

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, JANUARY 11, 1968 AT 8:30 A.M.

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The meeting was called to order by the presiding officer, Mayor W. W. McAllister, with the following members present: McALLISTER, CALDERON, JONES, JAMES, COCKRELL, GATTI, TREVINO, PARKER, TORRES; Absent: NONE.

68-19 The invocation was given by Councilman Herbert Calderon.

Minutes of December 21 and December 28, 1967 Council Meetings were approved as corrected.

68-19 Girl Scout Troop No. 464 from Saint Gregory's School, accompanied by Mrs. M. B. Sinclair and Mrs. G. M. Cavazos, were welcomed to the City Council Meeting.

Members of the Administrative Staff explained the following ordinances and on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: None.

68-20 AN ORDINANCE 36,095

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF BECKMAN INSTRUMENTS, INC. TO FURNISH THE CITY OF SAN ANTONIO METROPOLITAN HEALTH DISTRICT WITH ONE SPECTROPHOTOMETER FOR A NET TOTAL OF \$3,163.00.

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67-319 AN ORDINANCE 36,096

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF THE TORGERSON COMPANY TO FURNISH THE CITY OF SAN ANTONIO, DEPARTMENT OF PARKS AND RECREATION WITH ONE INDUSTRIAL TRACTOR WITH LOADER FOR A NET TOTAL OF \$5,271.42.

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68-21

AN ORDINANCE 36,097

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF PRASSEL LUMBER COMPANY TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PUBLIC WORKS WITH CERTAIN ROUGH LUMBER FOR FIESTA STANDS FOR A NET TOTAL OF \$3,880.90.

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66-442

AN ORDINANCE 36,098

AUTHORIZING THE FINANCE DIRECTOR TO PURCHASE CERTAIN RENEWAL SUBSCRIPTIONS FOR PERIOD AS INDICATED FROM H. W. WILSON CO. FOR THE CITY OF SAN ANTONIO PUBLIC LIBRARY FOR A NET TOTAL OF \$1,997.00.

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67-44

AN ORDINANCE 36,099

ACCEPTING THE ATTACHED LOW QUALIFIED BIDS AS LISTED BELOW TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PARKS AND RECREATION WITH CERTAIN ITEMS OF FERTILIZER FOR A NET TOTAL OF \$16,070.00.

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65-949

AN ORDINANCE 36,100

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF EUREKA FIRE HOSE COMPANY TO FURNISH THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH CERTAIN FIRE HOSE FOR A TOTAL OF \$16,160.00.

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68-22

AN ORDINANCE 36,101

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF LAWSON PORTABLE FLOORS TO FURNISH THE CITY OF SAN ANTONIO CONVENTION FACILITIES WITH ONE PAIR BASKETBALL GOALS FOR A TOTAL OF \$1,850.00 AND APPROPRIATING FUNDS FROM COMMUNITY CONVENTION CENTER BONDS FUND 489-05 CODE 5-20 FOR PAYMENT OF SAME.

\* \* \* \*

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66-999 Consideration of Item 8 on the agenda being an ordinance accepting the qualified bid of Tower Foods, Inc. for the complete installation and operation of the Souvenir Concession Contract for the retail and wholesale Distribution of Souvenir items utilizing the name and reproduction of the Tower and Convention Facilities Buildings and other City owned buildings in this area for a period beginning October 7, 1968. was postponed for one week.

Mr. Thomas Raffety, Director of Aviation, explained the following ordinances and on motion made and duly seconded, were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: None.

66-1065 AN ORDINANCE 36,102

APPROPRIATING THE SUM OF \$1,469.19 FROM AIRPORT BOND CONSTRUCTION FUND 806 PAYABLE TO RALPH H. CAMERON, ARCHITECT, FOR SERVICES IN CONNECTION WITH THE CONSTRUCTION OF THE BAGGAGE CLAIM ADDITION TO THE TERMINAL BUILDING AT INTERNATIONAL AIRPORT.

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67-478 AN ORDINANCE 36,103

APPROPRIATING THE SUM OF \$27,500.00 OUT OF AIRPORT REVENUE BONDS, 1966, FUND 8-06, PAYABLE TO BOVAY ENGINEERS, INC., FOR SERVICES IN THE PREPARATION OF LAND USE PLAN AND MODIFIED PLAN OF DEVELOPMENT FOR INTERNATIONAL AIRPORT.

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66-822 AN ORDINANCE 36,104

MANIFESTING AN AGREEMENT TO EXTEND THE TERM OF A LEASE OF SPACE AT STINSON MUNICIPAL AIRPORT TO ALCOR AVIATION, INC. FOR AN ADDITIONAL ONE-YEAR PERIOD.

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68-23 AN ORDINANCE 36,105

AUTHORIZING EXECUTION OF A LEASE OF SPACE AT STINSON MUNICIPAL AIRPORT TO C. E. EARNHARDT, D/B/A EARNHARDT AVIATION.

\* \* \* \*

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65-647 The following ordinance was explained by Mr. Mike Sexton, Director of Public Library, and on motion of Dr. Calderon, seconded by Mr. Trevino, was passed and approved by the following vote: AYES: McAllister, Calderon, Cockrell, Trevino, Parker and Torres; NAYS: None; ABSENT: Jones, James and Gatti.

AN ORDINANCE 36,106

APPROPRIATING \$5,000.00 OUT OF LIBRARIES IMPROVEMENT BONDS FOR THE PURCHASE OF MISCELLANEOUS ITEMS OF EQUIPMENT TO BE USED IN THE NEW MAIN LIBRARY BUILDING.

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68-24 The Clerk read the following ordinance.

AN ORDINANCE 36,107

AUTHORIZING EXECUTION OF A CONTRACT WITH 19TH HOLE GOLF CENTER, INC., FOR THE OPERATION OF THE GOLF DRIVING RANGE AND PAR 3 GOLF COURSE CONCESSION IN OLMOS BASIN FOR THE TEN-YEAR PERIOD BEGINNING JANUARY 1, 1968.

\* \* \* \*

Mr. Robert Frazer, Director of Parks and Recreation, informed the Council that this is a negotiated agreement with Joe Conrad, the present concessionaire. Payments to the City are \$3,000 per year for the first five years and \$4,000 per year for the remaining five years. In addition, the City will receive 8% of gross receipts between \$100,000 and \$150,000 per year and 10% of the gross receipts over \$150,000 per year. The concessionaire will be required to make extensive improvements estimated to cost \$50,000 which are to be completed by December 31, 1969. Improvements include irrigation system for the driving range; renovation and construction of parking lot and construction of asphalt walks at club house; relocation of No. 9 Green and Tee; enlarging and reconstruction of two practice greens; landscaping; remodeling interior and exterior of club house as well as enlarging same; install chain link fence from near No. 6 Green to point adjacent to parking lot and along front of lot to club house; enlarging present maintenance building to house equipment; enlarge No. 5, No. 6 and No. 8 Greens and replant all greens of Par 3 Golf Course with Tif 328 Grass. The improvements become property of the City upon any termination of the contract.

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Mr. Torres asked that in view of the controversy, if consideration has been given to award being made on the basis of bids.

Mr. Frazer stated this had been done in the past but was unsuccessful. A Committee of the Council was appointed to look into this matter. Certain services must be offered and concessionaire must be trained to offer the services. It was recommended that a professional golfer and teacher of golf be selected because it is more of a service rendered operation rather than sale of a commodity. He added that Mr. Joe Conrad is well qualified and was recommended by the San Antonio Professional Golfers Association and is acceptable to the Association.

To a question by Mr. Torres, Mr. Frazer stated work will start as soon as feasible. Probably in the very near future in order to take care of the growing season.

Mr. Torres stated he had no predisposition of the matter and would go along with the Staff recommendation. He then asked if Mr. Charles Klein was present.

Inquiry was made and it was determined that Mr. Klein was not present.

After further discussion, on motion of Dr. Parker, seconded by Mr. Jones, the following ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: None.

66-584 The following ordinance was explained by Mr. George Vann, Director of Housing and Inspections, and on motion of Mr. Jones, seconded by Dr. Parker, was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 36,108

ORDAINING THAT THE STREET EXTENSION FROM EAST SOUTHCROSS BOULEVARD TO CLARK AVENUE BE NAMED EAST SOUTHCROSS BOULEVARD AND ORDAINING THAT THE STREET EXTENSION FROM OFFER STREET TO CLARK AVENUE BE NAMED OFFER STREET, AS PER PLANNING COMMISSION RECOMMENDATION.

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68-25 The following ordinance was explained by Mr. W. S. Clark, Land Division Chief, and on motion of Dr. Calderon, seconded by Mr. Jones, was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Parker; NAYS: None; ABSTAINING: Torres; ABSENT: None.

AN ORDINANCE 36,109

APPROPRIATING \$50,600.00 OUT OF VARIOUS FUNDS FOR ACQUISITION OF RIGHT OF WAY AND EASEMENTS PERTAINING TO HILLCREST PAVING PROJECT, U.S. 281 NORTH EXPRESSWAY, MISSION PARKWAY PROJECT AND UNSEWERED AREA #15.

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The following ordinances were explained by Mr. W. S. Clark, Land Division Chief, and on motion made and duly seconded, were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: None.

66-1061

AN ORDINANCE 36,110

AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE TO ENTER INTO AN AGREEMENT WITH UNITED GAS PIPE LINE COMPANY FOR THE CASING AND LOWERING OF ITS NORTH JUNCTION - FRIO 16" GAS PIPE LINE IN CONNECTION WITH THE U.S. 281 NORTH FREEWAY PROJECT.

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65-1315

AN ORDINANCE 36,111

MANIFESTING A TWO-YEAR RENEWAL OF THE EXISTING GRAZING LEASE OF APPROXIMATELY 202 ACRES OF CITY-OWNED LAND TO EMANUEL A. STEUBING FOR CONSIDERATION OF \$300.00 PER YEAR.

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67-705 The following ordinance was explained by Planning Director Steve Taylor, and on motion of Dr. Calderon, seconded by Dr. Parker, was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Trevino, Parker, Torres; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 36,112

REPEALING ORDINANCE NO. 36058 PERTAINING TO THE PROPOSED ANNEXATION OF GARDEN COURT EAST, UNIT 2 AS REQUESTED BY THE DEVELOPER. (LBD DEVELOPMENT COMPANY)

\* \* \* \*

68-26 The Clerk read the following ordinance.

AN ORDINANCE 36,113

AMENDING SECTION 41-39 AND SECTION 41-40 OF CHAPTER 41 OF THE CODE OF THE CITY OF SAN ANTONIO, TEXAS, BY PROVIDING FOR COMPLIANCE WITH THE WATER WELL DRILLERS ACT (ARTICLE 7621 e, V.A.T.S.) WHERE APPLICABLE.

\* \* \* \*

Mr. Hugh Anderson, Operations Manager for the City Water Board, explained that the last Legislature enacted a bill known as Article 7621 e, V.A.T.S. for the purpose of aiding the prevention of pollution of the State's underground water by providing minimum water well driller qualifications and standards of conduct to be administered by the Texas Water Well Driller's Board. He added that the Water Works Board of Trustees recommended passage of the ordinance to incorporate this act in the City Code.

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

68-27 The following ordinance was explained by Mr. Jay Edwards, Delinquent Tax Attorney, and on motion of Mr. Torres, seconded by Dr. Calderon, was passed and approved by the following vote: AYES: McAllister, Calderon, James, Cockrell, Gatti, Trevino, Parker, Torres; NAYS: None; ABSTAINING: Jones; ABSENT: None.

AN ORDINANCE 36,114

AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIM DEEDS IN CONCURRENCE WITH OTHER TAXING AGENCIES CONCERNED TO VARIOUS PARTIES FOR PROPERTIES SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS IN CONSIDERATION OF SUMS LISTED HEREIN AND AUTHORIZING PAYMENT OF COSTS IN CONNECTION THEREWITH.

(CECIL JONES & WIFE, LOTS 26 AND 27, BLOCK 7, NCB 8996 - C-13612-\$1,128.99)  
(LOUIS A. MATUSOFF, LOTS 1,2,3, BLOCK E, NCB 2558 - C-13178-\$4,000.00)  
(LIBERAL INVESTMENT CORP., Lot 5, BLOCK G, NCB 6023 - C-14122-\$300.00)  
(ZYGMUNT RITTNER, LOT 1, BLOCK 5, NCB 6608, C-14204, \$500.00)  
(LIBERAL INVESTMENT CORP., S. 50' of Lots 23, 24, ARB A23, BLK. E, NCB 2527-C-14448 - \$800.00)

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68-28 The following resolution was explained by Mr. Gerald Henckel, City Manager, and on motion of Dr. Calderon, seconded by Dr. Parker, was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Parker and Torres; NAYS: None; ABSENT: None.

A RESOLUTION

URGING ADVANCED FEDERAL PLANNING AND  
CONTINUATION OF THE HIGHWAY PROGRAM.

\* \* \*

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65-1252

The Clerk read the following ordinance.

## AN ORDINANCE

GRANTING THE FIESTA SAN ANTONIO COMMISSION A LICENSE TO USE AND PERMIT THE USE OF CERTAIN STREETS, SIDEWALKS AND AREAS FOR THE PURPOSE OF CONDUCTING A CARNIVAL DURING THE PERIOD FROM APRIL 20, 1968 THROUGH APRIL 28, 1968; TO USE AND PERMIT THE USE OF CERTAIN PUBLIC STREETS, PLAZAS AND ADJACENT SIDEWALKS FOR THE PLACING OF SEATS ALONG PARADE ROUTES AND PROHIBITING ANY OTHER USE OF THE PUBLIC STREETS OR SIDEWALKS FOR THE SALE, HIRE OR RENT OF PARADE SEATS; TO ALLOCATE, ASSIGN AND PERMIT THE USE OF PUBLIC STREETS AND OTHER FACILITIES FOR FIESTA EVENTS; FIXING TERMS AND CONDITIONS OF SUCH LICENSES AND PROVIDING FOR INSURANCE.

\* \* \*

City Manager Henckel advised that this is the standard ordinance necessary to give the Fiesta Commission authority to put on the Fiesta. Permission is for a one year period. Also the street area in La Villita and Presa Street previously used in Fiesta functions is now included under the authority of the Fiesta Association.

He stated the Carnival area has been changed. On a map he showed that he had given a part of the south side of Dolorosa Street for Carnival use which the Fiesta Association advised was needed in the event of rain. This arrangement will keep three lanes of traffic open. This is a compromise solution and the Staff is offering this for the consideration of the Council. If the Council does not agree, the section pertaining to the Carnival could be deleted from the ordinance.

Mr. Peter Hennessey, President of the San Antonio Fiesta Commission, urged the Council to leave the amount of space allocated for the Carnival for this year. He felt it serves a typical purpose as it is a very popular event during Fiesta Week and citizens, as well as visitors enjoy it. It is also an income producing situation for the Fiesta Commission and they would not be able to put on the Fiesta as in the past without the Carnival. Last year it produced \$50,000. It is estimated that the area allocated this year will produce between \$20,000 and \$25,000. Cost of Fiesta Week last year was \$90,000 of which over 50% came from the Carnival concessions. Memberships amount to \$20,000. Seat sales and concessions amount to \$20,000 plus a few other sources of income.

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Mr. Hennessey stated they have had a number of conferences with City officials, but no other place has been found that is desirable, as far as the Carnival operator is concerned, that is within the downtown area. He realized that in the future some of the space may not be available beyond this year.

The cost of Police protection was discussed and City Manager Henckel advised it runs \$15,000 for this service. The total Fiesta cost to the City is around \$40,000. He felt that City operating costs could be materially reduced by having the Carnival in the area proposed for this year. He read paragraph 13 of the previous agreement that a detailed study report be made to the City Council as to the feasibility of relocating the Carnival after termination of the license which expired in 1967. This provision was not complied with. Several conferences have been held, but nothing has been adopted pertaining to the elimination of the Carnival.

Mr. James Johnson, operator of Playland Park, protested the permit for the Carnival and urged the Council to stand by the agreement made two years ago which implied that there would be no Carnival in the downtown area after 1967.

Mr. Henckel stated that as he recalled the discussion several years ago, the people involved discussed the possibility of elimination of the Carnival and this would be the last time the Council would pass the ordinance as such. Also discussed was the relocation aspect and this was put in the ordinance. It was his understanding that there would be no Carnival after 1967.

Mrs. Cockrell stated that in voting on the ordinance two years ago, she understood that there would not be a Carnival on City streets after expiration of that permit. Having acted on, and being a part of that, she did not feel that she could vote for the Carnival today.

Other members of the Council also expressed reluctance to grant the permit for a Carnival.

After a lengthy discussion, Mr. James made a motion that any reference to the Carnival be deleted from the ordinance and the ordinance passed as corrected. The motion was seconded by Mr. Gatti.

Dr. Calderon offered a substitute motion that the ordinance be postponed one week in order to find out what the public's viewpoint is on the question of the Carnival.

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After further discussion, there being no second to the substitute motion, the ordinance was passed and approved as corrected by the following vote: AYES: Jones, James, Cockrell, Gatti, Trevino, Parker; NAYS: McAllister, Calderon; ABSTAINING: Torres; ABSENT: None.

The Ordinance is as follows:

AN ORDINANCE 36,115

GRANTING THE FIESTA SAN ANTONIO COMMISSION A LICENSE TO USE AND PERMIT THE USE OF CERTAIN PUBLIC STREETS, PLAZAS AND ADJACENT SIDEWALKS FOR THE PLACING OF SEATS ALONG THE PARADE ROUTS DURING THE PERIOD FROM APRIL 20, 1968, THROUGH APRIL 28, 1968 AND PROHIBITING ANY OTHER USE OF THE PUBLIC STREETS OR SIDEWALKS FOR THE SALE, HIRE OR RENT OF PARADE SEATS; TO ALLOCATE, ASSIGN AND PERMIT THE USE OF PUBLIC STREETS AND OTHER FACILITIES FOR FIESTA EVENTS; FIXING TERMS AND CONDITIONS OF SUCH LICENSES AND PROVIDING FOR INSURANCE.

\* \* \* \*

67-834 At 10:00 A.M. the Mayor declared the hearing open on the proposed annexation of 36.708 acres of land known as Whispering Oaks, Units I and II owned by Denton Development Company.

Mr. Steve Taylor, Director of Planning, explained the proposed annexation which was requested by the owner and developer, Denton Development Company.

No one spoke in opposition.

The Mayor then declared the hearing closed and stated the first reading of the annexation ordinance would be held on January 25, 1968.

67-389 The Mayor then declared the hearing open on Ordinance No. 36004 granting a franchise to General Electric Cablevision Corporation for the operation of a cable television system within the City of San Antonio.

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The Mayor asked if anyone cared to be heard in connection with this ordinance.

WILLIS TAYLOR: I am with the firm of Foster, Lewis, Langley, Gardner & Hawn. I appeared before the Council at the first reading of this ordinance. I am afraid I have to reluctantly, candidly say that I don't anticipate much more success at this time. But our firm and our clients feel that for the purpose of the record we should state the objection which our client, San Antonio Cablevision, Inc., and our law firm has at the passage of this ordinance at this time.

I will try to take as little time as possible in stating our objections. We feel initially that the initial invitation to bids was vague and ambiguous. We feel that it was ambiguous in that there was really no definite financial requirements set out and they were only set out in lieu of a financial requirement and we believe that this is vague and therefore the bids were not properly submitted. We believe also that the specs should be specific on this contract before it is let. The contract should not be let and then the specifications laid out.

At the present time I would also like to point out to the Council, and another reason why we would urge the Council to postpone the passage of this ordinance, is because at the present time there is pending in the U.S. Supreme Court two cases involving the cable television industry which would have a defined effect on the industry as a whole and on the cost to the ultimate consumer. One of these concerns is copyrights and this is going to be an added cost and even though a copyright indemnity is in the agreement that a copyright may be entered into with the City, still this does not indemnify the consumer, and the user of the television sets. These matters are set on the March docket of the Supreme Court and they can have a drastic and far reaching effect on the industry. We feel that at the present time there is no pressing public need for passage of this ordinance and that specs should be drawn up setting out the exact, exactly, what is wanted and what is needed and that the matter should be re-bid and we think Council action at this time would be acting in haste and we urge you to delay passage until the matter can be re-bid and the matters pending in the Supreme Court can be cleared.

MAYOR McALLISTER The client that you represent, did not present their bid within the specified time when the bids were received, is that correct?

MR. TAYLOR I don't know what time or when my clients bid was actually submitted. Mr. Foster was handling the major affairs of this client and he is still in the hospital which is why I am here. But I don't know the exact date when our bid was submitted.

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MAYOR McALLISTER : You feel that the Supreme Court cases should justify a delay on this matter?

MR. TAYLOR: One, as I understand it, the United Artists case, involves payment of copyrights to the holder of copyrights and film copyright matters which are sent out over these air ways and over these cablevision systems and if they have to pay the copyright holders this is going to increase the cost somewhere down the line to somebody. I think that we have got two cases, one affecting the authority of the FCC to issue cease and desist orders and control the industry in essence; and the other over the payment of copyright matters that this is going to effect the ultimate consumer, the man who is watching.

MAYOR McALLISTER: Dont you feel then that if you were the individual who has the bid here before us that it would be your move to ask for a postponement in view of the fact that the increased liability might evolve as a result of the Supreme Court decision?

MR. TAYLOR: That is certainly right. We are here to look out for our client and we think also for the benefit of this Council, and also we are looking out for the citizens of San Antonio and that is the ultimate matter, whether it is General Electric or whether it is San Antonio Cablevision.

MAYOR McALLISTER: If the charge that is to be made is imposed by Supreme Court decision, you and everybody else will be subject to exactly the same charge.

MR. TAYLOR: But the bids then could be renegotiated, redone, with that in mind to face the change. That is our opinion. This is the difference with the Council's opinion, as I said before, and our clients opinion.

MAYOR McALLISTER: Your records from the Supreme Court and mine arent exactly the same.

MR. TAYLOR: Neither are they in mine in all cases. But they still are important.

MR. TREVINO: Isnt it true that cable television isnt supposed to originate any broadcast at all? They are supposed to hook up with other stations that are already sending out signals?

MR. TAYLOR: Well, I dont know. That is a technicality. But the Supreme Court says that somebody must be sending out copyrighted materials. I understand they do and they control the film or the State controls the film.

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MR. TREVINO: Cable television is not supposed to broadcast anything at all. They are just to hook up with other stations.

MR. TAYLOR: But still the question is that they are broadcasting copyrighted matter over the airways. However they do it, the matter is being broadcast.

MAYOR McALLISTER: I would say that is a liability that the applicant assumes.

MR. TAYLOR: The consumer would assume it also.

DR. CALDERON: Well of course he doesnt have too. He can cancel his subscription at any time.

MR. TAYLOR: That is true. But someone is going to be consuming.

DR. CALDERON: In other words, the subscriber will be forced to bear the brunt of increasing costs because he can cancel his subscription at any time. But the public interest, in my opinion, is well protected.

MR. TAYLOR: All I wanted to do was to make our position on this matter clear for the record.

MAYOR McALLISTER: Anyone else care to be heard?

JOE RAINEY MANION: I would like to speak in favor of the General Electric Cablevision franchise. I have spoken before in favor of it. I would like to point out that when it was first brought out before the Council, the decision was to consider it and then ask for bids. At that time every other interested party had the benefit of all of the work that the General Electric Company had already done. All the details and the specifications and its reading so far has followed exactly the Charter of the City of San Antonio. There is a need, there is a time element at this point and there are certain portions of this that will be of immediate benefit, especially during HemisFair time. The Consumers Guide, six months ago, had an extensive examination of the question of franchise rights and decided, they represent the public view better than about any organization you can think of, that there is no possible way that there could be any liability on the receiver or if the ground rules were followed and this franchise would follow the same and there could be no possible chance that there would be any repercussions from this thing. So this question, I believe, has already been settled for practical matters and it is a matter of routine, that the Supreme Court will soon rule that these cablevision franchises are legal and proper. I urge the passage of this final reading today.

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EMILIO NICHOLAS: I am Vice President and General Manager of Spanish International Broadcasting Corporation which owns and operates KWEX-TV, Channel 41. In July of 1967, I appeared before you at a public hearing to speak in favor of cablevision for San Antonio. I am still in favor of cable television and would like to make the following additional points. I would be less than frank if I did not say to you that cablevision will have my station in a year or two. The transmission of many of our programs over cable television will make it possible for many homes to receive Channel 41 who cannot do so at the present time. But in addition there are several more reasons in favor of cable which will effect the community at large and which I would like to express at this time.

There has been much publicity and coverage of the proposed television system in San Antonio on the news media. Some TV Commentators, and newspaper writers, have expressed fears of the detrimental effect that cable television might have on the existing television stations in the City. In my opinion these dangers do not exist and the San Antonio market at this time is ready and able to absorb, VHF television, UHF television and cable television as well. Cable television has not detrimentally effected UHF broadcasting in other large cities. In any progressive community, citizens are entitled to the advantages of the results of technological advances made by our country's leading corporations. I was glad to see that after the Council decided to place a cablevision franchise out of this, that a corporation of the size and capability of GE was the only qualified and unconditional bidder. The installation and maintenance of the system is highly technical. Reliability and performance quality are very important factors in consideration of the proposals. The educational advantages to a mixed language community from the multi-channels available on the cable in a City such as ours where English and Spanish are interchangably spoken, the multiple channels available for our English and Spanish speaking programs will be a real help to the improvement of the use of English by our Spanish speaking citizens and a further exposure to the Spanish Language by the English speaking citizens of the community. We are the emphasis on the confluence of the civilizations which has been selected as theme for our HemisFair. What better way to perpetuate this theme than to use the communications media to merge the cultures of our community even further and take advantage of the bilingual heritage which is San Antonio.

The long range problems of the non English speaking first grade child in San Antonio could be helped through the use of the additional channels made available through the City for civic and educational purposes. The educational facilities offered by the cable to us, of which these groups of children are in themselves of tremendous value to the social programs progress, not only to the Mexican-American but to the token community as well.

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Claims were made that this is a step toward pay television. Those of us who are in the industry know very well that this is not pay television, but merely a subscriber service which will be made available to the citizens if they want it. It is an additional communication media which the citizens of a growing metropolis have the right to expect to be made available to him. A city's economic growth is important to all segments of the community. We are fortunate that General Electric wants to invest 15 million dollars in San Antonio and believes it can successfully operate cable television in our City.

The millions of dollars which the City itself will receive during the franchise period should certainly not be overlooked. In summary, I am very much in favor of the granting of a cable television franchise. Our station is transmitted on cable television to other parts of our state to the advantage of our audiences there and I feel that there is plenty of room for consolidation in the communications field. Certainly our stations are not afraid of such competition and I feel very strongly that the time to authorize the installation is now, not later, so that the approvals may be obtained and construction can begin.

Naturally, it will be some years before the system is complete. But those who say that the time is not yet for cable television in San Antonio fail to realize this. The technological advances in industry is such that many revolutionized uses by the public are now possible. I urge the Council to act promptly on the final consideration of the franchise as being in the public interest and a real asset to a growing community.

MR. TORRES: Yours is a UHF Station and of course there is a certain economic emphasis to a UHF station by closed circuit television.

MR. NICHOLAS: Let me explain it this way. In this country the Federal Communications Commission regionally granted a VHF Channel permit. These VHF Channels were being received by every single television set made in the nation. Then there werent enough channels, of course there was an increased need, and a increased demand for more channels and they could not grant anymore VHF Channels. Just like, for example, they cannot grant anymore AM Stations and perhaps not even FM Stations because every station that was allocated a permit has been granted. So they came up with a different frequency which was UHF. These became a very serious problem at the beginning for UHF Operators. In fact, in Texas, all stations that opened up went absolutely broke because they just werent getting enough audiences because you have to have a converter and not until three years ago when the All Channel Law was passed, were we able to get all channel television sets.

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MR. TORRES: Now it is the difference from operating in the red and in the black.

MR. NICHOLAS: No, not necessarily. It gives you a better chance to compete. That's all, because for example, eventually all homes will have all channel sets. As soon as they get rid of the older sets with VHF Channels.

But still some problems will continue. For example, a UHF Station can't reach as far as a VHF Station and you must have a good antenna to receive UHF. The cable will bring UHF, as well as VHF to any subscriber in his home and in this passing we will be getting into those homes, many of which we are not getting into today. We cannot say however, rating wise, that we claim those homes and I don't think they have measured it yet. The cable homes are really primitive, not sophisticated yet. What it really does, it gives UHF Stations the opportunity to go into many homes into which it is not now getting into and something which the VHF is already getting anyway. In the long struggle of all UHF Stations throughout the country, I think it (cablevision) has been a wonderful break for UHF Operators.

MR. TORRES: You refer to subscriber service. This is something people pay for, right? If the local CATV operation, or whoever has the franchise, if they manage to obtain a contract to bring in, let's say a world boxing program, it will only be shown on this pay television operation, right?

MR. NICHOLAS: Yes, but still, if this ever, and I don't know what the rules of the Commission are on this or the point of the matter, but realistically at this point, I would say that the cable would never get the telecast. It would be got by one of the stations that have a network affiliation because they are not going to be selling to individual cables. The money just wouldn't be there to bring in such a big special. I assume you mean a special that would cost a million and a half dollars. You can be assured, I don't care how good a cable we get here, they are not going to pay a million and a half dollars and divide it into several different cables. The ACC or FCC will bring it in because they can put it nationwide and this is more realistic as far as economics are concerned. I think this is a far, far away thing. Maybe someday networks will merge with cables and they could do that, but that is in the long, long far away future.

MR. GATTI: At the present time the franchise, because of the restriction of the one hundred major markets, is not near as valuable as if this restriction were not in existence. I mean what are you going to put on. What are you going to sell the people right now? What kind of facility are you going to provide the viewing public if you were wired right today? What kind of service?

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MR. NICHOLAS: I assume the obvious, that they would offer the four, five existing channels, and then they would bring any other channels that they are able to bring.

MR. GATTI: You cant bring in the independents, like from L.A. or Chicago.

MR. NICHOLAS: Let me ask you this, Mr. Gatti. You are familiar with one of the cable companies arent you? Arent you associated with one of the cable companies?

MR. GATTI: No, I am not. I am not affiliated with any cable company.

MR. NICHOLAS: Let me explain this to you.

MR. GATTI: I dont want to get into an argument with you, I just want to ask you a question. What would the viewer get right now if he paid his five or six dollars a month from any cablevision system in San Antonio?

MR. NICHOLAS: I would say for this question I would have to have one of the GE people answer that, because they are the ones who are bringing in the cable and they know what they have in mind, rather than for me to know.

MR. TORRES: I think the programming charts have been submitted to us, have they not?

After further discussion, the Mayor declared the hearing closed and asked the pleasure of the Council on this ordinance.

Mr. Jones made a motion that the ordinance be passed on third reading. The motion was seconded by Dr. Parker.

MR. TORRES: I would like to speak against the motion. Of course General Electric is still represented by Mr. Sawtelle and Mr. Troilo and I objected initially to this particular situation coming before the Council on the representation of these two gentlemen. There are still a number of questions unresolved in my own mind that would preclude me from voting for the GE proposal. I think the proposal doesnt give much credit to Mr. Cunningham. It is impressive, however, and I think that GE was given the advance opportunity to make its proposal and the time limitation was too strict to permit valid counter offers and that the comments of Mr. Taylor, representing San Antonio Cablevision, brought up.

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I think these comments have much merit because there certainly was not enough time in thirty days for any other to come in and give counter offers. As I mentioned in the past, I think a private company should be disqualified to come before this Council, when it is represented by a law firm, that in turn represents the City of San Antonio or an agency of the City of San Antonio. As I stated, Mr. Sawtelle and Mr. Troilo represent the Urban Renewal Agency and the City Water Board and the Company they represent here are at a definite advantage. I am convinced of that.

I feel that the matter is further agreed upon by the fact the General Electric Company is equipment manufacturer for the proposed Channel 29 television station as evidenced by the application on file with the FCC. It would appear to me that there has been favoritism throughout this venture and to interject pay television in our community, which proposal has been criticized due to the changing technological effect on our local television station market as due to current litigation that has been brought out by Mr. Taylor.

I feel further that the only television facility that can benefit and that will benefit immeasurably from the CATV system will be Channel 29. The cable television results in considerably lower costs to UHF stations as was brought out by Mr. Nicholas this morning. I want to point out for the record before the Council to reflect that the officers and directors of Channel 29 are Mr. Glenn Martin, who is president of Alamo Gas Company which supplies our CPSB; Mr. O. J. Soulcher, who I understand is associated in business with you, Mr. Mayor; Mr. Norman Davis, a Lawyer with an interest in the Coastal States Gas Company which supplies our CPSB; Mr. Henry Beasner, who is in business with Glenn Martin of Alamo Gas Company; Mr. Leroy Denman, President of the CPSB; Mr. Gordon Davis, former partner of Mr. Sawtelle who represents GE and W. W. McAllister, Jr. Now I commented in the past concerning the situation about the television antenna set up and when I made these comments, the reply was made at that time that the television antenna was going to be located some twenty miles out of San Antonio. I have a letter from the FCC dated October 13, 1967, signed by Mr. Preston Foster of the License Division which advised me, in contrast to these public statements, that Channel 29 has applied for a downtown site.

It looks to me that our San Antonio Tax payers are being assessed not only because of the television antenna of Channel 29, but are also being duped into acceptance of a pay television system suited to the needs of your business associate's television station. It is for these reasons that I am speaking and I object and I am opposing the proposal for the franchise for the closed circuit television franchise going to General Electric.

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MAYOR McALLISTER: I dont know if there happens to be anybody here who can speak for Channel 29. I am not familiar with the item.

MR. NICHOLAS: I am not thoroughly familiar with this, but I think in all justice to the people of Channel 29, that Mr. Torres is really very critical in his statements. The fact that Channel 29 or Channel 39 or Channel 41 for that matter, would need to put up an antenna and it would only be sensible that the people managing this channel would try to find the best location. I am, to a certain extent, familiar, because the people of Channel 29 approached me to consider my own tower as an antenna site. I want to tell Mr. Torres frankly, that if I were in their position, I would certainly try to get some part of the HemisFair Tower because this is good for publicity purposes. But still you are going to have to pay some rent for that, just like you have to pay with me or anybody else. This is the only sensible location that anybody would have made in San Antonio if they are looking for a tower location.

MR. TORRES: I mentioned the HemisFair Tower as just a statement sir. The only thing I mentioned in support of the proposition there are questions that are unresolved in my mind to prevent me from going along with this particular proposal. Now if proven wrong, if these questions were answered satisfactorily, I would stand to be corrected and I would certainly apologize to the ones involved.

MR. NICHOLAS: I ask you to please allow me to explain something to you about UHF television. Number one, as you probably know, our channel which has been in operation over six years now, lost something like \$850,000 in operating costs, in outright cash losses. Frankly, anybody in the industry knows that Channel 29 faces even a rougher situation than ours. I do not think, even though the cable does help UHF television, that it will either make it or break it. UHF if making it on its own and we will continue to make it on its on and at this point it would be something favorable. Whether we would favor these particular applicants for this channel, the people that have the concession and myself, really is not the point here. I come out and say things like this because I want to be absolutely on the clear that yes, we do, to a certain extent, benefit to a point. As to whether we will operate in the red or go into the black is not the point here. It is that a company, such as GE in this case, comes up and offers to put up fifteen million dollars. I now know of no organization in town that can do it and these people are the one of the biggest industries. They put out fifteen million dollars to what is a substantial contribution to the City of San Antonio and they put up a service that is not going to be an imposition to a single citizen of the community.

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Because no single citizen has to have it if they dont want it. I am sure they will want it. I know what the history of cable television is and I know of other people in other towns who have this television and it is good there. This is very consistent. The people of San Antonio would benefit. It is certainly not a business point, but certainly a very beautiful thing to say that this would be the only one that will contain all the Spanish and all the English . We are here supposedly as a confluence of civilizations, but let it be a reality. This is one of the most significant things that would happen with this channel. How would it not be to the benefit of one single citizen of San Antonio, I dont know. We would be getting money for the City, money that we dont have today. Certainly GE is not a fly by night organization and they are going to back it up. They have a very definite commitment and they are going to have to live with it. The City stands to get money for the people of San Antonio and really whether it helps UHF or not, there has not been one single instance in the nation where it has been detrimental to VHF. It only makes it a little more competitive. This is the basis of our country.

MR. GATTI: Before we vote on this, I want to make it clear that I have no financial interest in any other company. I happen to be a stock holder in a company that had owned a very small interest in a CATV company. My only wish and my only reason for behaving the way I have in relation to this contract is that, I think as a result of my personal experience, and to my knowledge is that the time to do this is not now. The City of San Antonio and the citizens will benefit immeasurably more if this thing were held off for at least one or two years. I think the amount of money, the amount of people, the number of people and the number of companies that would come in and look for a franchise such as San Antonio would increase significantly. This is the only reason I have for voting no and I would like to have this made a matter of record for this reason.

MR. NICHOLAS: I want to apologize to you Mr. Gatti. I was lead to believe that you had something to do with cable television.

MR. GATTI: You should apologize and I appreciate it.

MR. NICHOLAS: I do not think, however, that your question was right. I was not speaking as an expert.

MAYOR: We will now have the third reading of the ordinance.

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The Clerk read the following ordinance.

AN ORDINANCE 36,004

ACCEPTING THE PROPOSAL OF THE GENERAL ELECTRIC CABLEVISION CORPORATION FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE CITY OF SAN ANTONIO; GRANTING A FRANCHISE OR RIGHT TO GENERAL ELECTRIC CABLEVISION CORPORATION FOR THE PURPOSE OF DISTRIBUTING AUDIO AND VIDEO SIGNALS AND AUDIO AND TELEVISION ENERGY TO ITS SUBSCRIBERS IN THE CITY OF SAN ANTONIO, TEXAS, ALONG, ACROSS, OVER OR UNDER THE STREETS, HIGHWAYS, ALLEYS, UTILITY EASEMENTS AND REAL PROPERTY OF THE CITY OF SAN ANTONIO; ESTABLISHING A TERM OF TEN (10) YEARS, PLUS A FIVE (5) YEAR OPTION; GRANTING THE RIGHT TO LAY AND ERECT LINES, WIRES, CABLES, CONDUITS AND OTHER ELECTRONIC SIGNAL DEVICES AND PROVIDING SUCH INSTALLATIONS SHALL BE IN ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICES, APPLICABLE LAWS AND REGULATIONS, AND GENERAL SUPERVISION OF APPROPRIATE CITY OFFICIALS; PROVIDING FOR RELOCATION OF INSTALLATIONS OCCASIONED BY CHANGES IN GRADE; PHASING OF SYSTEM INSTALLATION; RESERVING THE RIGHT OF THE CITY TO APPROVE RATES AND FEES TO BE CHARGED SUBSCRIBERS; PROVIDING FOR CERTAIN FREE SERVICES; PRESCRIBING THE KIND OF SERVICE TO BE FURNISHED BY GRANTEE; PRESCRIBING PROCEDURES FOR THE EXTENSION, BETTERMENT OR IMPROVEMENT OF SERVICES; PROVIDING RATE OF RETURN NOT TO EXCEED FAIR RATE OF RETURN; PRESCRIBING THE METHOD OF ACCOUNTING BY GRANTEE; PROVIDING FOR MAINTENANCE OF SUFFICIENT DEPRECIATION RESERVES AND SPECIFYING THE PURPOSES FOR WHICH DEPRECIATION RESERVES MAY BE USED; PROVIDING FOR PAYMENTS AND FEES TO THE CITY OF SAN ANTONIO; PROVIDING FOR COMPLIANCE WITH LAWS; PROVIDING A RECAPTURE PROVISION AT THE ELECTION OF THE CITY OF SAN ANTONIO; PROHIBITING ASSIGNMENT OF INTEREST EXCEPT WITH WRITTEN CONSENT OF CITY COUNCIL; PROVIDING TIME FOR COMMENCEMENT OF FRANCHISE; PROVIDING FOR A REVIEW OF FRANCHISE PROVISIONS IN FIVE YEARS; PROVIDING FORM FOR ACCEPTANCE OF FRANCHISE BY GRANTEE; PROVIDING FOR A PUBLIC HEARING AND THREE SEPARATE READINGS.

\* \* \* \*

On roll call the ordinance was passed and approved by the following vote: AYES: Calderon, Jones, James, Trevino, Parker; NAYS: Gatti, Torres; ABSTAINING: McAllister and Cockrell; ABSENT: None.

When the Mayor was called on to vote on the question, he made the following statement:

"In view of the statements that have been made by Mr. Torres and the reflections that he has cast in his statements, I shall abstain from voting on this matter. I want to say for the benefit of the Council that I am not familiar with any ownership or any corporate set up in regard to Channel 29. It may be that some of my family or some of my friends have stock therein, but I am not familiar with it and in view of the reflection that has been made, and since it doesn't mean anything to me at all, I am abstaining from voting."

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Mrs. Cockrell asked, in view of the statements, the City Manager if Channel 29 has ever made a request of the City asking for television antenna space on the Tower of the Americas.

City Manager Henckel stated they have not.

The following ordinances were explained by the City Manager and on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Cockrell, Trevino, Parker and Torres; NAYS: None; ABSENT: Jones, James and Gatti.

68-29

AN ORDINANCE 36,117

ESTABLISHING A CITIZENS' COMMITTEE TO COORDINATE THE HANDLING OF TRAFFIC, TRANSPORTATION AND PARKING DURING 1968 AND APPOINTING MEMBERS THERETO.

\* \* \* \*

66-343

AN ORDINANCE 36,118

APPROVING PAYMENT OF \$4,731.61 TO THE URBAN RENEWAL AGENCY CONSTITUTING THE BALANCE DUE ON PROPERTY TO BE CONVEYED TO THE CITY IN CONNECTION WITH DEVELOPMENT OF A MARINA AND PARKING FACILITY AND AUTHORIZING A TRANSFER OF FUNDS.

\* \* \* \*

The following ordinances were explained by the City Manager and on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, Cockrell, Trevino, Parker, Torres; NAYS: None; ABSENT: James and Gatti.

67-658

AN ORDINANCE 36,119

AMENDING THE 1967-68 CITY BUDGET TO AUTHORIZE THE TRANSFER OF THE SUM OF \$44,000.00 FROM OPERATING CONTINGENCY ACCOUNT 70-01-01 TO NON-DEPARTMENTAL ACCOUNT 50-05-01 TO PROVIDE FUNDS TO DEFRAY THE COST OF GROUP LIFE INSURANCE AND ACCIDENTAL DEATH AND DISMEMBERMENT FOR THE BALANCE OF THE FISCAL YEAR.

\* \* \* \*

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REPEALING SECTION 38-51.1 OF THE CITY  
CODE (ORDINANCE 34987 OF NOVEMBER 23,  
1966) (CRASH HELMETS)

\* \* \* \*

67-644 At this time the Council considered the matter of a parking garage on CPSB property and the following discussion took place.

CITY MANAGER HENCKEL: This is Item 29 on the agenda which states the consideration of the proposed parking garage on the CPSB property. The Members of the Staff and myself have met with the proponents and the CPSB Officials concerning the proposal that was presented to the Council for a parking garage on the CPSB property on Navarro and Villita and Presa Streets. Our Legal Counsel, along with Bond Counsel, has advised that a new statute adopted by the State Legislature last summer, enables the City to build parking garages with the issuance of revenue bonds without a referendum.

It is their opinion and my recommendation that rather than sell this property to any individual for this purpose that the City, first of all determine, whether or not a parking garage is desirable at this location, and if it is, that the garage be built by the City and leased to an individual or individuals for operation thereof. It will be built on City property and will be owned by the City. We have consulted with all the interested parties. We have consulted with other individuals concerning other sites. As you recall, the Staff did make a presentation to the Council on the feasibility of a parking garage at this location. But if we go the revenue bond route, it will be necessary that a written feasibility study be attached to the bond prospectus. For this reason, if the Council desires to go ahead with this parking structure, I am recommending that this ordinance be passed calling for a written feasibility study which we will give next week and also pass a resolution authorizing the City Manager to prepare the plans and specifications for a parking structure at this location.

It is my recommendation that because of all of the publicity that we have received, both pro and con, that the Council make a determination at this time whether or not they desire to go ahead with this project. There maybe someone in the audience who wishes to speak on this matter.

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MR. TREVINO: You say to tell you whether or not we want to go ahead with it or not and then we have to wait for a feasibility study?

MR. HENCKEL: The feasibility study has been given verbally to the Council. It was given a couple of months back. However, if we go the revenue bond route, it will be necessary that a written report be given and attached to the prospectus in order to get a favorable opinion from the Attorney General. So for that reason the ordinance was prepared directing us to make such a study. We have the study and we will be able to come forth with it next week.

MR. TORRES: Would the revenue bond route still require the CPSB declare that property excess to their needs?

MR. HENCKEL: That is correct.

MR. TORRES: And it would be conveyed to the City?

MR. HENCKEL: That is correct.

MAYOR McALLISTER: Mr. Henckel, the consultation, the discussion that you had with all the interested parties indicates that a contract can be made with those that are interested in the management and operation of the garage on such a basis so the City's interest and principal on the revenue bonds are paid?

MR. HENCKEL: That is correct and we also have a commitment for purchase of the bonds. As you are all probably aware, the bond, the revenue bond of this type, is difficult to sell because of the amortization of the investment. In many cases it would be difficult to get any bidders at all. We are assured that we have at least one bidder. However, the procedures will be handled and will be open to the public like any other bond. Any citizen or any group will be entitled to bid on the bonds as well as on the construction of the building.

MAYOR McALLISTER: I would like to advise the Members of the Council and citizens as well, that as a result of the objections that were made last week, in which it was suggested that perhaps we could contact Joska's to see if it would be possible to interest them in building a multiple level garage on their property east of Bonham Street, that I had a conference with some of the officials of Joska's in connection with that and they are interested. However, they had declined some years ago to consider the proposition. Now, then, they are willing to consider the proposition. Here is the situation which will not interfere with the proposal that is being considered at the present time:

First they will have to have a feasibility study and they will not be able to act until they have had a meeting of the Directors of the Allied Stores Corporation and that will meet in March so that any matter they might consider to act upon will be of no particular or immediate benefit to us; in all probability, in so far as HemisFair is concerned. At the same time, I do want to say that Joske's did respond and express their interest. I had such meeting with them and their officers and administrators are acting in good faith in looking into it. I can say though, that I don't see any change in the economic conditions that face a proposal of that kind and I have small hope that they will come up with a proposal that will substantially increase the amount of parking available.

MR. HENCKEL: Our studies indicate that should this materialize, we will still not have sufficient parking to support City facilities of the Civic Center, LaVillita and LaVillita Assembly Hall. The requirements are much greater than all the proposals combined that we have received.

MAYOR McALLISTER: Am I not correct in saying that the study indicated that we will need 3500 parking spaces for the Convention Center?

MR. HENCKEL: That is correct.

MAYOR McALLISTER: All right. That's 3500, and what is contemplated on the CPSB lot?

MR. HENCKEL: The original proposal was for 600 spaces. As you are aware, we have 500 under construction in our Marina Parking structure.

MAYOR McALLISTER: that will be 600 and the 500 in the Marina is 1100 which still leaves us 2400 spaces shy of what we need and the demand being where it is, there is no reason why, the way the facts are, Joske's, if they should build a multi-level structure can change this. In other words the demand is still there. As I say, they are seriously contemplating this.

MRS. COCKRELL: If it wouldn't take too much time, I'd like to review the background for the citizens that I think is of value in getting the correct prospectus on this particular problem.

I would like to remind you that back in 1964 the citizens in January approved a bond issue providing for the Convention Center and immediately the City began with its design and architectural drawings for the Convention Center. Obviously, we all knew there had to be parking for the Convention Center.

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MRS. COCKRELL:

The initial designs that were done by our architects showed a building that would run 700 feet long down Alamo Street. It was later pointed out to us that year, that in designing the building in that particular manner, we would be obliterating the historic section on Goliad Street. Although the suggestion came to us late in 1964, and the design had been going on for nearly a year when the point was made to us, the City authorized or instructed its architects in February, 1965 to redesign the building so as to miss Goliad Street. The building was redesigned and there was some loss of time, but we all felt that this was in the public interest that this be done. Now, the after the Fair plans for parking, still in all of our City Master Plans, has not changed. The entire Convention Center area was visualized as later being surrounded by surplus parking. When we began to see what the real picture was at HemisFair, not only with the restoration of some of the historic structures but the design of fountains, landscaping and other areas of beautification that were being added, Members of this Council said that we just cannot solve our parking problem by clearing away everything around the Convention Center. That is just not the way the citizens would want us to do it.

Therefore, we asked our City Staff to come up with an alternate plan for parking that might utilize some of the on site parking at the Fair and it would also depend on parking structures outside of the Fair grounds and I will certainly say that I was a party to this and I supported it in order to save some of what was being done on the Fair grounds and what was being done on Goliad Street. Now, when this parking plan was devised, one of the structures that was called for was the structure which is now under construction over the Marina which is for 500 cars. This, the City Council has put into being by authorizing, in September, the architect to proceed with the plans and by letting the contract. A second site that was selected was the two parking lots owned by the CPSB. These were designated on our parking plan as being about a 450 car structure at that time. Another place that was designated on the plan was the northwest corner of Arciniega and South Alamo which was designated for parking 200 cars.

Not only do you have to face the problem of the total number of cars in facing up to parking, if it is 2500 or 3500 or whatever the estimate is, you cannot, in parking, put all your eggs in one basket.

One 2500 or 3500 car structure will not serve our needs. The reason is that many of our events that are held in the Convention Center will all hit at certain peak hours. The peak hour in the evening will be 8:00 o'clock. Suppose we have an event in our theatre where we have 2800 people in attendance. Suppose there might be the same night a peak performance such as a high school graduation, or the Marina might also be billed and perhaps a trade show going on in the Convention display area.

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MRS. COCKRELL: The point is, how in the world you can get 2500 cars into any one structure through a San Antonio street within the period of 45 minutes to an hour. It can't be done. Neither can you unload 2500 cars in a space in a reasonable length of time. If you try to get them all in one structure you have the greatest traffic jam in all history and people are complaining about the lack of forethought on the part of the City Council. You have to surround your facility with diversified parking areas so that people can have access to them. So that they can get in and get out and that the parking is not only available, but is available at the time, and at a place with reasonable access to all of the citizens. Now this is one reason why the parking plan that we have shows diversification. That is why, one reason, these two lots were selected. In our consideration we have certainly considered many of the factors. Certainly aesthetics must be considered. We must consider the needs of the Villita area and the Convention Center. I am just giving this little background because I feel that in looking at one particular area or any one site, that the whole thing can be seen a little better by looking at what is to be expected. I think we have a responsibility to our citizens. The City Council and the City Staff have to come up with a parking plan that is going to be suitable. I know everyone here, whether for or against this particular site, concurs that we have to come up with a reasonable plan.

MR. TORRES: I have a question for Mr. Henckel. How much square feet of surface space will be available in this area after the Fair and after the temporary facilities are removed?

MR. HENCKEL: This is an unknown factor. The original thinking was that the City would provide surface parking on the Fair grounds by the removal of all of the temporary buildings in addition to many of the old homes that were being renovated for use during HemisFair. However, it has become apparent that because of the locations of the permanent structures and the requests that we have received for use of these facilities after the Fair that it will be impossible to provide any surface parking on the HemisFair site to support our Convention Center. The next line of thinking then was it would be necessary to provide parking structures on the Fair grounds. Again we have the same problem because of the traffic flow as a result of the buildings that will be left.

We are presently working on a reuse plan which will designate the entire area of the Fair. There will be an educational, a civic, a recreation area, but we do have to consign ourselves to the fact that the buildings that have been renovated on the permanent area, in all probability, will remain. And therefore, it will eliminate the use of any surface parking and the possibility of any parking structure on the Fair grounds. For this reason, we are looking elsewhere for parking to support that area as well as our LaVillita expansion area.

MR. TORRES:                   What about the Cab facility on South Alamo during the Fair? What is that going to be used for?

MR. HENCKLE:                 That was one of the sites that was considered for permanent parking as well as temporary parking during the Fair. However, I wish to point out that this is in our La Villita expansion program. My own personal opinion is that it would be undesirable, in view of the Villita expansion, to use a big tract of land for parking if it could be located elsewhere. We would rather use it for a facility in the Villita site.

MAYOR McALLISTER             Any further discussion?

MR. TORRES:                 If we are going to have a feasibility study, this is going to be to determine whether it is feasible to build a parking facility on Villita Street, is that correct? We could have this study ready by next week?

MR. HENCKEL:                 This will just be a written report of the study that we have already presented covering all the details and facts.

MR. TORRES:                 Then I would presume there will be no construction work going on? At least until after the feasibility study is complete?

MR. HENCKEL:                 This is correct. The only construction work that has been allowed presently is the drilling of holes, and all that is necessary is that the owner of the property give permission to whoever is going to drill them. It is my understanding that the permission has been given with a provision that if it should not be approved that the holes will be refilled and restored to the original use.

MR. TORRES:                 When we vote on this feasibility study and on the particular plan we are going into, by that time, by next week, we will have the drawings, the sketches, the traffic patterns and what is available?

MR. HENCKEL:                 Yes, we will present the traffic patterns, the feasibility study to you on a structure at this particular location. However, the action today, if taken by the Council, both the ordinance and the resolution, would fully indicate the Council desires to go ahead with the project. Because the second resolution instructs the Manager to prepare the plans and specs for the parking structure so that all this can be going on simultaneously.

MR. TORRES: Of course this puts us back where we were December 28 when we moved this matter off for further consideration because we did not have the plans at that time. The following week we discussed voting again on a proposition that really we can't vote on unless we know the specific proposition. I think we should talk about the financing. It sounds like a valid proposal which I think we could put into effect in a practical way. Yet we haven't seen the plans; we haven't seen the traffic patterns and this is how the whole discussion got started in the first place and how the controversy was generated in the first place. The Council, as a whole, has not been made aware of how this thing is going to operate. The Conservation Society has a interest in this thing. It certainly should be discussed before we vote on anything. To sum it up, we are right back where we were on December 28. We haven't accomplished anything.

MR. HENCKEL: Let me point out the big change that has been made since the original proposition. Under the bond proposal the structure will be built by the City. So it is not necessary that the Council approve someone else's plans. It is your prerogative to instruct us, when you see the preliminaries, to do anything you so desire with the plans. You have complete and full control as to how this building would look and what you would have in it. Where as in the original proposition you were to approve the plans of a private individual who was going to build it. So we think that was one of the major changes. Of course the ownership also will be with the City and not with a private individual.

All we are asking today is if you want to go ahead with the parking project, that you instruct the Manager to prepare the plans and I will show you the preliminaries and you can request and direct any desired changes that you so want.

REVEREND JAMES: Is there any agreement in the area of the leasing of parking spaces one way or another?

MR. HENCKEL: This will be entirely the prerogative of the Council. However, when we enter into a management operational lease, we will spell out in that particular contract the terms of the lease and how many spaces will be for the general public and what the charges will be. This will all have to be based on the amortization of the cost of the structure.

DR. CALDERON: Would the rest of the lease be spelled out in the ordinance?

MR. HENCKEL: Yes, under the terms of the statute, I am informed by the attorneys it provides for a issuance of revenue bonds on a forty year basis and of course we also will be limited on the amortization of the lease by that same length of time. We all are aware that it is going to take a long length of time to amortize an investment on any parking structure regardless of where it may be.

MR. TREVINO: Isn't there a Charter provision that limits us to twenty five years?

MR. HENCKEL: We were informed by the attorneys that the statute is strong enough to stand on its own and would supercede the Charter.

MRS. COCKRELL: May I ask a couple of questions? First, at what point will the structure be reviewed by our two commissions that are involved in the planning of the Fair? Of course we have the River Walk Commission and the Fine Arts Commission.

MR. HENCKEL: We would call special meetings of each commission as soon as we have something to show them. I would say again that I think by next week we will have some preliminaries that can be shown. The way we would handle the construction-- in the plans and specs, we would provide that the successful bidder on the structure would reimburse the City for any cost incurred for foundation work up until the time the contract was awarded. This is a necessity because of the time element if we intend to have this structure complete in time for the Fair.

So what we would do, we would issue a work order, the City would, to proceed with the foundation; once the Plans are approved by the Council, and put it out for bid under normal procedures and the successful bidder at that point would take over, regardless of who we hired to do the foundation work, reimburse us to that point and continue the construction. We feel this is the proper way to handle it in order to insure completion in time for HemisFair.

67-644 The Clerk read the following ordinance and resolution.

AN ORDINANCE 36,121

AUTHORIZING AND DIRECTING DOWNTOWN OFF-STREET PARKING FEASIBILITY STUDY AND REPORT.

\* \* \*

A RESOLUTION

67-644 DIRECTING THE CITY MANAGER TO HAVE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF OFF-STREET PARKING FACILITIES PREPARED.

\* \* \*

January 11, 1968

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On motion of Mr. Jones, seconded by Dr. Parker, the ordinance and resolution were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Parker; NAYS: None; ABSTAINING: Trevino and Torres; ABSENT: None.

Mrs. Cockrell made the following statement:  
"I know there are citizens in the audience who have opinions on various phases of this. May I just invite them all to submit them all to the Council in writing. The final action has not been taken. Any comments you have, any advice for the Council that you may have, I suggest you address it in care of the City Clerk".

The Mayor stated he saw on the agenda that the Kiwanis Club has petitioned the City Council with regard to the naming of the Convention Center. He said he considered it quite an honor that the Kiwanis Club thought of him in that manner, but it came as a surprise and certainly he does not ask that the Council take any action and in fact preferred the Council not to take any action on the matter.

During the temporary absence of Mayor McAllister, Mayor Pro-Tem Gatti presided.

67-705 The Clerk read the following ordinance for the second and final time.

AN ORDINANCE 35,966

PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LINES OF THE CITY OF SAN ANTONIO, TEXAS AND THE ANNEXATION OF 8.506 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO.

\* \* \* \*

Planning Director Steve Taylor advised that this is the final step in the annexation of property located at I.H. 410 and Rolling Ridge Drive West, adjacent to Rolling Ridge Unit I-A and a 28.800 acre tract at I.H. 410 and Evers Road and is owned by Saunders-Trieschmann Development Corporation.

No one spoke in opposition.

January 11, 1968

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

67-705 The Clerk read the following ordinance for the second and final time.

AN ORDINANCE 35,997

PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LINES OF THE CITY OF SAN ANTONIO, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 28.800 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO.

\* \* \* \*

Mr. Steve Taylor, Director of Planning, advised that this is the final step in the annexation of property located at Evers Road and Loop 410 and owned by Saunders-Trieschmann Development Corporation.

No one spoke in opposition.

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

67-705 The Clerk read the following ordinance for the second and final time.

AN ORDINANCE 35,998

PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LINES OF THE CITY OF SAN ANTONIO, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 23.646 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO.

\* \* \* \*

Mr. Steve Taylor, Director of Planning advised that this is the final step in the annexation of property known as Shenandoah Subdivision Unit 4 and owned by Community Properties, Inc.

No one spoke in opposition.

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

Mayor McAllister returned to the meeting and presided.

67-705 The Clerk read the following ordinance for the second and final time.

AN ORDINANCE 35,999

PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LINES OF THE CITY OF SAN ANTONIO, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 39.992 ACRES OF LAND WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO.

\* \* \* \*

Mr. Steve Taylor, Director of Planning, advised that this is the final step in the annexation of property known as Colonies North Subdivision, Middletown Colony Unit 4, owned by H. B. Zachry Properties, Inc.

No one spoke in opposition.

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

68-19 Mrs. Robert Rubio presented a resolution to the City Council requesting that the new Convention Center be named for President John F. Kennedy.

68-31 Mr. Arthur Mathis, Architect for the development of LaVillita expansion made a presentatio of proposed improvements that could be made by the City. On an architectural sketch he showed the proposed landscaping, walks, etc., as well as a site where historical houses could be relocated.

He stated that bids would be taken on the work which has been previously authorized and brought to the Council for consideration.

City Manager Henckel advised the Council that the Urban Renewal Agency has requested that the Council pass a resolution instructing the Agency to purchase the property for public use. In addition the Urban Renewal Agency can't act until there is a reuse plan for the property to be acquired.

Mr. Robert Yturri and Mr. Anthony Specia, owners of property on Arceniega Street stated they would prefer the City to buy the property.

Mrs. Franz Stumpf made a plea to save the old Elmendorf Home at the corner of Arceniega and Presa Streets.

After further discussion, the Mayor instructed the City Manager to prepare an ordinance requesting the Urban Renewal Agency to acquire the land for the benefit of the City.

Mrs. Cockrell introduced the following resolution and moved its adoption.

A RESOLUTION

REQUESTING THAT THE PLANNING COMMISSION  
INITIATE PROCEEDINGS TO APPLY HISTORIC  
ZONING TO THE LA VILLITA AREA.

\* \* \*

After discussion, the motion was seconded by Dr. Parker and on roll call was passed and approved by the following vote: AYES: McAllister, Jones, James, Cockrell, Trevino, Parker and Torres; NAYS: Calderon; ABSENT: Gatti.

Mr. Joe Lopez of the Greater San Antonio Federation of Neighborhood Councils presented a resolution by that organization recommending that the Convention Center be named in honor of Congressman Henry B. Gonzalez.

Mr. Anthony Guajardo spoke to the Council regarding his request for reconsideration of zoning case 3117 previously denied by the Council.

After discussion, Dr. Parker made a motion that the Council consider the request for reconsideration. Seconded by Mr. Jones, the motion prevailed by the following vote: AYES: McAllister, Jones, James, Trevino, Parker, Torres; NAYS: Cockrell; ABSENT: Gatti.

Mr. Torres advised the Council that he had submitted to the Staff proposed amendments to the Minimum Wage Ordinance for preparation of an ordinance to be presented to the Council for its study.

The Clerk read the following letter.

January 9, 1968

Honorable Mayor and Members of the City Council  
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.

1-9-68            Petition of the Kiwanis Club of San Antonio requesting by resolution that the City Council name the Convention Center in honor of Walter W. McAllister.

/s/ J. H. INSELMANN  
City Clerk

\* \* \* \*

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

A P P R O V E D:

  
M A Y O R

ATTEST:

  
C I T Y C L E R K

January 11, 1968

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