

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, SEPTEMBER 5, 1974.

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

74-44 The invocation was given by The Reverend Christian H. Kehl, Chaplain, Bexar County Jail.

74-44 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

74-44 The minutes of August 29, 1974, were approved. Councilman Padilla commented that at the opening of the meeting, Mayor Becker and Mayor Pro-Tem Mendoza were not in the Council Chamber and for that reason the meeting was called to order by Councilman San Martin.

74-44 CLASS OF INTERNS

Mayor Becker welcomed to the meeting ten graduate students from Trinity University, St. Mary's University and Our Lady of the Lake College. These students will be serving a nine month internship in various City departments as part of their school curriculum.

74-44 CLASS FROM FORT SAM HOUSTON

Mayor Becker greeted a class of officers from Fort Sam Houston who are members of a class in public administration at Brooke Medical Center.

74-44 PRESENTATION TO COUNCIL MEMBERS

Mr. Leon Hernandez, Director of Project SER, said that his organization, which is one of the manpower training agencies wished to express its appreciation to the San Antonio City Council for the support it has given to the program. He then presented each Council member with a plaque suitably engraved and thanked each of them individually.

74-44 BOND ELECTION
PUBLIC WORKS IMPROVEMENTS

The Clerk read the following Resolution:

A RESOLUTION
NO. 74-44-55

MANIFESTING THE INTENT OF CITY COUNCIL
TO CALL A BOND ELECTION ON NOVEMBER 5,
1974, IN THE AMOUNT OF \$46,780,000.00
TO COVER THE COST OF PUBLIC WORKS IM-
PROVEMENT PROJECTS.

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The following discussion took place:

MAYOR CHARLES L. BECKER: As you recall, this all started with some citizens who had some meetings in the neighborhood which Dr. San Martin and some of the Councilmen attended. Ultimately City Manager Granata attended those meetings with Mrs. Aleman and Mr. Kaiser and some of those ladies and gentlemen. They came down and talked to us with respect to the drainage project that was necessary for their neighborhood. Dr. San Martin enlarged upon that one issue to include 15 other or 14 other, I should say, projects, that you might like to elaborate on, Doctor, so why don't you.....

DR. JOSE SAN MARTIN: No, you're doing all right, Mayor, please.

MAYOR BECKER: Well, I just wanted you to be given credit where credit was due because you were very right in pointing out the need for these 14 other projects. Now, as it has been said here by some of the members of the staff, Mr. Sueltenfuss being one of them, that this \$46,780,000 will cover approximately one fifth of the known requirements in the City.

MR. ALVIN G. PADILLA, JR.: The drainage, isn't it?

MAYOR BECKER: Sir? Drainage, that's right. It's a tragic thing, but some of these projects have been on the front or back burner depending on how you want to look at it since 1945. These people don't have to have a 6 or a 10 or 11 inch rain in these areas to be inconvenienced with flooding in their homes and impassable roads and that sort of thing. Almost any type of rain or condition will precipitate this inconvenience. So, I think it's only fitting that this Council address itself to these problems that have been held in abeyance for all these many years.

MRS. LILA COCKRELL: The only other comment I would like to make is that, of course, our procedure on this is a little bit different from what we usually do on a bond election, but I feel that under what I consider to be crisis circumstances of some of our drainage problems I feel that it is entirely justifiable. Ordinarily, of course, we invite a large committee of citizens to review all of the possible known needs in any given area, in fact, in a number of areas, before we call a bond election and we ask their assistance to set the priorities and to develop the entire bond issue. Obviously, in this particular measure, I think we are relying on a combination of the staff recommendations and just our overall understanding of the needs. Certainly, we are not in any way trying to rule out participation by citizens that we've had in the past. However, I feel that on the matter of drainage, we simply have a crisis situation. Everyone of us, I know, is besieged after every major rain which we've had a number of lately, on some of these desperately difficult problems. I feel under these circumstances, that the citizens will understand that we've had to move much faster perhaps than we would have liked to go through all of our normal procedures.

MAYOR BECKER: Well, now, I think that clarification is very necessary and most beneficial because, as you say, we generally like to receive the citizen participation. Unfortunately, there have been citizen participation on some of these items for so many years that.....

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MRS. COCKRELL: Yes, that's right. It's taken the form of letters and phone calls and everything else.

DR. SAN MARTIN: Mr. Mayor, I'd like to say, of course, I concur with what you and Mrs. Cockrell have said, but I'd like to make a statement that the fact that we're concentrating or pinpointing our efforts on drainage, does not mean that we are completely neglecting other capital improvements that are also needed in the community such as fire stations, parks, libraries, additional streets, and other things that usually go in a package in a bond issue. I don't believe that it is the feeling of this Council that we should ignore these things. It's our firm belief, and I believe I speak of what I feel is a consensus of the Council that drainage is something that we need today, not next year or the year after. For that reason, I feel that we should make a statement that at the proper time we will come back and study other capital improvement needs of the City, that we are not neglecting the overall needs of the community, but that drainage is such a vital issue that it must take precedence at this time.

Now, another thing I'd like to ask, Mr. Mayor, is if there are any drainage bond projects from 1970 that are not being built on account of inflation or lack of additional money.

MR. CIPRIANO GUERRA: I'd like to ask Mr. Acosta to respond to that. Are there any 1970 bond drainage issues that are not being accomplished because of a shortage of funds at this point that you know of?

MR. JIM ACOSTA: In cases where we've been short, we've been able to supplement to a minor degree with revenue sharing.

DR. SAN MARTIN: All right. Now the other item, Mr. Mayor, is on Project No. 1 - Priority No. 1, which we have here as the Mayberry Project for \$4.5 million, I think we ought to make it absolutely clear that we do have a commitment to go ahead with this project with or without the bond issue.

MR. GUERRA: Yes, sir, that's understood by staff and, as you know, Mr. Granata last week very strongly said that we would start the engineering work in house and that's - the preliminary work is already underway.

DR. SAN MARTIN: All right. Another thing I'd like to know, Mr. Mayor, is under the present circumstances of shortages of materials on that, what is the most that you could possibly compact these 15 projects into - two years or three years?

MR. GUERRA: To completion or to.....

DR. SAN MARTIN: Well, to get them started at least.

MR. GUERRA: Jim, can you answer that? When could we.....?

MR. ACOSTA: I think two years would be a reasonable time.

MR. GUERRA: As far as materials are concerned? Now, Carl, as far as the cash flow though and the sale of bonds, is that a limiting factor? I mean, conceivably could we get a situation where we're - we can work faster than we can sell bonds?

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MR. CARL WHITE: Well, one of the problems we have is we have \$19 million left over of the 1970 bond program yet to sell. So, one of the problems we're going to have is fitting the \$19 million that we have already available to sell with the \$46 million. We can't sell \$46 million all at one time so we can't sell the \$19 million plus \$20 million - I mean we could, but.....

MR. PADILLA: Without a tax increase.

MR. WHITE: We're going to really be reaching the point that it will really be a strain on the General Fund if we get to that situation. Now, what we have done is laid it out in such a way that the bond sales could be made with the present tax structure and with the present income and not create any strain on the general fund. Now, to do this, I'm sure we can work it out, I'm not saying that we can't but it has not been planned this way, and it's going to change perhaps some of our planning that we've done in the past. But we can handle it - I'm confident about that.

DR. SAN MARTIN: My only concern, Mr. Mayor, is that administration knows that we want to move expeditiously on all these 15 projects. I'm not saying we have to tackle all 15 of them in the first year but certainly as many as we can. In other words, let's not drag it for five years if we can do it in three.

MR. WHITE: Well, then maybe, we still have quite a bit of money left over from our last bond - G.O. bond sale. It may be that you will want to delay the sale of the additional '70 bonds for another year and let's go with the drainage bond sale, delay the G.O. bond - '70 bond sale for another year and..... We'll work it out some way.....

DR. SAN MARTIN: Okay, as long as you know that we can work it out, it will be all right with me.

MAYOR BECKER: Would you like to read those, Doctor, where those.....

DR. SAN MARTIN: Well, I don't want to take any more time, Mr. Mayor, I think perhaps if the copies are made available to everybody, I certainly wouldn't want to take any more time.

MAYOR BECKER: I think it's important enough though if I may suggest to itemize it if you don't mind if.....

REV. CLAUDE W. BLACK: May I just raise this question on that because this would probably fit into your reading. One of the great concerns is as this matter hits the paper for many persons I've talked with is that I note that the resolution did not designate the projects which is always a great concern to people in terms of support of the bond issue because, for example, the Pine Street drainage - someone tells me that that was passed 30 years ago and there's still no drainage there. So, they're concerned about the designation of projects. Now, I wonder whether or not in the resolution there is the designation and if so whether or not we are bound by that designation because there are other problems that I thought possibly we might have dealt with before acting on this and that is - one of the critical drainage problems as it relates - just like the Mayberry is a very critical problem.

One of the most critical problems, and I don't know how it fits into the financing and I don't want to necessarily cloud this issue, but one of the most critical problems on the east side is the Burleson Street - New Braunfels area - that general area right before you get on the bridge. This is a very critical area similar to - as far as the east side is concerned, similar to the Mayberry area in a minor way. I mean it's not as large, you know, in its involvement. But, I did not know whether or not the financing of doing that particular job would place this bond issue at a level and this was what I was going to raise on whether or not it was - it could be negotiable in terms of - I know everyone of them that you have mentioned on the east side are needed, but you're also talking about support, community support, and all of this and so, therefore, I was looking at the most viable projects in terms of community support for the whole bond issue. It seems to me that the New Braunfels - Burleson Street area offered the most viable promise or the most viable support. I don't know how we could adjust this, but this is one of my concerns about this.

DR. SAN MARTIN: I believe that anyone who sees this list, Mr. Mayor, will realize that the projects are definitely not necessarily because of the geographical location but because of the urgency of the need. It just so happens that as far as the west, north and east sides they're pretty fairly distributed with four on the west, four on the north, and five on the east side, and two on the south side. However, I think we should go on the basis of priority, the one which is the most urgent, and I would say that the top six or seven projects deserve the highest priority rating, there's no question in my mind.

MR. GUERRA: As I understand it, the list was prepared in a fashion which addresses itself to covering the largest number of people affected, insofar, as the drainage problem was concerned. In approaching the problem in that direction, and still getting a geographical distribution this is the list we came up with. I'm not familiar enough with the New Braunfels-Burleson problem, Reverend Black. I will look into it and if it's the kind of project that covers a large area and therefore will impact on a lot of people we'll come back to you next week with a recommendation.

MR. MENDOZA: Mr. Mayor, I was going to ask if it would be all right with the Council to just delay this for a few minutes and get a description. I'm sure they have a map of just exactly where these projects are located. I'd like to look at the distribution of projects all over the City. I think it would be important for us to do this. Does the staff have this information now?

MAYOR BECKER: Is there a map that you could furnish, and we could look at it as Mr. Mendoza suggested? Lila, did you have something you wanted to say?

MRS. COCKRELL: No, that's all right.

MAYOR BECKER: All right.....

MR. PADILLA: Just a question that Dr. San Martin raises, Mr. Mayor, yes or no, I guess. I didn't understand what the case is. Will these projects be included by name in the resolution and by priority? I didn't understand that.

MR. GUERRA: We're already preparing a little small booklet, you know, the regular sheet size, that will show the citizenry rather readily where the project is located and its length, the area it covers, and a good description so they can tell it runs from 36th and Commerce to some other point, and we'll have that ready within a week.

MRS. COCKRELL: Mr. Mayor.

MAYOR BECKER: Yes, madam.

MRS. COCKRELL: One other thing about this, I guess, concerns me just a little bit, is that I think that the Council also has, of course, a responsibility to monitor the existing bond issue - that from back in 1970, and I would like for us to have a report prepared for the Council bringing us up to date on everything that has been expended and everything that has yet to be done and the status of all projects in that bond issue, just so we'll have this and when we go to the public, we can say this is what has already been accomplished in our last bond issue and so forth.

MR. GUERRA: Mrs. Cockrell, we're in a process of preparing that information and it too will be shown graphically so you can see where it's been done and what's going on.

MRS. COCKRELL: I recall at one time in the past that the City Manager kept sort of a big blackboard where he showed all projects that were working and sort of the status of them. This was maybe six or seven years ago, but it was kept in a prominent place, for example, the "B" Conference Room or someplace where anyone interested could just go in and check up on the current projects, for example, that were funded by a bond issue. And, I think this kind of a thing where we see the ongoing progress of the City can verify the work being done is very helpful.

MR. GUERRA: Mr. Montez is working with Public Works and Engineering at the direction of the Manager to come up with an improved monitoring system so we can display that to you periodically.

MR. MONTEZ: You might mention that the Manager has requested.....
(From the audience - inaudible)

MR. PADILLA: Mr. Mayor, while we're waiting - while we're waiting for the maps that Mr. Mendoza requested, I concur with everything that's been said and I'd like for the Council to give emphasis to their instructions to Mr. White that we thoroughly review the way that this money can be spent. It seems that current circumstances have put us in a kind of in a bind both ways. I know we can't sell the bonds too fast because that has a bearing on the tax rate, but we also lose a great deal of purchasing power when we hold dollars too long so we may reach a point of diminishing returns then. I think this needs thorough study. So, it may turn out to be smart to go ahead and build these things just as fast as possible, even at some expense some other place because we find all the time that the costs are way above what was originally allocated for them. The other is, just an aside, I would like for staff to really look at the situation of underpasses versus overpasses, etc. I noticed that during the last rain, it came to me with particular emphasis that practically all of our underpasses were flooded. Right now, the only project pending and I do not say this to delay it in any way, is Nolan Street. It seems to me that 50 or 60 years ago, someone built an underpass there, and we're starting to build another underpass there, and I'm wondering if this is the smart thing to do. I've never quite understood why engineers seem to prefer underpasses at times. We have the Hildebrand Street Underpass that's now requiring several millions of dollars to drain. It would seem to me that quite possibly an overpass in the first place would have been a smarter thing to do there. So, just this kind of thing.

MR. GUERRA: We'll look into it.

DR. SAN MARTIN: The railroads had a lot to do with some of these underpasses, Mr. Mayor, you see Fulton Street and Nolan Street and Hildebrand there's always a railroad track over it.

MR. PADILLA: Again, I don't know that it's not the railroads, but (inaudible).....

MAYOR BECKER: It's probably cheaper to build an underpass than it is to build an overpass, I imagine.

MR. PADILLA: How about the total cost?

MAYOR BECKER: Well, I grant you that, but maybe the engineers don't know the underpass from a hole in the ground.

MR. GUERRA: Jim, you want to answer that.

MAYOR BECKER: The other projects, the locations of them..... Are those the ones outlined in red?

MR. JOE MADISON: The ones in red are the ones which are proposed in this bond issue.

DR. SAN MARTIN: Will you locate the Weir Street project for me please - Weir - Number 13.

MR. MADISON: This one here.

DR. SAN MARTIN: Now, the Cherry Street Project, I don't remember what -- does it have any connection with the underpass at Nolan?

MAYOR BECKER: Does that have any connection with the underpass at Nolan Street, Joe?

MR. MADISON: I'm not familiar with it. My understanding is that the Nolan Street Underpass has a drainage project in with it - with the underpass itself.

MAYOR BECKER: Is there any other information any one needs?

MR. MENDOZA: Yeah, Joe, where is that Wagner project? Which one is that?

MR. MADISON: (inaudible)

MAYOR BECKER: Is that that Palo Alto area?

MR. MADISON: Between I. H. 35 and Zarzamora Street on.....

MR. MENDOZA: Well, it's not that it's my precinct, what I'm asking, Mr. Mayor, you know, let's face it, we live on a lower area you know on the south side and when you're improving the situation on the north, the west, the east, you know where the water will go to. I'm just wondering, are we going to have any, I know we have some problems now, but are we going to have any greater problems in the future, when you do this? This is the thing that I'm asking - I'm not an engineer. I'm not even a politician, but I would like.....

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MR. PADILLA: Why does Mr. Mendoza have two projects in his district, and I don't have any?

MR. MENDOZA: Well, I want to make sure that, Al, if you decide to move to the south side, that we have a district for you out there.

Joe, my question is do you see - are there any other projects - there was one other project in the Palo Alto area that I get a lot of calls from so I was just wondering is this area being covered at this time? Because I know it was one of the priority items when I checked into it, and it should be one of the projects that are being recommended I'm sure.

MR. MADISON: (inaudible)

MR. MENDOZA: That's right.

MR. MADISON: (Inaudible)

MAYOR BECKER: I think we've accomplished Charter Revision without even having to have a referendum election on it. My district - my area, you know. You're representing your constituents, Leo.

MR. MENDOZA: I'm representing my constituents, that's correct. I don't know what I could say at this time, you know, this is why I was asking for the maps. Mr. Mayor, because I know that there's one project there in the Palo Alto area that has been a very bad situation for five or six years, and it was not submitted as a high priority item the last time we had the bond election, so, I'm just wondering how this could be considered, because it is a very bad area as the staff will tell you.

MR. GUERRA: Jim, are you familiar with the project Councilman Mendoza is talking about or the problem?

MR. ACOSTA: I'm familiar with the problem and the location.

MR. GUERRA: Are we addressing that particular.....?

MR. ACOSTA: In this issue? No.

MR. PADILLA: Mr. Guerra, you said that the list was formulated by considering the number of peoples affected. That is a relative sparsely inhabited area. I wonder if that could have been the reason why it didn't rate in the top 15.

MR. GUERRA: It may have been.

MR. MADISON: Mr. Padilla, I know the list was taken from the ones the Public Works gets the most complaints. The worst problem areas - we are definitely considering the ones that flood houses more so than ones which block the streets with high water. In other words, we tried to take the ones that actually affected housing.....(inaudible)....

MR. MENDOZA: Yeah, well, I understand that. Well, you know, I've had a lot of calls, I know for the last two or three years. I've been getting the calls and I don't give you each individual call that I get.

So, maybe I'm getting the calls, and you're not. But, I know it's a very bad situation. I was out there several times and when I talked to the City Manager he said that this would be one of the projects that we would be working on in the near future. So, I'm just wondering since we're dealing with this today that.....

MAYOR BECKER: Leo, I think, of course, we'd like to do all of them simultaneously.

MR. MENDOZA: Well, I can appreciate that.

MAYOR BECKER: But, you can appreciate, of course, the fact that there is a limit as to what we can do.

MR. MENDOZA: There's no question about it.

MAYOR BECKER: There's a limit as what.....

MR. MENDOZA: Well, no question about that and, of course, I'm familiar with the other projects, too, so, I can appreciate the fact that we (inaudible) them.

MR. GUERRA: As you will recall, Councilman Mendoza, when the Manager presented this list he said he had difficulty cutting it off at ten and we went to 15, and conceivably, as you know, this only covers a fifth of our drainage problems. The next one is almost as bad as number 15 is on the list right now.

DR. SAN MARTIN: Mr. Mayor, if there is no further questions, I'd like to move approval of the item calling the bond issue.

MR. PADILLA: I second it.

MAYOR BECKER: All right, any further discussion.

AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza.

NAYS: None.

ABSENT: None.

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PROPOSAL TO PROVIDE LEGAL SERVICES IN
CONNECTION WITH ALAMO GAS CONTROVERSY

MAYOR CHARLES BECKER: Now, if I may, I'd like to address a matter that was mentioned last week and that's the matter of the Coastal States, Lo-Vaca, Oscar Wyatt litigation. In my mind, at least, it seems that we've been addressing one half of the problem. The other 50 percent of the problem, for some reason, has not been dealt with. The other 50 percent I call the initiating forces, you might say, behind the Coastal States, Lo-Vaca situation and that is the original contract with Alamo Gas Company. Now, I realize that the Alamo Gas Company has been deemed as non-existent. By the same token, not being in a position to pass on the accuracy of its non-existence or existence, I do know that the incorporators of Alamo Gas for the most part are existent. It's this group that I refer to specifically.

So, what I'm proposing is that we, as a City Council, address this matter so as to include not just Coastal, Lo-Vaca and Mr. Wyatt but also the incorporators of Alamo Gas. In this manner, I think we've included 100 percent of the participants in the over-all situation that, you might say, is partly responsible for the dilemma that the City faces today. Now this, of course, is my opinion. I don't say it's the opinion of the Council. I'm speaking for myself and if anyone would like to discuss it....

DR. JOSE SAN MARTIN: Mr. Mayor, I'd like to discuss it because, first of all, I'm not in sympathy with the people that incorporated the Alamo Gas Company and I certainly would not hesitate to sue every one of them. I would not hesitate to sue the devil and his mother-in-law for doing any damage or harm to the City of San Antonio but I'd like to preface my remarks that I'm not in any way averse to suing the people that you are talking about. However, I'd like to make the following observations at this time, Mr. Mayor and members of the Council, and that is that there are at present two separate bodies investigating the very same thing that we are talking about. We have a Commission of Inquiry of which I happen to be a member and we have a grand jury investigation into the same.

Now, going into a separate investigative expedition at this time would probably be a little premature and perhaps an unwise expenditure of money at this time for the following reasons. First of all, the Commission of Inquiry has held numerous meetings. We have hundreds of pages of testimony. You, Mr. Mayor, yourself appeared before the Commission of Inquiry. We appreciated you being there. We had Mr. Glenn Martin and some other people that participated in the Alamo Gas contract. In fact, with your help, we had even Mr. Oscar Wyatt who came before the Commission of Inquiry and Mr. Wilbur Matthews. So I think the Commission of Inquiry has done a fair job of trying to bring out this fact. However, I still feel that the report of the grand jury must be waited for before the City Council entertains any additional action such as you suggest today. Now, the grand jury will give us information that perhaps was not available to our Commission. It will give us also the way of pinpointing both criminal and civil liability on the part of those engaged in the formation of Alamo Gas. Until we hear the report of the Commission of Inquiry, until we hear the report from the grand jury, I don't believe that we should go into a duplication of effort and put a third group of people into this type of investigation and I feel for that reason that at this time, we should not undertake any additional legal action until we have all our information ready.

MRS. LILA COCKRELL: I would like to say, too, that last week these matters were discussed and I would just like to read my position from the record of that meeting. I said that I feel that if the Committee of Inquiry results, when it is made public, shows that there was any wrongdoing that should be addressed in terms of liability, then certainly at that time, I am willing to commit, to join in the suit against those parties but as of now I don't feel we have all the data and I'm awaiting the results of the Committee of Inquiry. Also, I join with Dr. San Martin in feeling that there may very well be pertinent information in the grand jury report when it is made public. But particularly the Committee of Inquiry that has been meeting, the City Public Service Board authorized and is paying for a separate legal counsel for that Committee of Inquiry. Separate legal counsel was selected entirely apart from any other attorneys who are serving the City Public Service Board. There is a great deal of data that has been gathered by this committee and I feel that we should wait for the results of the committee which I feel there is going to be forthcoming very soon so that we may have all of their evidence and information. I did want to ask one additional question and that is, is this also under consideration this...yes. Now on our pages - on our desks rather, there is a long mimeographed letter to the members of the City Council. May I ask this question, it is not signed, is this from you, sir?

MAYOR BECKER: Yes, madam.

MRS. COCKRELL: All right. There are several statements in this letter to which I will have to take strong exception. In the fifth paragraph of this, it mentions the "inert posture of both the City Attorney's office and the City Public Service Board has, in large measure, been affirmatively resolved in favor of the people". Frankly, I do not consider that the City Attorney's office has been in an inert posture nor do I consider that the City Public Service Board has been in inert posture in regard to the lawsuit. I had, myself, wished it could have been filed long ago, however, I do realize that there were many steps that had to be taken and they have been taken logically, precisely, in order to move all of these things ahead. I realize that there were matters that were pursued in the Railroad Commission and are still being pursued vigorously by the attorneys representing the City Public Service Board. The City Attorney's office has in no way been inert and I definitely challenge any statement that would give this impression. I feel that the City Council has been, as a majority, has been strongly moving in favor of trying to resolve these issues for the people. I feel that those chief offenders, namely, the Lo-Vaca Gathering Company and the Coastal States Company who have defaulted and by their own admission have oversold their deliverability are now being sued in two courts. They are being sued for \$150 million of damages. They are also being sued to set aside the TUFECO contract. The matter of the Alamo Gas contract is being pursued diligently by the Committee of Inquiry. It is also presumably being pursued and investigated by the grand jury.

So, in no way can I accept the statement that there has been any inert posture in the City or in the City Public Service Board. I feel that we are moving the City Council, the CPs and the City Attorney's office vigorously on all of these matters. I think it is entirely appropriate to await the report of this Commission which has been authorized, for which separate legal counsel has been provided and it's being paid for to get their results before we again enter into further litigation or broaden the extent of our present suit.

I do want to point out one other thing. In the third paragraph, this paper refers to two corporate entities, pointing the finger of blame at each other. Now, frankly, it is my understanding that there are no

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longer two corporate entities that Coastal States and Lo-Vaca did in fact, that Coastal totally assumed all of the outstanding stock and in every way assumed the total liability of the Alamo Gas Company so that when we are suing Coastal States and Lo-Vaca, we are suing the total package deal of the original contract. Now then, it is true that there are individual incorporators of the original contract, the Alamo Gas Company who are not specifically personally being sued and I'm perfectly willing to entertain such suit if the results of these committees that we have working - the Committee of Inquiry and the grand jury in their evidence and in their findings point to any such need or (inaudible). But I think to go ahead at this particular point is simply not fair to the Committee of Inquiry which is still completing its work. I think it tends to take away - it tends to put on a more or less an equal partnership or an equal blame against those original incorporators and what I consider to be the number one villain of the whole thing and that is the way that the Lo-Vaca and Coastal States deliberately oversold their deliverability. That is the fact that is completely putting our customers in jeopardy. They have admitted it and if some other company had assumed that Alamo Gas Company contract and had now faithfully delivered on the contract which they assumed, and which they have made and verified with the people of San Antonio, we wouldn't even be having this discussion today.

MR. GLENN LACY: Mr. Mayor, from the standpoint of whether or not the Commission of Inquiry or the grand jury is fair or not, I think that what you would have to go on, as an attorney, would be whether or not at the moment that we have sufficient evidence. We all know that certainly you don't sue anyone just on a whim because it can backfire on you. It would be a malicious suit if you did. Whenever it's determined legally that you do have at least sufficient evidence that you could go in fairly and justly and say that you really believe that you do have a cause of action (inaudible) pure maliciousness or just to bring something out you can certainly do that. A lot of times if you postpone something and you don't put in all the parties to a suit in the very beginning, you are caught a little shorthanded. It's better to have all the parties in there unless there's some specific reason for not putting in all the parties to the suit in the beginning. So, if we have other people that we think we have a cause of action against, I'd be inclined to include them now and go on your discovery processes and so on in addition to the Commission of Inquiry, the grand jury. They may not come up with - whether they do or whether they don't, we can make our own inquiry and our own attorneys whoever is handling it can go in and make their own inquiries also and if the Commission or the grand jury comes with more things so that's good also they can add that. So, I think from our point of view, I would be inclined to say anyone that we know that we feel sure that we have a sufficient amount of evidence against to go ahead and include them in the suit and start as soon as possible.

DR. SAN MARTIN: Mr. Mayor, I'd like to say that, of course, I'm all in favor and as I said before, suing anyone who caused the City of San Antonio any damage or grief and I think this has been my position ever since June 1973, when I introduced the first resolution to sue Coastal States but on the advice of our lawyers and the CPS lawyers we waited because we were not ready at this particular time. I'd like to ask Mr. Crawford Reeder a question as to the statute of limitations on suing a company that went out of business 12 years ago, the company or the incorporators of that company who put together a deal - a package which was bought by the Board of Trustees of City Public Service Board. I still feel very strongly that their action in awarding the contract to the Trustees was certainly not in the best interest of the City. But, I'll reserve judgement on that for later on. However, I would like to

know, Mr. Reeder, exactly where are we right now and really what are we doing? Is this a shotgun approach to suing people or do we have a specific evidence that we can go, say for instance, against Mr. Glenn Martin?

CITY ATTORNEY CRAWFORD REEDER: Well, that was my question. Are you going to sue....I read the memo that was there that I guess Mr. Maloney wrote - Mr. Becker it sounds like what he'd write.

MAYOR BECKER: What do you mean?

CITY ATTORNEY REEDER: I mean it reads like Pat. He has a distinctive style. It may not have been. It just sounds like it. He and I have fought a lot of battles and at one time hated each other but we got to where that was too much trouble so we like each other now. We used to buy each other whiskey before I quit drinking. Okay. What I don't understand about all this is what are we going to sue Alamo about? What are we going to sue them over?

MAYOR BECKER: Mr. Reeder, I'm answering your question in part - I'm also responding to the discussion that's been preceding my remarks that I'm making now. First of all, I don't think that this Council would be acting in a precipitous fashion to take action on something that was initiated as of January 12, 1961.

CITY ATTORNEY REEDER: I don't think so either, Mayor, I'm just trying to figure out what they did then.

MAYOR BECKER: I'm trying to respond to your question. As a citizen, before I became involved in the City Council efforts, one of the most burning questions in my mind has always been what actually was the responsibility of the incorporators of the Alamo Gas Company? What role did they play? In their participation to what extent, perhaps, are they a part and parcel of the dilemma that the City of San Antonio finds itself in today? Now, my mind is one I guess perhaps cold logic, if I may use that expression, manifests itself in this way that it's like creating an airplane that doesn't either have wings or if you give it winds you don't give it the ability to propel itself to leave the ground. Not having the incorporators of the Alamo Gas suit in this thing, to me provides a lawsuit that is really inadequate, in my own opinion, in representing the people of the City of San Antonio. Now, I think there's only one way you can arrive at their responsibility or lack of responsibility is by going through the process of getting depositions from those people, making them a part of this suit. I'm not presupposing the efforts or am I attempting to minimize the efforts of the Commission of Inquiry nor the grand jury of Bexar County but I do agree with Mr. Lacy. What if by some happenstance both or neither one or only half of those bodies felt that there was any necessity for even bringing into being the Alamo Gas incorporators as a part of this suit. Then where do we stand? I believe this that the Council is--the responsibility is incumbent with the members of this Council to see that this does happen, that it becomes a reality and a fact. I think the citizens of the City of San Antonio have been most patient and waiting for a long, long time to try to determine some of the answers to the questions that may be in their minds. And this is the vehicle by which I think it can be done.

CITY ATTORNEY REEDER: Well, if we intervene, if you get Pat Maloney, and incidentally, Pat is a good lawyer and I'm not kicking him at all. But if you get any lawyer to intervene or to sue Alamo Gas in that Coastal, Lo-Vaca suit that we got pending against Coastal, Lo-Vaca now, if it doesn't deal a death blow to our case, it's going to mortally cripple us because the only way you're going to go against Alamo is to

show that they didn't have adequate gas preserves at the time they entered into that contract and that contract is what we're suing Coastal, Lo-Vaca on. If we prove our own contract that they took over, it wasn't any good, we've killed ourselves. Now, I would certainly think that what we ought to do as far as depositions are concerned, Mr. Lacy knows as well as I do you can take depositions without having a lawsuit. You can file depositions to perpetuate testimony and Mr. Maloney, I'm sure knows that. Now, I would think that we ought to at least get the report of the Commission of Inquiry so that the lawyer, Mr. Maloney will have something to get his teeth into rather than making up a bunch of stuff and putting it on a piece of paper. I'm sure he would never do anything like that. I agree with Dr. San Martin and Mrs. Cockrell. If you get the report of the Commission of Inquiry, then old Pat will have something to go on.

MAYOR BECKER: Well, Crawford, I've taken the trouble and I'm not saying that your advice isn't worthy because I value it as being worthwhile.

CITY ATTORNEY REEDER: Well, Mayor, you said that I've been inert for the last several years and I admit being stupid but inert never.

MAYOR BECKER: I think this - I think that the inertness - I think that the inertness in this whole issue lies in the fact that no one has even considered addressing themselves to this point of where does the liability or the responsibility of the incorporators of the Alamo Gas rest, you see? Now, what I've done, I've taken the trouble of checking with several, I think you would recognize them as very fine attorneys in the City of San Antonio, as to the possibility of this action in any way damaging or minimizing the ability of the City of San Antonio to represent itself successfully in this suit and so forth. I'm advised by these attorneys that in no way would this hamper or in any way cripple or injure or cause any type of minimal less than purely 100 percent effective results that all of us are striving for. Now, that's the advice I've had, you see.

CITY ATTORNEY REEDER: They must not have read the pleadings.

MAYOR BECKER: I'm afraid they did, sir.

CITY ATTORNEY REEDER: Well, if they did, they're not capable attorneys.

MAYOR BECKER: Well, I wouldn't want to get into that with you because I wouldn't think it would be fair.

CITY ATTORNEY REEDER: Well, I don't - actually, Mr. Becker, I don't want to be disrespectful to you or to Councilman Morton or to anyone else. I respect everyone on this Council. I think you're making a grave mistake if you file a suit against the Alamo group in the Coastal Lo-Vaca suit. If we can find some wrongdoing against those guys, I'm in favor of going after them individually but not in that suit. I don't think you ought to be filing a lawsuit until you've got your ducks in a row because we might not have anything to file a lawsuit on. We can take depositions to perpetuate testimony, Glenn. Now you know that as well as I do and you're not going to get libeled for any malicious prosecutions on that. I don't like those Alamo guys either. Carlos Cadena and I spent two years trying to figure out some way to hang it around their necks and we never could--and to this day, Carlos is a little frustrated about it but I've got so many frustrations I don't worry about things like that anymore. In any event, I would just say as your - I suppose I'm your City Attorney - that as City Attorney at this point I think you'd make a mistake by filing a suit against the Alamo people whoever they are, whatever their names were and especially in the Coastal-Lo-Vaca case because then you would have Pat Maloney contending exactly the same thing Oscar Wyatt and Coastal Lo-Vaca are contending, namely that these guys overestimated their reserves. That's the defense that Coastal-Lo-Vaca has asserted and you'd have me contending that they sold all the gas out from under us and you would have them and Pat Maloney contending the same thing, namely, that we were loused up on the reserves. So, I guess Pat and I will just flip a coin to see who's going to represent the City. There we are, we'd be in an irreconcilable conflict among the two lawyers representing the City.

MR. CLIFFORD MORTON: Well, let's back up a little bit on one point you made. You have not advised against the City retaining an attorney to take depositions at this time.

CITY ATTORNEY REEDER: No sir, no sir. I'd rather see Pat Maloney than any lawyer I can think of take the depositions to every one of those guys and he can do it. And they'll wish he hadn't by the time he gets through because even if they didn't do anything wrong, he will succeed in making them feel guilty.

MAYOR BECKER: It sounds like, Crawford, that you share a kindred

spirit and feeling for the very thing that perhaps we're attempting to resolve here.

CITY ATTORNEY REEDER: I do have a kindred feeling with you. I'd like to see you and me and all the rest of us be able to nail the Alamo people if they're guilty of one bit of wrongdoing. I just don't want to louse up a good lawsuit by bringing them into that lawsuit and there are ways we can do it without bringing them into that lawsuit or at least not bringing them in right now. We can find out everything there is to know about them and there's not anybody I would rather have working against them and on my side because I regard my side as being the side of the City Council and the City of San Antonio. There's not anybody I'd rather have than Pat Maloney for some purposes and one of them is to do investigative work against that Alamo group and he's a good trial lawyer but he and I would be in an irreconcilable position if we go into this present Coastal-Lo-Vaca controversy. It may be that that won't be true six months from now. Maybe it won't be true a month from now, but I'd kind of like to see what Dr. San Martin and them have to report as he said.

MAYOR BECKER: Crawford, I've learned something about life and that is that it's a very tenous thing at the best. I couldn't guarantee that I'll be here tomorrow you know.....

CITY ATTORNEY REEDER: You and me either.

MAYOR BECKER: That's right. And this is one of the things I think especially that motivate - well....

MR. ALVIN G. PADILLA: Going somewhere, Crawford?

MAYOR BECKER: After some of these athletic activities you've been engaging in out here in the hallway.....

MR. PADILLA: That was in the office, Mr. Mayor.

MAYOR BECKER: I worry about when will this be done, you see, and there's only one way I know to try to bring it about and that's while I'm here on this earth. I don't think I stand a chance to do it any other time, and quite honestly, it's one of the things that actually precipitated my involvement in the political arena - is the Alamo Gas situation.

CITY ATTORNEY REEDER: I was aware that you felt very strongly about this, Mayor.

MAYOR BECKER: Yes, I certainly do and I think it's been neglected. I think it's been sort of put off in an eddy - it's enjoyed sort of a quiescence and almost a solitude you might say that's unbelievable. You constantly hear well let's do this, let's do that - let's do the next thing about Coastal, Lo-Vaca and Mr. Wyatt, I'm in agreement with all of that. I never hear anybody though advocating let's get on with it as far as the incorporators of Alamo Gas are concerned, and I've been waiting now, as I said, patiently as many of the citizens have for a number of years wondering who was finally going to come forward and advocate that we get high behind this situation, and deal with it with the same zeal and with the same alacrity and the same spirit of enthusiasm that we're willing to deal with the other half of the equation, you see.

CITY ATTORNEY REEDER: Well, I'm with you, Mayor, I mean I agree with what you're saying. I just don't think that we ought to jump in to the Coastal-Lo-Vaca suit with another lawyer suing Alamo in the Coastal-Lo-Vaca suit, that's all I say. I agree that we ought to continue investigating Alamo. I go along with that. I think that's right. I think you owe it to the City, but I sure hate to see that lawsuit against Oscar Wyatt -- If I was Oscar Wyatt, I'd be just

overjoyed at your suggestion that we hire Pat or anybody else.....

MAYOR BECKER: I'm not advocating it, you know, to please Oscar Wyatt.....

CITY ATTORNEY REEDER: Well, I don't think you're trying to please it, but I think you're doing it accidentally.

MAYOR BECKER: That's something I'd like to establish now. That this idea is not anyway meant to bring about any relief for Mr. Wyatt, or Lo-Vaca or Coastal. That I can guarantee you.

CITY ATTORNEY REEDER: Mr. Becker, I'll absolutely guarantee you, and I'm not saying this to be licking your boots or anything, I have never doubted your integrity. I think that you're just as sincere as you can be, but I think you're making a grave error if you jump into this lawsuit against Alamo and bring it in Coastal, Lo-Vaca lawsuit. I could draw you pictures of it, diagrams, I'd look like a football coach putting plays up, but that's exactly what, it is going to kill us if we get into it. I can't put it in stronger language, but we can keep going. We can go against them...

MAYOR BECKER: I'm willing to listen to reason, how would you handle it?

CITY ATTORNEY REEDER: All right, the first thing I'd do is get Pat to take their depositions to perpetuate their testimony. There is a rule of procedure where he can do that, without filing the lawsuit, and he can go over from stem to stern and I'll guarantee he'd do a good job. He's one lawyer I'll give credit for doing a better job than I could and there's not many lawyers I'll give that credit to. I'll give everything that I've got to Pat that's available to help him, and I'm sure that Matthews firm will do the same thing. In fact, we've been working - we've been doing that and I think he'll verify it. That's the way he can kick it off. He can go beyond perhaps the court of inquiry that way and the Grand Jury, because he'll then know what questions to ask and he'll have the access to material that hardly anybody else has. And, I'll guarantee you that's going to take a little time.

MR. LACY: Crawford, what about that statute of limitations. Are we talking about (inaudible).

CITY ATTORNEY REEDER: (Inaudible) Statute of limitations is from the time it is discovered. You should have discovered it.

MR. LACY: (Inaudible.)

CITY ATTORNEY REEDER: No, I don't think so, because there are some things in it that you don't know, Glenn, that I do and if you will come upstairs I'll show them to you.

MR. LACY: I'd like to do that.

CITY ATTORNEY REEDER: I don't think we have a limitations problem.

MAYOR BECKER: You see, Crawford, in my own mind's view of this thing, not to pursue this to me is a transgression.

CITY ATTORNEY REEDER: I agree.

MAYOR BECKER: Not how you do it - not to pursue it is a dereliction of my duty and responsibility to the citizens of the City of San Antonio. Not to pursue it is to countenance what's occurred if anything has indeed - has occurred. It's for this reason that I am frustrated perhaps about the situation as you are. I don't understand the equity or lack of equity that's been involved in this whole

proposition. Now, this has been going on almost 13 years.

CITY ATTORNEY REEDER: Thirteen years.

MAYOR BECKER: Thirteen years - that's a long time. And, as I said, I just want to make sure that it's done while I still have the ability to influence some causative action to be taken, you see.

CITY ATTORNEY REEDER: Well, I say you're doing a pretty good job.

MAYOR BECKER: Well, I hope so. I hope so, or else I can consider these last three years almost a waste of time.

MR. PADILLA: Mr. Mayor.

MAYOR BECKER: Yes sir.

MR. PADILLA: Mr. Morton made a motion which I will second, if his motion includes but is not necessarily limited to that this Council retain Mr. Maloney for the purpose of his getting busy and determining whether or to what extent there is a civil liability on the part of the Alamo Gas Incorporators and and/or other liability as the case may be, and that we proceed with what I would term, perhaps for want of a better term, the investigative phase and then, of course, depending on the findings further action may be something we will want to consider.

MR. MORTON: My motion had all of those thoughts in it, Al.

MR. PADILLA: Okay, then I will second it.

MR. LACY: I would go along and include them anyway (inaudible.)

CITY ATTORNEY REEDER: He's very likely to do that but let him do it.

MRS. COCKRELL: May I ask a question just for clarification? How then, will it be necessary for an ordinance to be written along these lines or simply by resolution?

CITY ATTORNEY REEDER: Well, the way we usually hire outside professional help is just get them contacted and get them working and come to you all later on with an ordinance saying we done it. Well, we don't do that but Sam Granata and them when they hire engineers you know, they just go out there and tell the guys to start boring the holes or whatever engineers do.....

MAYOR BECKER: We can draw the ordinance today can we not?

CITY ATTORNEY REEDER: Well, you've got an open meetings law problem. Well, it was on the agenda though wasn't it? We can draw it today and you can pass it today - later on today. I'll have to call Pat and find out how much you are going to have to pay him, but I'm sure he will be reasonable.

MAYOR BECKER: Now, is there any further discussion?

DR. SAN MARTIN: Just one more point, Mr. Mayor. I want to be absolutely sure that that's as far as we go under this particular resolution, that we are not suing anybody until we know exactly what it is that we're going to sue for, and who it is we're going to sue.

MAYOR BECKER: Well, it takes a resolution of the City Council to authorize anybody to file a lawsuit.

DR. SAN MARTIN: Now, I would ask that Mr. Pat Maloney and his firm read very carefully all this depositions and all the testimony before

the Commission of the Inquiry before he takes any further testimony, because I think it will, excuse me, it'll throw a lot of light on the way that he might want to proceed. That testimony will be ready in a couple of weeks probably.

CITY ATTORNEY REEDER: I agree with you Dr. He certainly should do that being the competent lawyer that he is, I'm sure he will. But I can keep him busy for those two weeks between... Reverend.

REVEREND CLAUDE W. BLACK: Mr. Mayor, as I've listened to the presentation, it seems to me that City Council has two responsibilities. It seems to me that it has a responsibility of establishing in a significant way for the community, areas of responsibility where people have been involved in the kind of experiences that we are having now, with our utilities. And then it has a responsibility of recovering any damages, but I think these are dual responsibilities. I think they are not just the same responsibility. They are dual responsibilities. Now, as I listened to the presentation of the concept that possibly one lawyer would be working in friction with the other in terms or against each other, and it seems to me if in fact, Alamo Gas is not responsible for having mislead in terms of the allocation, then we have a responsibility really to establish that, you know, even if it does mean that the City lose its damages because we have a dual responsibility. I can understand a lawyer's approach to it. A lawyer's approach is always to win the damages, and I can understand that, but it seems to me when you put this matter in perspective in terms of the Council's responsibility, that it's not really going out here trying to say who is actually guilty. It's trying to establish what has brought this about, what has been the basis. If in the midst of establishing that, you are able to gather damages, then you have gotten a plus in the whole struggle. So I would not think of this as being a contest involving the two, I would simply say that what we're trying to do is address the two areas of responsibility that the Council has, and to deal with this in such a way. For that reason I think it would be rather dangerous for the Council, in terms of its public responsibility, not to pursue the Alamo Gas situation and their relationship to the beginning of this series. If for no other reason than to establish their innocence, but I think we've got to establish their relationship with this total matter if we're going to talk even, because I don't see how even if we're trying to gather damages where the Coastal States and Lo-Vaca would not push in every respect to establish their innocence in this area whether we have a lawyer working on it or not.

CITY ATTORNEY REEDER: They'll establish their innocence whether they're innocent or not, if they can.

MRS. COCKRELL: Mr. Mayor.

MAYOR BECKER: Yes, madam.

MRS. COCKRELL: My only feeling of reluctance at all is not that I do not wish to pursue Alamo Gas. It's just that I really feel so strongly about the fact that we have authorized this Commission of Inquiry. We are paying the legal counsel, not the City, but the CPS is paying the legal counsel to do this investigative work and yet here before we even get their report, we're starting out to hire additional attorneys to do a separate report and meanwhile the Grand Jury is doing whatever it's doing, and hasn't yet reported. I wish so much that we could just wait two or three weeks to see what the report was from the Commission of Inquiry and that lawyer before we again authorize retaining additional consultants. I in no way wish to block pursuing anybody who is guilty. I'm just concerned about you know, hiring two sets of lawyers now, to investigate the same thing. We have the lawyers for this Alamo Gas Special Committee, who are being paid and yet essentially isn't this the same inquiry

that we're going to conduct now with still another lawyer?

CITY ATTORNEY REEDER: Well, yes madam, Mrs. Cockrell, that's correct. But I'll tell you, that thought had crossed my mind, but here- here's a thing. If we go ahead and hire Mr. Maloney on this thing, as I've already stated, I can keep him busy, if he'll do what I ask him to do, he'll be helping me irrespective of that Court of Inquiry thing. There are a whole lot of questions in here. I'm assuming that the Court of Inquiry thing does what I've heard it does, and tends to absolve the Matthews firm of any wrong doing, but in any event, regardless of what it shows, his efforts won't have been wasted is what I'm saying. It won't be entirely just a duplication because there are a whole lot of questions that are bothering me in this, and I might add that Mr. Maloney is, in fact, in this Coastal-Lo-Vaca suit already, as attorney for an intervenor, Mr. Gochman. So, if nothing else, it won't be wasted City money or anything, and if you'll just hold off until the commission issues its report before he does anything.

MAYOR BECKER: I think in this, in this attempt this morning what we're doing is buying additional insurance. Now, when you stop and consider that the citizens of this City have been caused additional literally hundreds of millions of dollars in their utility bills as a result of this situation, and I will even go as far to call it a fiasco, because that's what it certainly has been, then the expenditure of additional few dollars, let's put it on that basis, as compared to the overall loss that's been sustained is so insignificant and I'm not trying to say that money doesn't have a value, but it's so insignificant that it absolutely doesn't even enter into the subject as far as I'm concerned. So, if there's no further discussion.

MR. LEO MENDOZA: Mr. Mayor, I'd just like to state my position, I'd like to say that I might be repeating what Reverend Black said, but we as public officials I think have the responsibility of bringing all the facts out and for that reason I'm supporting Mr. Morton's motion.

MR. LACY: Mr. Mayor, just on other thing, I think Crawford would agree with me, this could happen, it does sometimes. If you drag your feet, and you don't take the deposition of someone they could die, or they could get out of pocket. They might be in Switzerland or.....

MAYOR BECKER: That's true, okay, are we ready for the question?

MR. PADILLA: Mr. Mayor, just one small point. I really believe it to be consistent and because I believe Reverend Black and Mr. Mendoza and everyone else who has spoken wants to get to the bottom of whatever situation we have here that this action should not say the Alamo Gas Incorporators, but that it should be aimed at whoever may be responsible for the situation that exists in San Antonio, be they who they be.

MAYOR BECKER: Okay.

DR. SAN MARTIN: I'd just like to make some comments Mr. Mayor.

MAYOR BECKER: All right.

DR. SAN MARTIN: Somewhere down the line I'm gonna have to bring up the question of - you mentioned the word inert. I'd like to ask how inert the members of the City Council in 1961 were. When the contract was brought up before this body for information there were no questions asked from anybody at that time. I'd like to ask how inert the members of the City Public Service Board at that time were. I don't think I'm revealing any information to which I am privy by being on the Commission of Inquiry. This is information

that's available also on the records of the City Council that only one question was asked from the CPS people when they came to inform the Council of the new contract. Only one question was asked, and that was by a member of the staff who wanted to know something about a bond to put the company on a bond, and he was told that it would require a very large bond. I'd like to go back as far as we possibly can on that too, Mr. Mayor, I don't think that we should overlook any of those aspects.

MAYOR BECKER: I'm glad you brought that up, Dr. San Martin. You know, this Council has been called many things. It's been guilty of holding long meetings. It's been guilty of keeping people in the audience and other folks have affected by the length and duration of our deliberations and so forth, but I don't think we can ever be accused of being expeditious in our actions. Now, the point I'm trying to make is that one of the reasons why we have taken the time we've taken in these meetings, is to prevent the very type of thing from happening, that happened then, let's say. We could try to speed and rush through these meetings and finish them in an hour, hour and a half, and chances are, we could address ourselves to all these points, but would we be doing it in a satisfactory fashion. They could criticize all they want to about us taking forever to hold a Council Meeting, but I think it's in the public interest that these meetings have lasted as long as they have. I'll continue as long as I'm here, to devote whatever time, and I do appreciate the efforts on the part of the Council members to suffer that indulgence with me, to have these matters brought out in the open where everybody can hear it. It is public information.

MRS. COCKRELL: The only time we're inert is about 7:00 on a council evening.

MAYOR BECKER: I've seen even where one of our local school boards are beginning to consider having citizens to be heard at the school board meetings, which is unique. Maybe we're getting great sounds of truth in government and citizen participation. Yes sir.

MR. MORTON: Mr. Mayor, are you serving notice that the meetings are not going to get shorter?

MAYOR BECKER: Well, I would like to think that after five hours sleep last night that this meeting would be short today, but I couldn't guarantee that, to be honest about it. Are we ready for the question? Alright, call the roll, please, Garland.

CITY CLERK: Mayor Becker, yes; Reverend Black, yes; Mr. Lacy, yes; Mr. Morton, yes; Mr. O'Connell, yes; Mr. Padilla, yes; Mrs. Cockrell,

MRS. COCKRELL: I will vote yes, but I do want to call attention to the concern to which I have expressed.

CITY CLERK: Dr. San Martin.

DR. SAN MARTIN: I will vote yes, Mr. Mayor, with a request that Mr. Crawford Reeder keep this council informed if possible on a day to day basis so that we can immediately bring it back to the attention of the council in case we need to take a different course of action that we have taken. I will vote yes, with that particular qualification.

MAYOR BECKER: I think that's an excellent point. Mr. Morton.

MR. MORTON: I would just like to make this request. I think that getting this decision behind us is an important step and I would like to request that this Council now turn its full attention to the question of planning for energy for the future of the City and would request that on a monthly basis we be given a briefing by either the General Manager or the Chairman of the City Public Service Board.

This briefing would cover all of the basic aspects of where we are in planning for energy - the timetables, when we are going to be on line with coal plants and what percentage of our energy we are going to get from that - how far we are with our coal contract, everything that is basic to the question of energy for the future.

MAYOR BECKER: Delivery schedule of equipment and everything.....

MR. MORTON: That is correct.

MAYOR BECKER: In other words, you want the total, full information relative to all of the so-called or at least anticipated and hoped for solutions to our energy problems.

MR. MORTON: I only specified coal but I'm talking about atomic, oil, gas, garbage, the whole works.

MAYOR BECKER: Corn cobs, pine knots, cow chips or anything else.

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(At this point, City Attorney Crawford Reeder retired from the meeting to prepare the necessary ordinance. After completion of other Council business, the matter was again taken up and the following conversation took place.)

* * * *

MAYOR BECKER: Now, let's get this thing started or does Crawford have that?

CITY ATTORNEY REEDER: I have it here and I'm not overly proud of it, Mayor, but it's the best I could do. You all will probably want to change it but I can change it any way you want to.

MAYOR BECKER: Okay. Well, Crawford, you want to read it yourself?

CITY ATTORNEY REEDER: Yes, sir. I'll read it.

MAYOR BECKER: Since you wrote it, I mean, you know.....

CITY ATTORNEY REEDER: It's typed so I can read it.

MAYOR BECKER: You know it better than anyone else.

CITY ATTORNEY REEDER: All right. May I preface my reading it to say that some of the stuff in here right at first you might wonder why I phrased it that way - I'm trying to do it the way we've usually done things when we hired outside lawyers.

* * * *

Mr. Reeder then read the following Ordinance:

AN ORDINANCE 44,304

AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO RETAIN THE PROFESSIONAL SERVICES OF THE LAW OFFICES OF PAT MALONEY FOR THE PURPOSE OF INVESTIGATION AND ADVICE BY SUCH LAW FIRM REGARDING THE ALAMO GAS CONTRACT.

* * * *

- WHEREAS, for many months the City has been receiving substantially less than the amount of gas which it should receive from Coastal Lo-Vaca under the terms of the City's gas supply contract with Coastal Lo-Vaca, and
- WHEREAS, the gas which the City has, in fact, received is substantially higher in cost than the price provided for by such contract, and
- WHEREAS, these factors have resulted in substantially higher utility bills for the City's rate-payers, and
- WHEREAS, the overall controversy between the City and Coastal Lo-Vaca is the subject of several judicial and administrative proceedings before courts in Bexar and Harris Counties and the Railroad Commission, and
- WHEREAS, the City Public Service Board has appointed an independent Commission of Inquiry to investigate the facts surrounding the Alamo Gas contract, which contract was the one assumed by Coastal Lo-Vaca, and
- WHEREAS, such Commission of Inquiry has completed its investigation and will make a public report thereof in the very near future, and

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WHEREAS, the Bexar County Grand Jury is likewise investigating these and other matters related to the gas crises in which the City finds itself, and

WHEREAS, the City Council deems it to be its own responsibility to make a full and independent investigation of such Alamo Gas Supply Contract; NOW, THEREFORE,

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

SECTION 1. The City Attorney is hereby authorized and directed to enter into a professional services contract with the Honorable Pat Maloney, Attorney at Law, whereby the latter will investigate the Alamo Gas contract and all matters relating thereto and advise the City Council, City Manager and City Attorney as to the facts and circumstances thereof, and to make appropriate recommendations in regard thereto.

SECTION 2. Such investigation by Mr. Maloney shall include a study of the report of the Commission of Inquiry and the facts revealed thereby and, to the extent available, the facts and report developed by the Bexar County Grand Jury.

SECTION 3. The terms and conditions of such professional employment contract shall be as set forth in Mr. Maloney's proposal, solicited by Mayor Becker, a copy of which is attached hereto and made a part hereof.

* * * *

CITY ATTORNEY REEDER: The reason I said solicited by the Mayor is because I didn't want anybody to get the idea of Mr. Maloney had done any soliciting. I mean he sent us a proposal. And that's all.

MRS. COCKRELL: May I ask a question? Just for the record, do we have any estimate of the possible amount that would be involved?

CITY ATTORNEY REEDER: I called Pat after I had talked to you all Mrs. Cockrell and he is in Baltimore on an anti-trust case and so is Jack Paschal, his partner, and they won't be back until Monday. However, the hourly rate that Mr. Maloney cites in his letter of proposal to Mayor Becker is commensurate with that cited by the Matthews firm per hour that we based that figure on last week if you'll remember. He says \$60 an hour, I believe it's on here.

MAYOR BECKER: And \$40 for an assistant.

CITY ATTORNEY REEDER: \$60 an hour for him or Jack Paschal and \$40 for any associate which is in line. That's reasonable.

MRS. COCKRELL: But do we have any projection at all about the total amount of hours that is going to be involved?

CITY ATTORNEY REEDER: No, madam, we don't and that - I didn't - that was one of the reasons I wanted to call him but, of course, he doesn't really know, I don't think. What I thought I'd do, you know, we lawyers kind of work informally with each other and I get along pretty well with Pat and I don't like to leave loose ends like this but I thought he and I were just going to have to sit down I was going to have to say Pat, I know you're going to have to do the following things, at least the following things, and here's everything I got. How long do you think it's going to take you. I would guess in order for him to get primed up - I don't like to set fees for other lawyers or set working conditions for

them - but I don't see how we can do this in less than a couple of hundred working hours to get fully checked out, just so he'll know what he's looking for and know - be prepared to go to start nailing whoever there is to nail. It's taken me almost that long when I've been, you know, just to get as far as I've gotten in the last six weeks.

DR. SAN MARTIN: Mr. Mayor, that of course also will entail, say, court reporters taking depositions.

CITY ATTORNEY REEDER: Well, no it wouldn't, Doctor. I think it would take Pat and Jack Paschal and between the two of them a couple of hundred man hours just to get thoroughly checked out on what it is they're looking for and get their leads together so they can go on. Now that depends on your Court of Inquiry report.

DR. SAN MARTIN: But I mean in case when they go in to take their own depositions, Crawford, they would have to hire a court reporter or a stenographer which would be over and above their professional fees, is that correct?

CITY ATTORNEY REEDER: Yes, sir, there's a provision in the minimum fee schedule table put out by the Bar Association for taking depositions. I think it used to be \$250 a deposition. It didn't go by the page. It went by depositions but I was thinking 200 hours before he even takes a deposition. Now, I may be over, I wanted to be fairly liberal in my estimate, I didn't want to cut him down too short. I add, parenthetically here, that I thought too that I might, I mean, I gathered that Pat is supposed to be independent of me and that's the way I'd like to have it but I figured that maybe I would be free to consult with him and say, Pat, Coastal-LoVaca has contended thus and so, how about you all checking out and giving me your thinking on that or Wilbur Matthews has contended thus so how about checking that - you know - as long as we're going to use him, well...

DR. SAN MARTIN: I think we're thinking in terms of team work between all legal....

CITY ATTORNEY REEDER: Well, that's kind of what I was thinking - that's what I was thinking you all were thinking.

DR. SAN MARTIN: Otherwise, it won't work.

CITY ATTORNEY REEDER: That's right. I don't think it would work to have him isolated over there.

MR. W. J. O'CONNELL: Excuse me. Do you think that in doing this then he may save you some legwork?

CITY ATTORNEY REEDER: Yes, sir. That's the reason I don't - that's one of the advantages that I think there is in this. I don't mind all the brains I can get because I don't have a corner on the market, Mr. O'Connell, and he's got a good brain and Jack Paschal, who you've probably haven't heard much about. He is one of the best lawyers in San Antonio. He's under-rated, you don't hear much about him but he's real good. So they will be of some benefit in our fight with Coastal Lo-Vaca in addition to checking this out Alamo, see.

MAYOR BECKER: Well, I can only say this about the fees and as far as I'm concerned, if it would help matters any, I'd be willing to assign the rest of my pay for whatever term I've got coming to help defray the cost of these legal fees. That's how much I think of this thing because

zero from zero is still zero and that's about what it is, so you know. I think it's money well spent myself.

CITY ATTORNEY REEDER: But relative to the amount of money that's involved, it's miniscule.

MAYOR BECKER: That's correct.

CITY ATTORNEY REEDER: I take it that when I talk to Pat I want to tell him that the main thrust of his efforts should be into checking into the Alamo thing but that he would - we have a gentlemen's agreement that if I have a question of law that I'm not sure about involving Coastal Lo-Vaca or so on I'll call, get their thinking, is that okay?

MAYOR BECKER: Absolutely.

DR. SAN MARTIN: Mr. Mayor, I'd like to clear one point with Mr. Reeder. Now after Mr. Maloney terminates or brings the final report to the City Council and to you, the City Manager, at that point if we feel that you should lead the case against anyone of the incorporators of Alamo Gas, we are free to say to Mr. Maloney, thank you, you've done your job but now we want Mr. Reeder to pursue this case. I don't say right away but whenever it is. In other words, we don't.....

MAYOR BECKER: Well, you're not hiring him in perpetuity, you know.

CITY ATTORNEY REEDER: I think we could make it clear that the contract and it's written into these employment, professional employment contracts, that the services of the persons in question is terminable if upon reasonable notice and that he won't do anything that you don't direct him to do - like filing a lawsuit or doing that sort of thing - and I'll tell him that just to be sure it's nailed down.

MAYOR BECKER: Now, there's only one thing I see in this thing, Crawford, that it's down here in the one, two, three, four, five, sixth whereas. Whereas, such Commission of Inquiry has completed its investigation and will make a public report thereof in the very near future. Now is that an actual fact?

DR. SAN MARTIN: I would say, Mr. Mayor, that it is just about as close to being completed except for putting it together and it's pretty well completed, other than to present the final report. I don't think that we have any more witnesses to testify before the Commission and I would say if you want to, Mr. Mayor, whereas at the time that the Commission of Inquiry has completed its investigation, this will be available.

MAYOR BECKER: I just want to make the thing, you know, so that it holds water.

CITY ATTORNEY REEDER: Yes, sir. I think that will hold water. If all they have to do is bind it together and get it typed up, I think you can say it's completed.

MAYOR BECKER: All right. Okay.

MR. PADILLA: Crawford, one question - and you may have already taken care of it...in your first - in Section 1. This morning the discussion involved originally the investigative work and so forth that must be done relative to the as we were saying at that time, the incorporators of Alamo Gas. Later on, I asked Mr. Morton if he would amend his motion

before I seconded it to the effect that this investigation cover any and all persons of whatever capacity public, private or whatever that may have - that may be involved in any way in this same issue. Does this ordinance permit that?

CITY ATTORNEY REEDER: I tried to make it do that, Mr. Padilla. First, I'll say I'll read to you what I aimed at doing that but first let me tell you that when you hire a lawyer or any one else to do investigation for you, you tell him to go where his leads take him. Now, what I've said here is that the City Attorney is hereby authorized and directed to enter into a professional services contract with the Honorable Pat Maloney Attorney at Law, whereby the latter will investigate the Alamo Gas contract and all matters relating thereto. Now there's no telling where that all matters relating thereto is going to take him.

MR. PADILLA: In your opinion, that takes care of my question.

CITY ATTORNEY REEDER: I think it does.

MR. PADILLA: All right. Thank you.

CITY ATTORNEY REEDER: I don't want to be pointing the finger at anybody, I just said.....

MR. PADILLA: No, I'm not trying to make any accusations nor I think should we but I do think that we ought to give him the latitude to, as you say, to go where the leads take him.

CITY ATTORNEY REEDER: Yes, sir.

MAYOR BECKER: Okay. Any further discussion?

DR. SAN MARTIN: I so move.

MR. MENDOZA: Second.

MAYOR BECKER: All in favor? Opposed?

MRS. COCKRELL: I would like my vote to be recorded as making this statement that I will vote for this but I would like for it to be known that I would much prefer to be voting on it after the completion of the work of the Commission of Inquiry. I made that statement this morning and I still would feel better about having the action after the reports have been completed and after we've had the opportunity to study it. But I will go ahead and vote for it.

MAYOR BECKER: Okay, let's take a roll call vote then so it can be specified by each individual.

CITY CLERK CALLED THE ROLL:

MRS. COCKRELL: Aye, with that statement I made.

DR. SAN MARTIN: Same, with the same statement.

MAYOR BECKER: Yes, without the necessity of the stipulation.

REV. BLACK: Yes.

MR. LACY: Absent.

MR. MORTON: Absent.

MR. O'CONNELL: Yes.

MR. PADILLA: Just yes.

MR. MENDOZA: Yes.

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74-44 The Clerk read the following Resolution:

A RESOLUTION
NO. 74-44-56

PROVIDING FOR MAYOR BECKER TO MEET WITH LEADING GOVERNMENTAL OFFICIALS OF OTHER CITIES AND AS WELL AS WITH THE GOVERNOR, THE ATTORNEY GENERAL, AND THE CHAIRMAN OF THE RAILROAD COMMISSION IN ORDER TO ATTEMPT TO ACHIEVE A SOLUTION TO STATE-WIDE ENERGY PROBLEMS.

* * * *

Members of the Council expressed agreement with this Resolution and their concern about the fuel crisis. Mayor Becker was urged to do all possible to arrange a meeting with Governor Briscoe at the earliest date possible.

Mr. Bob Churness and Mr. Hal Goodwin, representing the Alamo City Building Owners' and Managers Association, appeared before the Council to support the Resolution. Mr. Churness read a resolution passed by his organization urging the Council to adopt this proposed resolution. (A copy of Mr. Churness' statement is included with the papers of this meeting.)

After suggested corrections were made, on motion by Mrs. Cockrell, seconded by Mr. Mendoza, the Resolution was passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: None.

74-44

CITIZENS TO BE HEARD

REVEREND C. C. HOUSTON

Rev. C. C. Houston, President of the Texas Ministers and Citizenship Leadership Council, said that his organization had met and discussed behavior of school children on City buses. As a result of the meeting he was instructed to request the City Council to pass an ordinance to prevent the use of radios on City buses.

Rev. Houston also stated that he thought the young people of the City would appreciate the proclamation of a Youth Day to recognize the youth of the City.

Mayor Becker said that these suggestions would be taken under advisement and considered by the staff.

MR. CONCEPCION ELIZONDO

Mr. Concepcion Elizondo, 943 San Angelo, reminded the Council that he had appeared before asking that a surcharge be imposed on utility customers outside the City limits.

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Mayor Becker said that the Council has been extremely busy with other matters but that the idea is being looked at.

Mr. Morton said that he has raised the question before of the suburban areas paying part of the subsidy for the Transit System. He asked Assistant City Attorney Louis Garcia the status of this matter.

Mr. Garcia said that the Legal Department is working on this matter and that it should have a report and suggestions for the Council in two weeks. The matter of surcharge on utility bills is now before the Supreme Court and when that decision is made, the City will know if it can, in fact, put a surcharge on utility bills outside the City limits.

Staff was instructed to advise Mr. Elizondo when this matter is to be discussed again by the Council.

MRS. HELEN R. WALTER

Mrs. Helen R. Walter said that she feels more like a slave every day being forced to support massive problems such as the high utility bills. She asked the Council to urge the Governor to call a Special Session of the Legislature to repeal the sales tax on gas and electric bills. She stated also that Texas needs a Special Utility Commission.

74-44 The Clerk read the following Ordinance:

AN ORDINANCE 44,279

ACCEPTING THE LOW BID OF CHARLES C. MADDEN CO., IN THE AMOUNT OF \$911,644.00 TO CONSTRUCT THE BUILDING IMPROVEMENTS KNOWN AS THE EASTSIDE MULTISERVICE CENTER, APPROVING PAYMENT OF \$8,356.00 IN ADDITIONAL ARCHITECT FEES FOR THE JOB TO HAYWOOD, JORDAN & McCOWAN, INC., APPROVING A BUDGET FOR THE PROJECT AND AUTHORIZING TRANSFER OF FUNDS.

* * * *

The Ordinance was explained by Mr. Roy Montez, Assistant Director of Community Development and Planning, who said that it accepts the low bid of Madden Construction Company for construction of the City's second multi-service center. It is located at Lincoln Park, will have 24,631 square feet of space and will furnish many social and cultural services to the citizens of that area. He passed around an architect's drawing of the building which is being funded through revenue sharing. He recommended adoption of the Ordinance.

In answer to Mrs. Cockrell's question, Mr. Montez said that some funds are being borrowed from the Eastside Boys Club Account which would be replaced from revenue sharing funds at a later date. There is no intent to reduce funds for the Boys Club.

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Mr. Morton asked that the Council be furnished with a status report on the Eastside Boys Club as soon as possible concerning completion of architect's plans, when will it be bid, when will construction be started and an estimate of completion time.

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

74-44 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, Becker, Black, Lacy, O'Connell; NAYS: None; ABSENT: San Martin, Morton, Padilla, Mendoza.

AN ORDINANCE 44,280

ADOPTING THE RECOMMENDATIONS OF THE TAX ERROR BOARD OF REVIEW CONCERNING ERRORS ON THE TAX ROLLS OF THE CITY OF SAN ANTONIO; AUTHORIZING THE TAX ASSESSOR TO MAKE CORRECTIONS OF THESE ERRORS, AND AUTHORIZING THE CITY TREASURER TO AMEND THE TAX ROLLS TO REFLECT THESE CORRECTIONS.

* * * *

AN ORDINANCE 44,281

APPROPRIATING THE SUM OF \$28,986.00 FROM VARIOUS FUNDS, FOR THE PURPOSE OF ACQUIRING TITLE TO CERTAIN LANDS; AND ACCEPTING THE DEDICATION OF TITLE TO CERTAIN LAND; ALL TO BE USED IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

* * * *

74-44 Mayor Becker was obliged to leave the meeting and Mayor Pro-Tem Mendoza presided.

74-44 The following Ordinance was read by the Clerk and explained by Mr. Stewart Fischer, Director of Traffic and Transportation, and after consideration, on motion of Mr. O'Connell, seconded by Rev. Black, was passed and approved by the following vote: AYES: Cockrell, Black, Lacy, O'Connell, Mendoza; NAYS: None; ABSENT: San Martin, Becker, Morton, Padilla.

AN ORDINANCE 44,282

ACCEPTING A GRANT OF \$1,918.00 FROM THE GOVERNOR'S OFFICE FOR TRAFFIC SAFETY IN SUPPORT OF A TRAFFIC SAFETY PROGRAM PRO-

JECT INVOLVING ATTENDANCE BY TWO
CITY TRAFFIC ENGINEERS AT A
TRAFFIC SAFETY COURSE AT NORTH-
WESTERN UNIVERSITY, APPROVING A
BUDGET AND APPROPRIATING FUNDS.

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74-44 Mayor Becker returned to the meeting and presided.

74-44 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, Becker, Black, Lacy, O'Connell, Mendoza; NAYS: None; ABSENT: San Martin, Morton, Padilla.

AN ORDINANCE 44,283

AMENDING CHAPTER 38 (TRAFFIC REGULATIONS)
OF THE CITY CODE: SETTING FORTH LOCATIONS
AT WHICH ELECTRIC TRAFFIC CONTROL SIGNALS
ARE IN FULL SIGNAL OPERATION: DESIGNATING
ONE-WAY STREETS: DESIGNATING STOP SIGN
LOCATIONS: DESIGNATING YIELD RIGHT-OF-WAY
SIGN LOCATIONS: SETTING MAXIMUM SPEED
LIMITS ON CERTAIN STREETS: ESTABLISHING
PARKING METER ZONES: PROHIBITING PARKING
AT ALL TIMES ON CERTAIN STREETS: PROHIBITING
RIGHT TURN ON RED LIGHT AT CERTAIN INTERSECTIONS:
AND PROVIDING THAT VIOLATION HEREOF BE PUNISHABLE
BY A FINE OF NOT LESS THAN \$1.00 NOR MORE THAN
\$200.00.

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AN ORDINANCE 44,284

PROVIDING FOR RESERVED PARKING FOR CERTAIN
CONSULS OF OTHER NATIONS; PROHIBITING PARKING
BY UNAUTHORIZED VEHICLES IN SUCH SPACES; AND
PROVIDING A PENALTY FOR VIOLATION HEREOF BY A
FINE OF NOT MORE THAN \$200.00.

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AN ORDINANCE 44,285

AUTHORIZING EXECUTION OF AN AGREEMENT
WITH THE ACCOUNTING FIRM OF HASKINS
AND SELLS, CERTIFIED PUBLIC ACCOUNTANTS,
FOR AN AUDIT OF THE CITY'S GRANT-IN-AID
SEWER PROJECT IDENTIFIED AS THE VILLA
CORONADO SANITARY SEWER SYSTEM PROJECT,
AND AUTHORIZING PAYMENT TO SAID ACCOUNTING
FIRM.

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74-44 Item No. 8 of the Agenda being a proposed ordinance authorizing a contract with Brown Engineering Company for 101 Limited Subdivision Off-Site Sanitary Sewer Main was withdrawn from consideration at the request of the City Manager.

74-44 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, Becker, Black, Lacy, O'Connell, Mendoza; NAYS: None; ABSENT: San Martin, Morton, Padilla.

AN ORDINANCE 44,286

ACCEPTING THE LOW BID OF AMFAC ELECTRICAL SUPPLY CO., TO FURNISH THE CITY WITH MISCELLANEOUS ELECTRICAL SUPPLIES FOR A TOTAL SUM OF \$1,324.00.

* * * *

AN ORDINANCE 44,287

ACCEPTING THE LOW QUALIFIED BID OF CONSOLIDATED ELECTRIC TO FURNISH THE CITY WITH FLOODLIGHTS AND HARDWARE FOR OUTDOOR LIGHTING SYSTEMS FOR A TOTAL OF \$18,541.67, LESS 2% - 10 DAYS; AND AUTHORIZING PAYMENT TO SAID COMPANY.

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74-44

OUTSIDE FLOOD LIGHTING

Mrs. Cockrell asked if the City has a clear cut policy on the use of outdoor flood lighting in view of the energy problem.

Mayor Becker said that night time activities, such as softball, tennis, Little Leagues, football, etc., were regarded as being important to morale and for prevention of juvenile delinquency and these uses seem to have won out over the energy situation.

Mrs. Cockrell said that she has had complaints from homeowners who conserve energy as much as possible and then see a lot of unnecessary outdoor lighting. This waste of electricity runs up the bills for everyone because of the fuel adjustment charge. She said that she had been by the MacFarlane Tennis Center many times when all the lights were on but no one was on the courts.

Mr. Joe Madison stated that there is always someone in attendance at the tennis center. He will check to see if the wiring arrangement will permit some of the lights to be turned off.

74-44 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Mr. Mendoza, seconded by Mrs. Cockrell, was passed and approved by the following vote: AYES: Cockrell, Becker, Black, Lacy, Morton, O'Connell, Mendoza; NAYS: None; ABSENT: San Martin, Padilla.

AN ORDINANCE 44,288

ACCEPTING THE LOW BID OF SCIENTIFIC PRODUCTS TO FURNISH THE CITY WITH CERTAIN LABORATORY EQUIPMENT FOR A TOTAL OF \$5,480.28.

* * * *

74-44 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, Mendoza; NAYS: None; ABSENT: O'Connell, Padilla.

AN ORDINANCE 44,289

ACCEPTING THE LOW QUALIFIED BIDS OF CHEMICAL & TURF SPECIALTY, GOLDTHWAITE'S OF TEXAS, INC., AND WATSON DISTRIBUTING CO., INC., TO FURNISH THE CITY WITH GRASS SEED FOR A NET TOTAL OF \$10,411.00; AND AUTHORIZING PAYMENT TO SAID COMPANIES.

* * * *

AN ORDINANCE 44,290

ACCEPTING THE LOW BIDS OF BOB BURNS FENCE CO., CLIFF'S FENCE CO., COMANCHE STEEL PRODUCTS, INC., AND DIAMOND FENCE CO., TO FURNISH THE CITY OF SAN ANTONIO WITH FENCING MATERIALS FOR A TOTAL OF \$3,738.79.

* * * *

74-44 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cockrell, San Martin, Becker, Black, Lacy, Morton, O'Connell, Padilla, Mendoza; NAYS: None; ABSENT: None.

AN ORDINANCE 44,291

AUTHORIZING THE PAYMENT OF \$7,300.00 TO TEZEL AND COTTER HEATING AND AIR CONDITIONING CO., AND \$1,616.00 TO A. J. MONIER CO., FOR AIR CONDITIONING REPAIRS AT SAN ANTONIO INTERNATIONAL AIRPORT.

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AN ORDINANCE 44,292

ACCEPTING THE LOW BID OF GRAHAM PAPER COMPANY TO FURNISH THE CITY WITH BOOK BAGS FOR A TOTAL OF \$3,506.33, LESS 1% - 10 DAYS.

* * * *

AN ORDINANCE 44,293

ACCEPTING THE LOW QUALIFIED BIDS OF PAUL ANDERSON COMPANY, INDECO SALES CO., INC., LITTON OFFICE PRODUCT CENTERS, J. ANDREW SMITH CO., AND WITTIG'S INC., TO FURNISH THE CITY WITH OFFICE FURNITURE FOR A TOTAL OF \$15,707.54; AND AUTHORIZING PAYMENT TO SAID COMPANIES.

* * * *

74-44CITY WATER BOARD POLICY

Dr. San Martin made reference to a letter written by Congressman Gonzales to Mayor Becker concerning the Community Water Development Fund of the City Water Board. He asked that the matter be explained to him and also that he be furnished with a copy of any response the Water Board may make.

Councilman Morton said that Congressman Gonzales had some misinformation. The extension of water mains has not been at the request of developers. He said that a previous Water Board had set up the Community Water Development Fund and its sole purpose was a device to extend mains into areas without any request for service. The present Water Board has vetoed expenditure of any funds from this account.

After discussion, Dr. San Martin asked that Chairman John Schaeffer be invited to give the Council a summary of the creation of the fund and what it is being used for.

Mayor Becker said that he has already discussed this matter with Mr. Schaeffer who is eager to discuss the position of the Board.

Mrs. Cockrell asked if the Water Board has got a feasible plan to spread the cost of surface water so it will be shared by all.

Mr. Morton said that we should look beyond Bexar County for cost sharing because over one half of the water is used for irrigation.

74-44

MAYOR CHARLES BECKER'S STATEMENT
RE: NORTH EXPRESSWAY HEARING

Mayor Becker made the following statement:

"I counseled the Council members last Thursday that if they cared to go to the hearing for the expressway that they could do so, you might say, at their own risk. It was a high profile, highly con-

troversial issue, and I warned them as such. Anyway, I went there as I thought I should and, of course, got zapped for my trouble.

A gentleman made an allegation with respect to my involvement in building a store and a community center as he put it "practically in the path of the North Expressway." Well, nothing could be further from the truth. The property was actually purchased by the Community Realty Company, as I stated, on April 3, 1964, at a time when it was offered to us and the fate of the expressway and the future of it, as I said, was nil.

Now, the Highway Department has asked us for a portion of the land. I would gladly pay them not to take any of it. I wish they would leave us alone, but they won't. He went on to say that I was going to take \$70,000 and put it in my pocket and it would jingle. Well, all this kind of trash is without foundation. I wanted to have a rebuttal immediately at the hearing but knowing the situation that Mr. Reagan Houston, Chairman of the Highway Commission, found himself in at this type of hearing I deferred in deference, you might say, to the patience and the forbearance and the problems that those poor fellows were having to put up with just by being there and listening to all these some old hackneyed reasons for not building it. How bricks and mortar and steel can be considered an apparition and how they could look upon construction of that shopping center as some surreptitious type of activity on my part. You'd think I'd been covering up with camouflage nets or something like that so nobody would know it was there. We even have a sign on it saying that a store will be there and the members of the staff of the Public Works Division here can attest to the fact that I guess we've been trying for some three years or more to work out the drainage problems and all that sort of thing that are attendant to getting this thing built. Before that we've been fooling with the Highway Department for I don't know how long because they couldn't make up their mind how much land they wanted. At one time they wanted half of it. It was a ten acre site originally or something on that order.

So, I just take this opportunity to set the matter straight. I wish they would go away. We don't want to sell any land to them. We'd pay them if they wouldn't take it and leave us alone. But, they insist that they want some. So, it wasn't one of these situations that we found out where the expressway might go and we went out and bought directly in the path of it and are trying to capitalize on that type of a situation. It wasn't that at all. I don't engage in that kind of work and hope to God I never do. So, I wish Mr. Graham the next time he gets wound up on a subject would come clean with the actual facts in the case instead of something that he has conjured up out of the figment of his imagination so to speak."

END

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SAN ANTONIO TRANSIT SYSTEM

Dr. San Martin said that he was somewhat confused by the position of the Transit System toward the North Expressway.

Mr. Stewart Fischer said that Mr. Norman Hill addressed the Highway Commission at the public hearing. He favored immediate construction without any delay.

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(At the request of Dr. San Martin a copy of Mr. Hill's prepared statement was obtained and is included with the papers of this meeting.)

74-44 The meeting recessed for lunch at 12:00 Noon and reconvened at 1:40 P.M.

74-44 ZONING HEARINGS

A. CASE 5675 - to rezone a 14.109 acre tract of land out of NCB 14943, being further described by field notes filed in the office of the City Clerk, 11700 Block of Perrin Beitel Road, from "R-2" Two Family Residential District and "R-3" Multiple Family Residential District to "B-2" Business District; and a 3.490 acre tract of land out of NCB 14943, being further described by field notes filed in the office of the City Clerk, 11700 Block of Perrin Beitel Road, from "R-3" Multiple Family Residential District and "R-6" Townhouse District to "B-3" Business District.

The "B-2" zoning being located on the east side of Perrin Beitel Road, being 200' north of the intersection of Perrin Beitel Road and El Sendero Drive; having 1212.51' on Perrin Beitel Road and a maximum depth of 620'.

The "B-3" zoning being located on the east side of Perrin Beitel Road being 1412.51' north of the intersection of Perrin Beitel Road and El Sendero Drive; having 799.54' on Perrin Beitel Road and a maximum depth of 180'.

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

No one spoke in opposition.

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

AN ORDINANCE 44,294

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 14.109 ACRE TRACT OF LAND OUT OF NCB 14943, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "R-2" TWO FAMILY RESIDENTIAL DISTRICT AND "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, (11700 BLOCK OF PERRIN BEITEL ROAD);

AND A 3.490 ACRE TRACT OF LAND OUT OF NCB 14943, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT AND "R-6" TOWNHOUSE DISTRICT TO "B-3" BUSINESS DISTRICT, (11700 BLOCK OF PERRIN BEITEL ROAD), PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

B. CASE 5652 - to rezone a 1.5 acre tract of land out of NCB 14337, being further described by field notes filed in the office of the City Clerk, 4535 Schertz Road, from "B-3" Business District to "B-2" Business District, located on the north side of Schertz Road, being 136' west of the intersection of Avenida Prima and Schertz Road; having 434.44' on Schertz Road and a maximum depth of 314.79'.

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

No one spoke in opposition.

After consideration, Dr. San Martin made a motion that the recommendation of the Planning Commission be approved, provided that proper platting is accomplished and that a six foot solid screen fence is erected adjacent to the single family residences. Mr. Mendoza seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cockrell, San Martin, Becker, Black, O'Connell, Mendoza; NAYS: None; ABSTAIN: Morton; ABSENT: Lacy, Padilla.

AN ORDINANCE 44,295

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 1.5 ACRE TRACT OF LAND OUT OF NCB 14337, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 4535 SCHERTZ ROAD, FROM "B-3" BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ADJACENT TO THE SINGLE FAMILY RESIDENCES.

* * * *

C. CASE 5687 - to rezone the remaining portion of Lot 1, Block 1, NCB 13300, 3400 Block of Pin Oak Drive, from "F" Local Retail District to "B-3" Business District, located south of the intersection of Oaklawn Drive and Pin Oak Drive; having 615.98' on Oaklawn Drive and 573.91' on Pin Oak Drive.

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

No one spoke in opposition.

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

AN ORDINANCE 44,296

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE REMAINING PORTION OF LOT 1, BLOCK 1, NCB 13300, 3400 BLOCK OF PIN OAK DRIVE, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

D. CASE 5672 - to rezone a 4.301 acre tract of land out of NCB 11170, being further described by field notes filed in the office of the City Clerk, 4902 Roosevelt Avenue, from "B" Two Family Residential District to "R-4" Mobile Home District, located on the east side of Roosevelt Avenue, being 890' southeast of the intersection of Ashley Road and Roosevelt Avenue; having 20.55' on Roosevelt Avenue and a maximum depth of 1368.27'.

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

No one spoke in opposition.

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

AN ORDINANCE 44,297

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 4.301 ACRE TRACT OF LAND OUT OF NCB 11170, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE

OFFICE OF THE CITY CLERK, 4902
ROOSEVELT AVENUE, FROM "B" TWO
FAMILY RESIDENTIAL DISTRICT TO
"R-4" MOBILE HOME DISTRICT, PRO-
VIDED THAT PROPER REPLATTING IS
ACCOMPLISHED.

* * * *

E. CASE 5677 - to rezone a 0.6788 acre tract of land out of NCB 16063, being further described by field notes filed in the office of the City Clerk, 3000 Block of Colt Drive, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located northwest of the intersection of Colt Drive and U. S. Highway 90 West; having 266.27' on Colt Drive; 84' on U. S. Highway 90 West and 28.3' on the cutback between Colt Drive and U. S. Highway 90 West.

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

No one spoke in opposition.

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

AN ORDINANCE 44,298

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 0.6788 ACRE
TRACT OF LAND OUT OF NCB 16063, BEING
FURTHER DESCRIBED BY FIELD NOTES FILED
IN THE OFFICE OF THE CITY CLERK, 3000
BLOCK OF COLT DRIVE, FROM TEMPORARY
"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT
TO "B-3" BUSINESS DISTRICT, PROVIDED
THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

F. CASE 5749 - to rezone a 2.524 acre tract of land out of NCB 15194, being further described by field notes filed in the office of the City Clerk, 5000 Block of Valley-Hi Drive, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located northeast of the intersection of Springvale Street and Valley-Hi Drive; having 365.56' on Springvale Drive and 305.15' on Valley-Hi Drive.

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

No one spoke in opposition.

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

AN ORDINANCE 44,299

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 2.524 ACRE TRACT OF LAND OUT OF NCB 15194, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 5000 BLOCK OF VALLEY-HI DRIVE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ALONG THE NORTHWEST PROPERTY LINE.

* * * *

G. CASE 5646 - to rezone Tracts L, M, and N, NCB 13951, 6500 Block of Old Highway 90 West, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located east of the intersection of Old Highway 90 West and U. S. Highway 90; having 700' on Old Highway 90 West, 898.25' on U. S. Highway 90 and 78.5' on the cutback between these two highways.

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

No one spoke in opposition.

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

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AN ORDINANCE 44,300

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS TRACTS L, M, AND N, NCB 13951, 6500 BLOCK OF OLD HIGHWAY 90 WEST, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

H. CASE 5690 - to rezone the northwest 100' of Lot 27, Block 1, NCB 13719, 5526 Evers Road, from "B-1" Business District to "B-3" Business District, located southwest of Evers Road, being approximately 410' northwest of the intersection of Evers Road and Joiner Drive; having 100' on Evers Road and a maximum depth of 210'.

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

No one spoke in opposition.

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

AN ORDINANCE 44,301

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTHWEST 100' OF LOT 27, BLOCK 1, NCB 13719, 5526 EVERS ROAD, FROM "B-1" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ALONG THE SOUTHWEST PROPERTY LINE.

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I. CASE 5695 - to rezone P-23A, NCB 16095, 6515 Fratt Road, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District, located on the west side of Fratt Road, being 360' north of the intersection of Fratt Road and Rittiman Road; having 498' on Fratt Road and a depth of 233.25'.

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

No one spoke in opposition.

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

AN ORDINANCE 44,302

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 P-23A, NCB 16095, 6515 FRATT ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

J. CASE 5684 - to rezone a 4.2946 acre tract of land out of NCB 12191, being further described by field notes filed in the office of the City Clerk, 6226 N. E. Loop 410, from "J" Commercial and Temporary "R-1" Single Family Residential District to "I-1" Light Industry District, located on the east side of N. E. Loop 410 Expressway, being 195' north of the cutback between N. E. Loop 410 Expressway and Rittiman Road; having 300' on N. E. Loop 410 Expressway and a maximum depth of approximately 651.92'.

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

No one spoke in opposition.

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

AN ORDINANCE 44,303

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 4.2946 ACRE TRACT OF LAND OUT OF NCB 12191, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 6226 N. E. LOOP 410, FROM "J" COMMERCIAL AND TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

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CHARTER REVISION

MAYOR CHARLES BECKER: How do you want to do this? Do you want to go down these things and tic them off one at a time?

DR. JOSE SAN MARTIN: I guess we might as well, Mayor. Let's get them out of the way.

MR. LEO MENDOZA: I think Mr. Padilla wanted to participate in this particular item.

MAYOR BECKER: Well, he'll be back in 30 minutes or so. Mr. Lacy is gone for the day.

MRS. LILA COCKRELL: We had allowed to today, I think, for any additional items that any Council member wanted to bring up and this might be an appropriate time if anyone has any new things to bring up.

MAYOR BECKER: All right. Are there any new things?

MR. CLIFFORD MORTON: I have two. Tom, do you happen to have drafts of those two items? (Inaudible) Essentially what it said was this: that we amend the Charter to permit the creation of boards, agencies or commissions to run such facilities as the Market, HemisFair Plaza, or something else or a comprehensive planning commission we can't now have except on an advisory basis - something that would be broad enough to where we would not have to go back to the voters themselves in order to create an agency that would have the authority to manage or, in the case of comprehensive planning, create such an agency and I can't think of all the possibilities that you might be looking at but such an agency could be created on a vote of three-fourths (3/4) of the Council and the Council would have budgetary control over these agencies and they could be dissolved by a three-fourths (3/4) vote of the Council. There are two right now as possibilities that I feel.....

MRS. COCKRELL: One that may be considered, of course, is I think the Convention group. I think you mentioned something along this line.

MR. MORTON: Yes, but make it broad enough to where we don't have to worry about specifying in the future. I think the Council should have the power to create such agencies as we've just discussed.

MRS. COCKRELL: Did the City Attorney advise that it can be worked out?

MR. MORTON: Yes, oh yes. He drafted the verbage.

MRS. COCKRELL: Fine with me.

MAYOR BECKER: Fine with me. Anybody have any comments on it?

DR. SAN MARTIN: This would not require additional enabling legislation of any kind?

MR. MORTON: No.

DR. SAN MARTIN: And it couldn't be done if it failed. It could be done through enabling legislation if it fails approval of the voters.

MR. MORTON: Yes, I would think so, but what we have now, the Charter prohibits the creation of such boards, agencies or commissions.

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DR. SAN MARTIN: Well, we've created a Parking Authority through enabling legislation despite the Charter.

MR. MORTON: Yes, that's right. But see, you have to have enabling legislation.

DR. SAN MARTIN: Well, this is what I mean. Should it fail, and we feel that it is necessary that we have these bodies, can we still.....

MR. MORTON: Yes, you could go to Austin and with their help.....

DR. SAN MARTIN: What you're saying is you're recommending that we do it at the local level.

MR. MORTON: At the local level.

DR. SAN MARTIN: Is it open at any number of bodies that the Council wants?

MR. MORTON: So long as three-fourths of the Council is affirmative in creating by the same token three-fourths could disband it at any time.

DR. SAN MARTIN: 8 out of 11.

MR. MORTON: Well, whatever it is.

DR. SAN MARTIN: Where I come from they....

MR. MENDOZA: All right, Cliff, would this be any other requirements like for example, a public hearing or something like that. Could we add that on there?

MR. MORTON: I don't care one way or the other about it.

MR. MENDOZA: Just wondering....You usually have them anyway, you know, I mean.....

MR. MORTON: Yes, if you are going to have it.

MR. MENDOZA: But just to give the citizens an opportunity.....

MRS. COCKRELL: Well, that would be Proposition Number 6.

(PAUSE IN CONVERSATION)

MAYOR BECKER: All right, excuse me. Got six things going here. Now, were there any more questions or discussion about your proposition, Cliff? Anybody have any more questions about....?

MR. MORTON: Leo commented on perhaps we should insert in here provisions for a public hearing.....

MAYOR BECKER: Well, I think that's a good idea. All right. All the Council members substantially in favor of what Cliff's talking about? Everybody. Okay. All right then, let's conclude that - who's taking notes on this thing here? Are you taking them Judge?

ASST. CITY ATTORNEY LUIS GARCIA: I am taking some notes, yes, sir.

MAYOR BECKER: All right, now, do you know exactly what he's, what he has in mind?

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ASST. CITY ATTORNEY GARCIA: Yes, sir, he's told me that he had submitted two amendments which Mr. Reeder has. I have instructed someone to bring them down.

MAYOR BECKER: His two amendments have already been formulated?

MR. MORTON: Oh, yes. I have them all.

MAYOR BECKER: I see. Okay.

MR. MENDOZA: But so far, you've only presented one.

MR. MORTON: The second one would be that any time that a member of a future Council files for another office other than the office of the Council at that time he also submits his resignation along concurrently with his filing. This is something that I'm glad we had this in September instead of January, February or March in this last year. I think this is something that.....

DR. SAN MARTIN: He automatically resigns the position of the City Council upon filing.

MR. MORTON: Filing for another office...

DR. SAN MARTIN: Filing or announcing? This is a crucial thing. When you announce, are you actually resigning your City Council position?

MAYOR BECKER: I think you have to file, wouldn't you?

MRS. COCKRELL: I think you have to file.

DR. SAN MARTIN: Well, there is a lawsuit somewhere if I remember correctly.

MR. MENDOZA: I was going to say that, that's right.

ASST. CITY ATTORNEY GARCIA: County officers are under the announce. If a county commissioner who announces he is going to run for state senator..... Well, there is a distinction in there you would have to get settled.

DR. SAN MARTIN: Well, I go for filing. I think when you put your name on the filing paper there, you're committed. That's the final act. You may change your mind from the time you announce to the time you file. Once he files, he is through here.

ASST. CITY ATTORNEY GARCIA: That would be the better system all the way around because it'd be really a positive thing by the Councilman or Councilwoman to do. Filing.....

MR. MENDOZA: Let me just, Mr. Mayor, if I may.....

MAYOR BECKER: Yes, sir.

MR. MENDOZA: I'd like to clarify my position. I guess that whether I support the proposition or not doesn't necessarily mean that I endorse it, I mean to the public. In other words...I'm in a predicament here that - in other words by asking that.....

MR. MORTON: I would like to say this, Leo, this is not directed at any individual on the present Council. We're talking about a future Council is what.....

MR. MENDOZA: Well, I'm just wondering, I'm trying to figure out how I can - whether I should support it or not, you see, this is what I'm trying - I mean, I don't know that.....

MR. MORTON: Have you got an important telephone call that you need to make?

MAYOR BECKER: Well, I was going to run for public weigher. I don't think I will now that you changed the rules. I always wanted to be a public weigher. I don't know what that means, I think I'll abstain on that one. I don't think I've got that kind of job now, so no point because I don't.....

MR. MENDOZA: I don't think that my vote should be interpreted to do as I say and not as I do, you know. So, for that reason I'm going to abstain on that one. Let the citizens.....

MAYOR BECKER: I think it should be filing though instead of announcing.

MR. MORTON: This is what I'm recommending. You can announce to one person and then change your mind the next day.

MAYOR BECKER: That's like playing gin, you know. If you ever lay the card down, you can't pick it back up, right?

MR. MENDOZA: Mr. Mayor, as I look at it a little bit more, it seems like it gets more complicated to me because I'll be going down in history as the only one that ever got elected so for that reason also, I know that it's not proper, I don't think, for me to endorse this. So I want to make it clear, I don't want anyone to think that I'm for the proposition and even though I was elected to public office.

MAYOR BECKER: Okay. I think that's fair enough. All right, anyone else have any ideas about what they'd like to add? Now, I asked Carl White to come down here because, you know, we've talked about this business of changing the tax year or whatever it is, the fiscal year, the tax year or however in the world you go about it. Carl, would you like to talk about - I don't think any of the Council needs an explanation or a briefing on the problems that you have in financing the City government with these bassachwards deal that we've got, you know. Collecting the taxes at the end of the fiscal year and all that monkey business. Now, what is it that you advocate? How can we change this arrangement?

MR. CARL WHITE: Well, there's two ways of doing it. One would be to change our fiscal year, leave our tax year like it is and change the fiscal year; or the alternative would be to change, leave our fiscal year like it is and change the tax year. Now, in my opinion, it would be much better to change the tax year than it would be to change the fiscal year...for several reasons. First, we're - it's the city, county, school reappraisal project that we have is just nearing completion now. The objective there is to have one central tax office doing all of the tax appraising and assessing for all Bexar County. Now, if we have all agencies there, each agency on the same tax year, same rendition date, same assessment date and so forth, it's going to simplify and make the operation much more efficient than if we have two separate assessment dates and so forth, so that's one thing. The other thing is that if we change our fiscal year, there will be a considerable amount of adjustments that we'll have to make in our accounting system, in our systems and procedures and in things of that nature and it will distort the budget picture as far as comparisons are concerned for some time to come.

I believe that and at least in my opinion, it would be better and easier to change the tax year. Now, there are several ways of doing that, once we decide which way we want to go. There's several ways of doing that. It would take some further study as to the best way of approaching that after we decide to go the tax - to change the tax year. One of the easiest ways, but it might conflict with what the Council decided to do this morning with the bond issue and so forth. One of the easiest ways to do it would be to include in our next bond authorization about 10 to 12 million dollars, it's 10 million now, it may be 12 in the next couple of years, which would give us the working capital necessary so that we would not have to borrow money. We would just have this money as working capital to carry us through this period of time until we get the tax monies in and then we get back on the - on the road. So we still have the \$10 million when we finish up, you see.

MAYOR BECKER: Short term.

MR. WHITE: We can have a short-term bond issue with short-term maturities and pay the bonds off within the next couple of years or something like that, you see, maybe a five year call or five year authorization, or five year maturities on that. And pay the bonds off it in that manner.

MAYOR BECKER: All right, now, didn't you say that this City is probably the only City in the United States of anywhere near its size that is financed the way we are?

MR. WHITE: Yes, sir, that's correct, Mr. Mayor.

MAYOR BECKER: It's dated back what - 40 something years or something like that?

MR. WHITE: Well, I think the Charter went into effect in '51, there was a period of time when the Charter went into effect, there was an interim budget. We had about a six-month budget or a three-month budget, or just a three-month budget. Now, all of this thing, all of this situation that we're in now could have been very easily corrected at that time. As a matter of fact, it was put into the alignment that it was, that we're in now, back there at that time, and.....

MAYOR BECKER: You wouldn't care to comment on the reason why, would you?

MR. WHITE: I wouldn't have the - no, sir. I don't know why but I think apparently or obviously the drafters or the architects of the Charter did not think about the financing problems, you know, 20 years in the future. That is the only explanation I could make.

MAYOR BECKER: All right. Now, isn't this situation that we're running into with - and I'm not criticizing any bank so let's get that straight - but the difficulties the banks are having to finance our type of an operation that's municipal in this - - - - - Isn't that being compounded by this arrangement that we have of spending and then collecting the tax money that we've already spent?

MR. WHITE: That's the crux of the problem because if we didn't have to do that, then we could purchase Certificates of Deposit that would yield 12 percent and all kinds, you know, we could purchase - we could invest our funds in the best way to maximize earnings through any and all means, purchase Certificates of Deposit and all kinds of things. It'd have to be government securities, of course, but we could certainly maximize earnings tremendously by doing that.

MAYOR BECKER: That's the one amendment that I have in mind.

MR. WHITE: Now, if it's made in such a way that it's permissive, that we don't lock ourselves into a method or even going one way or the other but we leave it.....

MAYOR BECKER: Some flexibility.

MR. WHITE: Flexible so that we can, after we study this thing further we may need to bring in some consultants or someone like that that's smarter than we've got on our staff. If we don't lock ourselves in, that would be the ideal thing. We need to make the change. It's just a matter of what is the best way to go about it.

MAYOR BECKER: How much is it costing us additional penalty, so to speak, to be operating on the basis we're operating these days?

MR. WHITE: Mr. Mayor, that would be difficult to calculate.

MAYOR BECKER: As a mean average.

MR. WHITE: We're paying right now and will this next year, pay pretty close to \$300,000 just on borrowed money. Now that's just one side of the coin, the other side of the coin, we're only earning 6.81 percent on our money and that's 180 days and over.

MAYOR BECKER: And we should be earning....?

MR. WHITE: And we ought to be earning at least 8 percent, 10 percent you know, I mean somewhere in that range.

MAYOR BECKER: And you're talking about the difference of two points or whatever on how many millions of dollars?

MR. WHITE: Well, at the end of the fiscal year, we had cash on hand of course, that's when it peaks, we collected \$17 million in taxes July 31st so that just shows you how the money comes in, but we generally have for investment purposes in the bank \$40 to \$50 million.

MAYOR BECKER: Well, let's say two points of \$50 million is a million dollars, isn't it?

MR. WHITE: Yes.

MAYOR BECKER: That you would get additional if it were two point differential, right?

MR. WHITE: That's correct.

DR. SAN MARTIN: Then you'd be withdrawing amounts it's probably less because not all of the \$50 million would go to the say 30 or 90 day minimum.

MAYOR BECKER: Well, see the date I'm taking the two points as an average between the 6.8 or whatever it is or what you can get for treasury bills and C.D.'s these days which is up around what now?

MR. WHITE: Well, I've got a quotation from a bank in New York yesterday they're paying 12.78 percent.

MAYOR BECKER: Well, all right. See there's a difference of almost six points, you see. So you would average out say at three points, let's say.

MR. WHITE: Well, of course, that's where the money mark is today and....

MAYOR BECKER: We don't know what it means.

MR. WHITE: We don't know what it's going to be in the future.

MAYOR BECKER: Well, but today we know what it is so that would be...

DR. SAN MARTIN: Or whatever it is there is a substantial difference...

MAYOR BECKER: That's right. So you save a million to a million and a half dollars additional income to the City if we could invest it in that fashion, right?

MR. WHITE: That's correct.

MAYOR BECKER: On today's money market?

MR. WHITE: That's correct.

MAYOR BECKER: Conservatively speaking, instead of having to pay a penalty of not getting them the million or million and a half plus the \$300,000 that it's costing us, right? Okay.

MR. WHITE: That's correct.

MRS. COCKRELL: May I ask a question. If we were to go this route of changing the tax year and have this bond issue for the front money thing, how much would we have to borrow do you think?

MR. WHITE: Mrs. Cockrell....

MRS. COCKRELL: What would the bond issue have to be for - in what amount?

MR. WHITE: It would have to be in the range of about \$10 to \$12 million. We would use this, you see, and at the end of this period of time, we would still have the \$10 to \$12 million when our tax monies come in. In other words, it would just be used to get us over this interim hump or this interim period. So really what it would cost us would be the interest - the difference between what we could borrow money from at the bank and what the bond issue would sell for.

MRS. COCKRELL: If this seems like the best way of doing it, I wonder if we shouldn't really try to get this proposal in on the bond issue? It means we're going to have to move faster.

MR. WHITE: We've got two things. The bond issue has got to pass and also the Charter election. You've got two things working. They both have to pass or if one passes and the other doesn't, well, we're still back where we are right now.

MAYOR BECKER: Well, is it the consensus of the Council that you'd like to have this included in these Charter revision changes?

MR. W. J. O'CONNELL: Mayor, do you think you could leave it open? Do you think in a Charter - I mean ask for a revision, can you leave it open enough that you can accomplish this or the other system? I mean changing the tax year or the other system, can you open it that wide?

ASST. CITY ATTORNEY LUIS GARCIA: We're going to make it permissive all the way.

MR. O'CONNELL: Is it, I see.

ASST. CITY ATTORNEY GARCIA: The City Council may, you know, by proper ordinance after hearing this and so on.

MAYOR BECKER: We don't want to jeopardize the thing by having it so permissive that people are distrustful of it.

ASST. CITY ATTORNEY GARCIA: Well, the only problem that we have, Mr. Mayor, if we commit the Council to doing it, we may be in trouble somewhere along the line, but we would tighten it up as much as we possibly can under the circumstances.

MAYOR BECKER: But it has to be explicit to some degree.

ASST. CITY ATTORNEY GARCIA: Oh, yes, sir. It will be explicit all the way but it will be permissive to the extent that at least two thirds of the Council would have to vote on it, you know.

DR. SAN MARTIN: Mr. Mayor, one of the concerns they may have is submitting two separate bond issues in November. I hate to jeopardize the drainage bond issue in any way, shape or form. Is there any merit to the idea of passing the permissive change first with the understanding that we may find perhaps a different route - not necessarily the bond issue. If we pass the amendment, then we can take our time or a little more time in getting consultants and hearings on what the best way to do it is rather than tie ourselves down to one way only.

MR. WHITE: That might be the best way and I think what you said has got a lot of merit because I think the general public is going to have a hard time understanding this method - what we're really talking about here - \$10 million as working capital for changing of the tax year.

DR. SAN MARTIN: I feel that the next time we have a capital improvements bond issue which may be necessary some time next year but we can have an addition for this type of thing but I think the important thing is to get the change - get the permission to change, and then we can kind of sit back and see which is the best way to change it.

MAYOR BECKER: I agree with that.

ASST. CITY ATTORNEY GARCIA: Well, it should be left, the financing should really be left up to the Council either to go to the bond or the C. O.'s wouldn't you think so, Carl?

MR. WHITE: Well,.....

ASST. CITY ATTORNEY GARCIA: The method of accomplishing the cash would be left open to the Council.

MR. ALVIN G. PADILLA: So you are proposing that we go with the permissive clause. Let the City Council change the tax year from time to time if it deems it.....

DR. SAN MARTIN: I understood that if we changed the tax year, it's going to involve some expenditures of money.

ASST. CITY ATTORNEY GARCIA: Most definitely, most definitely.

DR. SAN MARTIN: ...then it's up to us to figure out once we have the permission of the people.

ASST. CITY ATTORNEY GARCIA: The other thing, Doctor, is that the consensus of the people is now that we have too many taxing agencies and that somewhere along the line there is going to be a consolidation and the sooner we get lined up so that we can all, we will be on the even side of the ledger with the other agencies as to the taxable year why the better off we will be or at least have the vehicle to do it. I mean, you know, have the opportunity and not be completely closed out.

DR. SAN MARTIN: I'd like to see the amendment pass first, then we can tackle the.....

MAYOR BECKER: I agree with that, I think one at a time.....

ASST. CITY ATTORNEY GARCIA: Definitely.

MAYOR BECKER: And that the phrase "pots of gold" can be omitted from the description involving this procedure. I think it would be helpful.

ASST. CITY ATTORNEY GARCIA: That whatever legal procedure.

MRS. COCKRELL: That's one of my favorite words.....

MR. MORTON: Let me ask this, assuming that we do have consolidation of the taxing offices and agencies, when will this take place?

MR. WHITE: Well, actually, what we're starting and what we have plans to do and we will submit, I'm working with Judge Reeves and he's appointed a committee composed of about eight representatives right now but we're working up plans and a Charter and operating procedures and all kinds of things that are related to gearing up for a central tax appraising office January 1, 1975. Now, it can only be permissive. In other words, it would take state legislation to really authorize it or to make it legal, but the school districts have committed themselves to it, the City is committed to it, the county is committed to it, and several of the suburban cities - Universal City for one, I can't recall the names but there's several other smaller cities that have already indicated and Bexar County collects for about six of them. So, all of those are going to go into this program January 1st. So, we will really start off January 1st, with a simple appraising office. It will not be collecting. Now, each agency will do its own collecting but it really makes no sense for each agency to collect once we have the central appraising office because the collecting - you're just sending a bill and collecting the money. So I think this, by period of evolution, it's going to end up as one central tax office for Bexar County but hopefully in this next session of legislature, we will get legislation that would...

MR. MORTON: So are we saying as far as timing is concerned for being able to change our tax year, is it mandatory that we have this done?

MR. WHITE: Not mandatory, it's desirable. It can be done a couple of years later.

MR. MORTON: It would be desirable to have it done by January 1, 1975?

MR. WHITE: Well, yes, Cliff, it would be desirable but that's a physical impossibility. We couldn't effect the change that fast because of financing and because of all kinds of things, but we can gear up to do it next year and we'd have just this one year with this dual assessment date,

MAYOR BECKER: Is there any other discussion on that subject? All right. Are we understood exactly what we're going to attempt to do? We're taking the first of all the permission, we're going to attempt to get the permission for change. Then we'll go back to talk about how we're going to accomplish it at the discretion of the Council, okay. All right, now, were there any other additions? I understand Al, you wanted to talk about something on this Charter revision deal?

MR. PADILLA: Well, the only point I would like for the Council to consider - and I raised this with the Charter Revision Committee - I don't know what you want to do about it, I'm just going to recommend that you think about it, is the issue of help for the Council. My contention has been all along that with the workload that Council's had nowadays - it promises to get bigger instead of smaller - that there should be some independent, that is, independent of the City Manager, type of help for each member of the Council. So I recommended it to the Charter Revision Committee that a person who I would describe perhaps as a research assistant or as an assistant be assigned to each member of the Council to be paid for by the City but to work at the pleasure of the member of the Council. I think the biggest reason why that I would give would be that in the past I've seen several examples of situations where, and incidentally, I'm not complaining about the Managers per se, by and large, they've been very good and very cooperative, but there are times when the Manager arrives at a position and then the entire resource available to the member of the Council in terms of his informing himself is the Manager's staff. You're hardly getting group of objective people at that point in time. You're hardly calling on a group of objective people for your information. There have been times when the Manager does take a position, whether it's known to the Council or not, and all the information that comes from his staff that he assigns to help you when you ask for the help has to take that into account. I think perhaps the time has come for the various members of the Council to have a little help. I'm not advocating that we tear Council-Manager form of government up and throw it away or anything like that. I realize that to the absolute purist that this kind of thing is not something they would like to see, but I think from a practical standpoint, it might be something that we need. In terms of help, I know that I myself feel a lot more confident in my ability to make decisions when I feel that I have the information that I need. And there have been times when I didn't feel that I was getting the information I should have from the staff. So, that's why I made the remarks that I have made.

DR. SAN MARTIN: Mr. Mayor, I concur up to a certain point with Mr. Padilla's remarks that at times you want additional information or additional help, but I would like to take a strong position against that particular proposition, Alvin, because I feel that it might be actually the first step to the end of Council-Manager form of government, as we know it. Now, I think also that it might jeopardize some of the other proposals that we're submitting to the voters for revision of the Charter. I think that your proposal, although it has some merit, in my opinion, or a lot of merit, in my opinion, I think is not as urgent in Charter revision as some of the other things that we are proposing. For that reason, I hate to put anything in there that would jeopardize the chances of some of these more important changes from being accomplished. I can visualize where some people will read that as a beginning of the end of

Council-Manager government. They'll just go against the whole thing, just out of fear that this is the end of Council-Manager government. For that reason, I think it has merit, it does not have the sense of urgency or the importance some of the other items have.

MR. PADILLA: This is why I asked that I posed it as an appeal that you think about it because I realize that it doesn't have the urgency that other things have. However, I think a lot can be said for it. I think something was said for it indirectly this morning when the point was made that in 1962 there was one question asked about the Alamo Gas contract. I think that the bad side of Council-Manager government and I hope it isn't a sin of some kind to criticize Council-Manager government, I don't think that it's that perfect.

DR. SAN MARTIN: There are no sacred cows in this Council.

MR. PADILLA: That's right. I think that when you see a situation where one question was asked on probably what amounted to a multi-million if not billion dollar contract - this gives you a big hint if in Council-Manager government whether it's intended or otherwise, if you keep the members of the Council in the shade a sufficient amount of time in terms of information that's available to them and there's no question in my mind that the workload is getting heavier and heavier and if you don't provide resources, then you're going to have less and less in terms of information that an individual member of the Council can gather. And this is going to reflect in the quality of the decision that he is able to make. This is why I appeal to you to think about it and I agree with some of the things that Dr. San Martin said. I don't know that this wouldn't - you know, I couldn't say that this would not detract from the chances that the rest of the proposals might have.

MAYOR BECKER: I think that what Dr. San Martin was trying to say in a nice way, Al, was that some of these shortcomings about availing oneself of information might be brought about by certain inert characteristics of that individual, is that what you're trying to say, Doctor?

MR. PADILLA: You're not extending the.....

MAYOR BECKER: You know you just came back from the hospital and we missed the opportunity of a life time.

MR. PADILLA: You're not extending that inert indictment.....

MAYOR BECKER: With a few more of these, Al, we could have done this, you know, all the way across.

MR. PADILLA: Are you going to apply that prescription to one member of the Council, Mayor. I'm sure the Doctor's trying to be very nice whatever.....

MAYOR BECKER: Would you like to explain what he's referring to?

MR. PADILLA: Whatever he's trying to say.

MAYOR BECKER: Would you like to explain.

MR. PADILLA: No, I - you said, how do you want it last week in blood and I asked you for a blood oath just before I went to the hospital. Apparently, I didn't get it.

MAYOR BECKER: Oh, Lord, they had some needle and thread and we didn't direct the method in which it was done. Well, I think Al has a point there's no question about it. I agree with the Doctor myself because you get to confusing too many of these things, the urgency of it. There's no question but what this work load is increasing at least from what I can see it's increasing anyway, between just the ordinary order of business plus all the side excursions that are carried on inadvertently these days it's enough to keep you going 24 hours a day. Well, do you want to think about Mr. Padilla's suggestion or do you want to include it?

MR. PADILLA: Let me just throw it on the table. If we're going to vote on it, I'll vote for it. I believe that much in it. But I think there's another point that we can't miss that to me is important and that is that we have the resources to get more help around here but I think the kind of help I'm describing is a little bit like a secretary. You don't have somebody assign a secretary to you. You try to find someone that you have confidence in. This is my point, that the City pay this person I'm describing but that they work at the pleasure of the member of the Council.

MAYOR BECKER: But what you've got here, you've got a business that's already a \$101 million budget or whatever it is and the thing's growing all the time and it's being run like it used to be run when it was what - \$20 or \$30 million dollar budget or maybe even less, you know. Do you do this in a corporation? Likely not. It's not keeping pace with the growth of the enterprise.

MR. PADILLA: I can't believe that Council-Manager government - the form was ever intended to become a situation where the City Manager had every resource and the City Council had just a packet Tuesday afternoon and the opportunity to ask a couple of questions on Thursday morning and that's it. I don't think that's what Council-Manager's all about. I think this Council sits more or less as a legislative body and gives direction to the Manager and that's fine. I have no objection to that but I think that it's incumbent upon the Council and the people should want an informed Council.

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DR. SAN MARTIN: Mr. Mayor, I'd like to comment that there's no question about the validity of some of your points, Al, the only problem that I see is creating a separate echelon in the City administration which will probably get to the point where they would say 11 councilmen, or 9 councilmen and each one has his or her special assistant.

MRS. COCKRELL: Yes, sir. I heard you, you get two brownie points.

DR. SAN MARTIN: And then you would have some kind of an elite group which would not be responsible to the City Manager but they would be the untouchables. They say, well, "I don't work for the City of San Antonio, I don't work for the City Manager, I work for Councilman so and so."

MR. PADILLA: If they're to be effective as information gatherers for me, they have to be independent of the City Manager.

DR. SAN MARTIN: Then I would say you would have created a problem for the City Manager which I don't think we should. Eleven problems with an untouchable group of people there would create all sorts of problems for the administration. I think the basic concept of Council-Manager government does not keep us from asking for individual pieces of information. If I feel that I need something, I'd like the City Manager to get me a report on such and such an item from such and such a person.

MR. PADILLA: Dr. San Martin, I think you'd agree that before you can feel that you can ask the City Manager something or should ask the City Manager something, you have to have a certain amount of information to arrive at that decision in the first place.

DR. SAN MARTIN: Well, up to a certain points. By nature, I'm suspicious and I'm going to ask anything that I think it smells a bit, I'm going to ask him, I'm going to ask him at a public meeting or I'm going to ask him directly by request. I think that the information that we need can be obtained without, repeating, these particular elites or elite group of people that might really start diluting the basic concept of Council-Manager government and that's my belief, I don't know.

MR. MENDOZA: Mr. Mayor, as a member of the brown caucus, maybe I can make an attempt here to break the tie.

MR. PADILLA: I didn't know we had one, Leo.

DR. SAN MARTIN: We haven't voted on it, Leo.

MR. MENDOZA: I'd like to ask a question. I know we have a situation. I'd like to ask a question in regards to the situation that we have now, for example, administrative assistants. Is this permissible in the Charter? To have an administrative assistant to the Council?

DR. SAN MARTIN: Within the framework of the present Charter, we can get a lot of things done.

MR. PADILLA: Technically, we don't have administrative assistants either.

ASST. CITY ATTORNEY GARCIA: The only thing that you don't have is control hiring really, that's about the only difference that we can see here.

MR. GUERRA: I think the point we've raised or the interpretation that we need to clarify between the two positions is that what Councilman Padilla is requesting is clearly, as we understand it, not permitted by Charter. The kind of information that you're requesting or saying can be done, Councilman San Martin, can be handled through the existing

Charter. In other words, we could assign administrative assistants. You can direct us to create those positions if you wish. However, the Charter does clearly state that all these employees are under the control of the City Manager. So you still have the problem Councilman Padilla is raising. So it's a matter of how far you want to go with the change.

DR. SAN MARTIN: Let me just finish and then I'll yield to Mrs. Cockrell, Mayor please. I recall back in - when I first came on the Council in 1956, Mayor, there was just a small little office right here behind where that is and that's where the Mayor signed his proclamations. He didn't have a desk where he could sit down, the councilmen didn't have a place where they could hang a raincoat, a hat, an umbrella. There was no way you could answer a telephone because for a private conversation so there was absolutely nothing that could be done. You were supposed to conduct the City's business on the sidewalk. Well the thinking at that time and Jake knows it because he was here and we weren't even supposed to be in City Hall as soon as the meeting was over, we were supposed to scoot out and go do something else. We couldn't even ask a secretary to type a letter. Now, we get hundreds of letters a week and if it weren't for Rosalie and Barbie, I don't know what I'd do with all the letters I have to write. Now this all can be done and has been done lately within the framework of the present Charter. You have an office. We have four offices for eight members of the Council and I find that I'm violating the sanctity of the Charter or Council-Manager government by having an office where I can conduct the City's business. I don't think that we're violating in the same way, I only think we can go a little step further and ask for additional help whenever we needed to.

MR. PADILLA: Well, Joe, it's a matter of attitude. I don't think anyone can serve two masters. I've been involved as you have I'm sure, perhaps on the minority side of an issue that as an example that was raised this morning. I refer to the Congressman's letter. I believe as I recall that I voted in the negative on that issue but I also recall that getting information was almost impossible. I also recall that - and I can say quite candidly that the Mayor was all - the then Mayor, was all in favor of the issue. It was presented in its final form to the City Council about 10 minutes before the vote was taken, over the objections of Mayor Becker - then Councilman Becker, Mr. Mendoza, as I recall it was 34 pages but in any case 28 is long enough, and myself, it was passed. Now we had no access because we were in the minority to the kind of information that we felt we had to have. There was another issue in which I was the only one in a minority - the MUD last year. I went to Austin to look for information on MUD. I did not have the authority, regardless of what the Charter says, to get the kind of help that I had to have and I'm realistic enough - I'm a realist and realist enough to realize that I was butting my head against the wall if I came to the Manager and said, you know, I've got to have this because it was already an 8 to 1 situation, the Mayor was committed in this direction - the then Mayor - it was just impossible to develop information independently of the Manager and staff.

MAYOR BECKER: You were intimidated by the Mayor.

MR. PADILLA: No, I wasn't intimidated but I realized that they weren't going to go about and do as good a job for me, a minority of one, as they were doing for the majority of eight and you might say that I resent this because I think every member of the Council is entitled to develop his own information and to make his own decision and I don't believe that someone working for the City Manager can go out and develop the kind of information I might need if I'm taking the

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opposite position. This person knowing that the Manager has taken a position and working for the Manager is not about to go out and help me build the kind of case that I have to have on a particular issue. Really, I don't believe that we're doing anything but improving our system of government when we do this kind of thing. People that work for the City Manager are just not going to go out and destroy his case if that be the case, not after he's taken a position but they might if they work for me or if they work for you.

MAYOR BECKER: Lila, did you want to say.....

MRS. COCKRELL: Well, I want to say, first of all, I do feel that there are a lot of ways that we can get more help under the present system. I know we all feel at times that we're overloaded with things to do and I have recently asked the help of the City Manager and have been working with one of the administrative assistants and he has been helping me very much and helping to get the mail opened in the mornings and help sort some things out. So I do feel that they are the kind of help that we can get. I think on research, I've been thinking over Al's proposal and I've heard it before and I think it does point to a problem but I guess I really feel that on those issues that I have serious concerns or serious convictions that I want to pursue, I would really rather do it myself and I think it's less confusing than if we had 11 research assistants all going out, you know, all trying to investigate the different departments and follow through on that kind of thing. If you had a research assistant working for you, then whatever that person comes up with you have to go over and, in effect, review their work to be sure it's what you really wanted in the first place. So it's not an easy route, really.

MAYOR BECKER: Well, isn't it possible right now that if you want something done as you say, you can enlist the aid of one of the assistants or the Manager or one of his assistants or he can direct somebody from that department to brief something for you. Isn't that possible under the present system?

MR. PADILLA: Not in any realistic way, Charlie, if the Manager has already taken the opposite position and this has happened. I'm not talking about opening my mail or typing a letter. I get tremendous cooperation in those areas and I'm not talking about our present City Manager, I'm talking about the principle, you know, in our federal government, you find that the Congress does not place all of its resources under the executive. We saw a good example of perhaps why not just a few weeks ago and for the last couple of years. There has got to be an independent means I think, perhaps my way is not the right way but there's no doubt in my mind that there has to be some way that this Council can, through independent means, independent of the City Manager, develop information, some information - a lot of information that we develop comes from citizens. Just a lot of information that we get that even leads to the asking of questions of staff does not come from staff, it does not come from the Manager's office. I've asked many questions on City equipment, on City procedures, the status of City departments in terms of facilities and many things because the employees that work in that department or the citizen has brought something to my attention. The Manager and his staff do not always, and I'm not accusing them of hiding things but on the other hand they do not always bring the problems to us, someone else does.

MAYOR BECKER: It's a difficult thing at the best, you know, because we probably all experience different types of cooperation, lack of cooperation or whatever.

MR. MENDOZA: Mr. Mayor.....

MAYOR BECKER: I don't know about 11 assistants or 11 go-fers or whatever you want to call them.....

MR. PADILLA: Well, I just want to make one thing clear, Mr. Mayor, I was not speaking of the present City Manager or any predecessor and certainly I can't be referring to any particular successor since I don't have a crystal ball. I'm strictly talking about what I think the subject is and that is City government in general and how we can hope to improve it.

MAYOR BECKER: Couldn't it be that under the present system that someone could be assigned to the City Council.....

MR. MENDOZA: That was the point that I was leading to, Mr. Mayor. I think we're doing it now but I'm just wondering according to the answers that I got.....

MR. GUERRA: The assignment can be made, sir, but the point again to keep the two things separate - the point that Councilman Padilla is raising has to do with his ability or your individual ability to dig independently. Obviously, an administrative aid under the current Charter even if we assign one to each of you, still has the responsibility to the City Manager and so you still have that demarcation and it's up to you to decide how you want to address it.

MAYOR BECKER: If you don't think you're getting a square deal, there's no better place to say it than right here, you know, on Thursday. And any time you question the sincerity or the cooperation or lack of cooperation of whatever, of whatever type of duplicity or anything else that a Manager or City Manager staff can be engaging in, the forum to state it is right here and if there's any substance to it, chances are it will change.

MR. PADILLA: Charlie, if I ever think I have a case, I'll state it.

MAYOR BECKER: Well, I know you will, Al.

MR. PADILLA: But it's a little more subtle than that, you know.

MR. O'CONNELL: Mr. Mayor, I'd like to suggest that it will be pretty doggone hard to sell this idea of a 12 month assistant to each new 11 member councilmen, if that may be the case, at a salary of more than you're going to pay the fellow or the individual being worth the salt is going to have to be paid more than you're going to be paid frankly. So you're not talking about a little increase, you're talking about a healthy matter and this I think would endanger some of the very things we want to go and go correctly in as a relation to the amendments and the bond issues and so forth. I think it would be a cloudy issue at this time - I would suspect it would be.

MAYOR BECKER: I know what Al is trying to say. I know what he's referring to and I can remember the last two years that we spent on the last Council and they had their moments and, you know, it was root hog or die, really, it was kind of one of those deals.

MR. PADILLA: You take the one issue that - the issue that was mentioned this morning that involved \$6 million that three of us were very much against. We developed the best way we could, the best case we could with no resources whatsoever. The majority, you know, a Manager can counter at all times. What I'm trying to say is that it passed in spite of - it passed with a majority, it passed without the minority being able to independently develop a solid case, one that would shoot it out of the saddle and incidently, I don't believe you can develop that kind of case if one doesn't exist, you know. So \$6 million was blown. Now look at it this way, how many assistants can you pay with \$6 million for how long? That money was gone in a matter of months.

MRS. COCKRELL: On the procedures, will we vote on these issues next week and then the three items definitely will have to be written

up and added to the ordinance.

CITY CLERK: Yes, madam. According to my calculations, the draft that was given to you, you have five propositions, six would be the administrative agencies, seven, the resignation in the event you file for another office. No, 8 would be the tax and fiscal year. Now, then in addition to that we're going to have one proposition on the bonds - I'm talking about the machines now get the ballot on them. We're kind of reaching the saturation point.

ASST. CITY ATTORNEY GARCIA: Jake, we will need for the bonds - on some of those machines we will need two slots, won't we?

CITY CLERK: Yes, sir.

ASSIT. CITY ATTORNEY GARCIA: So actually I think that we've reached the saturation point.

CITY CLERK: On the bond issue, we're going to have the proposition you know, for the issuance of the bonds for property owners to vote for or against and then we're going to have to restate it for the non property owners. So we're up to 10 propositions now - and if the Council is able to determine this 11th issue, that's the research assistants today, we can go to work and finalize this election.

MRS. COCKRELL: I suggest that we go with 10 propositions and although I understand the concerns that Councilman Padilla has, I do share some of the feelings that this would be an issue that might jeopardize many of the others.

MAYOR BECKER: I think a lot of folks...we had one of our most faithful visitors down here not long ago. I've been watching this individual for three - over three years that I know of - hardly ever misses a meeting and she referred to this as a part-time job. So, my God, if this is part-time, I don't ever want a full-time job. It has become a full-time job but a lot of folks would probably think we're building some type of hierarchy down here, palace guards or whatever you care to call it and it - well, however, I appreciate what Al is saying because I understand, we all understand. The only thing is do we help or assist the passage of these other things, you know, by the inclusion of this. You can get so many things on here that a person just thors up their hands and says I can't read all that.

DR. SAN MARTIN: Like some Constitutional amendments to the State Constitution. You have 10, 12 that you don't know what the heck is going on.

MAYOR BECKER: Well, there's a certain sub-conscious unwillingness to delay all those other folks who are standing out in line when you get in that voting machine. You try to do it as rapidly as possible because you realize that they've been waiting too, you know. And when you've got a thing covered from top to bottom with names and issues and all that stuff, I think it causes a lot of folks to become sort of shaky about taking the amount of time they really need to comprehend all this, you know. I looked all over creation for that horse racing deal, I never did find it - I don't know where it was. Finally, I gave up in desperation, I couldn't find it.

MR. PADILLA: I didn't either, Mr. Mayor, I'd like to say this because we have to move on to other things. In the first place, I think that things that aren't all that popular, and this is one of them, probably have to be talked about several times before they ever come to pass. In the second place, I cannot disagree with those who have made the point that this thing might perhaps jeopardize other things that perhaps are more needed at this time. In the third place, just this closing remark, I don't see if the kind of thing I propose were to pass that it would be expensive for San Antonio in the long run or that it would detract from the purity of Council-Manager government. I don't see anything in the City Charter that says this City Council works for the City Manager. An assistant for a Councilman would simply be an extension of the Councilman. It would give him resource to develop more information and let him make more intelligent decisions. I don't think it would detract at all from the City Manager. If the City Manager on occasion is providing a Council with the kind of information that can't stand the test of investigation then I think he's got to get busy and do a better job. I'm going to drop it at this time, but I don't think that I'm proposing anything that would give anything but better government for San Antonio.

MAYOR BECKER: Oh, I agree with that, Al, I'm not quarreling with that at all. I don't think anybody on the Council thinks that you have any other desire other than what you state and that's to improve the quality of government for the citizens. Can we then freeze - if there aren't any more suggestions - can we freeze this thing at what would it be eight - eight amendments to the Charter right? Can we freeze it at that? Then that would permit Jake to get off and running with all the verbage and this and that and the next thing. Okay?

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DR. SAN MARTIN: When it comes to verbage, Mr. Mayor, I'd like to ask that whenever you refer to districts, Jake, that you don't use the word, ward, provided you just put district. Well, I'm thinking of people who might.....

MAYOR BECKER: It has a bad connotation.

DR. SAN MARTIN: It has a bad connotation. I think we're talking about districts and that's the way it should be. There's no need for that other word.

MR. GARCIA: There's only one problem, Doctor.

DR. SAN MARTIN: I'd like to hear it.

MR. GARCIA: That the statute refers to it as ward.

DR. SAN MARTIN: But does it have to be on the ballot.

MAYOR BECKER: What statute?

MR. GARCIA: Referring to it - yes. We've tried to avoid using that language.....

MAYOR BECKER: Well, can you say wards and/or districts?

MR. GARCIA: Or districts - I think we could possibly do it that way but we can not eliminate, really, the word, ward.

MR. PADILLA: Can you keep from using the word ward?

MR. GARCIA: I don't believe so, Mr. Padilla.

DR. SAN MARTIN: Well, if you can, it gives the whole thing - some people the idea that we're going back to the old ward system.

MR. GARCIA: I wholeheartedly agree with you.

MAYOR BECKER: 1 It has the same semantics as pots of gold and spoils system.

MR. GARCIA: But really and truly, this is the way those people up there worded this, and I don't know if there is any way that we can keep it out. Now, we have sent the first section that you got today, we have sent it out to Mr. Horton who is our bond attorney, you know, and everybody concerned that may have some comments on it later on that ----- maybe able to effectuate some changes. We would certainly like to oblige, I mean, I don't like to use that word either myself, but if there is any way that we can stay out of it, well, we'll do it, we'll do it.

MR. MENDOZA: I was going to ask the City Attorney, how do some of these other cities have the wording in their City Charter? Are they using the word?

MR. GARCIA: Yes.

MR. MENDOZA: In other words, Dallas used the same.

ASST. CITY ATTORNEY GARCIA: If I remember correctly, yes, sir.

MAYOR BECKER: Okay.

MRS. COCKRELL: Dallas has a different system. Dallas's system is a place system with a geographical requirement.

ASST. CITY ATTORNEY GARCIA: Yes, they have a sort of just a residence requirement for a certain geographical area.

MRS. COCKRELL: Yes, that's right. They didn't pass the place system.

ASST. CITY ATTORNEY GARCIA: The district system didn't pass in Dallas.

MRS. COCKRELL: The election is still at-large in Dallas.

ASST. CITY ATTORNEY GARCIA: We will certainly turn every stone possible to avoid the use of that word.

MAYOR BECKER: Fine.

ASST. CITY ATTORNEY GARCIA: I can assure you of that.

* * * *

74-44

MR. DARIO CHAPA

Mr. Dario Chapa spoke on behalf of LULAC and said that eight very prominent movie stars are coming to San Antonio to be present at a premier at the Alameda Theater on Monday, September 16, 1974. He said that his organization would like to have a rally at the Old Farmers Market on the evening of September 15th for 6:00 P. M. to 1:00 A. M. and asked that the Council grant them permission.

There was some question of whether this would disrupt the normal operation of the vendors in the market. After discussion, it was stated that only one or two taco stands would be set up and probably would not interfere. It was agreed that Mr. Chapa and his group would work out suitable arrangements with the City staff.

Mr. Padilla moved that use of the Farmers Market be granted to LULAC as requested. The motion was seconded by Mr. Mendoza and was passed by the following vote: AYES: Cockrell, San Martin, Becker, Black, O'Connell, Mendoza, Padilla; NAYS: None; ABSENT: Lacy, Morton.

74-44 The Clerk read the following letter:

August 30, 1974

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

Gentlemen and Madam:

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

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August 28, 1974

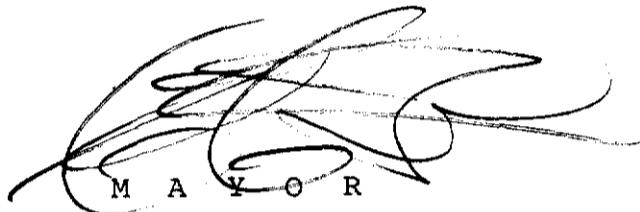
Petition submitted by Mr. Jay W. Foster, 115 Barbara Drive, San Antonio, Texas, requesting permission to erect a fence over six (6) feet in height at the rear of his property.

/s/ J. H. INSELMANN
City Clerk

* * * *

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

A P P R O V E D



M A Y O R

Charles L. Becker

ATTEST: 
City Clerk