

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, FEBRUARY 20, 1969, 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, Hill, Torres; ABSENT: None.

69-9 The invocation was given by Reverend William Harris, Jefferson Methodist Church.

The minutes of the February 13, 1969 City Council Meeting were approved.

69-9 ZONING HEARING:

a. First heard was Zoning Case 3432 to rezone Lots 81 thru 85 NCB 11507 from "A" Single-Family Residence District to "B-2" Business District located on the southwest side of Bandera Road, (State Hwy. 16) 1,190.04' northwest of Cheryl Drive having 618.96' on Bandera Road and a maximum depth of 547.54'.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

Dr. Calderon stated that a solid screen fence should be erected on the Southwest property line of all the lots involved.

Mr. Edward J. Shahady, the applicant, stated he was representing the owners of all the lots. He explained that the majority of the property at Bandera Road from Culebra to Loop 410 has undergone a change from residential to commercial use. He felt the change to "B-2" Business District would be compatible with the present and future development of this area. He did not think that a privacy fence on the Southwest boundary line of the property was necessary.

The Mayor stated that if the property were rezoned to "B-2" Business District, there were many uses for which it could be used that would be detrimental to the property adjoining the Southwest property line of these lots and felt the privacy fence should be required.

After further consideration, Dr. Calderon made a motion to approve the recommendation of the Planning Commission and grant the rezoning subject to the applicants erecting a six-foot privacy fence along the Southwest property line of the subject lots within a six month period. The motion was seconded by Mr. Hill. On roll

call, the motion, carrying with it the passage of the following ordinance, prevailed by the following vote: AYES: McAllister, Calderon, James, Cockrell, Trevino, Hill, Torres; NAYS: None; ABSTAINING: Jones, Gatti; ABSENT: None.

AN ORDINANCE 37,259

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 81 THRU 85, NCB 11507 FROM "A" SINGLE-FAMILY RESIDENCE TO "B-2" BUSINESS DISTRICT. (SUBJECT TO THE APPLICANTS ERECTING A SIX-FOOT PRIVACY FENCE ALONG THE SOUTH-WEST PROPERTY LINE OF THE SUBJECT LOTS WITHIN A SIX MONTH PERIOD.)

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b. Next heard was Zoning Case 3463 to rezone the west 55.6' of Lot 22, NCB 1718 from "B" Two-Family Residence District to "B-2" Business District located on the north side of E. French Pl., 232.02' west of N. St. Mary's Street, having 55.6' on E. French Pl. and a depth of 119.05'.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

Mr. Jones made a motion to approve the recommendation of the Planning Commission subject to a six-foot fence on the West boundary line of the subject property. The motion was seconded by Mr. Hill. On roll call, the motion, carrying with it the passage of the following ordinance, prevailed by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,260

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE WEST 55.6' OF LOT 122, NCB 1718 FROM "B" TWO-FAMILY RESIDENCE TO "B-3" BUSINESS DISTRICT. (SUBJECT TO THE ERECTION OF A SIX-FOOT FENCE ON THE WEST BOUNDARY LINE OF SUBJECT PROPERTY.)

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c. Next heard was Zoning Case 3509 to rezone Lot 30-A, Blk. 24, NCB 8948 from "E" Office District to "B-2" Business District located northeast of the intersection of Mango Drive and S. W. Military Drive, having 145' on S. W. Military Drive and 147.5' on Mango.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, on motion of Dr. Calderon, seconded by Mr. Hill, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,261

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 30A, BLK. 24, NCB 8948 FROM "E" OFFICE DISTRICT TO "B-2" BUSINESS DISTRICT.

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d. Next heard was Zoning Case 3510 to rezone Lot 19, Blk. 2-B, NCB 11953 from "A" Single Family Residence District to "I-1" Light Industry District located northeast of the intersection of Western Avenue and Chulie Drive having 144.96' on Western Avenue and 390.56' on Chulie Drive

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, on motion of Mr. Gatti, seconded by Mr. Torres, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,262

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 19, BLK. 2B, NCB 11953 FROM "A" SINGLE-FAMILY TO "I-1" LIGHT INDUSTRY DISTRICT.

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e. Next heard was Zoning Case 3511 to rezone Lot 3, NCB 10598 (15.226 acres) from "A" Single-Family Residence District to "I-1" Light Industry District located west of the intersection of I.H. 410 Expressway and Dietrich Road, having 1464.17' on I. H. 410, 1021.13' on Dietrich Road and 92' on the cutback between these two roads.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

Mr. Paul A. Moore, 4718 Dietrich Road, opposed the request for rezoning. He felt that traffic along Dietrich Road would be increased and did not want manufacturing business across from his home. He pointed out that a school was a short distance away. The children walked along Dietrich Road to attend school and they would be subject to the increased traffic.

The Mayor explained that the applicant had agreed to a 150 foot setback and a non access easement along Dietrich Road.

After consideration, on motion of Dr. Calderon, seconded by Mr. Trevino, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,263

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 DES-
CRIBED HEREIN AS LOT 3, NCB 10598
(15.226 ACRES) FROM "A" SINGLE-FAMILY
RESIDENCE TO "I-1" LIGHT INDUSTRY DIS-
TRICT.

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f. Next heard was Zoning Case 3512 to rezone Lot 1, Blk. 82, NCB 3678 from "B" Two-Family Residence District to "B-1" Business District located southeast of the intersection of W. Houston St. and 24th Street.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

Mrs. Mary Hill, the applicant, in answer to questions from the Council stated she planned a small office building at this location with access on both Houston and Commerce. The property is not suitable for a residential because of the heavy traffic on 24th Street. She stated she was agreeable to erecting a six-foot privacy fence along the east property line.

After consideration, Mr. Torres made a motion to approve the recommendation of the Planning Commission subject to the erection of a six-foot privacy fence along the east property line. The motion was seconded by Mr. Gatti. On roll call, the motion, carrying with it the passage of the following ordinance, prevailed by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 37,264

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLK. 82, NCB 3678 FROM "B" TWO FAMILY RESIDENCE TO "B-1" BUSINESS DISTRICT. (SUBJECT TO THE ERECTION OF A SIX-FOOT PRIVACY FENCE ALONG THE EAST PROPERTY LINE.

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g. Next heard was Zoning Case 3521 to rezone Lots 14 thru 20, Blk. 2, NCB 13878 from "A" Single-Family Residence District to "R-2" Two-Family Residence District. Lots 14 thru 16 are located on the north side of Evening Dun, 175.49' west of Blanco Road, having 216.35' on Evening Dun and a maximum depth of 160'. Lots 17 thru 20 are located on the south side of Evening Dun, 156.03' west of Blanco Road, having 273.35' on Evening Dun and a maximum depth of 220'.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, on motion of Mr. Gatti, seconded by Mr. James, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 37,265

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 14 THRU 20, BLK. 2, NCB 13878 FROM "A" RESIDENCE TO "R-2" TWO FAMILY RESIDENCE DISTRICT.

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h. Next heard was Zoning Case 3528 to rezone Lot 2, Blk. 6-B, NCB 11960 from "A" Single-Family Residence District to "I-1" Light Industry District located on the south side of Parkridge Drive, 234.02' east of Jones Maltsberger Road, having 150.2' on Parkridge Dr. a maximum depth of 290'.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After, consideration, on motion of Mr. Jones, seconded by Dr. Calderon, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,266

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 2, BLK. 6B, NCB 11960 FROM "A" SINGLE FAMILY RESIDENCE TO "I-1" LIGHT INDUSTRY DISTRICT.

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i. Next heard was Zoning Case 3529 to rezone Lot 94, NCB 10754 from "B-2" Business District to "B-3" Business District located on the east side of W. W. White Road, 222.84' north of Rice Road, having 100' on W. W. White Road and a depth of 150'.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, on motion of Mr. Jones, seconded by Mr. Hill, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,267

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 94, NCB 10754 FROM "B-2" BUSINESS TO "B-3" BUSINESS DISTRICT.

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j. Next heard was Zoning Case 3550 to rezone that portion of Lot 4, NCB 13662 presently inside the City limits from "A" Single Family Residence District to "O-1" Office District located on the northside of Fredericksburg Road, 1545' southeast of the cutback to Wurzbach Road, having 171' on Fredericksburg Road and a maximum depth of approximately 533'.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, on motion of Mr. Gatti, seconded by Mr. Torres, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,268

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 DES-
CRIBED HEREIN AS THAT PORTION OF LOT 4,
NCB 13662 PRESENTLY INSIDE THE CITY
LIMITS FROM "A" SINGLE FAMILY RESIDENCE
TO "O-1" OFFICE DISTRICT.

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k. Last heard was Zoning Case 3553 to rezone Lot 24, NCB 11961 from "B-1" Business District to "B-3" Business District located southwest of the intersection of Mick Williams Drive and Broadway, having 58.13' on Mick Williams Drive, and 129.19' on Broadway.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, on motion of Mr. Jones, seconded by Dr. Calderon, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,269

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 DES-

CRIBED HEREIN AS LOT 24, NCB 11961
FROM "B-1" BUSINESS DISTRICT TO "B-3"
BUSINESS DISTRICT.

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69-9 Mr. John Brooks, Purchasing Agent, briefed the Council on 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, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,270

TRANSFERRING THE CURRENT CONTRACT WITH THREE RIVERS ASPHALT CO. TO FURNISH THE CITY WITH RC-2 ASPHALT TO THE GULF STATES ASPHALT COMPANY.

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AN ORDINANCE 37,271

ACCEPTING THE ATTACHED LOW QUALIFIED BIDS AS LISTED BELOW TO FURNISH THE CITY OF SAN ANTONIO WITH CERTAIN PLAYGROUND EQUIPMENT FOR THE HEMISFAIR PLAZA FOR A TOTAL OF \$12,630.00.

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69-9 Mr. Tom Raffety, Aviation Director, briefed the Council on the following ordinances and on motion made and duly seconded, were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 37,272

AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN AGREEMENTS WITH THE UNITED STATES OF AMERICA FEDERAL AVIATION ADMINISTRATION AFFECTING LEASE OF SPACE AT STINSON MUNICIPAL AIRPORT.

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AN ORDINANCE 37,273

ACCEPTING GRANT OFFER FROM UNITED STATES OF AMERICA (FEDERAL AVIATION ADMINISTRATION) FOR PROJECT NO. 9-41-080-C921 AT SAN ANTONIO INTERNATIONAL AIRPORT AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT AGREEMENT.

* * * *

February 20, 1969

In answer to questions from the Council, Mr. Raffety stated that in addition to using the Grant for strengthening of the Runway 12R/30L and installing centerline and touchdown lighting, an emergency generator would also be installed capable of generating enough power to keep the airport well lighted in the event the power was shut off.

69-9 Mr. Bob Frazer, Parks and Recreation Director, briefed the Council on the following ordinance and on motion of Dr. Calderon, seconded by Mr. James, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 37,274

APPROPRIATING THE SUM OF \$65,000.00 FROM THE GENERAL FUND UNAPPROPRIATED SURPLUS ACCOUNT INTO SPECIAL PROJECTS ACCOUNT 99-26-01, (HEMISFAIR PLAZA KIDDIE ZOO) TO BE USED IN THE CONSTRUCTION AND ESTABLISHMENT OF A KIDDIE ZOO IN HEMISFAIR PLAZA.

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69-9 Item No. 5 on the agenda regarding changing the name of Lockhill-Selma Road, located between Jones-Maltsberger Road and the City Limits, to Feathercrest Road as recommended by the City Planning Commission, was postponed until later in the meeting at the request of Mr. Carl Streiber, who was representing three property owners along this stretch of Lockhill-Selma Road.

69-9 The Clerk read the following ordinance:

AN ORDINANCE 37,275

SETTING A DATE, TIME AND PLACE FOR A HEARING ON THE PROPOSED ANNEXATION OF 1.1978 ACRES OF LAND BY THE CITY OF SAN ANTONIO AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO PUBLISH NOTICE OF SUCH PUBLIC HEARING.

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Mr. Steve Taylor, Planning Director, explained that the proposed annexation was at the request of Callaghan Road Development Company. Hearing on the proposed annexation will be on March 6, 1969 at 10:00 A.M.

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

69-9

The Clerk read the following ordinance:

AN ORDINANCE 37,276

MANIFESTING AN AGREEMENT WITH SAN ANTONIO NEIGHBORHOOD YOUTH ORGANIZATION PROVIDING FOR THE EXTENSION OF THE TERM OF THE LEASE TO THAT ORGANIZATION OF CERTAIN CITY-OWNED PROPERTY IN NEW CITY BLOCK 6803.

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Mr. Jerry Henckel, City Manager, explained that the lease is for a two-year period for which SANYO would pay the City \$1.00 per year. He stated that when SAYNO first leased this building they made extensive repairs and have kept the building in good condition. He preferred to have SANYO occupy the building rather than have it vacant and at the mercy of vandals. The City has no use at this time for the building.

In answer to questions from the Council, Mr. Henckel explained that the lease was for a two-year period at the request of SANYO; however, he would be glad to change it and make it a one-year lease as SANYO has not been funded by the Federal Government for the two-year period.

The Mayor felt that the lease should be for just a one-year period.

After further consideration, it was the feeling of the Council that the ordinance could be passed now for a one-year period only. Mr. Torres made a motion to this effect. Seconded by Dr. Calderon, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: Jones.

69-9

The Clerk read the following Ordinance:

AN ORDINANCE 37,277

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH E.J. SHERWOOD FOR OPERATION OF A FOOD, DRINK, AND TABACCO STAND IN HEMISFAIR PLAZA, AND A CONTRACT WITH G. HASSLOCHER FOR OPERATION OF FOOD STAND IN HEMISFAIR PLAZA.

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Mr. Bill Lindquist, Director of Municipal Facilities, explained that Mr. E. J. Sherwood is leasing 200 square feet of space at HemisFair Plaza for the operation of a stand of soft drinks, cigars and cigarettes, popcorn and potato chips, for a term ending December 13, 1974. The other lease contract is with Mr. G. Hasslocher doing business as "Fair Foods", who is leasing 600 square feet of space at HemisFair Plaza for operation of a stand for sale of fried chicken, tarts, beverage, hamburgers, and other foods for a period ending September 30, 1969.

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

69-9

The Clerk read the following Ordinance:

AN ORDINANCE 37,278

AUTHORIZING PAYMENT OF THE SUM OF \$12,294.00 OUT OF GENERAL FUND 1-01 TO FRED W. RILEY, INSURANCE AGENT, FOR CERTAIN INSURANCE ON THE CONVENTION CENTER, THE TOWER OF THE AMERICAS AND HEMISFAIR PLAZA.

* * * *

Mr. Fred Cook, Property Records Supervisor, explained that \$12,294.00 was in payment for insurance on the Convention Center, Tower of the Americas and HemisFair Plaza. The basic coverage had been increased to \$1,000,000 single limit at additional cost of \$2,101.00; however, the City has received cash credit of \$4,576.00 on the public liability policy on the Convention Center and Tower of the Americas, otherwise the premium would total \$14,769.00.

Mr. Jerry Henckel explained that with this policy the City can carry the insurance for all the buildings and will include the pro rata share of the insurance in the contracts for the concessionaires.

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

69-9

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

AN ORDINANCE 37,279

APPOINTING ALVIN G. PADILLA, JR. TO THE BOARD OF DIRECTORS OF THE ECONOMIC OPPORTUNITIES DEVELOPMENT CORPORATION.

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AN ORDINANCE 37,280

AMENDING THE CURRENT BUDGET BY AUTHORIZING ONE SECRETARY POSITION IN THE MAYOR AND CITY COUNCIL OFFICES AND PROVIDING THE NECESSARY FUNDS FOR THE BALANCE OF THE FISCAL YEAR.

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81

69-9

The Clerk read the following Ordinance:

AN ORDINANCE 37,281

APPOINTING MEMBERS OF THE SAN ANTONIO
METROPOLITAN HEALTH DISTRICT ADVISORY
BOARD. (MISS JO ESTRADA, MR. CHARLES
HERRERA.)

* * * *

Mrs. Cockrell stated that these appointments were for the expired terms of J. J. Betz and Dr. John Kee and the appointments should specify when the terms expire.

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

69-9

TRINITY UNIVERSITY - TAX STATUS

Councilman Torres made the following statement:

Mr. Torres: Mr. Mayor, earlier this week the Commissioners Court put a number of Trinity University homes on the tax rolls and I recall about three or four months ago when Mr. Coulter, the Trinity University Attorney was here, that the major emphasis for giving the tax exemption was that the Commissioners Court had gone along with giving them this tax exemption. We also wrote off a number of the back taxes. In view of the Commissioners Court action of this week, in view of the fact that the City Attorney's, our own City Attorney's opinion seemed to be in line with what the District Attorney's opinion was that these homes are not used exclusively for educational purposes, that they should be on the tax rolls and in view of the fact that there will probably be a law suit over this situation of the tax exempt status of these homes, I would like to suggest to the Council that we go ahead and take the same action as the Commissioners Court took. I think some of those homes are not used exclusively for educational purposes. If I may reiterate Mr. Walker's previous opinion, I believe it was that these homes were not entitled to a particular tax exemption. Is that correct, sir?

Mr. Walker: Yes, it is our thinking that they are not entitled to it. However, we agree that there are authorities on both sides in various jurisdictions, some permitting it, some denying it. It was our viewpoint that Texas would follow the conservative viewpoint I stated in the Ohio Supreme Court and deny it. However, there is only one way to find that out and that is let the matter get to court. Our suggestion at that time was that the matter should perhaps go to court for a final determination.

Mr. Torres: Since the Commissioners Court has taken that action, I believe the only way to get any action would be to turn around and renege on our ordinance giving them the tax exemption. Is that right?

Mr. Henckel: Our recommendation at the time was that they not be placed on the exempt roll and let the property owners

file suit. The City is certainly not going to file suit.

Mr. Torres: Well, a suit will be filed Mr. Mayor, and I think that we certainly ought to be involved in that law suit, and the only way we can be involved in the law suit so that we can get the proper judicial determination would be to turn around and rescind our prior ordinance. Of course, certainly germane to this is the study that we have going on that Morningside Manor case, which I understand we are waiting for a staff study. Is that right, Jerry, we have a staff study coming out on Morningside Manor and other similar situations?

Mr. Henckel: No sir. We were going to study other facilities similar to Morningside Manor and review the entire exemption. However, again, our recommendation was and still is that Morningside Manor is not entitled to an exemption.

Dr. Calderon: Let me ask this question, Mr. Attorney, in view of the action of Commissioners Court, what is our position or how would we stand in any litigation against Commissioners Court? Should we hold our position?

Mr. Walker: Well, if we take no further action on this matter, then our situation remains static under our ordinance and the Court files its suit and it is litigated and a legal determination is arrived at, and that determination is that they are not entitled to a tax exemption, then of course that, in effect, negated the ordinance you passed which allowed them the tax exemption.

After a lengthy discussion by the Council, the action on Mr. Torres' suggestion was postponed for one week to give the Council a chance to study it more thoroughly.

A verbatim report of the discussion is filed with the original of these minutes.

69-9

SUSPENSION OF POLICE OFFICERS

Mr. Torres: Mr. Mayor, I am concerned from time to time when I read about a police officer who may have had domestic problems and as a result of that he faces a suspension. Of course we give the Police Chief the authority to do these things. But my principle concern is that these matters are publicized. Recently, during the Vidal situation, I believe that Mr. Henckel made a comment that the personnel records are confidential records. Following that same reasoning, Jerry, I should think that the reasons why an officer is suspended should be a matter of confidence between the Chief and the police officer.

I don't believe there is any criterion or critique that requires us to release the reason for the officers suspension and I would like to see us adopt a policy, if possible, whereby the officer does not have an adverse reflection on his name or on his record or on his merits as a police officer because of a purely personal situation recognizing the complications and complexities of married life we know that people are going to have difficulties and I shouldn't think these things should be a matter of public record that should be publicized.

For that reason I would like to see us adopt a policy, Jerry, with reference to our personnel and in this case with reference to our police personnel where the reasons for suspension would not have to be publicized. Is it possible to do that sir?

Mr. Henckel: I don't know, but I will certainly check into it.

Dr. Calderon: I personally object not only to the fact that the reasons for the suspension are publicized, but I object to the suspension itself. I certainly see no reason why we should inform the City of the suspension. I think it is strictly a personnel matter and I feel that it is showing inequity to publicize the suspension of officers and not the suspension of some of the other employees that we have. I think we need to look at the whole public image of our employees and prevent the publication of statements that relate to any of our employees.

Mr. Torres: I think you are right, and I would go along with that.

Mr. Henckel: I have just been informed that the reason this is public is because the particular matter did require police action. The police were called and for that reason it became public knowledge at that time. Had it not been made public knowledge as a result of the police being called, of course it would not have become public. I am sure there would not have even been a suspension.

Mr. Gatti: We ought to get a report. I know that over certain number of days suspension has to be done by the Fire and Police Commission. As far as the Civil Service Commission is concerned they can be suspended and appeal if they wish and once they appeal, it is public information. But I think we ought to get a report from both commissions and on the personnel procedures and have a look into it.

Mayor McAllister: Why don't you look into it Mr. Henckel and give us a report on it.

69-9

PROPOSED PAWN BROKERS ORDINANCE

Mr. Torres: One final thing I wanted to ask about is an item in the paper concerning this proposed Pawn Brokers Ordinance. Mr. Walker, I believe that your comment to the newspapers was that you would not propose such an ordinance and that you could not go along with it. I just want to inquire as to what your reasons are sir?

Mr. Henckel: Let me comment on that please. Mr. Walker did not comment on that ordinance. Mr. Walker did not draw that ordinance. The Manager did not request him to draw that ordinance. It was strictly from an outside source. In as far as the City Staff is concerned until we are ready to make a recommendation to the Council, it is a closed matter. This is something that someone else thought up and gave some publicity and quoted Mr. Walker.

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Mr. Torres: I see. The reason I bring it up anyway is because Mr. Walker was quoted. I have read the ordinance and I have a copy of the ordinance which was sent to me anonymously, as many things are, and I find it interesting as there are other municipalities that have such an ordinance and I would like at least for the staff to look at it and look at its feasibility and report back to the Council, at least to me.

Mr. Henckel: There are two ways that ordinances are presented to the Council. One of course is upon a motion by the Council themselves or instructing the Manager to prepare an ordinance and the Manager presents an ordinance to the Council with a recommendation, as a result of the recommendation from the Staff. I have had no recommendations or requests from the Police Chief for an ordinance of this type. If he desires one, I am sure he will be in contact with me and we will study it and make a recommendation. If you desire, we will look into the matter, we will be glad to.

Mr. Torres: That is the reason I am bringing it up, I so desire, how is that for you?

Mr. Henckel: What I am saying pointblank is that individual members of the police department or associations do not propose ordinances.

Dr. Calderon: I think by virtue of the publicity given this possible avenue and the recourse available that we should certainly take a look at it and give an answer. This has been given publicity to the general public and they are of the understanding that perhaps this is the way to do it. I think we should take a look at it.

Mr. Henckel stated he would look into the possibility for a Pawn Brokers Ordinance and report to the Council.

69-9

HEMISFAIR PERSONAL PROPERTY

Mrs. Cockrell: I would like to ask about the Council's establishing some policy with regard to the disposition of the personal property assets which the City accepted toward the payment of the HemisFair debts. I think that the assets are now being dispersed to some extent as we can see around City Hall the use of some of the property. I do think that we have an obligation to know exactly in what manner this is to be disposed of particularly if it is possible to convert a substantial amount of these assets into cash which can be reimbursed to the Tower Fund.

Mayor McAllister: Mr. Henckel, you might follow that suggestion and consider it and give us your suggestions at the next Council meeting.

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ANTI-LITTER ORDINANCE

Mr. Jones: I received a copy of a letter addressed to Mr. Henckel regarding an Anti-Litter Ordinance with teeth in it. I feel we can beef up our existing ordinances to make people come to toe who dump on our City streets. I understand that under the present ordinances that we can determine by evidence at the scene as to who the culprit is. But they have to be seen or they cannot be charged. I think that we ought to prepare an ordinance. I am confident that if we do that it would give authority to permit the Police Department or Health Department to examine the litter by taking fingerprints or whatever else they can find to bring charges against the people who have dumped that stuff there. I think that is the only effective way that we are going to eliminate some of this.

Mr. Torres: Of course, Bob, there was a hot line item in one of the newspapers which I thought had some very good recommendations. If we could point the way by signs to some of our dumps that we could perhaps eliminate some of these difficulties. Maybe this is one of the remedies to these problems that you are citing.

Mr. Jones: We don't have any dumps as such where people can come and dump. That may be part of the problem. It might be that the City should open up some dumps that could be controlled. But some of these people will dump whether there is a place or not.

Dr. Calderon: If a person ignores 'No Dumping' signs they certainly won't obey signs pointing to the City Dump.

Mr. Torres: We don't know until we try it.

Mayor McAllister: Mr. Walker, will you look into this and see if a possible ordinance can be drawn that will be more effective than what we have?

CITIZENS TO BE HEARD:

Mr. John Egglund, representing the Dawn Optimist Club, presented the San Antonio Police Department a plaque which reads as follows:

PRESENTED TO
THE SAN ANTONIO
POLICE DEPARTMENT
IN RECOGNITION OF ITS OUTSTANDING
SERVICE AS EXEMPLIFIED BY AND IN MEMORY
OF PATROLMAN RICHARD M. CUELLAR
WHO GAVE HIS LIFE IN PERFORMANCE
OF DUTY, AUGUST 2, 1968.
BY
DAWN OPTIMIST CLUB
OF SAN ANTONIO

* * * *

Mr. Egglund also presented Mrs. Cuellar with a medalion. The Mayor then thanked Mr. Egglund.

Mr. Leonard Hill stated he had a complaint against Councilman Pete Torres. He stated the complaint had been turned in to the San Antonio Bar Association on January, 1968. The complaint was signed by six other persons besides Mr. Hill. The complaint was turned in because they had paid Mr. Torres some money to start processing a job evaluation complaint but he discontinued action on it and hasn't done anything on it since 1965. They are requesting that Mr. Torres be made to refund their money. However, the Bar Association cleared Mr. Torres. Mr. Hill stated he still felt something should be done to help them get their money back from Mr. Torres.

The Mayor told Mr. Hill that this is not a proper matter for the Council to hear or participate in.

Mr. Torres said since the matter has been brought up, he would like to explain.

Mr. Torres: I represented Mr. Hill, is that right, and some gentlemen from the Army Map Service. Mr. Garcia who was on the Grievance Committee of the Bar Association and the entire Grievance Committee, including Mr. Sid Callender, sent the entire file, it is a matter that relates to my personal business, in view of the comments that have been made, and I want to point out that I pursued Mr. Hill's appeal all the way to the U. S. Civil Service Commission in Washington. We did go the Civil Service Commission route did we not, Mr. Hill, rather than the Department of the Army route? Do you recall?

Mr. Hill: No, we went to the Secretary of the Army in Washington.

Mr. Torres: We went to the Department of the Army route, I see. And at the time you were dismissed I believe it was over this personnel problem we had and it went to the Department of the Army and the matter was reversed at the Department of the Army level. You did receive all your back pay from the Army. Your job was given back to you and then you decided you didn't want your job and you went to work at the Airport for a private concern out there, is that correct?

Mr. Hill: This doesn't have anything to do with this complaint. This is only the job evaluation and that is another problem this is mine alone. This complaint involves twelve men and had nothing to do with the problem you are questioning now. I am talking about the fact that we paid you to do a job which you discontinued doing and we have no satisfaction whatsoever and we signed a contract with you and it hasn't been pursued any farther. We feel we should be given our money back or you should continue on the case.

Mr. Torres: Mr. Mayor, the matter was handled through the Bar Association. The Bar Association felt there was no grounds for Mr. Hill's situation. The matter was one of personal work which I did. The matter was one which I have discussed with the other employees and I feel real sorry about your problem, but certainly, Mr. Hill, this does not relate to my duties as a public official. I certainly think that in view of the job I did for you, that I handled my responsibility properly and I am just real sorry that this matter had to come before the Council. This does not relate to my duties

as a public official and I really feel grieved about this situation because you know that I did a lot of work for you and when we reversed your situation in Washington, it was all one in the same thing. I feel the situation is closed and I have given my explanation.

Mayor McAllister: We didn't ask you to give one.

Mr. Torres: Well, I wanted to.

69-9 Item number five on the agenda which had been postponed earlier in the meeting was now taken up.

Mr. Karl Strieber made the following statement:

"I represent Mr. George A. Musselman, Mr. Lloyd A. Denton and Mr. Frank Wilson, Jr., who own a substantial amount of property fronting on Lockhill-Selma Road between Wetmore and Nacogdoches Road.

My clients and I understand that the Council will consider a proposal that the name of this road be changed to "Feathercrest" because of a conflict with the street located in Castle Hills also known as "Lockhill-Selma".

Although my clients also wish to have the name of this road changed, they object to the name "Feathercrest" and propose the name "Lomas Drive". It is thought that the name "Lomas Drive" is most appropriate since my clients are presently constructing Lomas Del Norte 18 hole golf course on their property fronting on this road and also contemplate establishing a residential subdivision on the remainder of their property in the immediate future."

Mr. George Vann, Director of Housing and Inspections, explained that County Commissioners Court had only recently changed the name of this portion to Feathercrest Road because there was another Lockhill-Selma Road in Castle Hills and this caused confusion.

The Planning Commission, on February 5, 1969, then went along and recommended that the change of name be made.

After consideration, the matter was referred back to the Planning Commission for further action.

69-9 * Mr. Carlos Richardson stated that San Antonio has a bad reputation and requested that the Council put more signs on the East side near the schools, get more Mama Patrols and do something about the Police Department. He stated that the Police Department was nothing more than 'a bunch of killers.'

* Mr. Richardson represents the Student Non-Violent Committee.

* Mayor McAllister ruled Mr. Richardson out of order and he left the Council Chamber.

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*SEE PAGE 18-A FOR CORRECTION OF THIS PARAGRAPH

CORRECTION TO MINUTES OF COUNCIL OF FEB. 20, 1969

PAGE 18 - LAST ITEM

69-9 Mr. Carlos Richardson, 930 Gulf Street, representing the Student Non-Violent Coordinating Committee, stated they were appearing before the Council because it is non-representative. There are some Mexican-Americans and Negro Councilmen who are Uncle Toms. They believed the City would be representative if the Mayor was Mexican-American. He stated they had some demands to make as follows: that more Negroes be on the Police Department; that the City install more traffic lights on the east side; more 'Mama Patrols' to help students across streets; and correct drainage on the east side.

He added that the two junior colleges in San Antonio, which he believed are City supported, are not equal in text and teachers. He then complained about the Police Department and referred to the Police Officers as being no more than wild dogs running around with a license to kill people.

Mr. Richardson, having engaged in personalities was ruled out of order by the Mayor and dismissed from the podium.

* * *

J. H. INSELMANN
CITY CLERK

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18-A



69-9 Mr. Herbert Dulaney asked why something can't be done about the bushes that obstruct the corners along Latch Avenue and just who he would contact to have this corrected.

The Mayor advised Mr. Dulaney that Assistant City Manager, Ancil M. Douthit is handling this matter and he could contact the Director of Housing and Inspections, Mr. George Vann, who was responsible for complaints of this kind.

69-9 The Clerk read the following petition letter:

February 18, 1969

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

Gentlemen and Madam:

The following petitions were submitted to my office and were forwarded to the City Manager for investigation and report to the City Council.

2-12-69 Petition of Roy L. Martin & Associates requesting permission to erect a wooden eight foot fence along the northern boundary and the north 100 feet of the east boundary of Lot 3, Block 1, NCB 8790 to screen this property from Eloise Japhet School Grounds in order to comply with conditions imposed by the City Council in respect to rezoning this property under Zoning Case 3513 approved February 6, 1969.

2-17-69 Petition of Mr. Philip F. Benson & Mr. Arthur P. Veltman, Jr. in which they submitted a proposal for revising Chapter 8A of the City Code known as the Billiard Hall Ordinance.

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

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