS rate increase.

On July 8, 1980, I appeared at the ~~purpose~~ ^{PURPA} hearings to present this 9 page testimony. In this 9 page testimony I addressed the peak loads, the base loads, and I made references to a comparison of an all electric home to my humble gas and electric use home. In this comparison I mentioned ratios of 53 to my 1; and 37 to my 1; 33 and 18, all of these ratios are 53, 37, and 33 and 18 to our 1 ratio. These ratios are made up of wattage of as high as 16,000 watts per hour, and I made a very optimistic and conservative reference here because I didn't use the higher wattages that are presented by CPS in some other information. I used averages and the averages that I used were low.

So, these are basically my reasons that these homes, and there are more than 44 thousand homes in San Antonio, all electric which are not in my opinion carrying their load, their fair share of their electric use, and this could be done by installing demand meters which would alert the customers to their usage and would probably instill in them an incentive to use less power at peak times. I don't think CPS is trying very hard to bring this about when they give concession to people such that are using 16,000 watts and over during the summer and then are going to reward them to use perhaps as much load during the winter. To the low user this is a tax upon us to each and everyone that has loads such as I do which at times come on to less than 400 watts at its highest, and I want you to consider this very much each and every one of you. You need to consider this because it tells you that there is room to conserve electrical power. We do not need to continue on the road of escalating electrical use. Thank you.

MAYOR COCKRELL: Mr. Howard Rogers.

MR. HOWARD ROGERS: Mayor Cockrell, Council members, I'm Howard Rogers representing the San Antonio Manufacturing Association. On August of 1979 the Board of Directors of San Antonio Manufacturing Association went on record to oppose all rate increases requested by City Public Service unless those rate increases were the same for all classes of customers. As we stated last evening during the hearing on the South Texas Nuclear Project, we continue to support participation on that project. We also endorse the issuance of revenue bonds as requested by CPS.

However, we would like to request that on the item - the item on the agenda concerning approval of the CPS request for rate increases be tabled for at least two weeks. We have a Utility Rate Study Committee working on this problem, and we need more time to gather further information concerning that proposed rate increase because this would mean a great number - a great deal of dollars and cents to our members, to our large users of electrical power, the LLP Customers. In computing just five of our LLP customers the increase that was referred as a 2.4% interest increase calculated to be 4.6 to 6.1 percent, not the 2.4% that was referred to. We have reports that show that this could go all the way up to 8%. We would like to make it clear that we are not against rate increases. As businessmen we recognize that there are increasing costs of operation, fuel costs, all sort of costs going up. We do feel that the rate as proposed by CPS for the large users is inequitable and in order to accumulate more facts we request a delay.

MAYOR COCKRELL: Thank you, sir. The next speaker is the COPS presentation. Mrs. Carmen Badillo.

MRS. CARMEN BADILLO: My name is Carmen Badillo, President of San Antonio COPS, and COPS position has been and continues to be - we are not against nuclear energy, but we are against shoddy construction and mismanagement. That was the message last night. We have taken the initiative to find out if the South Texas Nuclear Plant will be good for San Antonio. Is this plant worth it to the citizens of San Antonio, is the questions that we have. There are still many unresolved issues that must be examined. The bottom line is accountability. From this date forward every action of the CPS, of Brown and Root, of Houston Lighting and Power, will be under our scrutiny. At the beginning we proposed that the 2.4 rate increase is not justified, and it should be voted down by this Council today. No one in this room can justify a rate increase when we are already faced with horrendous utility bills. We have not completed out analysis and evaluation of the plant, and we will continue to meet with the business leaders, public officials, and all parties involved with the STNP to help determine our position on this critical issue. We have the one message for you today, vote no on this proposed utility rate increase and show your good faith.

MAYOR COCKRELL: Those are all the citizens who are signed up on this issue, and now I'll recognize Dr. Cisneros.

DR. CISNEROS: Thank you, Madam Mayor. I'd like to ask you if the City's Utility Supervisor, Mr. Roger Ibarra is present. Mayor, most of the Council members, I think, received last evening a copy of Mr. Ibarra's memorandum; just in the event that folks don't have it handy, there are extra copies.

Mr. Ibarra, just so summarize your analysis the essence of it is that CPS is asking 2.4 rate increase which is to generate \$2.8 million before the end of the fiscal year, is that correct? And that rate increase is developed in such a way that it would generate about \$9 million dollars over the course of the next year - over a 12 month period. It's also clear that one of the main reasons for the rate increase perhaps the main reason for the rate increase is to develop the cash flow to maintain at a minimum the 1.5 debt coverage, bond coverage ratio absolute minimum which is now more close to 1.88 and could be for sometime.

MR. ROGER IBARRA: To maintain the bond rating then you'd have to have something higher than the 1.5.

DR. CISNEROS: Now your analysis of CPS revenues over the course of the last months would indicate that though they were only 1% above the CPS

projections in the early months the first five months of this year that because of the summer heat wave the June bills and now the early July bills that it would appear that there is a significant overage beyond their projections in terms of revenues generated. Can you speak to what the numbers are?

MR. IBARRA: Yes, sir. What I wrote was that based on June statistics or the actual experience in June, the potential if that potential or that June performance remains for the remaining summer months, the potential is that after those extra sales may produce as much revenues to off set the increase for this year.

DR. CISNEROS: The potential is based on basic electric sales revenues running at roughly 10%, is that correct over projective figures?

MR. IBARRA: I looked at it in two different ways. In June the electric sales were approximately 6% over; the gas sales were below forecast, so plus on one side minus on the other side it's taking identical experience for.

DR. CISNEROS: But the volumes are very different.

MR. IBARRA: Oh, yes, obviously.

DR. CISNEROS: The volume of electricities are very much greater than the volumes of gas.

MR. IBARRA: Well, the dollar amounts are significantly different, but if you take that relationship for the next three months which would include some summer usage then you would produce enough revenue to off set the increase, assuming again that the remainder of the year stays at forecast.

DR. CISNEROS: The - one of the things that works in favor of your assumption is that we are already well into the July cycle and every indication is that the July cycle would actually exceed what the June cycle was, is that not correct, because out of the first 17 days of July, 15 were 100 degrees or more and so every expectation would be there and that there would be additional generation, is that not correct?

MR. IBARRA: Yes, sir.

DR. CISNEROS: Your conclusion then as I read your memorandum is that a delay in implementing the proposed rates would not adversely affect the CPS cash flow situation nor the earnings coverage ratio for the bonds during the fiscal year if the above occurs, is that correct?

MR. IBARRA: Yes, and if in the following year if there is a need for increase that year the proper amount of the increase is provided, the earnings ratio is computed properly.

DR. CISNEROS: Your recommendation will be the Council maintaining a flexible position so that if at some point it became clear because of actual uses of electricity and cash flow situations that it was necessary to do something about it on the rate side, the Council was prepared to do that. Then a rate increase would not be needed at this point, is that correct? Yes, okay. Mayor, I wonder if you would allow me to question Mr. Spruce.

MAYOR COCKRELL: Yes, Mr. Spruce, would you come forward please.

DR. CISNEROS: Mr. Spruce, the present coverage ratio is about 1.88, is that correct?

MR. SPRUCE: I'll have to get the figures right. It is no less than that, I can tell you that.

DR. CISNEROS: If you were not to get a rate increase now you would be able to maintain the coverage sufficiently either because of the excess consumption that we just described or because you are set up to do so for sometime, is that not correct?

MR. SPRUCE: There will be some period of time where we would still be on safe ground. There will be a period later on if we continue to issue bonds as our program calls for that, that ratio would fall and that an increase will definitely be required. I don't think it would be fair to assume that the rate of consumption is going to continue indefinitely.

We certainly do agree we're having a very unusual summer as far as high temperature. As you already stated that the July records show that there will be large consumption there too. We don't know about August and September and so on but

DR. CISNEROS: But if we looked at just June and July we know that June is in above as was projected, and we can have every reason to expect that July is going to be significantly above what was expected. Now let's leave August out for just a minute, let's take June and July, that is likely to generate something in the range of 2.5 just June and July above your projections and if August is in there, then we're looking at something like \$3.6 million. All you expected to produce from the rate increase in this fiscal year between now and January 31st was \$2.8 million, is that not correct?

MR. SPRUCE: Yes, sir. I'm not sure that I agree that those figures are precisely comparable, but I agree with you that we are generating higher than forecast revenues. The forecast calls for more consumption in July ordinarily then does in June and for August then ordinarily it does for July. So that the difference between our forecast and actual for July is probably less than it was for June if you follow me there. But basically what you are saying is, correct, the revenues are up.

DR. CISNEROS: The conclusion then, Mayor, that I'd like to propose to the Council - the recommendation, if you will, to the Council would be the following, that we would simply ask the City Utility Supervisor to look at the appropriate time that he would recommend to the Council that it should act on the rate question in order to maintain our responsibilities to the debt coverage, but that that would clearly not be needed now and probably not be needed before some months.

The argument that I make is based on three brief points. The first one is a humanitarian question really, and that is that the summer bills because of the heat are really, really high. I'm talking to people everyday whose bills are double what they were in the spring. Their June bill is double their May bill, and there are people who really hadn't thought that was going to be the case. They are not using air conditioning that much more than they did in May but the air conditioning is working harder for the number of hours that it's on because it is trying to get 105 degree rooms down to 80 degrees or 75 degrees. So it's working double the amount of time even though it's not on more hours. The net effect is that the bills have doubled because the consumption has doubled. Plus we've got the increases in the coal prices and the gas prices, and I just think the Council if it doesn't have to, if it doesn't have to on a financial ground doesn't need to make the rate decision at the moment - it's true that the rate was not going to take effect until the September or October, November period, but we could

expect that September will still be a very difficult month. Because of the billing cycle people will still be recovering in September and October from the high bills they are paying now. So that's point number one. It's just that the bills are too high as it is.

Secondly, we have a Utility Supervisor who has made a recommendation, and I think it is a sound recommendation that I think the Council should at least give him time to work with CPS to round that out further.

Thirdly, the simple fact is that the money is not needed now. Money is money to meet the cash flow requirements whether the money comes from a rate increase or whether the money comes from the fact that consumption is up; the cash is in the CPS coffers and the cash is covering the debt requirements and the cash is what the bond market looks at just to make sure that 1.88 is maintained. We can maintain the 1.88. We don't have to do it by acting on a rate today that will take effect in the September to October time period and I would recommend to the Council, Mayor, that we postpone the rate increase to an indefinite time pending a staff review and recommendation from our Utility Supervisor on the time when he feels that it should occur.

MR. CANAVAN: Second it.

MAYOR COCKRELL: All right, there is a motion and a second that we postpone consideration of the rate increase and that our Utility Supervisor continue to confirm with CPS and obviously the Council as to when it would be needed. Yes, sir.

MR. SPRUCE: Mayor Cockrell, if I could say one more thing - there is a little different perspective as far as the funds that are generated by increased consumption versus those that are generated by the change in rate. I agree that funds are funds and dollars are dollars but there are many more dollars that have to be paid out of this generation that is greater than anticipated. It has to be paid for fuel. As far as the way the rate increase is structured, it would go under the base rate. So there's a difference.

DR. CISNEROS: Mr. Ibarra's calculations, however, are on the base rate. We specifically asked that the fuel adjustment question be excluded.

MR. SPRUCE: Yes, but the increase over all are less than those that are projected. If the Council wants to act that's fine. If the Council would care for a broader perspective of this, well, I did bring Mr. Thomas along who is prepared to answer any questions and probably more competent than I am to answer detailed questions, but that's all I have to say.

MAYOR COCKRELL: In other words, what you're saying is that while the income has been substantially over what you had anticipated, on the other hand the fuel costs have also been substantially over because of the fact that the higher usage has met higher fuel cost, is that correct?

MR. SPRUCE: Yes, Madam, that's correct.

MAYOR COCKRELL: But the bottom line I guess is, do you feel that it would in any way jeopardize the City Public Service's financial standing and the bond, the ability to sell the bonds if we did not act today, but if we did slip this for at least some period of time that it was not acted upon today?

MR. SPRUCE: I would agree with that, Mayor, except we have to consider what we are talking about as far as period of time. We're talking about

going into next year - going a year the rate increase is going to be substantially larger. If you recall it was the Trustees' suggestion that the rate increases be calculated, the needs be calculated annually and in that manner they would be kept small. All I can say is that the longer we put it off the probability is that the amount would increase.

MAYOR COCKRELL: If, for example, if it were slipped for several months let's just say as a "for instance" would that be a problem?

MR. SPRUCE: Two, three, four months probably not 5, 6, 7 beyond that yes, I would say then we're talking about something substantially larger. Then, of course, remember, a great deal of work has to be applied to developing the rate request, and if we put it off to where we're going into another time frame and all that work has to be redone which is also expensive and involves some help from consultants and so on.

MAYOR COCKRELL: Thank you, sir. Mrs. Dutmer.

MRS. DUTMER: Yes. I don't care whether we vote today or whether we vote two weeks from now. My vote will still be no as long as this rate increase incorporates in any way the possibility of building that new building. The rate payers of the City of San Antonio cannot pay their fuel bills now. What is going to happen later down the road when they are saddled with even more? And I realize that CPSB Company is running a business to make as much profit as possible and, of course, somewhere between 10 and 14 percent we will have to admit inures to the benefit of the City coffers.

If the rate payers conserve they're penalized because CPS is not making enough revenue, and so they must raise their rates once again. This is not due to the cost of fuel because that fuel is a separate item on each and every bill whereby CPS passes through the charges to the customer. Now CPS wants to raise the rates with a view to spending 20 to 21 million for a new dream house. It has been said that 18 million only will be spent on the building and the rest is for a transmission station, transformer station whatever the terminology. There's also a question of who picks up the tab for the property write down that is going to be handed to CPS. I can answer that, it is Mr. and Mrs. Rate Payer. It needs to be pointed out that there is a very heavy write down on the property that is proposed. It also needs to be pointed out that if CPS goes forward with the building plans it's strictly on their own desires and not because of placing Vista Verde South or the UDAG Grant in jeopardy. It is not dependent on the participation of CPS building in that area any longer, and I still view with disgust and with anger, and I'm very candid about it - the apparent chicanery (pronounced chi-kahn-ery).

MR. EURESTE: Point of order.

MAYOR COCKRELL: State your point.

MR. EURESTE: I don't like the use of the word chicanery (pronounced chi-kahn-ery), okay. The other point is that I think we should stick to the rate increase proposal and not get into other matters.

MRS. DUTMER: The rate increase has a direct bearing, Madam Mayor, on the building.

MAYOR COCKRELL: The Chair is going to answer the point of order. The Chair understands the desire to keep it to the matter at hand. I believe Mrs. Dutmer was stating the reason for not voting for a rate increase.

MRS. DUTMER: You say tomato; I'll say tomato, that's the way I learned it. I also said secretary, and not secretary as you say now.

I continue to view with anger and disgust the apparent chicanery, that borders on the illegal, that used a public entity, a government subdivision for the purposes to gain a federal grant, again tax payers money. It borders on the criminal and those responsible should be brought to answer forth. It took pressure of the most blatant type to bring out publicly at the federal level the true facts of this public, private money that was put into the Vista Verde South in order to gain that project. I will continue my opposition, and I realize that I may not win in the end an attitude by the change, by changing the attitude of CPS and the Board in this building, but I will guarantee you that I will continue to fight and I will continue to fight for the rate payers of the City of San Antonio. Later down the road when the economy is changed you will not hear a word from me. You can built it up in the sky for all I care. But right now we are in a too precarious position for the next five years in order for CPS to expend this amount of money and to jeopardize the central City of San Antonio.

MAYOR COCKRELL: Mr. Thompson.

MR. THOMPSON: Madam Mayor, I need to talk to Mr. Spruce or Mr. Thomas I think was the man that was alluded to about some specifications where we are and will take two or three minutes to get to my questions.

MAYOR COCKRELL: Mr. Spruce, or would you like for Mr. Thomas?

MR. THOMPSON: I want to know what our coverage ratio is. Mr. Spruce mentioned that it was at least 1.88, it might be somewhat higher, and I'd like to know what that is. Then I want to go from that figure to look at what excess monies we've received in May and June, what you see already for July, and if we continue with somewhat of normality in a curve what would go through August and then September what actual area under the curve are we creating? How much more money are we, if we continue through this hot summer with the temperature, I don't know what the average temperature is, or what we've averaged in the past. I know my bills have been a lot higher but if you're looking at \$2.8 million as a result of rate increase between now and 31st of January, have you made any kind of forecast based on normal extensions of these high temperatures.

MR. SPRUCE: Yes, sir. With the Councilman's permission may I call on Mr. Don Thomas. He is Manager of our Regulatory Department.

MR. THOMPSON: What is our present debt coverage ratio?

MR. DAN THOMAS: The projection in the information rate package shows 1.88 for the current fiscal year and then it's projected on out. That's assuming the rate increase is granted effective in October, it's where we put it in.

MR. THOMPSON: Mr. Spruce mentioned a while ago that it was 1.88 or more. Can you refine that any?

MR. THOMAS: Well, in the actual calculations for the actual official statement I believe the number is a little higher when you go back and eliminate the past period.

MR. THOMPSON: What specifics, can you tell me what it is?

MR. THOMAS: My understanding is that you can consider the proforma effect of a rate increase looking backward the projections in the material

for the bonds look just currently and forward. So that's the difference in the two numbers.

MR. THOMPSON: Okay, so that's not a fair question to you, right? The concern I have is how much money we're paying in as rate payers over and above what was expected to be paid in by rate payers up to this point and considering that we will go through the rest of this long hot summer with the same kind of elevated temperatures, what kind of actual cash increase would you anticipate?

MR. THOMAS: Well, in line with the discussion about the over and underage of forecast as mentioned earlier, actually on the year to date February through June, we are actually under forecast on revenues. True, in fact we did exceed the forecast by a slight amount.

MR. THOMPSON: How much?

MR. THOMAS: About 5.6%, 5.8%, however

MR. THOMPSON: Can you give me dollars 'cause I don't know percent of what?

MR. THOMAS: Well, let me get my numbers. I have them here with me.

MR. THOMPSON: I'm trying to find out if you're going to have \$2.8 million under the curve between now and 31st of January.

MR. THOMAS: The way that we show currently through June we do not have it.

MR. THOMPSON: Not through June, but we are already into the end of July, and I'm sure we have some projections for as

MR. THOMAS: To answer your question. If you take the revenues 5 months, February through June, which is actual, we are actually \$11 million behind our official forecast on revenues. If you took the individual month of June we were over, cumulative February through June we are actually behind. Projecting out if we hit the forecast for the rest of the year we would be 11 million under. If we exceed the forecast which we certainly will in July, I don't know where it will be. It depends on your assumption about what the weather is going to be, and I can't predict the weather nor can anyone else. My best guess is that even with the hot weather in June and July that we have experienced and then I have to assume as a forecaster that we'll have normal weather for the rest of the months. I don't know if it's going to be. I would expect we will come in very close towards the end of the year on our revenue projections.

MR. THOMPSON: So, all this extra money we have been paying - my bills doubled in this past month, from one month to another, and that - okay, you're buying more fuel, but I've heard the utility man tell me that the rate increase is not required right now because of generating excess monies through increased temperatures. Now, you're telling me that we went into this so far behind that we're going to be lucky to catch up.

MR. THOMAS: That's correct, and I think if you would look at the 5 month to date that you would see that. This is one of the difficulties of looking at revenues on an individual month basis. For example, if you look back in the last five years we have had revenues swings on an annual basis from as much as \$6 to \$10 million due to weather effect. So the weather can have sizable effect. What we try to do in our planning for financial purposes is to base it on normal weather and normal sales and then if one year is a little bit up or a little bit over then the next

year you would adjust for that and you adjust these forecasts annually to take account that if you had more revenues than you expected then you don't ask for the revenues the next year.

MR. THOMPSON: Have you seen this memo that has been put out by our Utilities Supervisor?

MR. THOMAS: I believe I have seen it, yes, sir.

MR. THOMPSON: Where then lies the error?

MR. THOMAS: I don't believe that there is any error in that memorandum, Mr. Thompson. What I was trying to say is that year to date I don't believe there's a computation of where the revenues stand February through June. I believe that the analysis just picks up with June and then assumes that the June experience continues through September. I believe that's my understating of the memorandum.

So I think that in order to be correct in the analysis of revenue, you have to look on what you plan for the whole fiscal year, what you've got to date, what you're currently getting and then, what do you plan to get the rest of the year. I think when you put all those factors together we're more likely to be closer to the forecast for the annual basis, than no. That's my judgement on the revenue side.

MR. THOMPSON: Okay. Well, you seem to agree with Mr. Ibarra by seeing his memo, and he gives us some recommendations but on the other hand you say that we're on schedule which based upon your proposed increase and electric and natural gas rates statement that you asked for a 2.4 rate increase, and you're asking for it now.

MR. THOMAS: Well, I think what I was trying to distinguish was the difference that he looked at June which I agree with his analysis of June, but there is - so far to date we have already experienced five months into our year already, and we are under forecast on revenues going into the first of July.

MR. THOMPSON: How much?

MR. THOMAS: My estimate on total basis about \$11 million and that includes the total revenue picture.

MR. THOMPSON: Okay, so we'd have to generate \$11 million more for the remaining 7 months in order to catch up.

MR. THOMAS: In order to make our annual forecast, and I don't know even with continued hot weather whether we would do that; it's possible but I do not know. I can tell you I would agree that in June our revenues were higher than forecast. I can tell you that in all probability July would also be beyond that.

MR. THOMPSON: Let me spend one more minute and I will quit whether I get the answer or not. The first four months, you are not misleading me by stating that with decreased revenues we had decreased costs in fuels and hence we suffered no real net dilution of income.

MR. THOMAS: I think in order to properly analyze where we stand you would have to take your revenues versus your expenses and look at your net. I think back to what Mr. Spruce said earlier, it's what we have available for the rest of the operation that really the rate increase deals with. I would think that the proper way to do it would be to look at the over -

under run of revenues versus the over - under run of expenses and see where we really stand and then track that through the month of July and then we can really track actually where we stand.

MR. THOMPSON: Have we done that?

MR. THOMAS: I have done some preiliminary calculations in the last few days, but I have not done exhaustive calculations.

MR. THOMPSON: Can you tell me today whether we need a rate increase or not.

MR. THOMAS: Well, it would be my judgment that we would still need a rate increase of, for example.....

MR. THOMPSON: When?

MR. THOMAS: Well, I think that's getting into the Council's prerogative. We recommend that it would be effective in October. I still think that might be a timely time although saying the rate increases are timely at all is unfavorable. What we did do in a run for Mr. Ibarra was to show if we delayed it to February 1st what it would have to be assuming our forecasts come out. At that point it looks like you'll need a 5½ rate increase. We also ran another analysis delaying it to October of next year and that looked like it needs a 7%. So it seems like to me, in line with our Trustees' recommendation it still might be appropriated to go some modest increase this year.

MR. THOMPSON: If we don't approve that today we can get off of that, what I've been referred to as the Escobedo plan. Thank you very much, Madam Mayor, and thank you very much for your time.

MAYOR COCKRELL: Mr. Steen.

MR. STEEN: Thank you, Madam Mayor. Mr. Thomas, you're saying to us that you feel like you should have some sort of an increase effective October 1st?

MR. THOMAS: That would be correct.

MR. STEEN: To be conservative?

MR. THOMAS: That would be my judgment.

MR. STEEN: Would it be the same increase that you're asking for today or would it be less or more?

MR.

MR. THOMAS: I would say that, of course, we have the ability to run these analyses of our cash as it comes in. Perhaps we could wait a month to run those and see if it's any modest difference. I don't see that it will be significantly different than the 2.4.

MR. STEEN: If we increase the rates as of October 1st when would we have to make that decision as a City Council in order for you to collect the new rates?

MR. THOMAS: In past years, Mr. Steen, there's been two. Two kinds of decisions that I'm familiar with that this Council - that Councils have made in the past. One has been in earlier years they made the decision that the rates would go in like tomorrow. They have made decisions and then whatever meters were read the next day it became effective on the next day. The last change or the last two changes the Council has thought

that it was necessary to approve the rate then wait 30 days before they go into effect. I believe that is the fair way to do it, in my opinion, because it gives notice to customers; starting today you may want to adjust your consumption because there will be a slight increase in the bill. So I would say 30 days ahead.

MR. STEEN: You'd say sometime in September. I think that's a fair situation, and I think perhaps rather than voting for what we are actually doing today is tabling this ordinance asking for this rate increase and rather than just to vote for wide open tabling motion, which I believe we would be doing at this moment, I think that we ought to put a time into the motion and say we would table this motion until September 1st or the first Thursday in September then bring it up again and see whether or not CPS does need a rate increase at that time.

In other words, we would be postponing it through the month of August until the first Thursday in September. That kind of a motion I believe I could vote for because it would bring it to the attention of the Council again in 30 days and then you would have, perhaps, maybe July to go by and perhaps maybe August. If you can get that information that soon, and I don't know what I'd have to ask Henry again if he'd put a time limit on his motion. I don't know whether he did or not.

DR. CISNEROS: May I answer him?

MAYOR COCKRELL: Yes.

DR. CISNEROS: It was dependent on the Utility Supervisor's analysis, and he would look at the computer runs of when his judgment said it would be necessary to maintain the bond coverage, and he would come back to us at the time that he felt it was prudent.

MR. STEEN: You wouldn't want to put it for the first Thursday in September?

DR. CISNEROS: No, sir. There's a lot of analysis that has to be done, and it may be that at the first Thursday in September that the Utility Supervisor would feel it wasn't necessary at that time.

MR. STEEN: Well, just by what Mr. Thomas has said and Mr. Spruce I think they are on opposite sides of that debate, Henry. They are the people working over there. I don't know. I just am afraid to leave it so wide open because then all of a sudden they have to come back to ask us for a great big increase like 5½. They might have to come back later on and ask us for a tremendous increase and then, of course, we'd really have a crowd of people protesting it. I like the small increases because at least you can swallow those a little bit better than a large increase.

The other thing - Mr. Thomas, you know, every time you have a rate increase and I'm sure they do this to each Council member, the representatives of the San Antonio Manufacturers Association call upon us and they tell us each and every time that you all discriminate against them with the reference to the rate increases. They feel put upon and that you're not fair to them about that because they seem to be paying much more than the other customers that you have. How do you justify that?

MR. THOMAS: Well, Mr. Steen, they do not only contact the Council persons, they have contacted me fairly regularly also and explained their position to me. I sympathize highly with their position, and the only thing I'll say in very quick summary, we can go into it more detailed if you please. We try to base these increases, the allocation of the

increases to the different classes on what we call cost studies or cost allocation studies. We do not arbitrarily set percentage increase by class. We try to derive them from who's causing the cost. Unfortunately it seems like the last couple of changes those percentage increases have fallen out to be a little higher on the industrial class and we're talking about industrial electrical. In this particular proposal the increase on industrial gas bill is actually less than average and in '74 the increase in electric for this class was also less than average. So it hasn't traditionally always been that way but unfortunately the last two changes have appeared that way.

MR. STEEN: Thanks, Mr. Thomas. Madam Mayor, I'd like to move if it's appropriate, I'd like to move to amend the motion on the floor to bring this matter up before the Council again the first Thursday in September.

MAYOR COCKRELL: Hearing no second.....

MR. ARCHER: Second.

MAYOR COCKRELL: There is a second. There is a motion to amend by setting a time certain the first Thursday in September. There is a number of Council people still waiting. We'll go ahead and hear everyone before we vote on the amendment or the main motion. Mr. Alderete.

MR. ALDERETE: I'm glad that Councilman Steen brought that up because that's basically one of the essential points that I wanted to bring up. This is merely, folks, a postponement. And all the postponement means is that they've squeezed enough out of you in the past couple of months to make up for a rate increase at this time. And it's nothing more than just that. That it's a humanitarian effort or issue to postpone it, I think it's a bit misleading. I think it is nothing more than putting off a bitter pill to swallow at a later point in time. I would say, and I would concur it would be humanitarian if you would vote to stop rate increases or to reduce rate increases but not to postpone it. And if bills are high enough as it is, then I think we should make an effort to try and reduce the rates. I'd like to ask Mr. Thomas or Mr. Spruce, what are the average cut-offs per month at this point in time?

MR. SPRUCE: Let me see if Mr. Harz has that answer. I don't. Ken, do you have the number on the average cut-offs per month? He believes a little over 2,000.

MR. ALDERETE: What do we do to 2,000 people that we cut-off their either electricity or gas?

MR. SPRUCE: We have gone back and looked at statistics on cut-offs and they are approximately the same today as they were in 1967. There are many people who we have repeatedly cut-off about I believe the figure is over 80% of those that are cut-off, within four or five days they've come back and reestablished service. So those people don't stay off. And surprisingly enough the number of cut-offs are not greater now than they were 10, 12 years ago.

MR. ALDERETE: You say 80% of those cut-offs, 80% of over those 2,000 cut-offs come back to reestablish their service?

MR. SPRUCE: Yes, sir, within a very few days.

DR. CISNEROS: What would be the message there, Mr. Spruce? Why would 80% of them come back?

MR. SPRUCE: They have to, well, they feel they need the utilities to live accordingly to the way they have been living in the past.

MR. ALDERETE: That's really the humanitarian issue that there's over 2,000 cut-offs and 80% of those over 2,000 cut-offs need that electrical generation or need that gas. That's the real humanitarian issue not the postponement. The postponement is a facade. Anybody that is really on, that's really being humanitarian will vote for rate decreases and will find a way to resolve the problem for those 2,000 or 3,000 people that get cut-offs and those 80% of those people that have to come back. They probably have children that have families who need that electrical generation. That's the real humanitarian issue and when this Council really gets sincere about addressing a humanitarian issue then let's call it what it is. This is not a humanitarian issue, this is an appeasement of certain interests in that community right now. That's all it is. That's all it really is. It's just to appease you. It's to satisfy you. It's to stroke you right now. That's all they're doing to you. They're stroking you because they have already gotten the blood out of the rock for the past two months. My bill, like Councilman Thompson's bill was doubled and there are some individuals out there that as a matter of life and death need that electrical generation.

But this community is going to wise up. You are going to start seeing the real issue along with the rest of this Council and we are going to start fighting the basic need in this community and that's to start addressing load management. It's going to start addressing conservation in this community. We're going to start addressing the real needs, changing in our building codes so that we can conserve so that we don't have to make these additional capital expenditures. So that we don't build on the bureaucracy that calls itself CPS. That's the real issue. It may not be a profit making organization as so, but it's one giant of an industry and if you compare the budget of CPS, - what is it, Mr. Spruce?

MR. SPRUCE: We have two budgets, we have a construction budget which is \$213 million this fiscal year and the operating budget, \$220 million.

MR. ALDERETE: That's a combined total of \$433 million. That is twice the size of the San Antonio City Budget, twice the size of the entire San Antonio City Budget. Those are the real facts.

MAYOR COCKRELL: Mr. Eureste.

MR. EURESTE: I would like to make a motion to table the rate increase request.

MR. WEBB: Second.

MAYOR COCKRELL: There is a motion and a second to table which is non-debatable. Clerk will call the roll.

AYES: Thompson, Alderete, Webb, Dutmer, Wing, Eureste
 NAYS: Canavan, Archer, Steen, Cockrell, Cisneros
 ABSENT: None

MAYOR COCKRELL: There are six affirmative votes and so it is tabled. That simply means that it will be at the Council's discretion to pull it off the table in the future.

MR. ALDERETE: By the prevailing side, is that not correct?

MAYOR COCKRELL: No, it is tabled as of this meeting as of today, and then it will be brought forward again as such time as the Council gives direction. So that concludes it for today. Thank you.

80-38 At this time, the Council concurred to hear those citizens signed up to speak regarding the proposed VIA rate increase.

80-38

DAVID LOPEZ, JR.

Mr. Lopez, 2120 W. Durango spoke to the Council regarding the unsatisfactory service the blind people have been receiving from VIA. He spoke of the hardship that would be caused due to the proposed rate increase. He urged the Council not to grant the rate increase being requested.

MR. ANTONIO LOMELI

Mr. Lomeli, 314 Aransas, concurred with Mr. Lopez' remarks and spoke in protest of the proposed increase rates.

MR. JAMES MEYER

Mr. Meyer, 306 Prentiss Avenue, expressed his concern about the proposed rate increase and the actions of the Board members of the VIA Transit Authority. He stated that the citizens of San Antonio cannot afford the increase being requested at this time and asked that the City Council make specific instructions calling for the Board to be accountable to the citizens for its action regarding this matter.

MS. MARGO NEFF

Ms. Neff read a prepared statement in opposition to the proposed rate increase by the VIA Transit Authority. (Her report is on file with the official minutes of this meeting.)

80-38 The Clerk read the following Ordinance:

AN ORDINANCE 52,519

ADOPTING THE ANNUAL BUDGET FOR THE CITY OF SAN ANTONIO FOR FISCAL YEAR 1980-81 APPROPRIATING FUNDS IN ACCORDANCE WITH SAID BUDGET, FIXING THE AUTHORIZED NUMBER OF EMPLOYEES IN EACH MUNICIPAL DEPARTMENT AND OFFICE, APPROVING A PAY PLAN, AND PROVIDING FOR SALARY INCREASES FOR CITY EMPLOYEES.

* * * *

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

MAYOR COCKRELL : There's a motion and a second, I'm sure the Council members will all want to return to the Council Chamber to get to vote on the agenda so, we hope that they are within hearing. Meanwhile, we do have a citizen registered to speak. Mr. Fred Burtner, is he still here? Mr. Burtner, representing the San Antonio Greater Chamber of Commerce, is he still here. He may have had to leave. All right, I believe that was the only registered on the subject of the budget. Mrs. Dutmer.

MRS. HELEN DUTMER : Yes, I have some problems as I pointed out this morning with the funding, with the expenditure side of the budget when it comes to the agencies. First, I'd like to find out, in the revision, we added HOW Foundation and alternate sentencing program that comes to \$144,600.00; the two of them. And, in order to put that in, apparently we gave up the Eldridge Drainage, is that correct?

MR. MARCUS JAHNS, DIRECTOR OF BUDGET AND RESEARCH: That's correct.

MAYOR COCKRELL: Yes, the Eldridge Drainage was not in the recommended package.

MRS. DUTMER: The Eldridge Drainage was \$1,107,203.00, which leaves a surplus of \$962,603.00, what are you doing with that?

MAYOR COCKRELL: The Council last night did not approve the Eldridge Drainage in the package to which tentative approval was made, it was deleted, it was not in the recommended package of last night.

MR. FRANK WING : It didn't make the list of finalists.

MAYOR COCKRELL: No, it wasn't in the final list that the Council asked to have prepared for today.

MRS. DUTMER: Well, I realize that yesterday was a little bit hard because I was late for the budget hearings, and I thank you for correcting that, I was wondering about that. Then, I can't quite go along with my usual nemesis. MAUC, MAUC Family Development Program was funded by the Manager for \$114,400.00 and then in Mr. Eureste's budget, he recommended an increase of \$134,000.00. The City is also in the agency business, and I just think that this is very candidly putting too much money in one basket. They have other funds that they can get money from and I simply cannot go along with that. I further have a little bit of trouble with funding ten hispanic arts, even though I do have every regard for the hispanic arts and for other arts and I think that I made that clear this morning that until we can provide the necessary services that touch everyone's life everyday in this City, then I cannot go for funding this extracurricular things, it's sort of like you have a family and you have so much money, if there's enough money left over, the kid gets to go to the movies. If you don't have that money left over, you do what everyone in the family has to have, and that's the way I see this budget and that is taking care of each and every tax payer for their amount of daily necessities and then going to the extras. And so, it will be for that reason, that I won't be able to accept this budget today.

MAYOR COCKRELL: All right, Mr. Steen.

MAYOR PRO - TEM JOHN STEEN : Thank you very much Madam Mayor. Again, I want to say, what I will say does not criticize the staff at all because they were required to do certain things by the majority vote of the City Council last night and what they did, they had to do, so I don't hold them responsible for the additional funds that we have come up to satisfy the expenditures that we added last night to the budget. I do want to say that I am in agreement with most of the additional expenditures that have been authorized by the majority of the City Council. On the other hand, I am in complete disagreement with the way these additional expenditures, for the most part, are going to be funded. When we look at three items, as we go through this, the first item is the fact that we are borrowing \$1,900,000.00 from the Equipment/Replacement Renewal Fund in order to make up these additional funds. I don't think this is right at all. It's not good business practice. We don't know where in the world or how in the world we are going to replace this money in that particular fund, so that's just something that is left up in the air; borrowing something that perhaps we cannot repay, and that is a pretty hard loan to make. Then we go on down and we say that we are going to earn, that we have interest earned on school and hospital district funds. I don't even think that we have those funds as yet and certainly the interest has not been earned on them, I would say that that figure should be interest to be earned, or interest that will be earned because it certainly has not been earned up to this date; if we have the funds, we have not had them that long. Then we're also taking a little over \$331,000.00 out of the Contingency Fund for the City and this only leaves a little over a million dollars left in

July 24, 1980

-46-

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that particular fund and that makes it a dangerous low figure in case we have to have some other monies for other unexpected things during the course of the fiscal year for the City. I think that the only really business-like sensible way to produce the extra income, is to place the solid waste collections on a self-supporting basis and at the same time, partially recover the cost of the transfer/station conversion by increasing the residential fees from \$3.25 to \$4.20 per month. This money would then place the residential garbage collection on a self-sustained basis as well as the cost of alley collection, brush collection and disposal, dead animal removal and residential solid-waste disposal. And this way, the City would have enough money for the extra expenditures added to the budget last night. Also, this move would only cost each household about 95 cents per month or about \$11.00 per year. In my way of thinking, this is the only really logical valid business-like method of obtaining the extra money needed for the additional expenditures. I could only really vote for the City budget at this time, if the City Council would increase the solid waste collection fees. They are not going to do this, so, I just want the Council to know at this time, that I would be a negative vote as far as the budget is concerned.

MAYOR COCKRELL: All right, we have heard from the citizens and from the Council. We have a motion and a second. The Clerk will call the roll.

DR. CISNEROS: Yes.

MR. WEBB: Yes.

MRS. DUTMER: No.

MR. WING : Yes.

MR. EURESTE : Yes.

MR. THOMPSON : Yes.

MR. ALDERETE : Yes.

MR. CANAVAN : No.

MR. ARCHER : No.

MR. STEEN: No.

MAYOR COCKRELL: Yes.

MAYOR COCKRELL: The motion passed with seven affirmative votes.

MR. FRANK WING : Madam Mayor, can I make a point, I just wanted to tell my Council colleagues to get things into prospective now that the vote has been taken that seven arts programs in our total budget, excluding the San Antonio Consortium of the Hispanic Arts are funded for a total of \$1,835,767.00 and the San Antonio Coalition of Hispanic Arts is funded for \$360,000., just to put things into prospective.

MAYOR COCKRELL: Thank you, Mrs. Dutmer.

MRS. HELEN DUTMER : Yes, I have things in prospective and I know that it was sort of shoved to my way. The comment that I made is "arts," not particularly "hispanic arts". I said that we were adding "hispanic arts" and while I have high regard for "hispanic arts", I was talking about "arts" in general until we provide the necessities, I could not go along with funding the "arts," which are extracurricular.

80-38 The Clerk read the following Ordinance:

July 24, 1980
mb

AN ORDINANCE 52,520

ADOPTING A BUDGET AND APPROPRIATING FUNDS
IN THE AMOUNT OF \$8,500,000.00 FOR THE
12TH ENTITLEMENT PERIOD, GENERAL REVENUE
SHARING PROGRAM.

* * * *

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

Reverend Walker, representing the Bethel Day Care Center stated that the Center is in need of \$33,830.00 for the staff and the 42 children at this center would have to be dismissed. He asked the Council for its support.

Mayor Cockrell gave direction to staff that they review any potential funding source.

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

80-38 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Webb, seconded by Mr. Wing, was passed and approved by the following vote: AYES: Webb, Dutmer, Wing, Thompson, Alderete, Canavan, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Eureste, Archer.

AN ORDINANCE 52,521

REVISING CERTAIN PERMIT AND SERVICE FEES
AND ADDING NEW SERVICE AND RATE CHARGES
FOR VARIOUS CITY ACTIVITIES IN THE PARKS
AND RECREATION DEPARTMENT.

* * * *

80-38 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Wing, seconded by Mr. Thompson, was passed and approved by the following vote: AYES: Webb, Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Eureste.

AN ORDINANCE 52,522

REVISING THE FEES FOR GARBAGE PICK UP
SERVICE.

* * * *

80-38 The Clerk read the following Ordinance:

AN ORDINANCE 52,523

AMENDING ORDINANCE 49742 OF AUGUST 24,
1978 AND REVISING CERTAIN LICENSE, PERMIT
SERVICE, AND INSPECTION FEES AND RATES,
CHARGED FOR VARIOUS CITY ACTIVITIES IN
THE BUILDING AND ZONING DEPARTMENT.

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July 24, 1980
mb

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

Mrs. Dutmer expressed concern that there should be a true cost in the issuance of permits.

Mr. Alderete concurred with Mrs. Dutmer's remarks and felt that it should be based on the actual contractual cost.

City Manager, Thomas Huebner stated that these fees are based on an Ordinance.

Mayor Cockrell asked that staff address the concerns expressed by Council regarding the notation of "true cost" of construction for determining building permit fees and report back for Council's consideration.

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

80-38 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Canavan, seconded by Mr. Wing, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste.

AN ORDINANCE 52,524

REPEALING ORDINANCE NO. 36020 AND ADOPTING
NEW RENTAL RATES FOR USE OF THE CONVENTION
CENTER FACILITIES.

* * * *

80-38 The Clerk read the following Ordinance:

AN ORDINANCE 52,525

AUTHORIZING A CHANGE IN FEES CHARGED FOR
ADMISSION TO THE SAN ANTONIO ZOO.

* * * *

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

Mrs. Dutmer expressed concern regarding the effect that the increased admission fee has on an average-sized family.

Mr. Steen stated that he felt that this increase was necessary because of the increasing overhead cost. He stated that the City needs to come up with a deficit which it cannot, therefore, the admission fee needs to be raised.

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

80-38 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 52,526

ADOPTING THE CITY OF SAN ANTONIO HOLIDAY SCHEDULE FOR FISCAL YEAR 1980-81.

* * * *

AN ORDINANCE 52,527

AMENDING THE MUNICIPAL CIVIL SERVICE RULES RELATING TO ANNUAL AND SICK LEAVE FOR CITY EMPLOYEES, SO AS TO INCREASE THE NUMBER OF DAYS OF LEAVE WHICH MAY BE ACCUMULATED, AND PROVIDING FOR PAYMENTS AT HALF RATE FOR CERTAIN ACCUMULATIONS OF SICK LEAVE.

* * * *

80-38 The Clerk read the following Ordinance:

AN ORDINANCE 52,528

APPROVING SALE OF \$11,226,000 GENERAL OBLIGATION BONDS, SERIES, 1980; ESTABLISHING THE DATE AND TIME OF SALE THEREOF; APPROVING AND AUTHORIZING THE PREPARATION AND DISTRIBUTION TO PROSPECTIVE PURCHASERS OF AN OFFICIAL STATEMENT, OFFICIAL NOTICE OF SALE AND OFFICIAL BID FORM THEREFOR; AND DECLARING AN EMERGENCY.

* * * *

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

Mr. Steen stated that the citizens are concerned regarding the improvements that were included in the last Bond Issue and asked how they would be notified regarding this matter.

Mayor Cockrell asked that staff review how this information could be disseminated as to the schedule and information for the public.

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

80-38 The Clerk read the following Ordinance:

AN ORDINANCE 52,529

ACCEPTING THE BID OF SUPERIOR AMBULANCE SERVICE INC., D/B/A DON'S AMBULANCE SERVICE TO PROVIDE THE CITY OF SAN ANTONIO WITH MORGUE TRANSFER SERVICE,

FOR A NET TOTAL OF \$24.00 PER BODY;
FOR A TERM OF TWO (2) YEARS, BEGINNING
AUGUST 1, 1980.

* * * *

Mr. John Royal, Jr., Vice President of Superior Ambulance Service, Inc., D/B/A Don's Ambulance Service, spoke to the City Council and stated that they have twenty-four years of experience and assured the Council that the service provided by his company would be satisfactory.

Mr. Wing made a motion that the second low bidder, being Superior Ambulance Service, Inc. be awarded the contract. Mr. Thompson seconded the motion.

In response to a question by Mrs. Dutmer, City Attorney, Jane Macon explained the background information regarding this item which the legal staff was asked to investigate and stated that action taken by the Council would be a policy decision.

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

80-38 The Clerk read the following Ordinance:

AN ORDINANCE 52,530

AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH CONTRACTS AND AGREEMENTS AS ARE NECESSARY FOR FULFILLMENT OF THE OBLIGATIONS OF THE CITY AS RECIPIENT OF AN URBAN DEVELOPMENT ACTION GRANT FOR THE VISTA VERDE SOUTH PROJECT.

* * * *

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

In response to a question by Mrs. Dutmer, City Attorney, Jane Macon explained the purpose of the Ordinance.

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

80-38 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canvan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 52,531

AUTHORIZING EXECUTION OF A CONTRACT WITH THE FIRM DE LARA, ALMOND ARCHITECTS, INC., FOR ARCHITECTURAL SERVICES IN CONNECTION WITH THE VISTA VERDE SOUTH URBAN RENEWAL PROJECT.

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July 24, 1980
mb

-51-

AN ORDINANCE 52,532

ALLOCATING \$20,000.00 FROM THE DISTRICT 8
CONTINGENCY FUND.

* * * *

AN ORDINANCE 52,533

AUTHORIZING EXECUTION OF A LABOR CONTRACT
WITH LOCAL 624, INTERNATIONAL ASSOCIATION
OF FIREFIGHTERS.

* * * *

80-38 The Clerk read the following Ordinance:

AN ORDINANCE 52,534

AUTHORIZING EXPENDITURE OF \$2,358 FROM
THE DISTRICT 9 CONTINGENCY ACCOUNT FOR
THE PURCHASE OF ONE WATER PUMP FOR THE
PUBLIC WORKS DEPARTMENT.

* * * *

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

Mr. Archer expressed his appreciation to Mr. John Brooks, Director of Purchasing and Central Supply for his efforts and felt that this was a small expenditure.

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

80-38CITIZENS TO BE HEARDMR. GENARO CANO

Mr. Cano, a snow-cone seller, spoke to the Council regarding his being arrested and charged with criminally trespassing at the Woodlawn Lake swimming pool area. He stated that this has been the fourth time he has been arrested, thus far without conviction. He stated that a Park Ranger is 'out to get him'; and that his attorney has informed him that Ranger Chief Black had stated that Park Ranger Sergeant who arrested Mr. Cano had acted hastily. Mr. Cano asked the Council to do something about this matter.

Mayor Cockrell asked the City Manager to review the situation and report on the incident.

Mr. Wing also asked the City Manager to further check into reports that Mr. Cano allegedly beat a 35 year old disabled man.

MR. DENNIS DILDY

Mr. Dildy thanked the City Council for its Resolution action opposing any doubling of charges by VIA Metropolitan Transit. He stated several items that he questions the need for, including such

July 24, 1980

mb

things as the downtown bus terminal, cost benefit ratios, budget, route extensions and charter fare increases. He stated that he feels any fare increase should at least be delayed.

Mr. Thompson, Chairman of the City Council's Transportation Committee, stated that a memorandum is soon to be sent to VIA stating the Committee's concerns in the fare increase matter.

Mr. Wing noted that the Council is on record as opposed to a doubling of VIA fares.

(Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem John Steen presided.)

MR. JESUS CASTILLO

Mr. Castillo, a Farmers Market merchant, spoke regarding three issues: sanitation in the Farmers Market, theft, and the Market Square Advisory Board. On sanitation, Mr. Castillo stated that mice, rats and ants all attack the produce in the market, and the Metropolitan Health District has been called in the matter. He stated that dumpsters are not properly washed out, floors are filthy and winos have been eating the thrown-out fruit after closing hours. He asked the Council to do something about these issues. As to theft, Mr. Castillo claims that the theft situation in the Market Square is serious and fears that much of it is an 'inside job' involving market employees. He cited losses of fruit adding up to hundreds of dollars in merchandise. Mr. Castillo stated that he represents some 15 merchants in the Farmers Market as their elected spokesman, and noted that this was his third trip before City Council to complain. He stated that items are found to have been taken between closeup time and opening-time the following morning, and stated that he would like the suspects to be given a lie detector test. On the matter of the Advisory Board, Mr. Castillo stated that the Board has been meeting without a quorum present, and not giving the merchants proper notice of meeting dates and times. In addition, he stated that some board members have businesses in the Farmers Market and he feels that this is a conflict of interest.

Mr. Rolando Bono, Assistant to the City Manager, stated that he would see that action is taken on the health matter and would investigate into the matter of alleged thefts, as well.

Mr. Wing stated that the City Council would investigate the matter of the Advisory Board.

DR. GEORGE BARNWELL

Dr. Barnwell spoke on the South Texas Nuclear Project, stating that he was denied an opportunity to speak at last night's nuclear hearing. He asked for a delay in approval of the CPS bond issue and rate increase request, and stated his opposition to any large electrical generating plant, whether or not it is nuclear or other source. He stated that CPS has ignored the positive aspects of a load management program and explained how the program works. He stated that CPS also ignores far cheaper alternatives to energy production. He stated that inflation is our biggest problem with construction of the South Texas Nuclear Project, and presented a series of overhead projector graphs on CPS costs, average monthly utility bills in San Antonio, and electrical generation by solar cells. He urged the Council to explore all aspects of power generation.

Mr. Alderete asked that Dr. Barnwell's data be forwarded to CPS officials and asked for a report from them on the matters noted.

July 24, 1980
mb

80-38 The Clerk read the following Letter:

July 18, 1980

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

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

July 11, 1980

Petition submitted by Mr. Bruce Sasse, for Ford, Powell and Carson, requesting approval for their client, The Alamo National Bank, to install brick pavers on the public sidewalks at the site of their new office building.

/S/ NORMA S. RODRIGUEZ
City Clerk

There being no further business to come before the Council, the meeting was adjourned at 7:40 P.M.

A P P R O V E D

Lila Cockell

M A Y O R

ATTEST

Norma S. Rodriguez
City Clerk

July 24, 1980
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