

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, SEPTEMBER 14, 1972.

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The meeting was called to order at 9:30 A. M. by the presiding officer, Mayor John Gatti, with the following members present: HABERMAN, HILL, BECKER, HILLIARD, PADILLA, GATTI; Absent: MENDOZA, GARZA, NAYLOR.

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72-40 The invocation was given by Councilwoman Carol R. Haberman.

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72-40 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

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72-40 The minutes of the meeting of September 7, 1972 were approved.

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72-40 Miss Marge Hobbie, representing Ice Capades, introduced the fictitious character "Mayor H. R. Pufnstuff" of the City of Living Island.

Mayor Pufnstuff, in the person of Pete Franklin of the San Antonio Light and former Public Relations man during HemisFair, extended greetings from Living Island and invited the Mayor and all members of the City Council to attend the Ice Capades.

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72-40 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: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

AN ORDINANCE 41,172

AUTHORIZING PURCHASE OF CERTAIN SPANISH
MOTION PICTURES FROM WESTON WOODS FOR A
NET TOTAL PRICE OF \$1,731.10; AND
AUTHORIZING PAYMENT TO SAID COMPANY
OF \$1,731.10, TO BE PAID FROM FUND
NO. 713-04. (FOR LIBRARY-SINGLE SOURCE
ITEM)

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AN ORDINANCE 41,173

ACCEPTING THE LOW BIDS OF DOUGLASS W.
KING CO. AND THE FERD STAFFEL CO. TO
FURNISH THE CITY OF SAN ANTONIO WITH
CERTAIN GRASS SEED FOR A TOTAL SUM OF
\$4,406.75.

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72-40

The Clerk read the following Ordinance:

AN ORDINANCE 41,174

EXERCISING THE CITY'S OPTION TO RENEW FOR A ONE YEAR PERIOD THE CURRENT CONTRACT WITH DON'S AMBULANCE SERVICE, INC. TO PROVIDE EMERGENCY AMBULANCE SERVICE WITHIN THE CITY LIMITS; SAID RENEWAL SHALL COMMENCE DECEMBER 1, 1972 AND TERMINATE NOVEMBER 30, 1973.

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Mr. John Brooks, Director of Purchasing, explained that this matter had been discussed previously with the Council, and he was authorized to exercise the City's option to renew the current contract for a one year period under the same terms and conditions with one exception. This provision provides that if the new proposed minimum wage law, pertaining to hourly wages becomes effective during the period of this one year option, the per call rate of \$8.00 currently in effect shall increase to \$10.00 per call.

Dr. Hilliard stated that the Bexar County Medical Society desires to have ambulances include equipment prescribed by the American College of Medicine.

Mr. John Brooks advised that the ambulances meet the requirements of the State law. If small additional items were needed, he felt sure that Don's Ambulance Service would comply.

After consideration, on motion of Mr. Hill, seconded by Mrs. Haberman, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

72-40 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Mr. Becker, seconded by Mr. Hill, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

AN ORDINANCE 41,175

ACCEPTING THE LOW QUALIFIED BID OF GENERAL SERVICES ADMINISTRATION TO FURNISH THE CITY OF SAN ANTONIO WITH OFFICE FURNITURE FOR A NET TOTAL PRICE OF \$1,857.22; AND AUTHORIZING PAYMENT OF SAID AMOUNT FROM FUND NO. 749 TO GENERAL SERVICES ADMINISTRATION. (YOUTH SERVICES DIVISION)

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72-40

The Clerk read the following Ordinance:

AN ORDINANCE 41,176

ACCEPTING THE LOW BID OF ACTION UTILITY COMPANY, INC. FOR CONSTRUCTION OF THE

TURTLE ROCK SANITARY SEWER MAIN
EXTENSION; AUTHORIZING EXECUTION OF
A CONTRACT THEREFOR; APPROPRIATING
\$34,376.00 OUT OF FUND 820-03 PAYABLE
TO SAID CONTRACTOR AND \$2,000.00 OUT
OF THE SAME FUND AS A CONTINGENCY
ACCOUNT.

* * * *

Mr. Mel Sueltenfuss, Assistant Director of Public Works,
explained that this work was being done in accordance with the City's
Sewer Extension Policy. The project consists of 1,562 lineal feet of
eight inch sewer pipe off of Heimer Road to relieve a bad condition in
that area.

After consideration, on motion of Mrs. Haberman, seconded by
Mr. Hill, the Ordinance was passed and approved by the following vote:
AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None;
ABSENT: Mendoza, Garza, Naylor.

72-40 The Clerk read the following Ordinance:

AN ORDINANCE 41,177

ACCEPTING THE LOW BID OF ACTION
UTILITY COMPANY, INC. FOR CONSTRUCTION
OF THE U.S.A.A. SANITARY SEWER OUTFALL
SEWER LINE; AUTHORIZING EXECUTION OF A
CONTRACT FOR SAID WORK; APPROPRIATING
THE SUM OF \$64,300.97 PAYABLE TO SAID
CONTRACTOR AND \$3,000.00 OUT OF THE
SAME FUND TO BE USED AS A CONTINGENCY
ACCOUNT.

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Mr. Mel Sueltenfuss, Assistant Director of Public Works,
explained that this project is located off I.H. 10 Expressway and
consists of 3,879 lineal feet of twelve inch pipe.

After consideration, on motion of Mr. Hill, seconded by
Mr. Padilla, the Ordinance was passed and approved by the following
vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS:
None; ABSENT: Mendoza, Garza, Naylor.

72-40 Mayor Gatti was obliged to leave the meeting and in the absence
of Mayor Pro Tem Garza, Councilman Hill was designated to preside over
the meeting as Acting Mayor.

72-40 The Clerk read the following Ordinance:

AN ORDINANCE 41,178

ACCEPTING THE LOW BID OF GLENN ROGERS
FOR CERTAIN PAINTING WORK AT THE SAN
ANTONIO INTERNATIONAL AIRPORT;
AUTHORIZING EXECUTION OF A CONTRACT
COVERING SAID WORK; AUTHORIZING THE
SUM OF \$2,962.00 OUT OF REVENUE FUND
801 PAYABLE TO SAID CONTRACTOR AND

\$150.00 OUT OF THE SAME FUND TO BE
USED AS A CONTINGENCY ACCOUNT.

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Mr. Mike Kutchins, Assistant Director of Aviation, explained that this job consists of repainting the front of the terminal building and the entrance canopy. The bids ranged from a low of \$2,962.00 to \$7,290.00. He recommended acceptance of the low bid.

After consideration, on motion of Mr. Becker, seconded by Mrs. Haberman, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla; NAYS: None; ABSENT: Mendoza, Garza, Naylor, Gatti.

72-40 The Clerk read the following Ordinance:

AN ORDINANCE 41,179

AUTHORIZING EXECUTION OF A LEASE WITH DALTON V. BROWN, AN INDIVIDUAL, WHEREBY SAID LESSEE SHALL OPERATE A COFFEE SHOP AND CAFETERIA AT STINSON MUNICIPAL AIRPORT FOR A TWO YEAR TERM, COMMENCING OCTOBER 1, 1972.

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Mr. Mike Kutchins, Assistant Director of Aviation, explained that the proposed lessee has had successful operations similar to this one at Lackland and Fort Sam Houston. The lease was negotiated. Rental is \$30.00 per month. This operation is mainly to furnish a needed food service to people at the airport rather than an income type of operation for the City. He recommended the Ordinance be approved.

After consideration, on motion of Dr. Hilliard, seconded by Mr. Padilla, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla; NAYS: None; ABSENT: Mendoza, Garza, Naylor, Gatti.

72-40 Mayor Gatti returned to the meeting and presided.

72-40 The Clerk read the following Ordinance:

AN ORDINANCE 41,180

AUTHORIZING EXECUTION OF A LEASE WITH O. J. MARINE SUPPLY, INC., PROVIDING FOR LEASE OF GROUND AND BUILDING SPACE AT STINSON MUNICIPAL AIRPORT, FOR A TERM OF 5 YEARS.

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Mr. Mike Kutchins, Assistant Director of Aviation, stated that the lease provides for rental of 9,733 square feet of office and storage space and 26,053 square feet of ground space. The lease is for a five year period and contains one option for an additional five years. Rental will be \$8,900.00 per year. The structure is to be built by the City and bids will be opened next Monday, September 18, 1972.

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After consideration, on motion of Mr. Hill, seconded by Mr. Becker, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

72-40 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: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

AN ORDINANCE 41,181

APPROPRIATING THE SUM OF \$1,405.00 OUT OF SEWER REVENUE FUND NO. 820-03, FOR ACQUISITION OF SANITARY SEWER EASEMENTS TO BE USED IN CONNECTION WITH VALLEY FORGE OUTFALL MAIN AND BABCOCK PLACE SANITARY SEWER OUTFALL; ACCEPTING SANITARY SEWER EASEMENTS IN CONNECTION WITH EXPRESSWAY INDUSTRIAL PARK SANITARY SEWER OUTFALL, VALLEY FORGE OUTFALL SEWER MAIN, SAN ANTONIO RIVER OUTFALL, AND BABCOCK PLACE SANITARY SEWER OUTFALL; AND APPROPRIATING THE SUM OF \$10,150.00 OUT OF STREET IMPROVEMENT BONDS, 1970, NO. 409-02, FOR ACQUISITION OF LAND IN CONNECTION WITH THE BABCOCK ROAD WIDENING AND WALTERS - MOORE OVERPASS STRUCTURE PROJECTS.

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AN ORDINANCE 41,182

AUTHORIZING REMITTANCE TO THE U.S. DEPARTMENT OF AGRICULTURE OF DOUBLE GRANT PAYMENTS MADE TO THE CITY AND A REBATE OF SURPLUS FUNDS REMAINING IN CONNECTION WITH THE 1971 SUMMER NUTRITIONAL PROGRAM.

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72-40 The Clerk read the following Ordinance:

AN ORDINANCE 41,183

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR LEASE OF 864 SQUARE FEET OF SPACE IN THE BUILDING AT 140 MAIN PLAZA IN ADDITION TO 625 SQUARE FEET PREVIOUSLY AUTHORIZED, THE TOTAL COMBINED AREA TO BE UTILIZED BY PERSONNEL OF THE CITY AS LEGAL AND MEDICAL OFFICES; AUTHORIZING TRANSFER OF FUNDS AND PAYMENT OF RENTAL; AND AMENDING ORDINANCE NO. 41163 ACCORDINGLY.

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Associate City Manager George Bichsel explained that this space is for use by Dr. Bonita M. Singal, one nurse and one clerk-steno. This new medical unit is a part of the Public Safety Budget. They will provide physical examinations for all applicants for City employment including firemen and policemen. In addition, they will set up a health program whereby firemen and policemen will take physical examinations every two years to see how they are doing. It is hoped that this will reduce sick time and lengthen their careers.

The lease is for a one year period. The medical unit will then be transferred when expansion of the Police Headquarters is completed in August of 1973.

After consideration, on motion of Mr. Hill, seconded by Mrs. Haberman, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

72-40 The Clerk read the following Ordinance:

AN ORDINANCE 41,184

GRANTING PERMISSION TO ALAMO FIREWORKS, INC. TO CONDUCT A FIREWORKS DISPLAY AT 400 GARNER STREET ON SEPTEMBER 15, 1972, IN CONNECTION WITH SEMANA DE LA RAZA.

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Assistant Fire Chief I. O. Martinez stated that the site has been inspected and approved. The fireworks display will be under the control of the Fire Department.

After consideration, on motion of Dr. Hilliard, seconded by Mr. Padilla, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

72-40 The Clerk read the following Ordinance:

AN ORDINANCE 41,185

APPROPRIATING THE SUM OF \$1,700.00 FROM THE CONTINGENCY ACCOUNT NO. 70-01-01 TO THE PERSONNEL DEPARTMENT ACCOUNT NO. 06-21-01 PAYABLE TO THE U.S. CIVIL SERVICE COMMISSION FOR TRAINING OF CITY E. E. O. COUNSELORS.

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Associate City Manager Cipriano F. Guerra, Jr. explained that the U. S. Civil Service Commission will provide an instructor to conduct a five day training session for City Equal Employment Opportunity Counselors in handling employee complaints.

After consideration, on motion of Mr. Hill, seconded by Mr. Padilla, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

72-40 The Clerk read the following Ordinance:

AN ORDINANCE 41,186

CHANGING THE NAME OF SENECA DRIVE TO DENNLER DRIVE AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION.

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Mr. George D. Vann, Jr., Director of Housing and Inspections, explained that this change is being made at the request of the Post Office Department. There is one Seneca Drive off of Bandera Road in the City of Leon Valley serving eight residences and another Seneca Drive in Thunderbird Hills that serves one family.

The Planning Commission recommends that Seneca Drive in Thunderbird Hills between War Arrow Drive and Linus Drive be changed to Dennler Drive.

After consideration, on motion of Mr. Padilla, seconded by Mr. Hill, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

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72-40 The Clerk read the following Ordinance:

AN ORDINANCE 41,187

AUTHORIZING EXECUTION OF AN AMENDMENT TO THE PRESENT GRANT, CONTRACT WITH THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (COMMUNITY RENEWAL PROGRAM AND ANNUAL ARRANGEMENTS/COMMUNITY PLANNING & MANAGEMENT PROGRAM) SO AS TO ADD THERETO A PROJECT KNOWN AS THE MUNICIPAL INFORMATION CENTER PROJECT, ACCEPTING A GRANT FROM SAID DEPARTMENT AS ASSISTANCE IN CARRYING OUT SUCH PROJECT, ESTABLISHING AN ACCOUNT, ADOPTING A BUDGET, AND APPROPRIATING FUNDS.

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Mr. Robert J. Macdonald, Director of Intergovernmental Services, stated that additional funding has been offered for the purpose of setting up a Municipal Information Center. The Ordinance accepts the money and sets up the necessary budget and accounting system.

After consideration, on motion of Mrs. Haberman, seconded by Mr. Hill, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

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72-40 The Clerk read the following Ordinance:

AN ORDINANCE 41,188

AMENDING THE ANNUAL BUDGET AND PAY PLAN OF THE CITY OF SAN ANTONIO FOR FISCAL

YEAR 1972-73, BY CHANGING THE CLASS NUMBER AND PAY RANGE OF THE SUPERVISOR OF PUBLIC UTILITIES; CONFIRMING THE APPOINTMENT OF MR. THOMAS EDWARDS AS SUPERVISOR OF PUBLIC UTILITIES EFFECTIVE SEPTEMBER 18, 1972.

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Mr. Clyde C. McCollough, Jr., Director of Personnel, explained that this changes the class number and pay range for the position of Supervisor of Public Utilities from Class 0855 to Class 1035 Unclassified and the pay range from 33 to 117. The Ordinance also confirms the appointment of Mr. Thomas Edwards to fill the position at a starting salary of \$15,000.00 per year.

After consideration, on motion of Mr. Hill, seconded by Mr. Becker, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

72-40 The Clerk read the following Ordinance:

AN ORDINANCE 41,189

ACCEPTING ASSURANCES BY GENERAL SERVICES ADMINISTRATION OF THE UNITED STATES OF AMERICA THAT IT WILL PROVIDE OR ARRANGE FOR ADEQUATE PARKING UPON ADDITIONAL LAND TO SERVE THE FEDERAL FACILITY TO BE CONSTRUCTED ON ONE CERTAIN 3.0931 ACRE TRACT OF LAND IN THE CIVIC CENTER PROJECT, TEX. R-83 IN FULL AND COMPLETE SATISFACTION OF REQUIREMENT FOR SUCH ASSURANCES AS SET FORTH IN CONTRACT OF SALE RELATING TO SAID 3.0931 ACRE TRACT OF LAND AND URBAN RENEWAL AGENCY RESOLUTION APPROVING SALE.

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Mr. Winston Martin, Executive Director of Urban Renewal Agency, read the following letter from the General Services Administration:

Date: August 31, 1972

Reply To: Space Management Division - 7 PR

Subject: Federal Building HemisFair Site
San Antonio, Texas - Project 42-501

To: Mr. Winston Martin, Director

In my letter of August 24, I indicated that the General Services Administration still desires to acquire additional land to serve as supplemental parking for the Federal facility to be erected on the 3.09 acres of land described in the contract for sale attached to my letter.

After my discussion with Mr. Jack Currington today, and Mr. John Montgomery's discussion with Mr. Tompham, I wish to

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reiterate that the Government wishes to assure the Agency that it will provide or arrange for adequate parking upon additional land to serve the Federal facility. It is our desire to acquire Block 707, which is located across Durango from the property described in the contract for sale, and it is our hope that the Agency will be in a position to discuss conveyance of this property to the Government in exchange for other Federal property, so that the supplemental parking can be provided by late 1974 when it is anticipated the Federal facility will be ready for occupancy.

As I advised Mr. Currington, we are proceeding with the preliminary actions required prior to advertising for bids for construction of the Federal Building, and we urge that the executed contract for sale be forwarded for our acceptance at the very earliest practicable date.

RAYMOND E. JONES
Chief, Space Management Division
Public Buildings Service

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Mr. Martin stated that the Urban Renewal Agency has accepted these assurances and passage of the Ordinance will allow Urban Renewal to proceed with the sale of the property previously approved by the Council.

After consideration, on motion of Mr. Hill, seconded by Mrs. Haberman, the Ordinance was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

72-40

BOARD OF ADJUSTMENT CASE
RE: MEL M. HUGHES

Mayor Gatti stated that last week serious accusations were made concerning the procedure of the Board of Adjustment specifically the case involving property owned by Mr. Mel M. Hughes.

Mr. Ralph Langley, attorney for Mr. Hughes, has asked for an opportunity to present their side of the case which is only fair.

Mr. Ralph Langley reviewed the function of the Board of Adjustment which is fixed by Statute and by City Ordinance. His client, Mr. Hughes who is chairman of the Planning and Zoning Commission, has served as a member and chairman of the Planning and Zoning Commission for over five years. Mr. Hughes is not disqualified by law or moral precepts from doing business in the City of San Antonio. Mr. Hughes did apply for a series of variances with respect to a triangular piece of property lying alongside the Cherry Ridge exit ramp from Loop 410. Mr. Langley gave a history of the zoning of the property and the present application for variance. He said no one gave any permission to build a four story building, vary the parking rules and the regulations of the City.

Mr. James Stuart and a group of citizens filed a lawsuit which they had a right to do and contested the validity of the actions of the Board of Adjustment on technical grounds. For that reason alone, the District Court sent the matter back to the Board of Adjustment by determining that the decision was void for failure to conform to the State Statute and Ordinance in that the fact findings were not made.

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He said the City Attorney, who represented the Board of Adjustment, agreed. Mr. Langley said there is nothing in the law which prohibits the Board from hearing new applications at any time.

Mr. Langley then reviewed a prior variance granted on the property for construction of a six story building in 1968. Construction was not carried out because the owner passed away, and the project did not get started for six months. Under the law his entitlement expired. As a result, it was necessary to file a new application.

Mr. Langley stated that the Board of Adjustment is an autonomous group and is empowered to hear Mr. Hughes' application. He asked the Council to remove any requests that it might have made to further delay the hearing of this case. He stated that he knew of no improper act on the part of any City official in connection with this matter.

The Charter Revision Committee studied the conflict of interest provisions of the Charter and concluded that it sets forth a complete set of guidelines for conflicts of interest. Further, that State cases decided by the Courts set forth an ample and complete set of rules on this. If there has been any conflict of interest, there are adequate remedies for those who alleged it.

Mr. Langley concluded by asking the Council to reaffirm the trust and confidence which it has reposed in the members of its citizens' boards and commissions and to give the green light to the Board of Adjustment to carry out its tasks in the handling of the affairs of this government.

(A transcript of Mr. Langley's presentation concerning charges against the Board of Adjustment is filed with the papers of this meeting.)

72-40

CITY MANAGER REPORTS

City Manager Loyd Hunt reported that the Bexar County Hospital District will begin operation in the Mirasol Homes on December 18, 1972 where they will provide medical care to ambulatory patients.

72-40

PROPOSED CODE OF ETHICS
PRESENTED BY MR. CHARLES BECKER

MR. CHARLES BECKER: Mr. Mayor, if you please, it seems that Mr. Ralph Langley and I are always involved simultaneously in arriving at some destination, perhaps only in a different direction. Ralph, I have enjoyed my association with you on the Charter Revision Committee, and I only wish that I had an inch of the persuasiveness and eloquence that you can display at such a time like this. With all due respect though, with the remarks that you made I have something here I would like to present for the Council's consideration, if I may. This will take approximately 15 minutes. It's going to make it a rather lengthy meeting perhaps. Lately, two weeks or three weeks ago something was mentioned in one of our "B" sessions about the City purchasing the old Frost National Bank Building. I happen to be a director of the Frost National Bank. I want to go on record now and I want the record to so reflect that at no time since I have been a member of this Council, at no time prior to the time I became a member of this Council and was a member of the Board of the Frost National Bank, at no time prior to being a member of the Board of the Frost National Bank have I in any way, shape, fashion or form lobbied for, propagandized for, advocated the purchase of the Frost National Bank Building. I don't intend to do it now, and I certainly don't intend to do it in the future. Now, that is point number one.

Now, in an attempt to ameliorate certain situations which have developed between the Government of the City of San Antonio and one of our most influential and dedicated congressmen, Congressman Henry B. Gonzalez, I propose to read something here that I have entitled "Code of Ethics for Officials and Employees of the City of San Antonio." Now for some three months, this verbal exchange between Congressman and the City Government has been ensuing practically constantly but apparently to no avail. I am offering this in an attempt to mitigate, ameliorate and bring about an understanding between our representative in Washington D. C. and the City Government because I think that it's being perhaps harmful, I think it's being damaging to the status of the Government of the City of San Antonio. I think it's by inference, in many instances, to bring perhaps innocent people into some sort of spotlight. For that reason I am going to read this, if I may, and if you will indulge me for about 15 minutes. I am going to pass a copy to each of the City Councilmen, and if there are any left over there's some more here that you can give to members of the press and the Associate City Managers and so forth, and certainly our City Manager and City Attorney. And, Mr. Langley, if you would like to have a copy of this, I'd be more than delighted.

Now, with that preamble, I will commence:

CODE OF ETHICS FOR OFFICIALS AND
EMPLOYEES OF THE CITY OF SAN ANTONIO

BE IT RESOLVED by the City Council of the City of San Antonio that the following be a "Code of Ethics for All Officials and Employees of the City of San Antonio",

1. Declaration of Policy

The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals there is hereby established a Code of Ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this Code is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purpose of this Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City of San Antonio.

"Public officials and employees" as used in this Code shall include all members of city boards and all employees of such boards.

2. Responsibilities of Public Office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state, and municipality and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality, and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach.

3. Dedicated Service.

All officials and employees of the municipality should be loyal to the political objectives expressed by the electorate and the programs developed to attain these objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

4. Fair and Equal Treatment.

a. Interest in Appointments. Canvassing of members of the council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the council.

b. Use of Public Property. No official or employee shall request or permit the use of city-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

c. Obligations to Citizens. No official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

5. Conflict of Interest

No councilman or other official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. Personal as distinguished from financial interest includes any interest arising from blood or marriage relationships or close business or political association.

Specific conflicts of interest are enumerated below for the guidance of officials and employees:

a. Incompatible Employment. No councilman or other official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties.

b. Disclosure of Confidential Information. No councilman or other official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the city. Nor shall he use such information to advance the financial or other private interest of himself or others.

c. Gifts and Favors. No councilman or other official or employee shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city, nor shall any such official or employee (1) accept any gift, favor, or thing of value that may tend to influence him in the discharge of his duties, or (2) grant in the discharge of his duties any improper favor, service, or thing of value.

d. Representing Private Interests Before City Agencies or Courts. No councilman or other official or employee whose salary is paid in whole or in part by the city shall appear in behalf of private interests before any agency of the city. He shall not represent private interests in any action or proceeding against the interests of the city in any litigation to which the city is a party.

A councilman may appear before city agencies on behalf of constituents in the course of his duties as a representative of the electorate or in the performance of public or civic obligations. However, no councilman or other official or employee shall accept a retainer or compensation that is contingent upon a specific action by a city agency.

d. Contracts with the City. Any councilman or other official or employee who has a substantial or controlling financial interest in any business entity, transaction, or contract with the city, or in the sale of real estate, materials, supplies, or services to the city, shall make known to the proper authority such interest in any matter on which he may be called to act in his official capacity. He shall refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale.

A councilman or other official or employee shall not be deemed interested in any contract or purchase or sale of land or other thing of value unless such contract or sale is approved, awarded, entered into, or authorized by him in his official capacity.

f. Disclosure of Interest in Legislation. A councilman who has a financial or other private interest in any legislation shall disclose on the records of the council or other appropriate authority the nature and extent of such interest. This provision shall not apply if the councilman disqualifies himself from voting.

Any other official or employee who has a financial or other private interest, and who participates in discussion with or gives an official opinion in the council, shall disclose on the records of the council or other appropriate authority the nature and extent of such interest.

6. Avoidance of Impression of Corruptibility.

Public officials and employees, whether appointed or elected, full-time or part-time, paid or unpaid, should conduct their official duties with integrity, impartiality, and in the public interest. They also should conduct both their official and private affairs so as not to give a reasonable basis for the impression that any such official or employee can be improperly influenced in the performance of his official duties. Such official or employee should so conduct himself as to maintain public confidence in his performance of his public trust and in the government he represents. He should not be a source of embarrassment to that government and should avoid even the appearance of conflict between his public duties and private interests.

7. Applicability of Code.

When a councilman or other official or employee has doubt as to the applicability of a provision of this code to a particular situation, he should apply to the authority on ethical conduct constituted for the implementation of this code for an advisory opinion and be guided by that opinion when given. The councilman or other official or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicable provision(s) of the code before such advisory decision is made. This code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or charter provision and statutory or charter action is mandatory, or when the application of a statutory or charter provision is discretionary but determined to be more appropriate or desirable.

8. Discrimination in Appointments.

No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any appointive administrative office because of his race, religion, national origin, or political opinions or affiliations, if otherwise qualified for the position or office. However, this provision does not impair administrative discretion in determining the requirements of a position or in job assignment of a person holding such position.

9. Disclosure upon Adoption of this Code.

Within forty-five days after the adoption of this Code all members of the City Council, City Public Service Board, City Water Board, City Transit Board, as well as members of all other boards and agencies of the City, shall disclose by filing such disclosure in writing with the City Clerk of the City of San Antonio, any and all dealings or transactions which they, their firms, or their employers, presently have pending or have had in the past with the City or with any boards or agencies of the City, and said Councilmen and Board members shall cause all professional firms or individuals retained on a regular basis by the City or any of the boards or agencies of the City to disclose within the time and in the manner above specified the relationship which said professional firms or individuals now have or have had in the past with any person, firm or corporation who now does business or in the past has done business with the City or with any of its boards or agencies.

10. Sanctions

Violations of any provisions of this Code should raise conscientious questions for the councilman or other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the City. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

* * * *

MR. BECKER: That, Ladies and Gentlemen, is an honest attempt to bring about some reconciliation, some understanding to bring into focus once again if it need be, the position that this City Government holds in the City of San Antonio. I hope it is taken in that light.

MAYOR GATTI: Well, we appreciate very much the work you have put in this Mr. Becker. I think we should have a full Council to see this, and I think Mr. Walker should take it and review it and give us his thoughts on it. Then we'll take it under consideration.

MR. BECKER: I appreciate being given time to express those thoughts Mr. Mayor.

* * * *

72-40 ZONING HEARINGS

A. CASE 4691 - to rezone arbitrary tract 7A, NCB 12887, 2200 Block of Semlinger Road, from "A" Single Family Residential District to "I-1" Light Industry District; located on the northside of Rigsby Avenue between Semlinger Road and S. E. Loop 410 Expressway having 87.12' on Rigsby Avenue, 720' on Semlinger Road and 391.19' on S. E. Loop 410.

Mayor Gatti stated that this was an appeal case and required seven affirmative votes to make a change in classification. There being only six Council members present, Zoning Case 4691 was postponed to a future date.

B. Case 4622 - to rezone a 28.933 acre tract of land out of NCB 13667, being further described by field notes filed in the office of the City Clerk, 8800 Block of Fredericksburg Road and 4500 Block of Hamilton-Wolfe Road, from Temporary "A" and Temporary "R-1" Single Family Residential District to "B-2" Business District; a 3.700 acre tract of land out of NCB 13667, being further described by field notes filed in the office of the City Clerk, 8700 Block of Fredericksburg Road, from Temporary "A" Single Family Residential District to "B-3" Business District; a 214.771 acre tract of land out of NCB 13667, being further described by field notes filed in the office of the City Clerk, 9000 Block of Fredericksburg Road and 4600 Block of Hamilton-Wolfe Road, from Temporary "A" and Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District.

The "B-2" zoning located 365.71' north and 374.79' west of the cutback between Fredericksburg Road and Hamilton-Wolfe Road having 822.13' on Fredericksburg Road and 782.98' on Hamilton-Wolfe Road.

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The "B-3" zoning located northwest of the intersection of Fredericksburg Road and Hamilton-Wolfe Road having 365.71' on Fredericksburg Road, 374.79' on Hamilton-Wolfe Road and 45.05' on the cutback between these two roads.

The "R-3" zoning located 1157.77' west and 2647.95' north of the cutback between Fredericksburg Road and Hamilton-Wolfe Road, having 375.11' on Fredericksburg Road and 3231.23' on Hamilton-Wolfe Road.

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. Hill made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mrs. Haberman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

AN ORDINANCE 41,190

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 28.933 ACRE TRACT OF LAND OUT OF NCB 13667, (BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK) 8800 BLOCK OF FREDERICKSBURG ROAD AND 4500 BLOCK OF HAMILTON-WOLFE ROAD, FROM TEMPORARY "A" AND TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; A 3.700 ACRE TRACT OF LAND OUT OF NCB 13667, (BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK) 8700 BLOCK OF FREDERICKSBURG ROAD, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT; A 214.771 ACRE TRACT OF LAND OUT OF NCB 13667, (BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK) 9000 BLOCK OF FREDERICKSBURG ROAD AND 4600 BLOCK OF HAMILTON-WOLFE ROAD, FROM TEMPORARY "A" AND TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

C. CASE 4642 - to rezone the remaining portion of Tract L, NCB 11178, 3602 Roosevelt Avenue, from "B" Two Family Residential District to "B-3" Business District; located on the east side of Roosevelt Avenue

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(U.S. Highway 281 South) being 179.4' north of the cutback between East Harding and Roosevelt Avenue (U.S. Highway 281 South) having 336.25' on Roosevelt Avenue (U.S. Highway 281 South) and a depth of approximately 544'.

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. Becker made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. Hill seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

AN ORDINANCE 41,191

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 TRACT L, NCB 11178,
3602 ROOSEVELT AVENUE, FROM "B"
TWO FAMILY RESIDENTIAL DISTRICT
TO "B-3" BUSINESS DISTRICT, PROVIDED
THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

D. CASE 4686 - to rezone Lot 57, save and except the west 150', NCB 10744, 100 Block of Holmgreen Road, from "A" Single Family Residential District to "B-2" Business District; and the west 150' of Lot 57, NCB 10744, from "A" Single Family Residential District to "B-3" Business District.

The "B-2" zoning located northwest of the intersection of Holmgreen Road and Boulder Drive, having 155' on Holmgreen Road, and 185' on Boulder Drive.

The "B-3" zoning located on the northwest side of Boulder Drive 185' southwest of Holmgreen Road, having 150' on Boulder Drive and a maximum depth of 140'.

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. Hilliard made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. Becker seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

AN ORDINANCE 41,192

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 57, SAVE AND EXCEPT THE WEST 150', NCB 10744, 100 BLOCK OF HOLMGREEN ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; AND THE WEST 150' OF LOT 57, NCB 10744, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

E. CASE 4688 - to rezone Lots 247, 248 and 249, NCB 8597, 503-507-511 San Joaquin Avenue, from "C" Apartment District to "B-2" Business District; located southwest of the intersection of San Fernando Street and San Joaquin Avenue, having 146' on San Fernando and 176' on San Joaquin Avenue.

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. Becker 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 West and South property lines. Mrs. Haberman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

AN ORDINANCE 41,193

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 247, 248 AND 249, NCB 8597, 503-507-511 SAN JOAQUIN AVENUE, FROM "C" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED ALONG THE WEST AND SOUTH PROPERTY LINES.

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F. CASE 4733 - to rezone a 0.468 acre tract of land out of NCB 10600, being further described by field notes filed in the office of the City Clerk, 1000 Block of Eddie Road, from "A" Single Family Residential District to "I-1" Light Industry District; located on the west side of Eddie Road being 554.15' south of the intersection of Eddie Road and Lula-Mae Drive having 110' on Eddie Road and a depth of 185.26'.

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. Becker made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. Hill seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Mendoza, Garza, Naylor.

AN ORDINANCE 41,194

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 0.468 ACRE TRACT OF LAND OUT OF NCB 10600, (BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK) 1000 BLOCK OF EDDIE ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

G. CASE 4660 - to rezone Lots 12 through 15, Block 2, NCB 15909 and 2.36 acres out of NCB 15909, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District to "R-6" Townhouse District; being an irregular tract of land located 291.0' northeast of Mesa Alta Street and approximately 420' southeast of Pipestone Drive having a maximum length of 1218.87' and a maximum width of approximately 190'.

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. Becker made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. Hill seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Hill, Becker, Hilliard, Padilla, Gatti; NAYS: None; ABSENT: Haberman, Mendoza, Garza, Naylor.

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AN ORDINANCE 41,195

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 12 THROUGH 15, BLOCK 2, NCB 15909 AND 2.36 ACRES OUT OF NCB 15909, (BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK) FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-6" TOWNHOUSE DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

72-40 Mayor Gatti was obliged to leave the meeting and in the absence of Mayor Pro Tem Garza, Councilman Hill was designated to preside over the meeting as Acting Mayor.

72-40CITIZENS TO BE HEARDJAMES F. STUART

Mr. James F. Stuart, 7803 Robin Hill, spoke to the Council concerning the Board of Adjustment Case with reference to property owned by Mr. Mel M. Hughes.

Mr. Stuart presented each member of the City Council and the City Clerk with a letter addressed to the Mayor in which he made certain accusations against the Board of Adjustment and asked that in accordance with Section 42-40 that the City Council hold a public hearing on said charges. (A copy of the written charges and Mr. Stuart's presentation are filed with the papers of this meeting.)

Acting Mayor Hill asked the City Manager and the City Attorney to study the written charges made by Mr. Stuart and report back to the Council.

MRS. DOROTHY BEAUVAISLEROY H. GILBERT

Mrs. Dorothy Beauvais, 7811 Robin Hill, and Mr. Leroy H. Gilbert, 7807 Robin Hill, also addressed the Council and supported Mr. James F. Stuart in his allegations against the Board of Adjustment. (A transcript of their remarks is filed with the papers of this meeting.)

RAUL RODRIGUEZ

Mr. Raul Rodriguez, 719 Delgado, spoke to the Council with reference to property sold by the sheriff for delinquent taxes. He stated that Mr. Martin Sada, a candidate for sheriff, had assured him that if he was elected he would change the procedure for selling such property so that everyone will know of the sale and that people who lose their property because of unpaid taxes will receive something for their equity.

WILLIAM WALLACE

Mr. William Wallace, 224 Bogue, stated that he was called a "straw foot" for the Mayor because of the remarks he made at the last Council meeting concerning the appointment of Associate City Manager Cipriano F. Guerra. He emphasized that when he comes before the Council, the remarks he makes are his alone. He, again, reaffirmed his support for Associate City Manager Cipriano F. Guerra, and that the Council should do likewise. (A transcript of Mr. Wallace's remarks is filed with the papers of this meeting.)

MRS. HELEN DUTMER

Mrs. Helen Dutmer, 739 McKinley, advised the Council that the Charter Revision Committee studied at length the conflict of interest provisions of the City Charter.

Mrs. Dutmer stated that she personally still feels that the City Manager and every department head should have a right for a full-dress hearing. They should all be on an equal basis. She added that the City wants people serving the City to be of high quality and high caliber who have intelligence. You are going to get this through your business community. She did not believe that anyone is arbitrarily throwing around their weight and conflict of interest. No one will serve on the City Council or any Board if they are restricted from doing business of any type in the City. Everyone has a personal interest in the City. She felt there is a very fine line which should be distinguished when referring to "personal interest or gain" as set out in the conflict of interest code presented this morning.

72-40 Mrs. Haberman said there was a question as to whether the Council had jurisdictional rights of actually stopping the hearing on the Board of Adjustment case on Mr. Mel Hughes. She asked what the situation is.

City Attorney Howard Walker stated that the City Council has no jurisdiction over the actions of the Board of Adjustment. The City Council has certain plenary powers over the Board of Adjustment in that it may remove members for due cause, etc. The Board of Adjustment is more or less an autonomous Board, and the City Council has no authority to say, "You should hold a meeting on one day and you should not hold it on another." Mr. Walker concluded by saying it is beyond the Council's jurisdiction.

Mayor Gatti stated that he wanted to get a consensus of the Council on the matter. He said that the Council has heard both sides as well as from the City Attorney and thought that the procedure should be followed as is legally set up.

The Mayor also stated that City Manager Hunt should check out specific things about the departmental activities and give a report to the Council. The Council concurred.

There being no further business to come before the Council, the meeting adjourned at 11:55 A. M.

A P P R O V E D

M A Y O R

ATTEST:

J. H. Huselman
City Clerk

John Gatti

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TRANSCRIPT OF PRESENTATION BY MR. RALPH LANGLEY
CONCERNING CHARGES AGAINST THE BOARD OF ADJUSTMENT.

SEPTEMBER 14, 1972

MAYOR GATTI: All right, last week we had a citizen who made some very serious accusations concerning the procedure of the Board of Adjustment and some individuals that were involved in it. The attorney for one of the individuals has asked me for equal time and under the fairness doctrine, I think that's what you call it, I think it's only right that we give the other side the opportunity to present their case. I have asked Mr. Langley, who is the attorney for Mr. Mel Hughes. If I remember correctly we used up about 26½ minutes last week.

MR. RALPH LANGLEY: Mr. Mayor and members of the Council, I'll try to make it less than 26½ minutes. My name is Ralph Langley. I'm here today as a legal representative of Mr. M.M. Hughes, Jr. While I have been employed as his legal representative, I think in a larger sense that I am here today also to speak in behalf of citizen government and the participation of citizens on boards and commissions of our town. I don't think they need any apologists or defenders. I am also here to speak in behalf of the department heads of this staff at City Hall and of their integrity and honor which was placed under attack here last week. I am here to answer the vicious and vitriolic remarks which were made by a man who identified himself as James Stuart to this Council. I have heard his remarks as reflected by the tape in the City Clerk's office and I have read them a number of times with considerable care. I am here in the interest of fair play and to present the other side of what he said.

I don't want to get too fundamental about it but I think we should get to fundamentals stating that the function of the Board of Adjustment of this City is fixed by Statute and by City Ordinance. It has the power to hear and act upon applications of property owners for exceptions and variances to those conditions which apply to property which they own as such conditions might otherwise be applied by the general terms of the Zoning Ordinances. With any category of property zoned by the Zoning Ordinances, as the Council well knows, there are applicable conditions which relate in the main to set back lines and the height and construction and the type of building which may be constructed upon property within that particular zone. I'm not here today ladies and gentlemen to review all of the facts in connection with the case that was brought to your attention last week. But, I am here to discuss so much of it as is pertinent to your consideration.

My client, Mr. M.M. Hughes, Jr., is chairman of the Planning and Zoning Commission of this City. I offer no apology for that. He has served this City well as a member and as chairman of that commission for over five years. He has never, to his knowledge or mine, voted on any matter in which he had any personal interest direct or indirect. He is not disqualified by law or moral precepts from doing business in the City of San Antonio. He did, on the instance in question, apply last Spring for a variance, or a series of variances, with respect to a triangular piece of property lying along side the Cherry Ridge exit ramp from Loop 410. The applicable ordinances if strictly applied in his case would have deprived Mr. Hughes of the use of 73% of his property. The property is zoned "O-1", which is an office building type of building. It permits the construction of office buildings upon the property so zoned. I might add that it was so zoned long before Mr. Hughes made any applications to have any variances with respect to the property. It was zoned by this Council on September 21, 1967, long before Mr. Stuart bought his property and before a great many of the other people whose names were exhibited in the documents shown to the Council here last Thursday acquired their property. When the hearing was held on that zoning application before the Planning and Zoning Commission there were 20 notices made. One was returned

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in opposition, two in favor, no opposition appeared at the hearing. It was passed by unanimous vote of the Planning and Zoning Commission and in turn by the Council of the City of San Antonio.

Now, back to the application for the variance. After the application for the variance was filed last Spring, there were two hearings held. It is flat untruth for Mr. Stuart or anybody else to say to this Council that that body heard no evidence in the case, which was a flat statement that we made on the tape. It is completely unsubstantiated by the record. Those hearings were held by the Board of Adjustment on April 28th and on May the 19th. The Board of Adjustment very carefully listened to the evidence and I might add that there was a great volume of evidence submitted by Mr. Hughes and also by the opposition. There was a question raised about traffic and parking at the first hearing. Mr. Kiobassa, the First Assistant in the Traffic Department to Mr. Stewart Fischer, who was villified here last week, appeared at that hearing, gave lengthy evidence and was requested by the Board to study the matter and come back with his findings and a report to the Board of Adjustment. He again appeared at the second hearing and gave his evidence. The Board considered all of that evidence as well as the evidence presented by the parties once again, made a finding and a determination of a 15' setback line on the Cherry Ridge side and 15' setback line on Moss Rock and a building to be on the property line on the opposite side from this neighborhood-on the side toward Loop 410. This was in response to complaints which had been made at the earlier session. No one ever gave anyone permission to build a 4-story building on that property at that hearing. No one ever gave anyone permission to vary the parking rules and the regulations of this City as set forth in the ordinance. Yet, Mr. Stuart would have this Council believe that something in that vein was done which it was not.

Now, what happened thereafter legally was what Mr. Stuart and a group of citizens did and they had every right to do it. They filed a lawsuit in the District Court of Bexar County and that's the proper tribunal for that. They contested the validity of the actions of the Board of Adjustment on technical grounds that they had failed to set forth findings of fact with reference to the decision which was made. For that reason and that reason alone the District Court of Bexar County sent the matter back to the Board of Adjustment for consideration by that body by determining that the decision was void for failure to conform to the Statute and the Ordinance in that the fact findings were not made. That was the only decision that was made by that Court. The City Attorney, who has also been vilified here, appeared in behalf of the Board of Adjustment as he is required to do by City Ordinance and he made a presentation to the Court and conceded the points which I have just stated. I might add that Mr. Hughes, contrary to what Mr. Stuart would have the Council believe, had in the meantime employed our law firm and spent his good money in having the matter researched and checked out. There was an implication here that the City Attorney was representing Mr. Hughes. That's not so. He was representing the Board of Adjustment which is his obligation under the Charter and the Ordinance. There was not anything under handed or improper or illegal about any of that.

Now, I would like to address myself to the question of the reapplication. There is nothing in the law which prohibits the Board of Adjustment from hearing new applications at any time. I might add that this is a different situation from the one which occurs in zoning cases. There is, in the zoning case, a provision as this Council well know which sets a time limit before a citizen may refile. But in a Board of Adjustment case there is no such inhibition. Mr. Stuart appeared here and, in my judgment, sought to villify not only Mr. Hughes but also, by innuendo and inference, every member of that Board of Adjustment. Upon the basis of some supposed conflict of interest, and I say that in quotation marks because some of the people on that Board happened to be involved in the real estate business and allied fields. That situation, in my humble opinion, presents no more conflict of interest that it would for the Mayor,

for example, to vote on a securities matter or for Mr. Becker to vote on a matter involving some other food store operator or for Dr. Hilliard to vote on a medical matter or anything else that involves the particular business or profession of a Council member. In truth, and in fact, not all of the members of the Board of Adjustment are in the real estate business or allied fields. Finally, I would like for this Council to know this. That, the matter which was presented here in such an unsavory light had actually been presented in 1968 to another Board of Adjustment by a Dr. Horn whose widow is here in the Council Chamber. In 1968 a prior Board of Adjustment granted a variance to build a 6-story building on the property in question. The only reason that was not done was that, unfortunately, Dr. Horn passed away and did not go ahead with this project for six months and under the law his entitlement expired and it was as a result of that, that it became necessary to file in this instance a new application. I tell this story because it is perfectly obvious to me here, that Mr. Stuart would villify the Planning Department in connection with notices, he would villify Mr. Kiobassa in connection with traffic matters, he would villify the members of the Board of Adjustment or anyone else who would happen to disagree with him. And it is an attack, if you please, upon citizen government and participation by citizens in our boards and commissions here. It actually is a sully or an attempt to sully the reputation of my client and the other people who participate over there.

I realize full well that this Council intended no harm in the action in which it took last Thursday in requesting the Board of Adjustment to pass the case the following day. I call your attention to the fact that Mr. Stuart and the other neighbors had had a notice before the meeting a week earlier of this Council and yet no one appeared until the eve of the hearing to request a postponement because he had sought it in every department of this city and had asked by every means at his command to get someone to do for him that which he ultimately asked this Council to do. But further than that my client, Mr. Hughes, had an option to purchase the property from Mrs. Horn and Dr. Lee, who happens to be her co-owner, and he is here in the Council Chamber represented lawyer. That option was to expire tomorrow and as a result of that postponement it will take ten more days of notice and had it not been for the good graces of Mrs. Horn and Dr. Lee in giving us an additional thirty days in which to present the matter, Mr. Hughes would have lost his valuable right to purchase the property. And, further more, as a result of this Mrs. Horn and Dr. Lee have lost the use of their money for an additional thirty days in waiting for the matter to come back up.

Now, by way of what the future holds for this, what we ask this Council to do today is to remove any request that it might have made for any further delay in the hearing of this case by the Board of Adjustment, which is an autonomous group and empowered to hear it following this sending of notices. I would say this, that we are prepared to go back and out of an abundance of caution to present all the evidence again. We have worked with the City Attorney's office in the preparation of a set of findings, fact findings, that would support a ruling to that affect. Mr. Kiobassa in Traffic, has made another study of it. I want to say this, that with reference to the Planning Department, with reference to the City Attorney's office, with reference to the Traffic Department, that everyone of those people have refrained totally from trying to influence that Board. They have worked in the matter by saying and qualifying their remarks to the affect that if you see fit to pass it and approve it this is the legal way to do it. I know of no improper act on the part of any City official in connection with this matter. And I just don't think that anyone can come forward with anything to the contrary. Now, one of the things that bothers me about this type of thing, and I'll be candid with the Council about it, is that when it comes back up because of the villifying attack which has been made on the Board of Adjustment that they will feel constrained to lean over backwards and deny it simply in an effort to prove their objectivity and thereby deny a man a right which he should have under the Statutes and the Ordinance. Certainly that would be a tragic day for citizen government in San Antonio if we were to set a pattern

of that kind.

I have read a great deal in the newspaper about conflict of interest and I want to say this in passing to the Council for whatever it may be worth that the Charter Revision Committee of which Mr. Becker was chairman and on which I had the privilege to work with him, went over this matter of conflict of interest at great length and looked at the ordinance and looked at the Charter provisions. I recall one night when a sub-committee was meeting, Mr. Walker went up and got the cases and brought them down. Mr. John Daniels and he and I and I believe Mr. Becker and some of the others went over them. That the committee, for whatever it may be worth, concluded that the Charter of the City sets forth a complete set of guide lines for conflicts of interest that the State cases decided by our courts set forth an ample and a complete set of rules on this. So, if there has been, applying that to this case, if there has been any conflict of interest here there are adequate remedies for those who so allege rather than to have these matters tried here before the Council. Anyone who sees fits to do so can enforce his rights in that regard. Ladies and Gentlemen, I respectfully ask this Council today to reaffirm the trust and confidence which it has reposed in the members of its citizens boards and commissions and not to let this government be run by innuendo, inference and intimidation, and I ask this Council to please give the green light to the Board of Adjustment to carry out its task in the handling of the affairs of this governments. I want to thank you Council for hearing me.

GATTI: Does the Council have any questions?

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CITIZENS TO BE HEARD
SEPTEMBER 14, 1972

MR. WILLIAM WALLACE: I will try to frame all of this into five minutes. I would like to say one thing. If you can speak, make a speech that was really initiated by Mr. Gonzalez some fifteen minutes, then like the other gentlemen that spoke a while ago about half an hour, then the citizens who elect you and who you are suppose to be performing for can only speak for five minutes, I think that there is some injustice and discrimination within the system itself. You have to realize there are many people who would like to speak who can not speak publicly and must use others to speak through.

I understand that last week I was called a "straw foot" and in particular, you're "straw foot" Mr. Mayor. I would like to clarify something. First I think that the press is being very discriminatory by only printing a little piece of what I said and devoting almost a quarter of a page to what the Congressman had to say. I also would like to state, at this time, that I have no intention of lowering my integrity or my self-standards and getting into a name calling situation. This is something I would suspect or expect from a dog, a pig, a hog or something like this. I come before you as a man. I come before you as a black man. I come before you as a poor man. When I speak, I speak from my heart and what I know and from the people of grass roots and there's nobody else up there that can tell me when to speak and when not to speak. Anytime I come before this Council the remarks I make are mine and I'm not prompted by any person to do so.

I would also like to know, since you're going into conflict of interest, and to let you know again that Mr. Gonzalez has the right to be critical but he has no rights of dictation. You go to conflict of interest, why don't you check his own office, offices, and see how many people, of his own family, work there. Many of the people who oppose the appointment of Mr. Guerra have somebody that they themselves wanted there and I can name them, including the Congressman, which is also the person that is in some way related to him. And if you check, you will find these applications on file in the City Council, unless somebody pulls them out. I would also like to know that if this is the representative of the people, that the Congressman is doing. If you must discriminate against one employee and if you remember, when I was up here, you were asking him to do something that you ask no other employee to do. If this is a Democratic way, how can he come down and meddle into all the local stuff when there's so much wrong in the national level that he is saying nothing about. If this is a Democratic Party's way of thinking then I here, this morning, denounce the party that I was born to and I am of this moment no longer a member of the Democratic Party because it seems to me that the people there are more interested in self-fame or self-interest than that of the people. And when you put yourself above the people and begin to call the people who help you to office and get you elected, "straw feet," I would like for Mr. Gonzalez to come to my face and call me a "straw foot" and we'll see who's made of straw and who has the yellow strip down his back. Now, I could say a lot of more things. I know a lot of things that the people who help elect the man get to office, when they went to him, a lot of them ended up in the pen. I'm ready to go there if it is for fight for rights. And I repeat to this Council you have a wonderful Manager, you have an extra talented Associate City Manager, Mr. Guerra, and that you should stand behind or get the hell out of the way and quit interffering into the business. Now, last week everybody swore that nobody is trying to put any pressure yet, what did they do, get together and tried to get the man to resign. Now, there's your conflict of interest. I'd rather call it a conflict of truth. If the Congressman is so great and if this Council can not listen to a citizen then you need to get off. If a citizen can sit here for hours and hours and listen at you ravel and argue and fight, I think you can stand here and sit and listen to each one as long as he has something to tell you cause it's the only way in hell you're going to find out, is by listening and maybe sometime you might come up with something that is great enough to help some of the people out here. You're not elected to serve Congressman Gonzalez, I don't

care how much he's done for the City. If he is wrong, he's wrong. I don't care who it is. And it is time this Council and everybody else in this town realizes this. Now, I think he feels safe because nobody fights against him. But if that's the case, I have no desire to go to Washington but, I would run against him as a write-in, if it comes to that, or somebody that could beat him. That's all I have to say. Thank you very much.

CITIZENS BE HEARD
CONCERNING CHARGES MADE AGAINST BOARD OF ADJUSTMENT

SEPTEMBER 14, 1972

MRS. DOROTHY BEAUVAIS: I am Mrs. Dorothy Beauvais and I live at 7811 Robin Hill and the only thing that I might add is that this particular lot in question is the smallest lot in the whole neighborhood. Mr. Hughes would like to erect a building much larger than any building for miles around. There are no structures in the neighborhood higher than two stories. This building which he wishes to erect would be much closer to any of the homes in the neighborhood. If anybody were to drive by there and see Stewart Title Building, for instance, or the new State Farm Building, they are erected on much larger lots and no way near as close to the residences as this particular building would be. Thank you very much.

* * * *

LEROY GILBERT: I am Leroy Gilbert and live at 7807 Robin Hill, that's next to Mr. Stuart. Mr. Langley was very eloquent, and we appreciate that. The only thing that I do have to say is that in the 1958 case for the six story building, my wife was there in protest to that. The Board did go ahead and pass it just the same. Now I merely want to say this that I consider the Board of Adjustment in accepting these plans, without change, even after the prior actions have been disapproved or called null and void by the 150th District Court, and they are accepting these same plans again without change

DR. HILLIARD: A point of order, Sir. I think the meeting is out of order. We have no quorum at the present.

MR. HILL: Okay, we'll stand by. I am sure Mrs. Haberman will be right back.

BACKGROUND: Where is the Mayor?

MR. HILL: I cannot answer that. I'm not the Mayor. He excused himself in the Chambers and turned the chair over to me and I'll try to do my best to keep the Council running. You got the clock off? Mr. Gilbert proceed please.

MR. GILBERT: For the benefit of the other members, I'll go over a little bit of what I just mentioned before. That in the 1958 case that was mentioned by Mr. Langley on this six story building, my wife was there to appear and protest against it. The Board of Adjustment went ahead, nevertheless, and passed it and we had nothing to say. There was no facts or no findings of facts at that time. What I merely wanted to say is the Board of Adjustment in accepting these plans the second time from Mr. Hughes without any change and the Board not finding any facts to substantiate it or grant the waiver is actually creating undo harassment on the people of the community but it serves the interest of one man. Thus, the facts or the findings of the decision of the Board of Adjustment was reversed and declared null and void by the 150th District Court. There still are no findings of facts, and yet the Board of Adjustment accepts the same identical plans again without change and they are just going to create an additional burden on us financially. That's all I have to say.

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JAMES STUART: The Board of Adjustment is not represented by Mr. Langley, the Board is represented by the City Attorney. I'd like to say further that it was a very vicious and malicious tactical attack on my character. I think it is very obvious that I am not as suave and debonair or have the persuasive power that Mr. Langley has but the only thing I will tell you is fact. Only facts supported in the records the minutes of the proceedings. I'd like at this time to give you a copy of a letter of written charges I have prepared. First of all, the facts I ask you to just look at the records. Look at the records. Look at the minutes. Listen to them. This will establish the facts. I'm not up here to quote many innuendos as Mr. Langley has quoted and to blow up a smoke screen. I'm not trying to persuade the City Council. I'm only asking that fair and substantial justice be done. Mr. Hughes, first of all, did not own the property as was at first represented. He only had an option to make a windfall profit if he got the variance which was requested. Now, I would like to very quickly read over this to make it a matter of the official minutes. The letter is addressed to the Honorable John Gatti, Mayor.

7803 Robinhill Drive
San Antonio, Texas 78230
September 14, 1972

Honorable John Gatti, Mayor
City of San Antonio, Texas
City Hall
San Antonio, Texas 78205

Dear Mayor Gatti:

This letter is written to reduce to written charges, the request made to City Council on September 7, 1972, concerning the removal of the Board of Adjustment.

In accordance with the provisions of Sec. 42-40 (Terms, Removal of Members); Article IV (Board of Adjustment); Chapter 42 (Zoning) of the San Antonio Code; I, James F. Stuart a resident, taxpayer and voting citizen of San Antonio, Texas, am herewith presenting written charges, and requesting the City Council to act as prescribed by the cited Sec. 42-40 which reads, in its entirety, as follows:

"All members of the board shall be appointed for a term of two years and shall be removable for cause by the City Council upon written charges and after public hearing."

I specifically request the removal of all members of the Board of Adjustment who participated in the regular meetings of the Board on April 28, 1972 and May 19, 1972. The names are a matter of record as shown in the official minutes of these meetings.

I make the following written charges against the aforementioned board members, and cite these charges, if duly substantiated, as adequate cause for removal of said board members by the City Council at a public hearing; all in accordance with the provisions of Sec. 42-40:

The board has repeatedly violated the provisions of Sec. 42-45.11 "Procedure for Appeals". This section requires "a notice of appeal specifying the particular grounds upon which the appeal is taken". Those in opposition to an appeal are unable to prepare an effective case unless they have prior knowledge of the particular grounds, upon which an appeal is taken. Despite the requirement of Sec. 42-45.11, the board

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heard the following cases on April 28, 1972, which did not comply therewith: 8248, 8249, 8250, 8253, 8256, 8257, 8258 and 8259. On May 19, 1972 the board again violated Sec. 42-45.11 in hearing cases: 8290, 8291, 8292, 8293, 8294, 8295, 8297 and 8254.

During the hearing on case #8254 the board was advised that it was not acting in accordance with the provisions of Sec. 42-45.11. The board nevertheless persisted in its violation and member of the opposition has no recourse but to refer the matter to the 150th District Court (Case No. F-250,031) which reversed the decision of the Board of Adjustment on August 2, 1972. The citizens who obtained this relief were forced to do so at their own expense and the Board's willful violation should of and by itself be adequate cause for their removal by the City Council.

The board has also repeatedly violated the following of the code of the City of San Antonio:

Contrary to the provisions of Sec. 42-45.4, the board made numerous decisions unsupported by required findings of fact. Sec. 42-45.4 "Findings of Fact" provides as follows:

"Every decision of the board shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the board is required to pass under this article or to affect any variance in this chapter shall be construed as limitations on the power of the board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed compliance with this article."

The power of the board to grant variances is provided for in Sec. 42-45.8. This section provides that NO variance can be granted unless eight special conditions are met. These eight conditions are those requiring findings of specific fact.

Decisions made by the board on the following cases are contrary to the requirements of Sec. 42-45.4 and Sec. 42-45.8: 8248, 8249, 8250, 8253, 8256, 8257, 8258, & 8259, all on the 28th day of April, 1972. Cases 8290, 8291, 8292, 8293, 8294, 8295, 8297, & 8254, all on the 19th day of May, 1972.

By hearing defective appeals and rendering decisions contrary to specific provisions of the Zoning Ordinance the board, in effect, changed the terms of Article IV of the Zoning Ordinance. In so doing the board acted contrary to the provisions of Sec. 42-45.3 "Powers Strictly Construed" which states in part:

"Nothing herein contained shall be construed to empower the board to change the terms of this article."

The board willfully and knowingly violated the provisions of Sections 42-45.3; 42-45.4; 42-45.8; 42-45.11.

As recorded in the minutes of the meeting of May 19, 1972 on pages 14 and 15 (Case 8254) the board was advised by Attorney Henry Christopher that the appeal by M.M. Hughes was invalid in that it did not set out the specific grounds upon which the appeal was based. Attorney Christopher further advised the board of the provisions of Sec. 42-45.4 and Sec. 42-45.8. He did so in more specific detail than the minutes reflect. The tape recording of the meeting clearly establishes this. Despite the specific citations of Attorney Christopher, the board did willfully and knowingly violate the aforementioned sections of the City Code.

The board through its incompetent actions and willfull violations of the City Code did render an erroneous decision

on Case 8254. Said erroneous decision caused the undersigned to suffer mental anguish and financial loss.

I charge the Board of Adjustment with the aforementioned charges and in addition I charge the board with gross misconduct, gross negligence, and complete and utter disregard of the law!!

In view of the above stated charges I respectfully request a public hearing before the City Council for the airing of these charges which I recommend to the City Council as adequate cause for the removal of the members of the Board of Adjustment as defined on page one.

Concerned citizen,

/s/ James F. Stuart

(Mr. Stuart continues after reading letter)

I have other sections that I will not mention at this time. I would like to make other charges that are not written here. I would ask the City Council, Gentlemen, please inspect the record up through last Friday and up through today at this hour. They are still in complete lack of compliance with the law and we have an attorney on the City Council, can inspect the record and confirm this or I would also ask the City Council to get the opinion of the City Attorney. Ask him and I think he will agree that they are not in compliance. I only ask "let's have the facts, that's all." Let's listen to the minutes and nothing else. No innuendos and blowing up a smoke screen. If we just listen to facts, the facts speak for themselves. And everything I have in my letter is substantiated in the minutes of the meeting. And these are only facts. I have many other things I would like to cover but I'm probably out of time and this is all the time. So I guess I'll have to stop.

MR. HILL: Thank you Mr. Stuart. Mr. Hunt will you take this and the City Attorney and give us a report back to the Council.

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