

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, OCTOBER 2, 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, BURKE, JAMES, COCKRELL, NIELSEN, TREVINO, HILL, TORRES; Absent: NONE.

69-43 The invocation was given by Councilman Felix B. Trevino.

The minutes of the Council Meeting of September 25, 1969, were approved.

69-43 The Clerk read the following ordinance.

AN ORDINANCE 37,940

GRANTING THE CITY'S CONSENT PURSUANT TO ARTICLE 970A TO THE FORMATION OF A DISTRICT UNDER THE PROVISIONS OF ARTICLE 16, SECTION 59, OF THE TEXAS CONSTITUTION, TO BE KNOWN AS BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 19, UPON CERTAIN TERMS AND CONDITIONS.

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Mr. George Adams, attorney representing the majority of the owners of land in the proposed district, advised that under the State Constitution and the provisions of State Law that areas, by vote, can create water districts in order to get fresh water and sewerage. In order to create the district, which is located on the Medina River and is in the extraterritorial jurisdiction of the City of San Antonio, consent must be obtained from the governing body. They will not be in competition with the City Water Board. They only want to get necessary facilities for the people. The projects will be under the supervision of the State Health Department and requires the City's approval as well. Construction will be in accordance with the approved plans and specifications with applicable standards and specifications of the City of San Antonio.

He stated if the area is annexed it becomes a City unit and will be taken over by the City Water Board. There are restrictions in the sale of bonds which protect the City in the event the City annexes the property.

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

Councilman Torres stated that he was voting 'aye' with the understanding that on the annexation of the area, the district will be disbanded.

69-43

The Clerk read the following ordinance.

AN ORDINANCE 37,941

GRANTING THE CITY'S CONSENT PURSUANT TO ARTICLE 970A TO THE FORMATION OF A DISTRICT UNDER THE PROVISIONS OF ARTICLE 16, SECTION 59, OF THE TEXAS CONSTITUTION, TO BE KNOWN AS BEXAR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 20, UPON CERTAIN TERMS AND CONDITIONS.

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Mr. George Adams explained that this is similar to the previous ordinance and covered the area known as Meadowcliff Addition located in the western part of the City off of Castroville Road and Pinn Road. The people are anxious to begin construction in this area and added that he has spoken to Mr. Robert Van Dyke of the City Water Board and it might be possible they will be able to purchase water from the City.

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

69-43

The Clerk read the following ordinance.

AN ORDINANCE 37,942

MANIFESTING AN AGREEMENT WITH SAN ANTONIO AVIATION, INC. AND SWEARINGEN AIRCRAFT COMPANY WHEREBY THE CITY OF SAN ANTONIO CONSENTS TO SUBLEASE OF ONE-HALF OF THE PREMISES UNDER STINSON MUNICIPAL AIRPORT LEASE NO. 616 BY SAN ANTONIO AVIATION, INC. TO SWEARINGEN AIRCRAFT COMPANY SUBJECT TO SAID LEASE AND ALTERNATE OFF STREET PARKING ARRANGEMENTS.

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Mr. Thomas Raffety, Director of Aviation, explained that fifty percent of the building area will be leased to Swearingen Aircraft for flight production work. There will be approximately fifty people employed and the lessee will provide off-street parking for the Swearingen personnel.

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

69-43

The Clerk read the following ordinance.

AN ORDINANCE 37,943

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH SIX LESSEES AT HEMISFAIR PLAZA TO EXTEND THEIR PRESENT LEASES ON A MONTH TO MONTH BASIS.

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Mr. Bill Lindquist, Assistant Director of Municipal Facilities, explained that the leases are with Best Equipment Supply Company, Inc.; R. A. Cortez, Sr., d/b/a Cortez Enterprises; Everett S. Brown and Max Stapper, partners d/b/a Brown's Enchiladas; G. Hasslocher, d/b/a Fair Foods; and the Old Country Bake Shop, Ltd, for lease of space to be used for food and drink concessions.

These were all temporary leases which terminated on September 30, 1969 and the Staff is asking they be authorized to continue the leases on a month to month basis.

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

69-43

The Clerk read an ordinance requesting that the Project Description and Project Budget on the Fieldworkers doing follow-up on school drop-outs project be included in the Grant Budget of the Grant Agreement under which the City of San Antonio Comprehensive City Demonstration Program will be carried out.

MR. ROY MONTEZ: This is commonly called the SANYO Proposal and is part of the Crime Reduction Component in the Model Cities Department. The project is Fieldworkers doing follow-up on school drop-outs. The sponsor is the San Antonio Neighborhood Youth Organization. The amount of this contract will be for \$277,457.00. This particular project is one that will employ about 53 persons, 24 of which are qualified school teachers for after school hours special tutoring on potential drop-out students. The project has been endorsed by both school districts, San Antonio and Edgewood, the CRC, the CPPC, the Model Cities Staff and the City Manager's Office.

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Roy Montez...continued...

HUD is expected to approve this project this coming week. That is their indication to us. This particular program is a twelve-month operation and it will continue during the summer months. It will involve four schools in San Antonio and four schools in Edgewood. It offers, like I mentioned, primarily the academic assistance to students having particular problems in specific subjects. It will bring qualified teachers on a part time basis, in the afternoons or during a study period to assist the students. Father Yanta was scheduled to be here this morning to speak on this particular subject but I don't believe he has arrived yet. Mr. Roser is here if you will permit him to say a few words.

MR. FRANCIS ROSER: I didn't come here prepared to make a speech, but I do feel that this is a very worthwhile and experimental venture. If we can somehow or another keep these youngsters from dropping out of school at a point where there is a clear indication to their teachers or people in the neighborhood that they are planning on dropping out of school, I think we will make a substantial impact on the cycle of poverty. Education and preparedness for the world of work is the name of the game. I am prepared to answer any other questions.

MAYOR McALLISTER: Do you happen to know off-hand where the four schools are?

MR. ROSER: They are right in the heart of the poverty area. Most of them are in areas where there is public housing units right now.

COUNCILMAN NIELSEN: Are these senior or junior schools, or some of each.

MR. ROSER: Mr. Montez has the names of them.

MR. MONTEZ: All of our information states there are four in San Antonio and four in Edgewood. The actual locations will be selected on probably the problems at the particular school. Those are details that are going to be worked out with the individual school districts.

COUNCILMAN NIELSEN: I suggest that in every case possible, because the junior high age is such a critical time, that some attention be given there and not all just to the high schools, although they have a great problem too.

COUNCILMAN JAMES: Did I understand you to say that this has been approved by the Citizens Participation Policy Committee?

MR. MONTEZ: Yes sir.

COUNCILMAN JAMES: I understand to the contrary that they have not approved this.

COUNCILMAN TORRES: I was at the CPPC Meeting and it was approved in conjunction with the Gang Work Proposal, about a month ago.

COUNCILMAN JAMES: Mr. Olin LeBaron told me yesterday that it had not been approved.

COUNCILMAN TORRES: It was approved on Judge McKay's motion as I recall.

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MR. HENRY CISNEROS: Mr. LeBaron called yesterday and raised this same point with us and I looked on our Council minutes and our CPPC minutes and I showed him in the minutes where it had actually been approved and I gave him a copy of the minutes and he was satisfied. That was at the meeting of August 14.

COUNCILMAN TORRES: What he might be talking about is this specific proposal because the one that was approved by the CPPC was a more expensive one. I believe it was modified by the Staff. Is that right, Jerry?

CITY MANAGER HENCKEL: That's correct. The original proposal was for \$400,000 and some and the Staff recommended cutting that and the Council sent it back to the CPPC and it was presented to them on the deletions and it was approved on that basis and that is the basis on which it is being presented to you this morning. We cut both programs. This one and the MANCO.

MAYOR McALLISTER: Mr. Henckel, who has supervision of this? To whom does this operating agency, SANYO, make a report as to what is being done?

CITY MANAGER HENCKEL: They report to Model Cities because it is a Model Cities Program. They are the agency that will conduct this part of the program.

COUNCILMAN TORRES: Is that in the contract?

CITY MANAGER HENCKEL: Yes sir. The guidelines set out by the Department of HUD will be followed by every participating agency that we have. This is merely an approval of program in the Model Cities area for the first year of the five year program.

COUNCILMAN TORRES: Do we have a staff member on our payroll who will have direct supervision over something like this?

CITY MANAGER HENCKEL: Well, no sir. We will have Staff members who will analyze and keep tab on all the participating agencies that have contracts with the Model Cities, or with the City for the Model Cities Projects.

COUNCILMAN JAMES: Was there not some discussion, Mr. Mayor, as to really where this program lies? Whether with SANYO or the school districts themselves, per se the functioning agency? This of course was the question that was raised with me. Mr. LeBaron talked quite extensively about it and his feeling was that rather than it being a SANYO function, it should be a school board function.

CITY MANAGER HENCKEL: Both of the school districts have sent me letters of approval of this program and project, acquiescing in it.

COUNCILMAN NIELSEN: Would you feel, Jerry, that it is as much an education program as it is a crime prevention program, or more or less?

CITY MANAGER HENCKEL: Dr. Nielsen, I think it would be difficult to say.

COUNCILMAN NIELSEN: Fifty-fifty?

CITY MANAGER HENCKEL: Right. We are really not going to know until the program gets underway. I would like to point out to the Council at this time that we have already let two months go by of the first year of the Model Cities Action Program. We were funded for 9.5 million dollars and I think the funding in the remaining four years is certainly going to be determined by the action we get the first year. There are many of the programs that could stand some refinement. The people who have proposed these projects and the City Staff and the School Districts have been working on these proposals for a year and a half, as well as the Model Cities Staff and everyone that has been involved. The various proposals that have been submitted have been changed, have been sent back, different thinking has come up on them. The point I am trying to make is that I feel we should try to give some of the programs a chance so we can have some activity and have some results if we expect any funding next year. We could sit and talk about refining them and sending them back to the boards and we could go through another year of processing of that type and wind up without any active programs during this year. I am really concerned about it. I think we were fortunate to get a good grant on Model Cities. I think all of you read in the paper where the President has cut the Model Cities funds extensively. It probably will not affect any of our funding this year. It will affect those cities who did not have projects in for approval. So I think we should give these things a try. There is definitely a need for them. Our staff will work with the school districts and the proposing agencies to do everything we can to make them good programs.

COUNCILMAN TORRES: Of course on the questions that have been raised on this particular proposal, not that I am against it, but merely to point out that there have been questions raised for the simple reason that this was not in the original plans and operations of the first year action program. Is that correct, and it was only interjected after we learned that we had established priorities for 8 million dollars and we had 1.2 or 1.6 million dollars left over, aside from the priority programs that we did go into. So this is not one of the projects that we have been planning for a year and a half as you indicate.

CITY MANAGER HENCKEL: Well, I stand to be corrected. But I think that SANYO originally presented the program when the programs were first initially submitted to the CRC and the CPPC and that priorities were set by the CPPC and it was not included because at that time the thinking of the CPPC was to put all the money into the school programs, into construction. This was this summer. At that time then the Staff presented a different set of priorities to which the CPPC did not agree. They were presented to the Council. Only items upon which there was agreement did you approve. You sent the rest back. At that time the SANYO proposal was reinitiated on a different basis than it was originally submitted. Then the Staff took it from that point and further reduced it. I stand to be corrected and Mr. Montez and the SANYO people are here and I am sure I am not giving all the details correctly.

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COUNCILMAN JAMES: My point is still, Mr. Mayor, where does this properly lie?

COUNCILMAN TORRES: In view of the philosophy of supplemental funding, I think that is a very good question.

FRANCIS ROSER: May I respond to that? I have worked for many, many years on this. What is the responsibility of the people in the field of education? There is a great deal of debate about this. Now there is response in communities with driver education, feeding children and for doing everything from cradle to grave. There is still a broad area. We feel this is experimental. We feel that this is certainly not a program that should be taken on by SANYO as a program from here on out. But if SANYO, working with the school districts with their full cooperation, can prove that this is a worthwhile venture, then I feel the people in the field of education can give serious thought as to whether this can be an integral part of their total program. At this time, I think if we wait, the opportunity and the funds that we have, to see if this is a worthwhile venture, two years from now we will regret that we did not do it at this time.

COUNCILMAN JAMES: It could be just the reverse.

MR. ROSER: Well both Dr. Cardenas and Dr. Hitt's office would like to have the SANYO staff try this. They don't feel at this point that they can gear for it. This is a matter of discussion for them.

COUNCILMAN TREVINO: There is an agreement in a written form here between the school districts and SANYO in regards to this program. It states why they would like SANYO to go ahead.

COUNCILMAN NIELSEN: I hope that some of the anxiety with some of the Council and over the community that is evident, that there should be clear understanding somewhere down the line, Father Yanta and Mr. Roser, that the school district should have all priority so we don't all end up sitting here with egg on our face and in a great big hassle over whose right it is to run the program. I think that is part of the tension here. We have got a clear understanding now that we can venture into this and do it successfully.

COUNCILMAN TORRES: But we have to work within the confines of our legal inhibitions and if I may Mr. Roser, what you say is all well and good. Nevertheless, under our State Constitution, the state law of the education function is designated to the Texas Education Agency. You, in your own organization, have funds for working with youth. The philosophy of supplemental funding, to my understanding, is to allow funding for work in areas where we do not otherwise have available resources. If the function of SANYO is working with youth and if you have a budget to work with youth, you come in here to seek supplemental funding on top of what you already have and I wonder if this is such a good proposal, why it is in your regular annual budget this type of proposal project was not allotted for. Why do we have to make it out of supplemental funding?

MR. ROSER: The funds that we have to work with youth are almost all identified with the Department of Labor, NYC work training programs.

COUNCILMAN TORRES: What is your annual budget?

MR. ROSER: The annual budget.. Father, you have those figures?

FATHER YANTA: Of course when we talk about budget, we must also talk about the various programs by which these proposals are funded. Mr. Roser is right when he talks about the Department of Labor. About 70% of our funds do come from the Department of Labor and most of those are tied down to the out of school program, drop-out program. We do have approximately 400 drop-outs at this time with enormous dollar figures. But all of those of course are stationed at the civil service work station at the fields and the military installations. We do have a small amount of funds for the boys and girls who are still in school. At this time the project is rather small with 265 enrollees and these of course are written exactly to the government contract what these boys and girls are going to do. Ninety percent of the funds of that particular project go directly to the enrollees. So there is really not an awful lot of funds available for supervision and counseling. Just a minimal amount in order to take care of the enrollees according to the government contract. So we don't have that kind of slush fund even though we are a youth organization. This is the way we started. About two years ago the Board of Directors decided to drop the youth identification and come up with a neighborhood improvement program. So we don't have funds as such, to use for this type of activity.

COUNCILMAN TORRES: What is your annual budget, however?

FATHER YANTA: For which program are you talking about.

COUNCILMAN TORRES: I am talking about the annual SANYO budget, total?

FATHER YANTA: Well, I would like to identify it because it is a large figure and it looks as if we have a give away program at our disposal. For instance, the NYC proposals, let's say altogether must have run 1.5 million dollars. The set portion of SANYO the past year was about .5 million dollars and not one penny was geared for youth work or for liason with the school districts. The community program at this point is about \$650,000 and again the youth work that is there is merely working with teenage councils, with afternoon study hall programs and a summer program and a vision project working with the poorest of the poor on a voluntary basis in the neighborhoods. That's the extent of our youth funds.

COUNCILMAN TREVINO: How restricted are you in using some of the funds, say the NIP for example.

FATHER YANTA: Well with the NIP enrollees we have approximately 160 of those 265 that I mentioned that the Department of Labor will allow us to use in our afternoon study hall programs during the school year. You divide that by 38 centers and it leaves about four enrollees per center and they are scattered throughout the county. It is a very minimal program to provide some afternoon study hall coaching for the younger children of the neighborhoods. They have to be used in that kind of work.

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Father Yanta...continued...

They are all in school and are all poverty cases and need this particular money to eventually get their high school diplomas.

MR. PRINCE MORGAN: I am with the federation and am on the Citizen's Participation Policy Committee. The figure that was given to you this morning has never gone before the Citizen's Participation Policy Committee. The figures that we asked be delivered to the Council was the same as Reverend James indicated and Mr. Torres has questioned both backwards and forwards. I don't understand how anyone can stand in front of a group of people, intelligent people, and submit something that has never been discussed. We discussed this proposal both forward and backward. I was here the last time it was submitted. We have not agreed to drop one figure, the figure was four hundred and something thousand dollars. I have never been sent a letter and I do stand for correction in any matter that you see fit to correct me. Mr. Montez is present and so am I. Have you sent me a letter on the figures, Mr. Montez?

MR. MONTEZ: No sir, I haven't.

MR. MORGAN: Then why did you come before the Council and tell them we agreed to it. Those are the things that are disgusting to people like myself that don't have anything to work with but our hearts, our heads and our minds.

MAYOR McALLISTER: Thank you sir. Let me ask you again, what did you say your name was?

MR. MORGAN: Prince Morgan, I live at 123 Camacho Walk.

COUNCILMAN JAMES: Mr. Mayor, as of yesterday, Mr. LeBaron told me this had not gone to the CPPC.

MAYOR McALLISTER: Well, I confess not knowing much about it. But certainly from the situation, the Council would do well to pass this over to the next meeting because we are not prepared to act on it.

COUNCILMAN TORRES: Before we pass it, I would like to ask a couple of other questions. Father Yanta, how many or where would your consultants come from? Where are you going to hire them?

FATHER YANTA: I think the relationship between the school districts and SANYO pretty clearly points out the necessity of a close liason relationship. I think that the Staff would be pretty much agreed upon and we hope to get the Staff within our own organization as much as possible. If we cannot, then we can, of course, go outside and pick up that Staff.

COUNCILMAN TORRES: What is your NIP Program, was it recently phased out?

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FATHER YANTA: The NIP Program began like some one alluded here that all of the anti-poverty projects are really experimental and will never really become institutionalized within non-profit organizations. They will all go back to City, County, State, and tax supported organizations. The NIP Program is one of those cases where the Texas Employment Commission has the responsibility for man-power services and will take on this program beginning November 1st. So we will have a lot of employees who will be looking for jobs at that time, hopefully some will be phased into the TEC, but if there are others available they might be able to work in this program.

COUNCILMAN CALDERON: I would like to say that I would concur with the idea that we should defer action on this matter in view of the fact that this gentleman has raised the point that the CPPC has not officially passed on this matter. There are actually other reasons that I feel we should defer action. One, being the fact that to this day SANYO has persistently veiled its management of projects dedicated to it by the EODC, thus making it virtually impossible for the EODC to properly evaluate SANYO's performance. Second, let me say that to award this to SANYO, I am afraid that this City Council would find itself in a similar predicament. Thirdly, I would submit to this Council that the first order of business with SANYO should be to sit down with them to discuss, and hopefully to resolve, the EODC fiasco. I believe in first things first.

COUNCILMAN TREVINO: I would like to clear one point here. The reason these recommendations are here today..the Staff says they are recommended. The difference is that the Staff is recommending a different figure? Is that what we are talking about?

MAYOR McALLISTER: There seem to be a lot of items of uncertainty that have not been resolved.

COUNCILMAN TREVINO: I don't see any uncertainty on this point. The only difference I see is that the Staff cut the figures and the CPPC had agreed upon four hundred and some thousand dollars and the Staff is recommending about half of that figure. That's the difference I see. Is that what we are talking about?

MAYOR McALLISTER: That's correct. That's one of the items.

CITY MANAGER HENCKEL: There are two proposals that were under consideration. The SANYO and the MANCO. Both of them were reduced by Staff. If the CPPC, who approved both programs in the original amount has not had the opportunity to review the reduced amount, then it should go back to them, if the Council so desires.

COUNCILMAN TREVINO: That means that both of the proposals have to go back.

CITY MANAGER HENCKEL: That would mean both of them. Yes sir. They are both in the same category.

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COUNCILMAN TORRES: I still don't see though Jerry, the fact that the proposal is reduced by Staff that they are debilitating circumstance taking action on it and I don't want to establish that precedent if it is put off. I certainly don't want to be that precedent.

CITY MANAGER HENCKEL: That's why I predicated my remarks and said if the Council so desires. Management is recommending approval of the programs today.

COUNCILMAN TREVINO: To me, I think the same way. The Board has approved this project at that figure which means they will approve a lesser figure also. So they will be doing the same job.

COUNCILMAN TORRES: Is there any strong objection on your part, Father Yanta, on this being postponed for a week?

FATHER YANTA: Beggars can't be choosy. No, if the Council wants to.

COUNCILMAN TORRES: I don't think you are being a beggar. You are a contracting party.

FATHER YANTA: Yes, we've contracted with the City before in an indirect manner in our project in which we beautified the parks along the river for over a year where we had crews with a professional architect working, a landscape architect that is, working with Mr. Frazer of Parks and Recreation. This last summer with the NYC program we worked with virtually every non-profit group in San Antonio and the Mayor's Youth Opportunity Program. So working with you and the business community and many of the non-profit organizations, we have done this for over the past four years. Of course we would like for the City to give wholehearted endorsement of this idea before you negotiate with us.

COUNCILMAN NIELSEN: When is the next CPPC Meeting?

MR. MONTEZ: October 9.

COUNCILMAN NIELSEN: That's not before our next Council meeting.

MAYOR McALLISTER: Well, do you want to postpone it two weeks? Is that agreeable to every member of the Council? Alright, that will be carried over two weeks.

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69-43 The Clerk read an ordinance requesting that the Project Description and Project Budget of the Gangworkers re-directing gang activities project be included in the Grant Budget of the Grant Agreement under which the City of San Antonio Comprehensive City Demonstration Program will be carried out.

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CITY MANAGER HENCKEL: That's the other part of this same program.

COUNCILMAN TORRES: How do you say this is a part of that one?

CITY MANAGER HENCKEL: Well, it has been reduced also by the Staff. The CPPC hasn't considered that the same as they have not considered the reduction in SANYO.

COUNCILMAN TREVINO: This has been reduced also, right?

CITY MANAGER HENCKEL: Yes sir.

COUNCILMAN NIELSEN: This one is about 10% and the other one was about 40%.

CITY MANAGER HENCKEL: That's right.

COUNCILMAN TORRES: I don't see how you can equate the two because when we approved the first year action plan this was actually included in the first year action plan.

CITY MANAGER HENCKEL: Mr. Torres, I have recommended approval of both of these. All I am saying to the Council is that if you have sent one back to the Board because they have not had the opportunity to review it after the Staff has reduced it, this one is in the same category.

COUNCILMAN TORRES: I think Item No. 5 was sent back because of the objection that was raised by Dr. Calderon. I don't think it even suggests or that there is a relationship between the two. I recall a meeting at which the two were proposed, at the CPPC Meeting, and where they were both approved. As I have always read these as two absolutely different proposals. We have had the people from the MANCO group before the Council. They were here for four or five successive weeks asking us to take action on this proposal. It has been before the CPPC and was originally approved not only by the CPPC but prior to that when we approved the first year action program. The proposal was also, I specifically mentioned it when we approved the first year action program, and I felt we should take action on it as soon as possible. I made this statement four months ago on this particular matter.

CITY MANAGER HENCKEL: Mr. Torres, I am in agreement. The only remark I was making here was that the Staff had also reduced this, and it is an entirely separate proposal, but these are the two proposals that were added after the approval by the CPPC of the original items that were worked on for the first year. This item and the SANYO item were added by the CPPC and were reviewed by staff. They were presented to the Council and the Staff has reduced them. I didn't want to mislead the Council, because it is a different proposal, but it is in the same category because it has been reduced by the Staff without the CPPC who approved it in its original form, reviewing the reduction by the Staff.

COUNCILMAN TORRES: I am going to ask that we proceed with this matter and ask for an explanation from the Staff on this proposal.

MAYOR PRO-TEM COCKRELL: I was going to say that this is part of the reason why I wanted to postpone the other proposal. The question

Mrs. Cockrell...continued...

was raised with me by another member of the CPPC Board as to whether or not they had the right to review the final proposals. It had been my understanding that they would. So having participated and asked that the other proposal go back, I would like, as a matter of what I would judge to be fairness, to ask that this one go back also. This does not mean that I have any objection whatever to the proposal but in our relationship with the CPPC Board I feel that it is very important that we retain a good close relationship. I feel that if we pass the final proposals without their having had a final review and recommendation to us that there is going to be some misunderstanding created. So I feel this should also be sent back.

COUNCILMAN TORRES: I don't want to. I don't think we should. I think we ought to pass on it right now.

COUNCILMAN NIELSEN: Just one thing for clarification. In terms of policy now, even were this the general policy, Mrs. Cockrell, there will be further negotiations going on between management and each contracting party and you are not saying however, that each time there is a change that it has to go back to the CPPC and then us again. That's not what you are saying is it?

MRS. COCKRELL: No, I'm saying that when the Council gives its final okay, which would be right now, that I would like to be concurring with the final recommendation of the CPPC and this is not the case in either of these proposals.

COUNCILMAN TORRES: This matter was adopted by the Crime Component Review Committee of the Model Cities Program and was subsequently adopted in the first year action plan by the CPPC. It was subsequently adopted by the City Council when we approved the first year action plan. We had people come here from this organization for five or six consecutive meetings and we have told them, well six weeks ago we told them we would take definite action on their proposal. It has been reduced by the Staff, as Dr. Nielsen indicated by 10%. The proposal has been one that we have been considering consistently for the last six months and I don't see why we should have to tie in the two. They are two absolutely different proposals. Secondly, the SANYO Proposal, as I indicated, is one that came up subsequent to the adoption of the first year action plan. I don't think we should put it off. I think we should move on it this morning.

COUNCILMAN NIELSEN: We don't have the budget figures at this point. All this is is an ordinance requesting we get into it and then you bring back the finally revised and perfectly worked out budget. Right?

MR. MONTEZ: After this point there is still some review by the HUD officials. Perhaps even at that point there may be some further revisions of the dollar sign.

COUNCILMAN TORRES: Of course, in adopting our first year action program, HUD has already had submitted to them, the regional office in Fort Worth, as I understand it, this Gangworkers proposal and they have approved it. Right?

MR. MONTEZ: That is my understanding.

COUNCILMAN TORRES: This cannot fall in the same category as the previous one.

MAYOR McALLISTER: Let's have a motion one way or the other.

COUNCILMAN CALDERON: I think for the sake of order, I will move that we postpone action two weeks.

MAYOR McALLISTER: Is there a second to that motion?

MRS. COCKRELL: Second.

ROLL CALL: AYES: McAllister, Calderon, Burke, James, Cockrell, Trevino, Hill; NAYS: Nielsen, Torres; ABSENT: None.

69-43

The Clerk read the following ordinance.

AN ORDINANCE 37,944

AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH EDGEWOOD INDEPENDENT SCHOOL DISTRICT FOR CARRYING OUT THE EARLY CHILDHOOD EDUCATION PROJECT, THE STAFF TRAINING PROJECT, AND THE COUNSELING SERVICES PROJECT OF THE MODEL CITIES PROGRAM WITHIN SAID SCHOOL DISTRICT FOR THE 1969-70 SCHOOL TERM.

* * * *

Dr. Calderon stated that action on this ordinance was postponed for one week at his request. After reviewing the information submitted, he felt it is a good program and would approve it.

Councilman Torres stated that the contract provides that should the agency fail to perform then the City has the right under the contract to demand compliance. If compliance is not met within ten days then the City has the option to terminate the contract. He asked how the City can determine whether there is, or is not compliance.

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Model Cities Administrator, Mr. Roy Montez, advised that the Model Cities Planning and Evaluation section will have monthly reports and data and also quarterly reports and data to see if compliance is had. He added that the Educational Analyst of the Model Cities Staff will keep abreast of the program.

City Manager Henckel stated there will be also an Educational Component Coordinator who will work daily with the school districts on this project.

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

69-43 REPORT ON PLANNED FAMILY PROJECT.

Mrs. Cockrell asked that a report be made on the request by the City Council for restudy by the CPPC of the Planned Family Project.

Mr. Brooks Barker, Administrative Assistant to the City Manager, explained that the project came up at the last CPPC Meeting and was tabled.

The City Manager was asked to redirect the City Council's request to the CPPC for a report on this project.

69-43 The Clerk read the following ordinance and on motion of Mr. Trevino, seconded by Dr. Nielsen, was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill; NAYS: None; ABSENT: Torres.

AN ORDINANCE 37,945

ESTABLISHING A TRUST FUND FOR CONTRACT ACCOUNTING PURPOSES AND APPROPRIATING \$380,000.00 OUT OF SAID FUND PAYABLE TO SAN ANTONIO INDEPENDENT SCHOOL DISTRICT AND \$494,036.00 PAYABLE TO EDGEWOOD INDEPENDENT SCHOOL DISTRICT FOR CONTRACT SERVICES TO BE RENDERED; ALSO AUTHORIZING A TRANSFER OF MODEL CITIES SUPPLEMENTAL FUNDS.

* * * *

69-43

The Clerk read the following ordinance.

AN ORDINANCE 37,946

AMENDING ORDINANCES 36150 and 37349 ESTABLISHING ADMITTANCE CHARGES TO THE TOWER OF THE AMERICAS AND DESIGNATING THE HOURS OF OPERATION.

* * * *

Mr. Bill Lindquist, Assistant Director of Municipal Facilities, explained that the restaurant paid 50¢ for adults and 25¢ for children for each patron going to the Tower to eat. They have six months experience on this new arrangement. They want to extend it for another six months and then make an overall study for the entire year.

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

69-43

The Clerk read the following ordinance.

AN ORDINANCE 37,947

AUTHORIZING EXECUTION OF AN AGREEMENT AMENDING THE CONTRACT BETWEEN THE CITY AND THE BOARD OF TRUSTEES OF THE SAN ANTONIO TRANSIT SYSTEM PROVIDING FOR REPAIR AND OVERHAULING OF CITY VEHICLES.

* * * *

City Manager Henckel explained that the Transit System had submitted a request in August for an increase to \$5.75 per hour effective August 1. This was not acted on at the time because the Staff wanted to review the program. As a result of the strike they submitted another proposal for an additional increase of 25¢ to \$6.00 per hour. This is a 50¢ increase over the present contract which calls for \$5.50 per hour. They requested one be effective August 1 and one September 16.

The City Manager recommended that the increase be effective October 1 and not be made retroactive. He stated that Mr. Norman Hill, Executive Director of the Transit System, was notified of this yesterday. He explained that the two increases given mechanics, one effective August 1 and the other in September, amounts to 35¢ per hour increase and the proposed increase in the contract amounts to 50¢ per hour and for this reason he did not feel the City should make it retroactive.

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Dr. Calderon asked why action was not taken on the request in August. He felt it should be made retroactive because the request was made in August and one increase to mechanics was effective on August 1.

City Manager Henckel advised that the request was made in the latter part of August. The City Manager discussed the matter with Mr. Hill and then due to the strike was advised there might be another raise. Action was then postponed until it was definite what the new proposal would be. The new proposal was received last week.

After discussion, Mr. Trevino made a motion that the ordinance be adopted. The motion was seconded by Mr. Hill. On roll call, the motion prevailed and the ordinance was passed and approved by the following vote: AYES: McAllister, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: Calderon; ABSENT: None.

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ZONING HEARINGS

a. First heard was Zoning Case 3548 to rezone and reclassify Lot 38, Blk. A-3, NCB 11927 from "A" Single Family Residential District to "O-1" Office District, located southeast of the intersection of Lorenz Road and Broadway Avenue, having 205.0' on Lorenz Road and 54.9' on Broadway Avenue.

Mr. Steve Taylor, Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council. He added that the Planning Commission further recommended that a solid screen fence be installed along the east and south property lines.

No one spoke in opposition.

Mr. Torres made a motion that the recommendation of the Planning Commission be approved, provided however that a solid screen fence be installed along the east and south property lines. The motion was seconded by Dr. Nielsen. On roll call the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,948

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 38, BLK. A-3, NCB 11927 FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT, PROVIDED HOWEVER THAT A SOLID SCREEN FENCE BE INSTALLED ALONG THE EAST AND SOUTH PROPERTY LINES.

* * * *

b. Next heard was Zoning Case 3548 to rezone the north 133' of Lot 20, Blk. 4, NCB 3245 from "B" Two Family Residential District to "I-1" Light Industry District, located on the southside of Moberly Avenue between Louise Street and Warner Street, having 495.0' on Moberly Avenue, 66.96' on Louise Street and 134.65' on Warner Street.

Mr. Steve Taylor, Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

He advised that Knowlton's Creamery will utilize the property for employee parking and storage of trucks. The Planning Commission has further recommended that a six foot solid screen fence be erected along the north property line as well as a five foot vehicular non-access easement to be placed along the north property line. Also, to further buffer any noise from the existing business it is recommended that some type of green hedge or planting be provided in addition to the six foot solid screen fence.

No one spoke in opposition.

After consideration Mr. Hill made a motion that the recommendation of the Planning Commission be approved with the provision that they erect a six foot solid screen fence along the north property line and place a five foot vehicular non-access easement on the north property line. He recommended that a green hedge or planting also be provided in addition to the fence. The motion was seconded by Mr. Torres. On roll call the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,949

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 NORTH 133' OF LOT 20, BLK. 4, NCB 3245 FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED HOWEVER THAT A SIX FOOT SOLID SCREEN FENCE BE ERECTED ALONG THE NORTH PROPERTY LINE AND A FIVE FOOT VEHICULAR NON-ACCESS EASEMENT BE PLACED ALONG THE NORTH PROPERTY LINE. IT IS FURTHER RECOMMENDED THAT SOME TYPE OF GREEN HEDGE OR PLANTING BE PROVIDED IN ADDITION TO THE SIX FOOT SOLID SCREEN FENCE.

* * * *

c. Next heard was Zoning Case 3606 to rezone the southeast 200' of the southwest 200' of Lot 15, NCB 11622 from "A" Single Family Residential District to "B-3" Business District and Lot 15, NCB 11622 save and except southeast 200' of the southwest 200' from "A" Single Family Residential District to "B-2" Business District, located north of the intersection of Donore Place and Fredericksburg Road, having 710.55' on Donore Place, 259.02' on Fredericksburg Road and 48.23' on the cutback between Fredericksburg Road and Donore Place, the B-3 being on the southeast 200' of the southwest 200' and the B-2 being on the remaining portion.

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Mr. Steve Taylor, Planning Director, explained the proposed change, which is for the construction of a new hotel near the Medical Center and which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

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

AN ORDINANCE 37,950

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 BY CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTHEAST 200' OF THE SOUTHWEST 200' OF LOT 15, NCB 11622 FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT AND LOT 15, NCB 11622 SAVE AND EXCEPT SOUTHEAST 200' OF THE SOUTHWEST 200' FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT.

* * * *

d. Next heard was Zoning Case 3660 to rezone Lot 3, NCB 9724 from "B-2" Business District to "B-3" Business District, located on the south side of Basse Road, 50' east of S.A. and A.P.R.R. right of way, having 150' on Basse Road and a depth of 150'.

Mr. Steve Taylor, Planning Director, explained the proposed change in zoning for a gasoline station and which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

On motion of Dr. Calderon, seconded by Mrs. Cockrell, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

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AN ORDINANCE 37,951

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 3, NCB 9724 FROM "B-2" BUSINESS
 DISTRICT TO "B-3" BUSINESS DISTRICT.

* * * *

e. Next heard was Zoning Case 3671 to rezone
 Lot 12, NCB 11687 from "D" Apartment District to "B-2"
 Business District, located southwest of the intersection of
 West Avenue and Jackson Keller Road, having 35.78' on
 West Avenue, 218.52' on Jackson Keller Road and 73.42' on
 the cutback between Jackson Keller Road and West Avenue.

Mr. Steve Taylor, Planning Director, explained the
 proposed change which the Planning Commission recommended be
 approved by the City Council. The property is to be used
 for establishment of a restaurant.

No one spoke in opposition.

On motion of Mr. Torres, 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, Burke, James, Cockrell, Nielsen,
 Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,952

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 12, NCB 11687 FROM "D" APARTMENT
 DISTRICT TO "B-2" BUSINESS DISTRICT.

* * * *

Mayor McAllister was obliged to leave the meeting
 and Mayor Pro-Tem Cockrell presided over the meeting.

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f. Next heard was Zoning Case 3699SR, a special request to rezone Lot 25, Blk. 82, NCB 9364 from "C" Apartment District to "R-3" Multiple Family Residential District for a kindergarten with over 20 children, located southwest of the intersection of W. Harding Boulevard and Burton Avenue, having 160' on W. Harding Boulevard and 150' on Burton Avenue.

Planning Director Steve Taylor explained that the Planning Commission recommended that the change in zoning be approved for the establishment of a kindergarten with over 20 children.

Discussion brought out that the R-3 zone permits 20 children, but by special permit of the City Council they can have more. There will be no over-crowding as the State has control of the number of children that can be placed in a certain sized area.

Mr. Hill made a motion that the recommendation of the Planning Commission be approved, provided that a fence be erected within the area to be utilized as a playground. The motion was seconded by Dr. Calderon. On roll call the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill; NAYS: None; ABSTAINED: Torres; ABSENT: McAllister.

Mr. Torres stated that he abstained because he represents the applicant, Mrs. Crucita Robledo, on other business property matters.

AN ORDINANCE 37,953

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 25, BLK. 82, NCB 9364, FROM "C" APARTMENT DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT FOR A KINDERGARTEN WITH OVER 20 CHILDREN, PROVIDED, HOWEVER, THAT A FENCE BE ERECTED WITHIN THE AREA TO BE UTILIZED AS A PLAYGROUND.

* * * *

g. Next heard was Zoning Case 3717 to rezone Lot 10, NCB 10852 from "A" Single Family Residential District to "I-1" Light Industry District, located on the west side of Southeast Loop 410, 879.25' northeast of the cutback to Southcross Boulevard, having 770.36' on Southeast Loop 410 and a maximum depth of 2510.22'.

Mr. Steve Taylor, Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

Mr. Taylor stated that the applicant proposed to operate a construction equipment dealership. The Planning Commission has requested that in the replatting a five foot vehicular non-access easement be placed on the north side along Boldt Drive. The non-access easement is to prevent trucks from going into the residential area. Access will be from surface road of Loop 410.

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

AN ORDINANCE 37,954

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 10, NCB 10852 FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

* * * *

h. Next heard was Zoning Case 3746 to rezone the south 100' of Lot 54, NCB 12888, being that portion not presently zoned "JJ" Commercial from "A" Single Family Residential District to "I-2" Heavy Industry District, located on the west side of Jupe Drive, 204.9' south of U. S. Highway 87 East (Rigsby Avenue) having 100' on Jupe Drive and a depth of 250'.

Mr. Steve Taylor, Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

Discussion brought out that the applicant in this case was a firm known as Zoning Consultants. Mr. Torres stated that he had contacted the San Antonio Bar Association concerning the propriety of a person who was not a lawyer representing clients in zoning cases.

Mr. Douglas Van Buren advised that he was contacted by the Bar Association and he had turned the matter over to his attorney.

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

AN ORDINANCE 37,955

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 SOUTH 100' OF LOT 54, NCB 12888 BEING THAT PORTION NOT PRESENTLY ZONED "JJ" COMMERCIAL FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-2" HEAVY INDUSTRY DISTRICT.

* * * *

i. Next heard was Zoning Case 3747 to rezone Lot 52, Blk. 4, NCB 11716 from "B" Two Family Residential District to "R-3" Multiple Family Residential District, located on the northwest side of Isom Road, 338.1' southwest of East Ramsey Drive, having 360' on Isom Road and a maximum depth of 665.9'.

Mr. Steve Taylor, Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

On motion of Dr. Nielsen, seconded by Dr. Calderon, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister.

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AN ORDINANCE 37,956

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 52, BLK. 4, NCB 11716 FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT.

* * * *

j. Next heard was Zoning Case 3524 to rezone all of NCB 124, 114, 130, 126, 900, 155 and 142. Lots 1 thru 6 inclusive, Tracts A-1, A-2, A-3, A-4, A-5, A-35, and AB-35, Lot 36, and the remaining portions of Lots 37, 7 and A-6, NCB 901, Tracts A-34, A-36, A-37, A-39, the east irregular 104.2' of Lot 33, the east 104.2' of Lots 31 and 32, and the east 104.2' of the remaining portion of A-30, NCB 904, Lots 1 thru 7 inclusive, Lots 15 and 17, NCB 134, Lots 2, 3, 4 and 5, the east 144' of Lots 6, NCB 125, to be placed in the "H" Historic Zone, located on the north side of Villita Street, between South Presa Street and South Alamo Street, on the west side of South Presa Street, between Durango Boulevard and a point 70.3' south of Villita Street, also property bounded by Villita Street on the north, South Alamo Street on the east, Durango Boulevard on the south and South Presa Street on the west.

Mr. Steve Taylor, Planning Director, explained that the City Council on September 4, 1969 heard the case and referred it back to the Planning Commission so that the property owners involved could be further informed concerning the Historic District designation. He reported that the Planning Commission still recommends the change as submitted. There is still some opposition by owners of property on the west side of Presa Street and south of Nueva Street. At the last hearing, while it was discussed by the Council, they did not direct a change in the boundary line to delete the property west of Presa Street. As requested, they have talked to all the people who expressed opposition on it. There are still three or four people who desire that the property west of Presa be excluded.

The Council discussed the exclusion west of Presa Street at this time. It was brought out that the City or the property owners could initiate procedure to bring in the property west of Presa Street at a later date.

After consideration Mr. Trevino made a motion that the recommendation of the Planning Commission be approved with the exception that the property west of Presa Street be deleted. The motion was seconded by Dr. Calderon.

Mayor Pro-Tem Cockrell then asked if there were any objections to the rezoning of only the property east of Presa Street to a Historic District designation.

Mrs. Walter Hinshaw, who owns a home on Villita Street, stated that she did not know if it is to her advantage or disadvantage.

It was explained to her that she is right in the middle of La Villita, which is definitely a historic area, and that it would be to her advantage to have the property so designated.

Property owners present on the west side of Presa Street were Mr. Fred W. Smith and Mr. Miguel Galvan. It was explained to them that if the motion prevailed, their property would be excluded.

On roll call the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Calderon, Burke, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, James.

AN ORDINANCE 37,957

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 ALL OF NCB 124, 114, 130, 126, 900, 155 AND 142. LOTS 1 THRU 6 INCLUSIVE, TRACTS A-1, A-2, A-3, A-4, A-5, A-35, AND AB-35, LOT 36, AND THE REMAINING PORTIONS OF LOTS 37, 7 AND A-6, NCB 901 TO BE PLACED IN THE "H" HISTORIC DISTRICT.

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69-43

ACOUSTICS IN COUNCIL CHAMBER

Councilman Burke stated he had received many complaints concerning the acoustics in the back of the Council Chamber.

The City Manager was asked to have the acoustics checked and see if they could be improved.

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69-43ANNEXATION HEARINGS

Mayor Pro-Tem Cockrell opened the hearing on 60.05 acres of land owned by Mr. Leslie Neal located south of Ingram Road between Oakhill Road and Callaghan Road.

Mr. Steve Taylor, Planning Director, explained that the property fronting on Callaghan Road is already in the City of San Antonio and Mr. Neal has requested that the remainder be annexed to the City. The request is so that he can obtain sanitary sewer service from the City for the development which he understood is to be for residential purposes. To the best of his knowledge they are to be single family homes.

Mrs. Betty Meyer stated she owns two acres of land across Mr. Neal's property. She did not understand how it was to be developed. She especially desired to know whether it was going to be Turnkey III Housing.

Mayor Pro-Tem Cockrell explained that the next action would be to have the first reading of the annexation ordinance in two weeks, and the final action in six weeks. At any time during this period citizens may find out more about the project and could appear before the City Council on the matter.

No other person desiring to speak on the annexation, the hearing was declared closed.

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69-43STATUE OF COLONEL GEORGE BRACKENRIDGE

Councilman Torres presented to the Council members and City Manager a memorandum concerning the proposed statue of Colonel George Brackenridge which he discussed. (A copy of the memorandum is on file with the papers of this meeting)

City Manager Henckel advised that no contract has been signed on the part of the City. The City has made no commitment and there has been no Council action. The statue is still at the Parks Department. He has instructed Mr. Bob Frazer, Director of Parks and Recreation, to prepare plans for a base which Mr. Frazer will submit to the City Manager. The Manager will then submit this to the City Council. He added that he would not recommend to the Council that the statue be accepted unless it was given to the City free and clear.

Mrs. Cockrell asked if any member of the Council who felt they would vote to accept the statue without having a bill of sale for it.

No member of the Council expressed such a desire but several stated they would not accept it unless there is a bill of sale given to the City.

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Mrs. H. D. Root, Program Vice President of the League of Women Voters of San Antonio, read a prepared statement in support of Turnkey III Housing. (A copy of the statement is filed with the papers of this meeting.)

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Mr. Sam Snell, 212 Harriett Street, called the Council's attention to a message which he sponsored in the local newspapers concerning Turnkey III in which he recommended to the San Antonio Housing Authority that they abandon this type of housing project and concentrate on selling rehabilitated homes to low income families. (Copies of the message which appeared in the San Antonio EXPRESS were presented to each member of the Council. (A copy is filed with the papers of this meeting.)

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Mrs. Frances Levenson: Last evening, I attended the Lanier High School Meeting and out of all the groups of people I heard speak, I heard one beautiful voice, a mother of six children, who demonstrated by her speech that a home is where the heart is, where there is love and family unity, and caring about decency in their actions. The fact that they did have six children and lived in a two bedroom apartment did not depress her one bit. It did not destroy their sense of values and proudly she related that one of her children had made the band in spite of two bedrooms and six children. She told of her volunteer work in the P.T.A. and commented with great disappointment that there was such a lack of volunteers at these meetings, but they were so prolific and so much criticism from these absentees. I urge that this City Council do not invest in brick, but invest in people to help them help themselves. In my opinion, Turnkey III places the heaviest burden on the already heaviest burdened taxpayers, the middle class income group. Do you know that for a \$17,500 home an applicant would have to earn \$835.00 net a month. To buy a \$10,500 home an applicant would have to earn \$455.00 a month net. In effect these citizens who are so heavily burdened are being asked to support what they themselves do not have, and wherein wives contribute to the support of their families by working. I want to point out to you that fine feathers do not necessarily make a fine bird. Fine homes by today's standards will not alleviate poverty. It will merely put on a fancy facade on a sick interior merely to alleviate some guilty consciences. Let us not check any further on any Turnkey projects. Let us concentrate on checking on 2,000 racists to check on their methods of combating poverty. I believe we have no finer example than the small nations of the Israelies. If they can make the desert green, why can't we make our fine earth green and what about the practicing Mormans. They never complain about their lot, they work. I believe in first things first. I urge that a portion of this money that will be allocated be sent to people living in areas where there are no sanitary facilities. I do not agree with Senator Bernal that group housing will create a stigma on poverty. There is no stigma on poverty.

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Mrs. Levenson...continued...

Today's apartment living is evidenced in the many, many apartments that have been erected and are being erected throughout our nation to fill the need of all economic levels. I sincerely urge you to invest in people, not bricks, and I say the public housing is one of the most wonderful things that has ever happened to America.

I only wish that my parents, when they came to America to escape Bolshevism and their homes being burned, had had this opportunity. They couldn't even speak English to have nice clean housing. It should be considered a privilege, and there should be no stigma and it should be considered a stop-over to something further and to something better that they will earn themselves rather than just being handed. Thank you.

—

Mr. James Gonzales, 335 Las Palmas Drive, spoke to the Council concerning the drainage project being constructed in that area. He stated a portion of the project has been completed on his street but nothing has been done to restore the properties to the proper condition. A temporary sewer system was put in and it is broken and mosquitoes are breeding in the area and has caused a health problem.

The City Manager was asked to check into this complaint to see what can be done to alleviate it.

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Father John Yanta: I am the Executive Director of SANYO, and earlier in the Council meeting today, one of the Councilmen had read from, I think, a prepared statement and if it is possible, Mr. Mayor, as I was quite surprised and stunned by the statement that I didn't get the complete statement. Is it possible to reread the statement at this time, Mr. Mayor?

Mayor McAllister: I'm sure there would be no difficulty if you wish to read the statement and the Clerk would give you the statement.

Father Yanta: I think there was some allegations of malfeasance with some of the government contracts that our organization had operated. Now we have been operating programs in the City of San Antonio proper, and county of Bexar for a little over four years and have had over 34 different contracts up to this time. We have operated approximately about twelve different programs and I would like to have some specifics in regard to the allegations of mismanagement. I believe that was the statement that was given.

Dr. Calderon: I would like to elaborate on my point, Mr. Mayor. Based on what I consider reliable and well informed sources, it is my opinion, and I stand to be corrected, that SANYO has repeatedly veiled its management of projects dedicated to it by the E.O.D.C. They had great difficulties to truly assess the performance of SANYO in regard to all these projects.

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Father Yanta: Who had the difficulty?

Dr. Calderon: The E.O.D.C. had this difficulty, which is a part of my objection. It is really my feeling that what we have is really a can of worms in E.O.D.C. and I think that SANYO is a part of it. I cannot see this City Council getting involved in a contract with SANYO until such a time as we confront the issues revolving around E.O.D.C. I think we need to sit down with you, Father, and with your Board and discuss the basic issues that revolve around the E.O.D.C.

Father Yanta: Mr. Mayor and Members of the Council, we would welcome this. In fact, I understood that there was a committee formed over a year ago to be jointly sponsored by the City and the County and I think it ended up on paper and never got any further. A few weeks ago, your Council did meet with the City-County Appointees to the E.O.D.C. Board. At that time, I spoke to Mrs. Cockrell, the Mayor Pro-Tem, saying that in the interest of fair play and objectivity and justice, there is always two sides to the same question. I think it is incumbent on the leaders of this City to really get down to it and to my knowledge, I have seen all of you at civic affairs and I have greeted you and I have had a chance to talk to you about small things around the City. But to my knowledge never was this brought up, except today publicly at this meeting. I am a little dismayed. I don't know if this is the feeling of additional Councilmen or of the total Council, or as a representative of the E.O.D.C. as a private citizen. I think the matter should be brought forward and we welcome it. We have been audited many times by governmental authorities and to this day I don't know of any malfeasance on our part.

Mrs. Cockrell: I would like to say just one thing and that is that right after our conversation that at the next 'B' session of the City Council, I did make the proposal that the Council meet with the other representatives and there was discussion but no decision reached. Perhaps the Council would still wish to consider this.

Father Yanta: Mrs. Cockrell, one of the members of our Board said he heard on the news media that there was a meeting set up to hear the other side of the story, but we haven't heard anything official whatsoever.

Councilman Trevino: Let me say in justice that I have been working with Father Yanta and his organization for some time, and Father Yanta can tell you that I have disagreed with him on many, many occasions. But to say that there is malfeasance or that there is malpractice in this thing, I think is going a little bit too far because of differences of opinion. We do have, I sit on the E.O.D.C. Board and of the proposals we have had I have not always been completely in favor of them. But I am not going to say that I am not in favor because they are doing something wrong but just that we have differences of opinion. I hope you understand this. I am for sitting down with the Board and discussing this.

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Councilman Torres: I'd like to add something to this in reference to a statement made by Father Yanta. Your statement Father Yanta, was, and of course it was obvious you are referring to a statement made by Dr. Calderon earlier in the Council meeting, and your statement was: 'I don't know if this is the feeling of the entire Council.' Certainly, I think that short of a vote, each Councilman speaking expresses his own feelings, opinions and attitudes. I am certainly not responsible for, unless I specifically endorse, the statement of another Councilman. I want to point out to you that I am not responsible for those statements and if I do want to endorse a statement I would publicly do so. I would say that by way of explanation. The purpose of putting off your proposal this morning, I have already stated, was because I did not feel this was an item that had gone up to HUD with one of the priorities of our first year action program. I pointed out to you in the hall, and I pointed out to Mr. Montez yesterday that I personally still had some questions on this proposition. The matter of putting it off is certainly not germane to anything that Dr. Calderon said.

Dr. Calderon: In regards to Pete's remark and what he said earlier when he said the reason it was postponed was because of my remark.

Mr. Torres: I think the record will reflect what my statement was, Mr. Mayor.

Dr. Calderon: I am sure it will.

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LULAC PARK WEST APARTMENT PROJECT IN MODEL CITIES AREA

Mr. John Solis, District 15 Director of Lulac, stated they are working on a housing project in the Model Cities area and asked Mr. Frank Gomez, District Director of Housing, who resides in Corpus Christi, to explain the project.

Mr. Gomez stated they plan an apartment project on property located at General McMullen & Ruiz Streets. The project was approved unanimously by the Housing Component Review Committee in April or May, and they have had many problems trying to get a hearing. On September 11, 1969, they presented their case to the Citizens Participation Policy Committee after many delays and after overcoming many obstacles. At that meeting, it was referred to the Educational and Health CRC Committees. They are concerned that they will lose their land option, their feasibility, their allocation of funds and their financing unless they can secure approval by the CPPC or the City Council. He asked that the City Council take action to expedite the matter.

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Mr. O'Neal Munn, attorney representing the owners of the property, stated they have a contract of sale for 16 acres to be purchased at \$131,000. Comparable sales have been higher.

It was brought out that since this project is in the Edgewood School District, this was no doubt the reason it was referred to the Educational and Health Committees of Model Cities since they are concerned with the impact it will have on the school facilities.

It was suggested that the Lulacs get in touch with the Superintendent of the Edgewood School District and get their attitude on the project and why, and then make a report to the City Council.

The City Manager was asked to inform the CPPC that this matter had been brought before the City Council and to ask them to expedite their recommendation.

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PETITION OF SAN ANTONIO CITIZENS' COUNCIL
PRESENTED BY MR. DON HAND WITH REFERENCE TO
TURNKEY III PROJECT

Mr. Don Hand presented the following petition to the City Council:

"Mrs. Cockrell, Mr. Mayor, Members of the City Council:

I represent the San Antonio Citizens' Council, who have authorized me to present this petition for your consideration, a copy of which has been furnished to each of you. This petition is concerned with the San Antonio Housing Authority's Turnkey III Project.

We do not, at this time, attempt to debate the philosophical, social, or political pros and cons of the proposed project, but we are concerned with some very serious legal problems that confront the City and Housing Authority because of the manner in which the program has been initiated, presented and implemented. Briefly, some of the legal problems involved are as follows:

1. The State Housing Authority Act does not authorize the construction and sale of houses. This Act is concerned solely with the rental of housing units. The Act specifically states: "It (the Housing Authority) may rent or lease to a tenant dwelling accommodations". Nowhere does the Act authorize the sale of such dwelling units. Only a court of competent jurisdiction can decide whether or not the legislative act upon which this program is predicated is broad enough to encompass the Turnkey III program which provides for the sale of the dwelling units to the tenants.

2. At the time the City Council passed the ordinance under consideration, the members of the Council had no concept of the Turnkey III program. This ordinance was passed in March, 1967, and Congress did not appropriate funds for this program until 1968. It seems obvious that the Council could not approve this program by ordinance when the concept of the program was not presented to them and was not in existence at the time. The March, 1967 ordinance, if permitted to stand as passed, constitutes an invalid delegation of the Council's legislative duties, as the San Antonio Housing Authority would have sole authority to initiate and proceed with almost any program it may promulgate without the City's approval or statutory notice to the citizens. The Housing

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Authority Act provides that the City shall pass on programs submitted to the Council: the Act does not contemplate that a City Council shall pass an ordinance that would empower the Authority to put into effect a program to be developed at a later date.

3. The statutory referendum notice that was published in conjunction with the cooperation ordinance passed by the City in 1967 did not refer to the Turnkey III program and failed to give adequate notice to the citizens as provided for in the State Housing Authority Act. By law, the citizens have an absolute legal right to be heard on this matter. Legal notice, being a prerequisite to the validation of the ordinance, was not given, and consequently the ordinance itself is under a serious legal cloud. These are but a few of the myriad of legal problems that are involved in this matter.

We do not believe it to be in the best interests of the City to proceed with this program until the validity of the project is established. We do not want contractors and subdividers to embark on a program that could be tied up in litigation for a period of years. These men could be irreparably damaged, the City subjected to various suits for substantial damages, and the low cost housing program set back indefinitely.

We also do not want the people for whom this project has been developed to be deluded into thinking that they are going to get these Turnkey III houses if, in fact, these houses cannot be provided for them under the existing law. Even if the houses could be built and rented, it is suggested that, under the law, they could never be conveyed to the tenants and never placed upon the tax rolls as promised.

It is respectfully suggested that the legal problems can be solved by the City's taking one of the following three positive steps.

1. Authorize and direct the City Attorney to file a suit for a declaratory judgment requesting a court of competent jurisdiction to render a decision as to the legality of the Turnkey III project under the laws of the State of Texas and ordinances heretofore passed by the City Council; or

2. Repeal the existing ordinance passed on the 16th day of March, 1967, upon which the Turnkey III program is predicated and request the San Antonio Housing Authority to file a suit for declaratory judgment testing the validity of such a repealing ordinance; or

3. Pass a new ordinance authorizing a revised Turnkey III program setting forth the provisions of this program in full, giving proper statutory notice to the citizens of the City so that their legal and constitutional rights of referendum will be legally and adequately protected.

We know it is the desire of the City Council to establish a sound and legal basis for either the approval or disapproval of the project, and thus respectfully request the consideration of this petition.

After discussion the petition was referred to the City Attorney for study and report to the City Council.

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ANNEXATIONS

Councilman Torres discussed the subject of an annexation program. He stated that at one time the City Manager made a detailed presentation and asked if any progress had been made in that direction.

City Manager Henckel stated he was prepared to discuss an annexation program with the City Council at any time they desired to do so.

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CAPITAL IMPROVEMENTS BOND ISSUE

Councilman Torres then discussed need for a bond issue in accordance with the capital improvements program. He stated that he would support a major bond issue.

City Manager Henckel advised that if the Council desires he will proceed to make a presentation for consideration of a bond issue. There are hardly any capital improvements funds left and if the City is going to have any additional capital improvements, it must be done through a bond program.

Councilman Torres stated that Mrs. Cockrell had agreed that there is a need for a bond issue. They should get the citizens' committees going as soon as possible so that they can arrive at a proper improvement program.

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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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