

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, APRIL 5, 1973.

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

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73-16 The invocation was given by The Reverend Malcolm E. Hoffman, Pastor of Zion Evangelical Lutheran Church.

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73-16 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

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73-16 The minutes of the meeting of March 29, 1973, were approved.

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73-16 Mayor Gatti welcomed to the meeting six students from Texas A & M University who are majoring in Parks and Recreation.

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73-16 CITATION FOR MR. MIKE AYALA

Mayor Gatti welcomed to the meeting Mr. Mike Ayala who just recently won the National Golden Gloves Flyweight Championship. He congratulated Mr. Ayala on his accomplishment and presented him with a Citation recognizing him.

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73-16 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Hilliard.

AN ORDINANCE 42,029

ACCEPTING THE LOW BID OF CHICAGO
TRANSPARENT PRODUCTS TO FURNISH
THE CITY OF SAN ANTONIO WITH
COMMERCIAL REFUSE DISPOSABLE
RECEPTACLES FOR RESALE AT A TOTAL
AMOUNT OF \$75,660.00.

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AN ORDINANCE 42,030

ACCEPTING THE LOW BID OF ECONOLITE TO
FURNISH THE CITY OF SAN ANTONIO WITH
CERTAIN TRAFFIC CONTROL EQUIPMENT FOR
A TOTAL OF \$11,640.00.

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AN ORDINANCE 42,031

ACCEPTING THE LOW BID OF INGRAM MFG.
CO. TO FURNISH THE CITY OF SAN ANTONIO
WITH A TANDEM ROLLER, 4 - 6 TON FOR A
TOTAL OF \$8,625.00.

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AN ORDINANCE 42,032

ACCEPTING THE QUALIFIED BID OF INTOXIMETERS,
INC. TO FURNISH THE CITY WITH CERTAIN BREATH
TEST EQUIPMENT FOR A TOTAL SUM OF \$3,025.00.

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73-16 The Clerk read the following Ordinance:

AN ORDINANCE 42,033

MAKING AND MANIFESTING A CONTRACT WITH
BEXAR COUNTY FOR MAINTENANCE AND FUELING
OF COUNTY AUTOMOBILES AT THE CITY'S
AUTOMOTIVE FACILITIES.

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Mr. John Brooks, Director of Purchasing, stated that this Ordinance extends the contract with Bexar County for the second year for servicing of the Sheriff's office vehicles. The contract is on a month to month basis so that prices can be adjusted when necessary.

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

73-16 The following Ordinance was read by the Clerk and explained by Mr. Mel Sueltenfuss, Acting Director of Public Works, and after consideration, on motion of Mr. Becker, seconded by Mr. Calderon, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Hilliard.

AN ORDINANCE 42,034

ACCEPTING THE LOW BID OF ACTION UTILITY
CO., INC. FOR CONSTRUCTION OF THE NORTHERN
HILLS UNIT 2 SANITARY SEWER OUTFALL PROJECT;
AUTHORIZING EXECUTION OF A CONTRACT COVERING
SAID WORK; APPROPRIATING THE SUM OF \$103,027.00
OUT OF FUND 820-03 PAYABLE TO SAID CONTRACTOR;
THE SUM OF \$5,151.35 AS A MISCELLANEOUS
CONTINGENCY ACCOUNT AND \$4,192.16 PAYABLE TO
R. MARVIN SHIPMAN CO. FOR ENGINEERING SERVICES.

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73-16 Mayor Gatti was obliged to leave the meeting and Mayor Pro-Tem Haberman presided.

73-16 The Clerk read the following Ordinance:

AN ORDINANCE 42,035

MANIFESTING AN AGREEMENT WITH DOERR AVIATION, INC., TO AMEND LEASE 7-B AT SAN ANTONIO INTERNATIONAL AIRPORT, BY MOVING THE BOUNDARIES OF THE LEASED PREMISES.

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The Ordinance was explained by Mr. Mike Kutchins, Assistant Director of Aviation, who stated that this Ordinance adjusts the dimensions but not the total area occupied by Doerr Aviation. The change is being made to allow the placement of a perimeter fence required under the new F.A.A. security regulations.

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

73-16 The following Ordinance was read by the Clerk and explained by Mr. W. S. Clark, Land Division Chief, and after consideration, on motion of Mr. Hill, seconded by Mr. Naylor, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Naylor, Padilla; NAYS: None; ABSENT: Hilliard, Gatti.

AN ORDINANCE 42,036

APPROPRIATING THE SUM OF \$39,555.00 OUT OF STREET IMPROVEMENT BONDS, 1970, #409-02, FOR TITLE TO CERTAIN LANDS TO BE USED IN CONNECTION WITH THE WALTERS-MOORE STREET PROJECT; AUTHORIZING EXECUTION OF LICENSE AGREEMENTS WITH WONG NGONG AND SOUTHERN PACIFIC TRANSPORTATION COMPANY, PROVIDING FOR ENTRANCE UPON CERTAIN LANDS IN CONNECTION WITH THE SIX MILE CREEK DRAINAGE AND THE SAN ANTONIO RIVER OUTFALL PROJECTS; AND ACCEPTING THE DEDICATION OF CERTAIN WATER, STORM DRAINAGE, SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENTS OVER CERTAIN LANDS, TO BE USED IN CONNECTION WITH THE SIX MILE CREEK, STORM DRAINAGE #73-B, VAUGHAN INDUSTRIAL SUBDIVISION, AND UNIVERSITY ESTATES UNIT 22 SANITARY SEWER PROJECTS.

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73-16 The following Ordinance was read by the Clerk and explained by Mr. W. S. Clark, Land Division Chief, and after consideration, on motion of Mr. Calderon, seconded by Mr. Naylor, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Naylor; NAYS: None; ABSENT: Hilliard, Padilla, Gatti.

AN ORDINANCE 42,037

APPROPRIATING FROM CERTAIN FUNDS AMOUNTS IN THE TOTAL SUM OF \$2,162.50 IN PAYMENT FOR EXPENSES INCURRED IN CONNECTION WITH U. S. 281 NORTH EXPRESSWAY; SALADO CREEK SEWER OUTFALL SEWER LINE EXTENSION; QUINTANA ROAD GRADE SEPARATION; WALTERS-MOORE STREET PROJECT; WALTERS-MOORE OVERPASS; BLANCO ROAD WIDENING PROJECT; BABCOCK ROAD WIDENING PROJECT; NORTHERN HILLS UNIT 2 SANITARY SEWER OUTFALL; MISSION ROAD STORM WATER CLARIFIER; LEON CREEK SEWER OUTFALL, PHASE C; TAINTER GATE PROJECT (MISCELLANEOUS EASEMENTS AND DEDICATIONS); SAN ANTONIO RIVER OUTFALL SANITARY SEWER; NORTH WOODLAND HILLS OFF-SITE SANITARY SEWER MAIN (MISCELLANEOUS EASEMENTS & DEDICATIONS).

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73-16 The following Ordinance was read by the Clerk and explained by Mr. Jim Gaines, Director of HemisFair Plaza, and after consideration, on motion of Mr. Becker, seconded by Mr. Calderon, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Naylor; NAYS: None; ABSENT: Hilliard, Padilla, Gatti.

AN ORDINANCE 42,038

AUTHORIZING EXECUTION OF AN AGREEMENT WITH G. HASSLOCHER, AN INDIVIDUAL D/B/A "FAIR FOODS" PROVIDING FOR LEASE OF SPACE IN BUILDINGS 534, 535 AND 536 AT HEMISFAIR PLAZA, FOR A ONE YEAR TERM.

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73-16 The Clerk read the following Ordinance:

AN ORDINANCE 42,039

ACCEPTING THE LOW BID OF MODEL SERVICE COMPANY FOR CONSTRUCTION OF PHASE II, AUTOMATIC SPRINKLER SYSTEM AT RIVERSIDE GOLF COURSE; AUTHORIZING EXECUTION OF A CONTRACT COVERING SAID WORK; APPROPRIATING THE SUM OF \$24,445.00 OUT OF PARK IMPROVEMENT BONDS PAYABLE TO SAID CONTRACTOR AND THE SUM OF \$1,200.00 TO BE USED AS A MISCELLANEOUS CONTINGENCY ACCOUNT.

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The Ordinance was explained by Mr. Bob Frazer, Director of Parks and Recreation, who stated that this is the second phase of construction of the irrigation system for the newly built Riverside Golf Course. This system will cover the nine short holes. Bids were advertised in the normal fashion but only one bid was received. It is within the engineer's estimate. He recommended adoption of the Ordinance.

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

73-16 The Clerk read the following Ordinance:

AN ORDINANCE 42,040

REVISING THE FAIR MARKET VALUE OF
PARCEL 8596-2 SCHEDULED FOR ACQUISITION
UNDER HUD OPEN-SPACE PROJECT OSL-TX-06-
59-1009 AND CONCURRING WITH THE ACTION
OF THE SAN ANTONIO DEVELOPMENT AGENCY
IN REVISING THAT VALUE.

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Mr. Bob Frazer, Director of Parks and Recreation, stated that this appraisal has been made by the San Antonio Development Agency. The property is in the 28 acre park in the Model Cities area. The revision of the appraisal approval is a requirement of HUD.

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

73-16 Mrs. Haberman asked if the public address system on the river boat has been improved.

Mr. Frazer stated the concessionaire has purchased new equipment and will try new recordings when the traffic pattern on the river is adjusted to one way traffic with removal of the Tainter gate.

73-16 The Clerk read the following Ordinance:

AN ORDINANCE 42,041

AUTHORIZING AN AGREEMENT WITH THE LITTLE
COWBOY BOOSTER CLUB FOR USE OF CITY-
OWNED PROPERTY FOR A TWO YEAR PERIOD
BEGINNING APRIL 15, 1973 AND ENDING
APRIL 14, 1975.

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Mr. Bob Frazer, Director of Parks and Recreation, stated that this is a contract with the Pop Warner Football League. This is at Stinson Park between South Flores and Highway 181. The lease is in accordance with previously established policy.

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

73-16 The following Ordinance was read by the Clerk and explained by Mr. Bob Frazer, Director of Parks and Recreation, and after consideration, on motion of Mr. Becker, seconded by Mr. Hill, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Naylor; NAYS: None; ABSENT: Hilliard, Padilla, Gatti.

AN ORDINANCE 42,042

AUTHORIZING A ONE-YEAR CONTRACT WITH JACK CATTO, FOR USE OF A PORTION OF THE BEAUTIFIED SECTION OF THE SAN ANTONIO RIVER IN CONJUNCTION WITH A RESTAURANT OPERATION.

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73-16 Mayor Gatti returned to the meeting and presided.

73-16 The following Ordinances were read by the Clerk and explained by Mr. Bob Frazer, Director of Parks and Recreation, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Hilliard.

AN ORDINANCE 42,043

MANIFESTING A ONE-YEAR EXTENSION OF THE PRESENT CONTRACT BETWEEN THE CITY AND HILTON PALACIO DEL RIO HOTEL FOR USE OF 375 FEET OF CITY-OWNED PROPERTY ON THE SAN ANTONIO RIVER IN CONJUNCTION WITH A RESTAURANT OPERATION.

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AN ORDINANCE 42,044

MANIFESTING A ONE-YEAR EXTENSION OF THE PRESENT CONTRACT WITH RICHARD L. DYKES FOR USE OF A PORTION OF THE BEAUTIFIED SECTION OF THE SAN ANTONIO RIVER FOR A RESTAURANT OPERATION.

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AN ORDINANCE 42,045

MANIFESTING A ONE-YEAR EXTENSION OF THE PRESENT CONTRACT WITH GORDON W. HUDSON III FOR USE OF A PORTION OF THE BEAUTIFIED SECTION OF THE SAN ANTONIO RIVER IN CONJUNCTION WITH A RESTAURANT OPERATION.

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73-16 Item No. 18 of the agenda being a proposed amendment to the traffic code was withdrawn from consideration at the request of the City Manager.

73-16 The following Resolution was read by the Clerk and explained by Mr. Stewart Fischer, Director of Traffic and Transportation, and after consideration, on motion of Mr. Becker, seconded by Mrs. Haberman, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Calderon, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Hilliard.

A RESOLUTION
NO. 73-16-16

REQUESTING THE TEXAS HIGHWAY COMMISSION TO AUTHORIZE THE STATE HIGHWAY ENGINEER TO PROCEED WITH THE IMPROVEMENT OF WALZEM ROAD (F.M. 1976.)

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73-16 The Clerk read the following Ordinance:

AN ORDINANCE 42,046

REJECTING ALL BIDS RECEIVED PERTAINING TO CONSTRUCTION OF A NEW SAN ANTONIO POLICE DEPARTMENT COMMUNICATIONS SYSTEM AND DIRECTING THAT NEW SPECIFICATIONS BE PREPARED FOR READVERTISEMENT.

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Mr. Ralph Langley, an attorney representing International Signal and Control Corporation, objected to the passage of this Ordinance. He stated that his company was the low compliant bidder and reiterated many statements he had previously made regarding this matter. He asked the Council to reconsider its position in the matter.

In answer to questions posed by members of the Council and Mr. Langley, Associate City Manager George Bichsel stated that the City is still on a contract with Page Engineers and can call on that firm for assistance in revising specifications if it is necessary.

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Mr. Hill stated that he would summarize the situation by saying that the bids as submitted are in excess of available funds. He also stated that it is not intended that the project be scratched and redesigned but rather that the project is being drawn back to equipment which is available and can be brought into service. The special equipment which is not readily available will be omitted for the time being.

Associate City Manager Bichsel stated that the system design will be used but the specifications of portable units will be changed.

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

73-16

GENERAL ELECTRIC CABLEVISION PUBLIC HEARING

MAYOR GATTI: We have a public hearing scheduled at 10:00 A. M. Please read the Ordinance.

The Clerk read the following Ordinance for the second time:

AN ORDINANCE 41,989

AMENDING THE FRANCHISE GRANTED TO GENERAL ELECTRIC CABLEVISION CORPORATION FOR THE PURPOSE OF DISTRIBUTING AUDIO AND VIDEO SIGNALS AND AUDIO AND TELEVISION ENERGY TO ITS SUBSCRIBERS IN THE CITY OF SAN ANTONIO, TEXAS, ALONG, ACROSS, OVER OR UNDER THE STREETS, HIGHWAYS, ALLEYS, UTILITY EASEMENTS AND REAL PROPERTY OF THE CITY OF SAN ANTONIO; BY ESTABLISHING A TERM OF 15 YEARS FOR SAID FRANCHISE RIGHTS; PROVIDING POLE RENTAL FEES TO BE PAID TO THE CITY-OWNED UTILITY; REDEFINING THE FORMULA FOR DETERMINING THE MARKET VALUE OF THE SYSTEM IN CASE OF RECAPTURE OF SAID FRANCHISE RIGHTS BY THE CITY OF SAN ANTONIO DURING THE PERIOD OF THE FRANCHISE; PROVIDING FOR ADDITIONAL SERVICES AND PROGRAMMING TO BE FURNISHED BY THE GRANTEE; PROVIDING FOR A 10 YEAR REVIEW OF SYSTEM PERFORMANCE BY THE CITY; PROVIDING FOR AN ADDITIONAL REMEDY TO THE CITY IN THE EVENT OF NON-COMPLIANCE BY THE GRANTEE; PROVIDING A FORM FOR ACCEPTANCE OF THESE FRANCHISE AMENDMENTS BY THE GRANTEE; AND PROVIDING FOR A PUBLIC HEARING AND THREE SEPARATE READINGS.

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MR. PAUL DODGE: Good morning, gentlemen and lady. I am Paul Dodge, Manager of the San Antonio Cablevision project for General Electric Cablevision. As you know, we have asked for an amendment to our cable television franchise because without it we can get hit with heavy financial losses by factors completely beyond our control. In this

amendment we ask for two changes. The first change extending the term of the franchise gives us, starting now, essentially the same 15 year term that we started with originally. The second change provides that should the City exercise its right to recapture the system the reimbursement to GE would be a compromise price which, though still less than fair market value, is at least more palatable than the original formula.

During the months of discussion and negotiation of these changes with the City staff we have agreed to accept some other additions requested by the City. The new Section 23 puts in writing our willingness to go beyond the mandatory public access channel in making it easy and inexpensive for non-profit groups to make their own television programming. They can even sell advertising to help cut down production costs, a handy trick not permitted by the FCC on the public access channels.

The new Section 24 identifies 18 different locations for free pick up points throughout the City capable of receiving live television signals into the system. One of these pick ups will be in this room to allow live coverage of future City Council meetings.

Section 25 provides for the City to examine services offered by the system after the first ten years. It's a way of checking if our programming and other services and our system reliability have kept up with changing technology and with the similar systems in other cities. If found lacking, the City and the Company are to jointly develop an upgrading plan which the City is to implement.

The last new Section is in here for the protection of the City, and it's one that I never want to tangle with. If the City finds us in material and substantial non-compliance with the franchise, they warn us and if we don't shape up they may, at their option, take over our cable plant at net book value, which is far below the normal recapture price formula and even further below its fair market value.

As you recall the proposed new ordinance inviting these changes was passed on the first reading before the City Council on March 22nd. We ask that you also pass it on second reading today at the conclusion of the public hearing. As you know a third reading is required and is scheduled for April 26.

In the short time I have left I wish I could share with you some of the sweat and some of the satisfaction we found in asking San Antonians what they want out of cable television. Since setting up our local office last fall we've made a strong effort to contact any San Antonio groups that might have an interest in what this system will do for the City. Usually talking about jobs or about programming, our Jim Anderson could tell you about this list of contacts - 51 groups at last count - a number of which have reacted positively to this new community communications tool. I will give you copies of this list in just a moment and also a letter to Mayor Gatti, from the San Antonio Council of Churches. We're also making a random sample telephone survey in which our Janie Rodriguez is doing a lot in between being my secretary. We've just started, but after 50 contacts with individuals we sense a strong San Antonio interest in greater variety of television programming. The strongest interest is in more educational programming followed by outdoor sports. As you know, we plan coverage of both of these so we think we're on the right tract.

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On the subject of equal employment opportunity let me just say that GE was one of the first major companies to have a written policy together with an affirmative action plan, and I want to give you copies of both of these for GE Cablevision. I am out of time so if you have any questions, I'll try to answer them and if I get in trouble, here is my boss, Mr. Sam Velanger, who is Vice President of Operations for GE Cablevision and has flown down here from Schenectady to be present at this hearing. To cover any questions about FCC regulations, we've asked Mr. Bob Call of our Washington law firm to be here this morning. Thank you very much.

MAYOR GATTI: Okay, Mr. Edwards would you present your staff recommendations.

MR. TOM EDWARDS: The recommendation out of my report? Is that what you're referring to?

MAYOR GATTI: Yes or anything you might want to add to what was just said.

MR. EDWARDS: Well, in regards to the franchise fees I can answer that question. Article 115 of the FCC reconsiderations of July, '72 indicates franchises granted prior to March 31, 1972 will still be processed even though they may not conform exactly to FCC's requirements as long as they're substantial requirements. I have discussed this question with the Chairman of the FCC, Mr. Dean Burch, together with Mr. Jack Meyer of the FCC Cable TV Bureau. They have indicated that the present fee will be acceptable until March 31.....

MAYOR GATTI: In other words, I asked you that this morning, in '76 the fees automatically go to three percent, is that right?

MR. EDWARDS: March 31, 1977. We would have to have a re-negotiating with the.....

MAYOR GATTI: Now, the second thing I wanted to ask you was on the certificate of compliance, is that what they call it?

MR. EDWARDS: Yes, sir.

MAYOR GATTI: That has not been granted to GE yet?

MR. EDWARDS: No.

MAYOR GATTI: Could there be as a result of that a change in the fees?

MR. EDWARDS: Well, that depends on the FCC. Again, I have talked to members of the FCC informally. They have indicated that it would be acceptable. Now, in reading the reconsideration of July, 1972, they indicate that they would not hold up franchises as long as there is substantial compliance. However, it would have to be in compliance until March 31, 1977. So, I could not guarantee it. I understand that GE, however, has received three certificates of compliances in the past three months which had a fee in excess of five percent.

MAYOR GATTI: But, regardless of that the ballgame is over '77 as far as the seven percent (inaudible).....

MR. EDWARDS: At the present time. Now the National League of Cities is trying to exert a little bit of pressure to get this requirement relaxed somewhat. Whether or not they'll be successful remains to be seen.

MAYOR GATTI: Three percent in '77? The National League of Cities, I know, are trying to get the FCC to change their - to raise it to a figure that we would accept. All right, anybody have any other questions of Mr. Edwards right now? Okay, we have some people here that are signed up to be heard. Mr. Anchando.

MR. JORGE ANCHANDO: Good evening, Councilmen, Council Members. I represent the Bi-lingual, Bi-Cultural Coalition on the Mass Media. The Bi-lingual, Bi-Cultural Coalition on the Mass Media is composed of 35 viable Mexican-American organizations here in town. I'm here this morning to speak against the approval of the amendment of the GE franchise. According to the Federal Communications Commission's guidelines the proposed annual payment by General Electric to the City at 7.5 percent of its annual gross revenue is over and above the limit imposed by FCC law. Also, the Commission's guidelines stipulate that the revenues made payable to this City are to be utilized for cable TV consumer protection and to monitor and evaluate the cable system. The City is assuming that it can put revenue from cable TV in the general coffers. FCC law stipulates that five percent is adequate payment to the City, to the City government. These monies should be spent to establish a Citizens Cable TV Commission. This cable is a utility. The Commissioners should be representative of all segments of the community. This body should monitor, evaluate, and make recommendations to the City. Under Section 7 and 11 of the General Electric Franchise, no real provisions are made as to fair rates for the cable TV system. The subscriber will be paid of all costs of the cable TV system. It should be guaranteed some protection by the City from any whimsical rate charges. It should be noted that GE will be paying the City five dollars per pole per year in addition to the flat percentage annual payment. The excess profit margin should be kept to a minimum in order to protect consumers. Citizens Cable TV Commission should be allowed to oversee and recommend fees to the City. The City should approve any fee raise. The revenue cable TV should be utilized by the City to establish one, a communications office; two, a subscriber complaint office; and three, a Citizens Cable TV Commission. In addition, an equal employment opportunity office to be incorporated into this general structure. Thank you.

MAYOR GATTI: Where is Mr. Walker? We do have the right to regulate rates?

MR. TOM EDWARDS: Yes, sir. The City Charter, also this is part of Appendix B of the ordinance. A lot of people are not aware of Appendix B.

MAYOR GATTI: In other words, they have to go through the same procedure as any other utility. All right, Mr. Gonzales.

MR. JANASCO GONZALES: I'm Janasco Gonzales, and I also belong to the Bi-lingual, Bi-Cultural Coalition on Mass Media. I also would like to bring up another point that perhaps could be answered here today since after seeing the heavy guns here makes me feel like a BB gun. The franchise makes no mention as to specific needs, problems and/or interests of the community, including the consumer are to be taken into consideration by General Electric in its programming. If General Electric wants to take the interests of the citizens of San Antonio to heart a fourth improvement - the City government should make strong provisions in the franchise to establish, ascertain procedures for the cable system. The ascertainment should include: one, form the committee to identify problems and interests. Second, document these problems in order of most significance and third, providing the necessary programs as public service to address these problems. The cable system should conduct the necessary ascertainment every two years under the guidance of the Cable Commission.

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MAYOR GATTI: Thank you, sir. Mr. Victor Soto.

MR. VICTOR SOTO: I am the Chairman of the Bi-lingual, Bi-Cultural Coalition which represents 35 Mexican-American organizations in San Antonio. Our Washington counsel is supposed to be here this morning, and he couldn't make it so I'll have to do my best. To reiterate my statements of the 22nd of March we feel that the proposed amendments and, in fact, the entire GE franchise is outdated, inadequate and inconsistent with FCC guidelines. It is definitely not in the best interests of the whole entire community. If you would only take some time to study this more at length, perhaps get some experts, like communications of your own, go over this franchise, you would readily see some of the inadequacies.

Some of the major points that I want to go over very briefly are - is again the 7.5 percent gross annual payment to the City. That is in addition to a \$5.00 per pole per year payment to the City. Ladies and gentlemen, the consumers are going to be paying for these monies coming into the City. Cable is a utility, and it should be treated as such. I think it was outlined by Mr. Anchando. The franchise doesn't specify the regulation of the rates of the cable. The City should make strong provisions to regulate and whether up or down the rates to be charged to the consumer, who, after all will be paying for the cable system. There are no provisions in the franchise for fair employment practices. The FCC will not enforce these employment practices and unhappily the DDC and its litigation against several San Antonio stations has seen how they brush aside fair employment petitions. The City should take upon itself to incorporate in the franchise strong provisions to this effect.

Programming: The City has the right to institute the 14 points of good programming set up by the Federal Communications Commission for commercial television. These 14 points should also be applied to cable. Ascertainment: The community should be ascertained every two years of what they think should be aired on cable TV. The ten year review, well that, ladies and gentlemen, is absolutely absurd. Just about every other cable system granted in the past five years voluntarily has instituted or the franchising authority has provided that they can be monitored and validated and audited at any time. This is the City's prerogative. You are giving these people a free hand to do anything they want to and then only after ten years go by can you come in and ask them, well what have you done?

Again, we feel that the General Electric franchise is outdated and we suggest very strongly, we petition the City Council to reopen the franchise for bidding for other cable systems to come in and show you exactly what they have to offer. I am sure there are more than five or six who will be willing to come in here and perhaps offer a better deal than these gentlemen are doing. As far as Section 23 that Mr. Edwards, I think it was mentioned, or the gentleman from GE, they are not really doing that much on this non-profit station. They are going to offer a dollar per hour and so on and so forth. Other cable systems are doing much more than that. And, again, I wish our attorney were here to elaborate on this. Section 24, they state they have provided 24 pick-up points and so on. Well, that's good and fine. They do not specify all schools or they do not specify all hospitals or they do not specify any other institutions in the future which are sure to be built. As far as the recapture clause where you can come in and pick up the cable system any time you feel like it, well our counsel, our Washington counsel has informed us that they can probably hold you up in court for 20 years before you can take this cable system back. They have talked about talking to 51 groups in the community. Well, I represent 35 groups - mostly

Mexican-Americans. We feel that this franchise is not in the best interest, not only to the Mexican-American population, but of the entire San Antonio community. After all we will all have to pay for this cable system.

Just one more point. I have talked to some of these groups that the GE people have been talking to, and I have found to my dismay that they have been going around offering little tidbits to each group. They have gone to an employment agency, I think it is the Help Yourself Employment Agency. They told Mr. Tom Edison, well, we are going to come in here and we are going to hire everybody on our staff from your agency and so on. They have done this to many, many organizations and groups. Ladies and gentlemen, I don't think this is at all fair, and I think we should open the bids for other cable systems to come in before we all put our foot in our mouth. Thank you.

MAYOR GATTI: Thank you. We have a couple more, Charlie. Rev. Willis Langlinair.

REV. WILLIS LANGLINAIR: Mayor Gatti, other members of the Council, good morning. I am Father Willis Langlinair, Dean of the School of Arts and Sciences at St. Mary's University, and I am here speaking on behalf of Father Robert Ferguson, Academic Dean of Oblate College of the Southwest; Mr. Jermaine Corbin, Academic Dean of Incarnate Word College, and Dr. Robert Galvan, Academic Dean of the School, Our Lady of the Lake College. We are representatives of the members of the Consortium here in San Antonio, the United Colleges of San Antonio. I wish to go on record as saying that we are in favor of the City of San Antonio granting a franchise to General Electric Cable Television. We are looking forward to working with General Electric Cable Television in providing innovative educational services to the citizens of San Antonio. It is our hope that we will be able to proceed in this endeavor without delay. Thank you very much.

MAYOR GATTI: Thank you, Father. Mr. Le Fountain.

MR. BOB LE FOUNTAIN: Mayor Gatti, Mrs. Haberman, gentlemen of the City Council, I am Bob Le Fountain, Director of Instructional Media for the North-east Independent School District here in San Antonio. I guess serving as a spokesman for public education. We are vitally concerned with cable television. As you know, we have been using educational television for many years in San Antonio primarily through KLRN Channel 9, and we know what educational television can do. One of the problems that we do face is that we are dealing with a single channel. And you know through your own personal experiences that a single channel sometimes creates great difficulty. Your schedule does not meet the TV schedule, and you miss a program which you wanted to see or your choice conflicts with your wife's choice. So you see Julia Childs instead of a football game. Multiply that by 30 students in a classroom with all the individual needs, 100 classrooms in a school, 30 schools in a district and many, many districts served by one educational television channel. I think you can begin to comprehend the problem that we face. Multichannel television is important and necessary for education. We are not here to speak in favor of or against the GE contract. We are simply here to state that we are representatives of public education in the community, and we are willing to help you in any way that we can to provide multichannel educational television.

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MAYOR GATTI: Let me ask you a question. Have you looked at the contract or do you know enough about it to say whether or not the facilities that are going to be offered to the educational community are adequate to your needs?

MR. LE FOUNTAIN: As I understand the contract at the present time, there will be a total of six channels allocated to educational television in San Antonio. Two of those for colleges and universities and four for public education. Our primary concern right now is how to utilize those four effectively. We are working in cooperation with KLRN. We think there is the tremendous possibility there in providing more channels for their programs which is something that is desperately needed. We have other educational agencies such as the Educational Regional Service Center, Region 20, which provides programming and we work cooperatively to provide materials and educational facilities. I think we can utilize them. I am not prepared to state whether these are adequate or not at this time.

MAYOR GATTI: All right. Thank you, sir. Do you have anything else?

MR. LE FOUNTAIN: I have a paper which I'd like to present to the Council on the background of educational television and some of the advantages.

MAYOR GATTI: Thank you. All right, Mr. Davis.

MR. GORDON DAVIS: Mr. Mayor, Mrs. Haberman, Members of the City Council, I am Gordon Davis. I am speaking today without a great deal of recent background in cable television. For that reason I can't propose to have some expertise although I am a lawyer on what the FCC rules are, how they will apply, whether there will be a grandfather clause with regards to prior contracts, what the requirements are or stipulations are with regard to importing signals. All of those are very important things. I would like to direct myself today on some comments that relate to this franchise in the sense that I think the City of San Antonio entered into a very attractive franchise in 1968. The franchise, as I recall, I was interested on behalf of the client at that time and have some client interest at this time although perhaps not much hope to proceed with the client toward obtaining a franchise but there were many people at the time in 1968 who felt that the original GE proposal was inadequate, not in the best interests of the public and that the City ought to have an opportunity to have substantial proposals. As I recall, the proposal terms were written, and the reason I mention this in some detail here is that they were written very tough for the person proposing. I had people who withdrew, others withdrew and when the final terms and conditions were read, which, by the way, included the term of ten years, with only an option, tough recapture provisions, high percentage to be paid to the City and the poles to be met with the uncertainty at that time as to what FCC would do, whether we could import foreign signals and when the signals would be imported, plus an absolute commitment to not only pay the \$100,000 down, \$50,000 for the fee and \$50,000 for an annual fee, but an absolute commitment that they were going to have to pay \$50,000 a year for ten years. Cause the kind of bid stipulation that I think made it impossible for at least others decided not to bid but obviously the terms were acceptable to the City of San Antonio and not unreasonably the City had reason to believe that GE knew and very carefully and expertly devised a bid that would be very attractive and perhaps more attractive than anybody else was willing to do. The City, therefore, has an excellent contract, but I am not sure that you have the right to extend the contract according to Section 130 of Article 11 of the Charter. The plain language seems to be that you don't have the

right to extend the term but that's a matter for your attorney to help you decide. All I can say is that from the standpoint of the City it would appear to me you do one of two things. You either undertake to get new bids because of the situation where GE has indicated perhaps that they will not proceed under the old contract. Then you can have your recourse for default, if they have defaulted or if they do, but I would suggest that if I am right and they do have a valid contract, and they do not honor the contract then the least the City would do perhaps is to disqualify them, their subsidiaries and employees and those associated with them from bidding. What I would like to do is to suggest that cable television is a necessary, is a desirable facility for the City. I am not sure that it is a public utility in the same sense of the kind of control that you would have over other public utilities. I don't think there is an urgent public need at this time to the point where the City because the utility is absolutely required, has to urgently do something as it might with a gas contract, electrical contract, public transportation contract. Therefore, I suggest that the Council in this very complex matter might consider the employment of a consultant, advisor, firm, individual oriented to the public interest who can advise on this very complex matter with special emphasis on the City's method of contracting. I am prepared to undertake to answer any questions. It is very difficult in a brief five minutes to develop the thoughts you have about the contract. I can and will give some of my time to the City Attorney or to whoever you have investigating it to give them the background I have. We have a fund of public interest and a fund of knowledgeable people, a large number of knowledgeable people from Washington on down who would like to assist in providing the City of San Antonio with a good system. I suggest that the Council delay until they can get that kind of information for their evaluation.

MAYOR GATTI: Thank you, Mr. Davis.

MR. BECKER: Mr. Davis, may I ask you a question? If it were that the Council did, in fact, cancel the contract that is presently held by General Electric would you advocate that GE be refunded the \$30,000, \$50,000 for six years that they have had on deposit, so to speak with the City to more or less bind or enforce this contract - would you advocate that that money be refunded to GE in fairness in this situation?

MR. DAVIS: I would not, Mr. Becker, I don't see any difference in any other kind of a bid that has been made with regard to matters dealing with the City of San Antonio. The reason I went into some detail is these people had great expertise, legal and technical. They made an absolute contract that my client couldn't meet because it was a payment whether or not they ever functioned. By the way, they could have functioned and gone into business without the importation of foreign signals. They had an absolute right to do that if the City wasn't going to require it according to the contract until they had certain FCC clearances. They had an absolute right to do it. They wrote, somebody wrote some terms which is nothing improper about that, somebody said, GE said we are willing to go from these tough provisions first time around then there was an expression of competition, and I think they should be helped with those provisions.

MR. BECKER: How long has cable television actually then been in operation in certain cities that you might be able to enumerate?

MR. DAVIS: Well, in '68 it had been in for about eight or ten years, I think. Is that what you're asking? How old is cable television?

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MR. BECKER: Yes, in actual operation and, for example, some cities similar to San Antonio.

MR. DAVIS: Certainly 10 or 15 years.

MAYOR GATTI: Thank you, Mr. Davis.

MRS. CAROL R. HABERMAN: I would just like to say we appreciate your knowledge in this, and I'm sure our City Attorney and our City Utility Man will probably be in touch with you.

MAYOR GATTI: We have one more citizen, Mrs. Helen Dutmer.

MRS. HELEN DUTMER: I'm Mrs. John F. Dutmer, I reside at 739 McKinley. Once again, we're into a problem of expertise versus high finance. I am representing only the citizens of the City of San Antonio in this thing. I would ask the question that if GE is back within this length of time asking for an amendment to their contract, then how can we be sure that if we do give them this contract and this amendment that they seek that they will not be back again in a few years asking for another amendment. Once again I heard up here that we have six educational channels that will be brought to the City of San Antonio. Education is well and good but as we all know within our City, those people who need the education the most will not receive the benefit from this cable television because most of them can't even afford a television set much less subscribe to the cable television. Now, I'm not here to knock GE in the head. As I said before there are many, many good companies within this country. As far as employment, I wonder, I haven't heard anything said about our Texas Employment Commission. We have rows and rows and rows of people on our Texas Employment Commission rolls who are in need of employment. Why must we go to a private employment agency in order to, if indeed this is a true fact, to make a deal? If it's on the up and up why did they not go to our state employment agency and make the same deal? My concern, as I said, has always been for the citizens of the City of San Antonio and not for the high finance behind it. I do not pretend to be an expert on high finance. I do not pretend to be an expert on communications and what the Federal CC decides is going to do, but I'll tell you one thing, that I do know of other cities who do have cablevision I know personally within my own family of cities who have cablevisions and they have dropped the franchise. Now, I'll leave it up to you as to the high finance. But please consider your citizenry when you are taking this amendment under consideration.

MAYOR GATTI: Mr. Dodge. There were a number of questions asked. I observed you writing down some of them. Would you care to speak. I think one of the very salient factors is this review - ten year review. I didn't understand it that way. I thought it was a constant review.

MR. DODGE: May I try to review the review situation?

MR. BECKER: Mr. Dodge before you commence, may I ask you a question that I would like to have clarified immediately if I may? One, is it true that you did contact Mr. George Tamez at the Self Help Employment Agency with regards to any discussion concerning this cable TV in any way, shape, fashion, or form, because, if you did, I have no knowledge of that.

MR. DODGE: May I check with one of my people?

MR. BECKER: Yes, sir.

MR. JIM ANDERSON: My name is Jim Anderson. I'm the Project Manager for the GE cablevision franchise here. I have contacted personally TEC, the Texas Employment Commission at approximately five different meetings to discuss the future employment possibilities within the City and to work with them. In addition to TEC, I have contacted Operation SER, and Mexican-American Unity Council. We have talked with JOB and National Alliance of Businessmen. I've talked with the five project transition offices in the military bases about employment opportunities. Mr. Tamez from your organization called me because of some personal contacts he had with members of our staff and asked if he could come over and interview me about future job possibilities. At that time I said that when we have a wide variety of jobs available in the future that we would be very interested in talking with any applicant that he has through his organization to fill any of those slots. Our approach has been that we would talk to anybody in the City about employing good employees from any area in the City, and we are willing to help fund such as the Mexican-American Unity Council and Operation SER in some training programs.

MR. BECKER: Thank you very much. Mr. Dodge, have you and I had any conversation in any way over the telephone, personally, or otherwise, with the exception of the association that we have here in City Hall, in your descriptions and explanations of this situation down in the B Session in the room below or here in the Council Chamber?

MR. DODGE: Outside of those two places, Mr. Becker, we have not had any contact, any discussion of this. I wouldn't have been willing to do so.

MR. BECKER: The reason I'm bringing all this out is because I keep hearing the word high finance involved, and I'm going on record here and now in saying that I, for one, am abstaining on the vote on this today. I generally favor the General Electric contract. I do advocate the refunding of the \$300,000 were it to be cancelled because I think in all fairness that would be proper. It is a fact that my corporation and a subsidiary of General Electric do have a financing arrangement by which we lease fixtures, equipment from various leasehold properties of that nature from a subsidiary corporation of General Electric. That would be my reason for abstaining, but I did want to clarify this business, these implications with regard to the Self Help Employment Agency and a few of those situations like that. Now, may I ask you in your description here today, would you specify those school districts that you have included in the usage of your cable television, the wiring of it since we had a reference to the fact that certain people are unable to enjoy the privileges of cable television because of their inability to pay and so forth. And with that I want, then I'll turn the meeting over to you, if I may. Pardon the interruption.

MR. DODGE: I'll see if I can respond to that school situation. The existing franchise specifies six channels for the use in the educational field as has been described. There is no delineation at all in the franchise differentiating at all between the independent school districts. It simply addresses the City of San Antonio as a whole. These channels, the four of them we understand will be available for primary and secondary schools are available to all of the independent school districts.

MAYOR GATTI: Will you wire all the schools in the independent school districts?

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- MR. DODGE: Yes, we have to wire all the public buildings within the City. That's in the franchise.
- MR. BECKER: You are dealing with Edgewood School District, South San Antonio?
- MR. DODGE: All of them in the City limits of San Antonio.
- MAYOR GATTI: That's your cost.
- MR. DODGE: The drops into school buildings are free drops.
- MR. MANUEL H. CALDERON: I have one question, Mr. Mayor. I have one question in regards to Mr. Soto's concern a while ago. That is a statement of policy on employment practices. Do you have this in the contract?
- MR. DODGE: Those documents that you have in your hand are our company policies.
- MR. CALDERON: Do you have this in the contract?
- MR. DODGE: It is not specifically a part of the franchise agreement.
- MR. CALDERON: Can it be put into the contract?
- MR. DODGE: That's at the pleasure of the City. However, the City wants to handle that because we intend to comply with it.
- MR. CALDERON: Mr. Edwards, can I request that the statement of policy as outlined on this policy be interjected into the contract if we go ahead and approve it. That can be done as part of the second reading, Howard.
- CITY ATTORNEY HOWARD WALKER: Well, there is a question on it, but if you want to put it in, put it in.
- MR. CALDERON: I propose that it should be put in.
- MR. EDWARDS: Of course, the FCC requires equal employment practices and requires them to file their policy with the FCC.
- MR. ALVIN G. PADILLA: Howard, where do we stand? This is the second reading on this proposed ordinance, and Mr. Calderon here is proposing that a statement on equal employment practices be incorporated. This is, in effect, adding a point in the middle of the situation?
- CITY ATTORNEY WALKER: That's correct. But, this is required by federal law anyway, it doesn't have to be in the contract, and there's no reason to put it in the contract. I see no reason then not to just go ahead and put it in the contract, if you think you have to have it.
- MRS. HABERMAN: That was my earlier.....
- MAYOR GATTI: Does that answer your question?
- MRS. HABERMAN: But, Howard.....
- MR. PADILLA: Now really, Howard, that seems a little careless for a lawyer.
- MRS. HABERMAN: Howard, I'd like to ask a question. I'd like to ask a question to the substance of Mr. Davis' comment about it being legal to begin with, in view of our charter?

CITY ATTORNEY WALKER: I think it's legal.

MRS. HABERMAN: Your opinion would be that it is legal.

MR. CALDERON: Mr. Dodge, if I may return back to the same question. I just foresee that in order to avoid problems in the future that it's best for you and the City to include this in the contract.

MAYOR GATTI: Well, that's the EEO clause.

MR. DODGE: We intend to comply with it.

MR. ED H. HILL: It's a duplication but spell it out. If it can be a little bit more understanding and whatnot, just put it in the contract - spell it out. All you're doing is duplicating FCC, but then.....

MRS. HABERMAN: Usually, it's a special attachment that has to go on every sheet.

MR. PLEAS NAYLOR: Mr. Dodge, would you like to go ahead and answer those questions all then rather us ask you questions right now?

MR. DODGE: Well, there's a couple of other comments that I'd like to try to make. If I leave anything loose, myself, or you can call on any of my associates too. This review situation keeps coming up, and I'd like to try to clarify it. The ten year review that is one of the new sections just being added to the franchise right now is a review of our system performance and a reliability of the system. The intent here is to be sure that General Electric doesn't put in a system in 1974 or 1975 and then not do anything about upgrading it with new technology or more innovative approaches to programming compared to what other similar cities would be doing. So that is the intent of the ten year review. Let's mark that as a system performance check by the City. If they find that we're just lagging way behind why there's some recourse for the City to take and make up upgrade the system. There are other reviews on an annual basis. We, under the terms of the City Charter for any utility franchise, have to make financial reports to the City. That is every year. As a matter of fact, I think, if we'll check very carefully you can come and ask us anytime you want to what the financial situation looks like. Then there is a specific five year review plan. I hope I'm not mudding water here. But, just to show you how many checks there are, there's a specific five year review where the City is supposed to take a look at our rate of return and decide whether the subscriber rates we're charging are still right or not. Okay, I might comment that somehow if we hadn't already stated this it's just a kind of a plain old ordinary contract where a contract between two parties and then each party does the minimum that's required to meet the terms of the contract. Somehow to me a CATV franchise is much more than that, and I submit that we're doing a lot of things that aren't called for by the franchise. For example, in this area of ascertainment, of trying to determine really what the citizens of San Antonio want cable TV to do for them. We're not committed to a whole bunch of specific detailed steps in the franchise and yet, I hope we've demonstrated to you that we're trying to do this any way. It's both being a good citizen and good business for us.

MAYOR GATTI: Let me ask you, are you subject to the same relicensing from the FCC the way the commercial television stations are?

MR. DODGE: I believe not. May I ask Mr. Carl, our Washington attorney to answer that question?

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MR. CARL: I can answer very simply. Not at this time. The certificate that is granted by the FCC for the term of your franchise, so at this time the answer is no.

MAYOR GATTI: So, then in effect, there are no inhibitions insofar as your programming and so on, the way the commercial TV substations have to go through that agonizing re-certification every year - every three years, or two, is it?

MR. DODGE: Every three years.

MAYOR GATTI: Every three years.

MR. DODGE: We don't have that particular type of review, Mr. Gatti. We have a kind of natural one that if we don't put that kind of programming on there that the citizens of San Antonio want, pretty soon we don't have any subscribers any more.

MAYOR GATTI: That's a good review.

MR. CARL: Technically, Mr. Mayor, we are subject to programming rules from the FCC also. We don't go through the review, but the FCC rules will require us to comply with what they call a fairness (inaudible) the political broadcast rules which are the same as for television will prohibit us from broadcasting obscenities, lottery information like they just don't review us every three years under their present agreement.

MAYOR GATTI: Thank you.

MR. PADILLA: Mr. Dodge, somehow I get the feeling that we really haven't got to the point here. We've heard from people that are citizens; they're concerned about certain things. We've heard from educators who are telling us that cable TV is very good. I concur with all this. But, I think, the real point to this whole thing is that you received a contract on the competitive market 1968, and you have not hit one lick and here five years later you're back asking to renegotiate the contract. This bothers me no end. I don't want to hold you to the situation that you cannot live with, but it bothers me a great deal that General Electric, really, for reasons of their own and not entirely through the responsibility of FCC has not really started anything concrete in San Antonio, and yet here you are asking for a better recapture clause. I think that while I fully appreciate your remarks to the citizens as to the benefits of cable TV et cetera, that really is not the point. So, I cannot support your requested renegotiated points on the basis that cable TV is good for San Antonio, good for education, and so forth. I agree that it is, but I'd like to see you start complying with this thing; and I would have felt much better about GE had I seen you people doing something besides, just trying to renegotiate the contract in the last five years. I feel very, very strongly that I have to hold you to your original competitive contract that you agreed to particularly in light of the fact that you haven't performed in any way shape or fashion so far as far as I can see.

MR. DODGE: Well, Mr. Padilla, I certainly respect your opportunity to have whatever feelings you feel you should have on the subject. In our original proposal, the original franchise the construction of the system was conditional. I am certain FCC approvals were necessary to do distance signal importation. I guess nobody had any way of knowing for sure back in 1967 how short, how long a time that was going to take. These rules broke free a year ago in March of 1972. At that time, GE really did try to take some action and perhaps you remember the short story about the airplane crash that killed one of our people and injured

another one. We dropped a few more months there so it was in July of last summer before I was transferred from another part of General Electric to start this project, and I have been down here in San Antonio since September going as fast as I can go. I guess that's about all I can say.

MR. PADILLA: Can you tell me whether the emphasis has been on building the system or on getting this thing renegotiated as far as your activity since you've been here.

MR. DODGE: Well, we've been working on both. I'll be very honest with you. It was in December, that we finally felt so disturbed by some of the clauses in the existing franchise that we came to the City and asked to initiate the procedure that we are coming here close to now.

FROM THE AUDIENCE: I'd like to challenge your remarks.....

MAYOR GATTI: Wait a minute, wait a minute. Let him finish please. Then, we'll let you come back up.

MR. DODGE: But, since I opened the office down here in September we have a total staff of four people now. I would say that 90 percent of the effort is gone towards the hardware and software planning and in making a lot of contacts in the community.

MR. PADILLA: Several things bother me. One of the things that is good about your contract, for instance, is the seven percent fee. As I understand it, in 1977 this will probably be reduced by the FCC. This is one of the real good features of our contract with you at this time. And, yet at the rate you're proceeding, we're never going to realize any of that seven percent fee because you probably won't be grossing any thing at least not much before then. At the rate you're going you may be in operation a year or so before 1977 and then the fee reverts back to whatever level the FCC sets - either the present policy that they have or perhaps something modified from that. One of the real good reasons that we have for staying with you in this contract is the seven percent fee and really San Antonio will not realize it as I see it.

MR. DODGE: Mr. Padilla, I'd be happy to review our construction schedule with you but just to give you a check point, our present schedule has attained our first strand on the utility poles this October and first subscribers on line in February. We anticipate that the whole 2,000 miles of cable that we have to string up and down the streets of the City will take four and one-half to five years to finish the work.

MR. PADILLA: What is your construction schedule in the event that this action is contrary to what you'd like to see this morning?

MR. DODGE: I presume that it would be day for day slide.

MR. PADILLA: The same thing?

MR. DODGE: That our schedule would slide.

MR. PADILLA: In other words, you don't intent to start unless you get San Antonio to do what you want.

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MR. DODGE: Well, our reasons for asking for the change of the recapture provision and the term of the lease are still very real. The severe financial loss the factors completely beyond our control the way the franchise is written now.

MR. BECKER: Well, Mr. Dodge, could you just comment for a moment. Approximately what has the installation cost of cable TV escalated from the time you first engaged in the contract with the City in 1968 to say, this point in time? How much do you think it would cost, \$1,000 then as a base factor; what would it cost now to do the same type of work?

MR. DODGE: The answer first is a factor of 2.4, but it's not precisely the same type of work, because we're planning or putting in more system now than we were then, but in the files I see the 1967 price estimate of building cable TV system for the City of San Antonio estimated at \$10 million. My current estimate right now is \$24 million.

MR. BECKER: That's due to inflation and technological advances and all these various things.

MR. DODGE: The more services, the more sophisticated systems.....

MR. BECKER: Right.

MR. PADILLA: Couldn't you have protected yourself from this inflationary factor by starting a little earlier?

MR. DODGE: Yes, but we couldn't have imported any distant signals into the system, Mr. Padilla.

MR. PADILLA: Well, you could have hung up all the wires, couldn't you?

MR. DODGE: That's a pretty big investment for not being able to use it.

MR. BECKER: Well, I think, Al, you don't hang 500 feet of cable wire, if you only wash a couple of pairs of under drawers every week.

MR. PADILLA: I think that was a real cute comment, Charlie, but on the other hand, you don't come back and complain about what inflation has done to you five years later if you haven't protected yourself from it as you go along.

MR. BECKER: It also stands on what size under drawers you wear, too.

MR. PADILLA: Well, I wear big ones.

MAYOR GATTI: How did underwear get in this conversation?

MR. PADILLA: Maybe we can find a dual use for these wires, I don't know.

(COMMENTS FROM THE AUDIENCE)

MAYOR GATTI: Yes, you know, come up here and do it. We appreciate all your enthusiasm, but the applause and all that doesn't contribute anything to the meeting, we'd rather hear the people talk. Okay, Mr. Soto.

MR. VICTOR SOTO: Gentlemen, I was going to talk on several points, but after listening to Mr. Dodge's last remarks I was really shocked. Mr. Padilla, when you asked them why they had not started building five years ago, he stated that the FCC had not allowed because of the upcoming rules and changes, but it did go into effect March, 1972. Gentlemen, this is an outright lie. The FCC does not prohibit you from building a cable system and producing local origination. It does prohibit the import of distant signals like Washington, or Houston, or Dallas, or Laredo or Los Angeles. They could have shown their good faith and they are talking about education. Well a lot of kids could have been helped by now by producing local origination on the cable system. As far as the FCC having control over the cable, they practically have none. The guidelines are very meager and for all practical purposes the cable system has a free hand. I can assure you, and this is not a threat or anything, I can assure you that my organization will contest the issuance of a certificate of compliance to General Electric, and we can hold them off for as much as two or three years. If that doesn't work we will initiate a boycott so that nobody will buy their product or their cable. I just hope that you all have enough sense to look at this thing clearly and open this whole business up for other cable companies to come in and see what they have to offer, thank you, Mr. Padilla.

MAYOR GATTI: All right, I don't have any one else signed up to be heard. Is there any one else who would like to be heard? Would you care to add anything?

MR. EDWARDS: From my investigation of other cable systems, and other franchises, I cannot see any substantial lacking in this franchise agreement. Also, the GE systems I have seen I have been very impressed with their operation much more so than some of the other systems that I have seen. I consider that GE builds very quality systems. A lot of the other companies are very small companies. They don't have the capital to invest. You could build a system in San Antonio probably for \$15 million, but this would not be the same quality system of course that GE is planning to build. They take a lot of pride, I think, probably in their name. I am not necessarily saying that you should vote, of course, but I would say that I have been very impressed with the GE system and what they are doing.

MRS. HABERMAN: Mr. Edwards, then in your opinion we could franchise with any number of others if we desire from the City's standpoint.

MR. EDWARDS: Yes, at the present time other companies could come in and compete. This is a non-exclusive franchise and you could award any number of franchises if you so desire.

MR. LEO MENDOZA: Which other companies have you also.....

MR. EDWARDS: Teleprompter, Communications Properties, and a couple of small systems up in Arkansas.

MAYOR GATTI: Any one else care to be heard?

MR. PADILLA: Mr. Walker, what are the City's alternatives in the event that this Council doesn't see fit to vote on GE for this thing. Do we have any, excuse me, I wasn't quite through with the question although I indicated I was. Is there any way that we can hold these people to the contract that we presently have?

CITY ATTORNEY WALKER: Yes, but that's assuming that it is impossible for GE to build this system from a funding standpoint under our terms of our contract, now the contract provides that you are going to get a certain percentage from their receipts plus the amount of money they give you each year. Now, holding them to the contract, I am assuming, you would be, to collect the amount each year of the stipulated sum. But, you are not going to have anything to predicate return from the standpoint of receipts. Now whether or not they will try to get out of the contract at this time, I don't know. Certainly, if you now try to cancel out this contract, I think you have a lawsuit with GE.

MAYOR GATTI: What you are saying is the only alternative the Council has is to go along with the change in the contract or let GE operate under the old contract. We cannot arbitrarily call for bids unless GE would automatically withdraw. Could they settle the contract?

CITY ATTORNEY WALKER: I don't know what you mean thereby calling for bids.

MAYOR GATTI: Well, there have been some suggestions. I hear some things here that we should not renew this whatever you want to call it.

CITY ATTORNEY WALKER: In other words, the contract remain as is.

MAYOR GATTI: Remain as it is.

CITY ATTORNEY WALKER: All right.

MAYOR GATTI: All right, now if it remains as is then we can't go ask for bids. Can we?

CITY ATTORNEY WALKER: To other outsiders?

MAYOR GATTI: Yes.

CITY ATTORNEY WALKER: Well, certainly, you can put 10 franchises.

MAYOR GATTI: But, they still got their contract.

CITY ATTORNEY WALKER: They still got their contract.

MR. PADILLA: Howard, what I was getting at is I believe the GE contract specified a certain time that they had before they must start to do something in the way of hardware. We have not, as far as I know, attempted to make them or force them to live up to their end of it. You see. Do we not have recourse to this extent? I understand that as long as they are not in operation, they are not generating a gross. They would, of course, in effect withhold their seven percent from us because since they don't generate a gross there's nothing to pay it on. But, can we not, do we not have recourse to force these people in the event we choose to keep the contract as it is to force these people into complying with their end of it?

CITY ATTORNEY WALKER: It depends entirely on the terms of the franchise agreement, Mr. Padilla. If they are bound to do certain things within certain periods of time under the present contract and do not do those things then there will be grounds for cancellation. But, if they perform under the contract as written everything that they want to do, we have no grounds for cancellation.

MAYOR GATTI: What Mr. Padilla is asking is there anything in the contract that says they have to start wiring next week, or a month from now, or six years from now?

MR. EDWARDS: Yes, they have a schedule but it depends on the certificate of compliance by the FCC.

MR. PADILLA: That's day one, in other words, when they get that certificate.

MAYOR GATTI: Well, now who takes the initiative to apply for it?

MR. EDWARDS: They do. That's in all the franchises. What I mean you can't expect them to build a system and they can't get a certificate of compliance (inaudible).....

CITY ATTORNEY WALKER: We would have to review. I am not sure what they are required to do under the franchise. If that becomes a question, however, we would have to review that from a legal standpoint.

MR. PADILLA: Well, Howard, don't you think we should review this before we decide to pass the second reading?

CITY ATTORNEY WALKER: Well, that's a question of policy.

MR. PADILLA: That's correct.

MAYOR GATTI: What happens if it is not passed, if we postpone it?

CITY ATTORNEY WALKER: If it is not passed then your franchise procedure has been disrupted. It has to be done within a certain period of time or you have to start all over in case you want to start all over. You have to do it from the very beginning.

MAYOR GATTI: We either got to vote yea or nay now. Right? Otherwise, we have to start all over.

CITY ATTORNEY WALKER: If you want to pass it to the third reading, you have to vote yea or nay today.

MAYOR GATTI: All right, then we can make the final decision then. We would have enough time to investigate the whole thing then.

CITY ATTORNEY WALKER: You can still kill it out if that's your plan at the third reading.

MAYOR GATTI: Pass it now and between now and the third reading get the answer to these questions.

MR. EDWARDS: I might say one thing on the recapture provision which you were addressing. I have not seen one like that. I don't consider that really financial viable recapture provision. And, if you later on issued one of a different recapture provision, I am sure that GE could probably bring a suit.

MR. PADILLA: Would you like to clarify that, Mr. Edwards?

MR. EDWARDS: The recapture provision, if you are holding GE to a certain type of recapture provision, and you let another franchise with a more liberal recapture I don't think you could legally do it.

MAYOR GATTI: Well, the question is now whether we've got until the 26th. There are some questions here that I think that are very commendable and that should be answered. Why don't we go ahead and take action now, and we still have the last reading to make a decision. I'd like to get answers.

MRS. HABERMAN: I'd like to ask the Washington attorney, because he may not be here next time, and it will assist our staff, Mr. Edwards, in relation to this compliance. The question arose as to how we can force you to request the compliance from the FCC.

MR. CARL: We filed on July 13, 1968, I may be wrong on that day, but in July, 1968 the Federal authorities to operate the CATV system in San Antonio. That request was opposed by the three San Antonio TV stations. Of course, this usually happened to us in those days, and under those old rules. The Commission never acted at all. In a sense we sought the federal authority within two or three months after San Antonio granted us a franchise. We weren't able to get it. Now, of course, the rules did change effective March 31, 1972, and I should think that the company would be prepared to commit itself to file for a certificate of compliance the minute it knows what franchise it is operating under.

MRS. HABERMAN: In other words, you need a franchise agreement from us in order to file your request.

MR. CARL: Yes.

MR. PADILLA: Do you not have a franchise agreement?

MR. CARL: We could file under the old - we could. That becomes a policy decision, Mr. Padilla, rather than a legal question.

MAYOR GATTI: Okay, I think we've got all the information.

MR. PADILLA: Mr. Mayor, I am going to suggest, and even put it in the form of a motion if one is needed, that, in the interest of not stopping the clock, and, of course, we have until the 26th to develop some answers, and I am going to want some questions answered. I want everyone to support this second reading at this time with the full knowledge that this thing, if it is the Council's wishes to do so, can be stopped at the third reading. Questions must be answered. I have some in my own mind that must be answered before I will support this at the third reading, but in the interest of not stopping the clock, I am going to support it this time.

MR. CALDERON: I second the motion.

MR. PADILLA: Do we need a motion?

CITY CLERK: Yes, sir.

MR. PADILLA: I so make it.

MR. CALDERON: Second it.

MAYOR GATTI: Call the roll.

Mayor Gatti opened a public hearing to consider an amendment to Section 36-10 (H) of the City Code.

The Clerk read the following Ordinance:

AN ORDINANCE 42,047

AMENDING SECTION 36-10 (H) OF THE CITY CODE TO PROVIDE FOR LANDSCAPING OF A PART OF THE TURN-AROUND AREA OF CULS-DE-SAC IF DESIRED; AND TO PROVIDE FOR CULS-DE-SAC GREATER THAN FIVE HUNDRED FEET IN LENGTH; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING THAT ANY VIOLATION SHALL BE PUNISHED BY A FINE NOT EXCEEDING \$200.00.

* * * *

Mr. George Vann, Director of Building and Planning Administration, explained the proposed amendment. After conferring with the Mayor's special committee and the home builders the staff recommended that instead of limiting culs-de-sac to 500 feet, the Code should read that culs-de-sac will be generally 500 feet and that landscaped areas can be provided in the turn-around. The Planning Commission in special cases can allow a cul-de-sac to be longer than 500 feet. The Planning Commission recommended adoption of the Ordinance.

No one spoke in reference to the proposed change.

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

73-16 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Hill, Mendoza, Calderon, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Haberman, Becker, Hilliard.

AN ORDINANCE 42,048

AUTHORIZING THE EXECUTION OF AN INSURANCE CONTRACT BY THE CITY OF SAN ANTONIO WITH THE AMERICAN AND FOREIGN INSURANCE COMPANY PROVIDING FOR THE RENEWAL OF FIRE AND EXTENDED COVERAGE INSURANCE, INCLUDING VANDALISM AND MALICIOUS MISCHIEF, COVERING CERTAIN CITY-OWNED RADIO STATION FACILITIES, INCLUDING BUILDINGS, THEIR CONTENTS, AND RADIO TOWERS, OPERATED BY THE POLICE AND FIRE DEPARTMENTS, AND AUTHORIZING THE PAYMENT OF A PREMIUM IN THE SUM OF \$2,265.00.

* * * *

AN ORDINANCE 42,049

AUTHORIZING PAYMENT OF \$1,388.85 TO THE BAPTIST MEMORIAL HOSPITAL FOR HOSPITAL CARE OF POLICE OFFICER HOWARD WILLMON.

* * * *

AN ORDINANCE 42,050

AUTHORIZING THE CITY MANAGER TO EXECUTE MODIFICATION NO. 9 TO THE CITY'S CONTRACT WITH THE U. S. DEPARTMENT OF TRANSPORTATION (ALCOHOL SAFETY ACTION PROGRAM) PROVIDING FOR AN ADDITION OF \$6,100.00 TO THE CURRENT AVAILABLE FUNDS.

* * * *

73-16 The Clerk read the following Resolution:

A RESOLUTION
NO. 73-16-17

APPROVING COMMUNITY RENEWAL PROGRAM
NO. TEX. T-144 (CR).

* * * *

The Resolution was explained by Mr. Bob Macdonald, Community Development Officer, who stated that this Resolution is a close out approval of the first year of the Community Renewal Program. It is a routine administrative action required by HUD.

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

73-16 The following Ordinance was read by the Clerk and explained by Mr. Roy Montez, Director of Model Cities, and after consideration, on motion of Mr. Hill, seconded by Mr. Becker, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Mendoza, Naylor, Padilla, Gatti; NAYS: None; ABSTAIN: Calderon; ABSENT: Hilliard.

AN ORDINANCE 42,051

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BOYS' CLUB OF SAN ANTONIO, INC. PROVIDING FOR THE CITY TO CONSTRUCT A BOYS' CLUB FACILITY IN CONNECTION WITH ITS MODEL CITIES PROGRAM TO BE LEASED TO THE BOYS' CLUB FOR USE BY MODEL NEIGHBORHOOD AREA RESIDENTS, FOR A 50-YEAR TERM.

* * * *

73-16 The following Ordinance was read by the Clerk and explained by Mr. George Vann, Director of Building and Planning Administration, and after consideration, on motion of Mr. Becker, seconded by Mrs. Haberman, was passed and approved by the following vote: AYES: Haberman, Hill, Becker, Calderon, Naylor, Gatti; NAYS: None; ABSTAIN: Padilla; ABSENT: Hilliard, Mendoza.

AN ORDINANCE 42,052

GRANTING PERMISSION TO MR. SYLVAN K. BARRY TO ERECT A METAL FENCE 24 FEET IN HEIGHT ALONG 36TH STREET FOR A DISTANCE OF 535 FEET.

* * * *

73-16 Mayor Gatti advised members of the Council that a recheck of voting machines would start at 9:00 A. M. on Friday, April 6, 1973. Judge Eugene Williams and Judge Blair Reeves would officiate.

73-16 ZONING HEARINGS

A. CASE 4882 - to rezone Lot 22, NCB 11684, 3825 West Avenue, from "B" Two Family Residential District and "F" Local Retail District to "B-3" Business District, located on the west side of West Avenue, being 622.85' south of the intersection of Wayside Drive and West Avenue; having 63.5' on West Avenue and a maximum depth of 624.57'.

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

No one spoke in opposition.

After consideration, Mr. Becker made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a six foot solid screen fence be erected on the north, west and south property lines; that a 20' building setback line be imposed on the north and south property lines and that a 25' building setback line be imposed on the west property line; and that a masonry fence be erected on the west property line. Mr. Naylor seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following roll call vote: AYES: Haberman, Hill, Becker, Calderon, Naylor, Gatti; NAYS: None; ABSENT: Hilliard, Mendoza, Padilla.

AN ORDINANCE 42,053

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 22, NCB 11684, 3825 WEST AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT AND "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING

IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE BE ERECTED ON THE NORTH, WEST AND SOUTH PROPERTY LINES; THAT A 20' BUILDING SETBACK LINE BE IMPOSED ON THE NORTH AND SOUTH PROPERTY LINES AND THAT A 25' BUILDING SETBACK LINE BE IMPOSED ON THE WEST PROPERTY LINE; AND THAT A MASONRY FENCE BE ERECTED ON THE WEST PROPERTY LINE.

* * * *

B. CASE 4914 - to rezone Arbitrary Tract 29, 29A, 29B, and 28, NCB 14946 (7.485 acres), being further described by field notes filed in the office of the City Clerk, 11250, 11254 I. H. 35 Expressway, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District, located on the southeast side of I. H. 35 Expressway 742.11' northeast of the cutback located between Weidner Road and I. H. 35 Expressway; having 934.70' on I. H. 35 Expressway and a maximum depth of 466.54'.

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

No one spoke in opposition.

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

AN ORDINANCE 42,054

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 ARBITRARY TRACT 29, 29A, 29B, AND 28, NCB 14946 (7.485 ACRES) BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 11250, 11254 I. H. 35 EXPRESSWAY, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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C. CASE 4919 - to rezone Tract B, NCB 14863, 9800 Block of Fredericksburg Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located between I. H. 10 Expressway and Fredericksburg Road, being 300' southeast of the cutback between I. H. 10 Expressway and Fredericksburg Road; having 354' on I. H. 10 Expressway and 243' on Fredericksburg Road and a maximum distance of 412' between I. H. 10 Expressway and Fredericksburg Road.

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

No one spoke in opposition.

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

AN ORDINANCE 42,055

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 TRACT B, NCB 14863,
 9800 BLOCK OF FREDERICKSBURG ROAD, FROM
 TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL
 DISTRICT TO "B-3" BUSINESS DISTRICT,
 PROVIDED THAT PROPER REPLATTING IS
 ACCOMPLISHED.

* * * *

D. CASE 4922 - to rezone Lots 1 through 13, NCB 15000, Lots 14 through 26, NCB 15001, 2600 Block of Patron Drive, from "B" Two Family Residential District to "R-3" Multiple Family Residential District; and a 44.602 acre tract of land out of NCB 11186, being further described by field notes filed in the office of the City Clerk, 8600 Block of Poteet-Jourdanton Freeway, from "B" Two Family Residential District to "I-1" Light Industry District.

The "R-3" zoning being located on the north and south side of Patron Drive between Ted Drive and Larkia Lane both having 810' on Patron Drive and a depth of 112'.

The "I-1" zoning being located northeast of the intersection of Poteet-Jourdanton Freeway and Patron Drive; having 2713.03' on Poteet-Jourdanton Freeway and a total frontage of 415' on Patron Drive.

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

No one spoke in opposition.

After consideration, Mr. Becker made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished; that a six foot solid screen fence be erected along the south property line and that a non-access easement be located along the south property line of the proposed "I-1" portion. Mr. Hill seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Calderon, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Hilliard, Mendoza.

AN ORDINANCE 42,056

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 1 THROUGH 13, NCB 15000, LOTS 14 THROUGH 26, NCB 15001, 2600 BLOCK OF PATRON DRIVE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT; AND A 44.602 ACRE TRACT OF LAND OUT OF NCB 11186, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 8600 BLOCK OF POTEET-JOURDANTON FREEWAY, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED; THAT A SIX FOOT SOLID SCREEN FENCE BE ERECTED ALONG THE SOUTH PROPERTY LINE AND THAT A NON-ACCESS EASEMENT BE LOCATED ALONG THE SOUTH PROPERTY LINE OF THE PROPOSED "I-1" PORTION.

* * * *

E. CASE 4918 - to rezone 366.0497 acres out of NCB 11672, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District and "A" Single Family Residential District to "R-3" Multiple Family Residential District; and 33.5928 acres out of NCB 11672, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District and "A" Single Family Residential District to "B-2" Business District.

The "R-3" zoning being located on the southwest side of Blanco Road, 2362.52' northwest of the cutback located between West Avenue and Blanco Road having a total frontage of 2286.43' on Blanco Road and a maximum depth of 5350'.

The "B-2" zoning being located on the northeast side of Harry Wurzbach Road, 563.78' northwest of Bel Air Drive having 2441.68' on Harry Wurzbach Road and a maximum depth of 890'.

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

No one spoke in opposition.

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

AN ORDINANCE 42,057

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 366.0497 ACRES OUT OF NCB 11672, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT AND "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT; AND 33.5928 ACRES OUT OF NCB 11672, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT AND "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

F. CASE 4924 - to rezone property from Temporary "A" and Temporary "R-1" Single Family Residential Districts to "R-3" Multiple Family Residential District, "B-2" and "B-3" Business Districts, listed below as follows:

Temp. "A" and Temp. "R-1" to "R-3"

A 181.8789 acre tract of land out of NCB 13665, located on the southwest side of Babcock Road and southeast side of Huebner Road, being 2279.74' southwest and 2355.9' southeast of the intersection of Babcock Road and Huebner Road; having 583.61' on Babcock Road and a total frontage of 1002.52' on Huebner Road, being further described by field notes filed in the Office of the City Clerk, 8700 Block of Babcock Road.

Temp. "A" and Temp. "R-1" to "B-2"

A 8.3466, 21.709, 6.506 and 11.3985 acre tract of land out of NCB 13665. The 8.3466 acre tract of land is located on the southeast side of Huebner Road, being 821' southwest of the intersection of Huebner Road and Babcock Road; having 1458.74' on Huebner Road and a maximum depth of 367.3'. The 21.709 acre tract of land is located on the southwest side of Babcock Road; being 833' southeast of the intersection of Huebner Road and Babcock Road; having 1202.9' on Babcock Road and a maximum depth of 800.39'. The 6.506 acre tract of land is located between Babcock and Old Babcock Roads, being 194.21' northwest and 130' southwest of the cutback between Babcock and Old Babcock Roads; having 397.56' on Babcock Road and 315.93' on Old Babcock Road. The 11.3985 acre tract of land is located 285' southwest of the intersection of Old Babcock Road (northeast to southwest) and Old Babcock Road (northwest to southeast); having 1240.62' in length and a maximum depth of 449.93', being further described by field notes filed in the Office of the City Clerk.

Temp. "A" and Temp. "R-1" to "B-3"

A 1.6172, 1.270 and 3.2303 acre tract of land out of NCB 13665. The 1.6172 acre tract of land is located on the southwest of Babcock Road, being 1175.38' northwest of the cutback between Babcock Road and Old Babcock Road; having 275.69' on Babcock Road and a maximum depth of 373.61'. The 1.270 acre tract of land is located northwest of the cutback between Babcock Road and Old Babcock Road; having 194.21' on Babcock Road, 130' on Old Babcock Road and 107.09' on the cutback between these two roads. The 3.2303 acre tract of land is located west of the intersection of Old Babcock Road (northeast to southwest and Old Babcock Road (northwest to southeast); having a total frontage of 123' on Old Babcock Road, 420.03' in length and 339.8' in width, being further described by field notes filed in the Office of the City Clerk.

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

No one spoke in opposition.

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

AN ORDINANCE 42,058

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 181.8789 ACRE TRACT OF LAND OUT OF NCB 13665, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 8000 BLOCK OF BABCOCK ROAD, FROM TEMPORARY "A" AND TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICTS TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT; A 8.3466, 21.709, 6.506 AND 11.3985 ACRE TRACT OF LAND OUT OF NCB 13665, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "A" AND TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICTS TO "B-2" BUSINESS DISTRICT; AND A 1.6172, 1.270 AND 3.2303 ACRE TRACT OF LAND OUT OF NCB 13665, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "A" AND TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICTS TO "B-3" BUSINESS DISTRICTS, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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G. CASE 4926 - to rezone Lot 11, Block 2, NCB 1725, 118 East Ashby Place, from "D" Apartment District to "B-2" Business District, located on the south side of Ashby Place, being 53.23' west of the intersection of Ogden Street and Ashby Place, having 53.23' on Ashby Place and a depth of 158.9'.

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

No one spoke in opposition.

After consideration, on motion of Mr. Becker, seconded by Mr. Hill, the recommendation of the Planning Commission was approved, by the passage of the following Ordinance by the following vote:
 AYES: Haberman, Hill, Becker, Calderon, Naylor, Padilla, Gatti;
 NAYS: None; ABSENT: Hilliard, Mendoza.

AN ORDINANCE 42,059

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 11, BLOCK 2,
 NCB 1725, 118 EAST ASHBY PLACE, FROM
 "D" APARTMENT DISTRICT TO "B-2"
 BUSINESS DISTRICT.

* * * *

H. CASE 4928 - to rezone a 25.667 acre tract of land out of NCB 11672, and a 18.447 acre tract of land out of NCB 14850, being further described by field notes filed in the office of the City Clerk, from "A" and Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District; a 4.565, 11.210 and 4.640 acre tract of land out of NCB 11672; a 11.015 acre tract and a 15.937 acre tract of land out of NCB 14850, being further described by field notes filed in the office of the City Clerk, from "A" and Temporary "R-1" Single Family Residential District to "B-2" Business District; and a 23.051 acre tract of land out of NCB 11672 and a 22.803 acre tract of land out of NCB 14850, being further described by field notes filed in the office of the City Clerk, from "A" and Temporary "R-1" Single Family Residential District to "B-3" Business District.

The 25.677 acre tract of land is located 500' southwest of Blanco Road and 400' northwest of West Avenue; having 1715.66' in length and 1395.32' in width. The 18.447 acre tract of land is located on the northwest side of West Avenue; and 925.88' northeast of Blanco Road; having 310' on West Avenue and a maximum depth of 1323.61'.

The 4.565 acre tract of land is located on the northwest side of West Avenue, being 1190.19' southwest of the cutback between Blanco Road and West Avenue; having 497.21' on West Avenue and a depth of 400'. The 11.210 acre tract of land is located 420' northwest of West Avenue and 514.93' southwest of Blanco Road; having a maximum of 1009.93' in length and 480.81' in width. The 4.640 acre tract of land is located on the southwest side of Blanco Road, being 795.34' northwest of the cutback between Blanco Road and West Avenue; having 415.05' on Blanco Road and a maximum depth of 514.93'.

The 11.015 acre tract of land is located on the northeast side of Blanco Road, being 765.55' northwest of the cutback between Blanco Road and West Avenue; having 501.19' on Blanco Road and a maximum depth of 925.88'.

The 15.937 acre tract of land is located on the northwest side of West Avenue 1211.95' northeast of the cutback located between West Avenue and Blanco Road; having 814.02' on West Avenue and a maximum depth of 1080'.

The 23.051 acre tract of land is located west of the intersection of Blanco Road and West Avenue; having 795.34' on Blanco Road, 1190.19' on West Avenue and 133.33' on the cutback between Blanco Road and West Avenue.

The 22.803 acre tract of land is located northeast of the intersection of Blanco Road and West Avenue; having 765.55' on Blanco Road, 1211.95' on West Avenue and 126.63' on the cutback between Blanco Road and West Avenue.

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

No one spoke in opposition.

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

AN ORDINANCE 42,060

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 25.677 ACRE TRACT OF LAND OUT OF NCB 11672 AND A 18.447 ACRE TRACT OF LAND OUT OF NCB 14850, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "A" AND TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT: A 4.565, 11.210 AND 4.640 ACRE TRACT OF LAND OUT OF NCB 11672; A 11.015 ACRE AND A 15.937 ACRE TRACT OF LAND OUT OF NCB 14850, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "A" AND TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; AND A 23.051 ACRE TRACT OF LAND OUT OF NCB 11672 AND A 22.803 ACRE TRACT OF LAND OUT OF NCB 14850, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY

CLERK, FROM "A" AND TEMPORARY "R-1"
SINGLE FAMILY RESIDENTIAL DISTRICT
TO "B-3" BUSINESS DISTRICT, PROVIDED
THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

I. CASE 4931 - to rezone the east 50' of the south 25' of Block 333, NCB 9427, from "C" Apartment District to "B-3" Business District; and the east 347' of the south 166' of Block 333, NCB 9427, save and except the east 50' of the south 25', from "C" Apartment District to "B-2" Business District.

Subject property located northwest of the intersection of Hutchins Place and Garnett Avenue; having 347' on Hutchins Place and 166' on Garnett Avenue. The "B-3" zoning being on the east 50' of the south 25' of subject property and the "B-2" zoning on the remaining portion.

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

No one spoke in opposition.

After consideration, Mr. Becker made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished and that a six foot solid screen fence is erected along the north property line. Mrs. Haberman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Haberman, Hill, Becker, Calderon, Naylor, Padilla, Gatti; NAYS: None; ABSENT: Hilliard, Mendoza.

AN ORDINANCE 42,061

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 EAST 50' OF THE
SOUTH 25' OF BLOCK 333, NCB 9427, FROM
"C" APARTMENT DISTRICT TO "B-3" BUSINESS
DISTRICT; AND THE EAST 347' OF THE SOUTH
166' OF BLOCK 333, NCB 9427, SAVE AND
EXCEPT THE EAST 50' OF THE SOUTH 25' FROM
"C" APARTMENT DISTRICT TO "B-2" BUSINESS
DISTRICT, PROVIDED THAT PROPER REPLATTING
IS ACCOMPLISHED AND THAT A SIX FOOT SOLID
SCREEN FENCE IS ERECTED ALONG THE NORTH
PROPERTY LINE.

* * * *

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J. CASE 4932 - to rezone a 5.049 acre tract of land out of Lot 2, NCB 13662, being further described by field notes filed in the office of the City Clerk, 8332 Fredericksburg Road, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District; a 1.556 acre tract of land out of Lot 2, NCB 13662, being further described by field notes filed in the office of the City Clerk, from Temporary "A" Single Family Residential District to "O-1" Office District; and a 2.044 acre tract of land out of Lot 2, NCB 13662, being further described by field notes filed in the office of the City Clerk, 8332 Fredericksburg Road, from Temporary "A" Single Family Residential District to "B-3" Business District.

The "R-3" zoning being located 440.63' northeast of Fredericksburg Road; having a maximum length of 725.67' and a maximum width of 424.85'.

The "O-1" zoning being located 250' northeast of Fredericksburg Road; having a maximum length of 190.63' and a maximum width of 424.85'.

The "B-3" zoning being located on the northeast of Fredericksburg Road being approximately 585' southeast of the cutback between Fredericksburg Road and Wurzbach Road; having 420' on Fredericksburg Road and 250' in depth.

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

No one spoke in opposition.

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

AN ORDINANCE 42,062

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 5.049 ACRE TRACT OF LAND OUT OF LOT 2, NCB 13662, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 8332 FREDERICKSBURG ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT; A 1.556 ACRE TRACT OF LAND OUT OF LOT 2, NCB 13662, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 8332 FREDERICKSBURG ROAD, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT; AND A 2.044 ACRE TRACT OF LAND

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OUT OF LOT 2, NCB 13662, BEING
 FURTHER DESCRIBED BY FIELD NOTES
 FILED IN THE OFFICE OF THE CITY
 CLERK, 8332 FREDERICKSBURG ROAD,
 FROM TEMPORARY "A" SINGLE FAMILY
 RESIDENTIAL DISTRICT TO "B-3"
 BUSINESS DISTRICT, PROVIDED THAT
 PROPER REPLATTING IS ACCOMPLISHED.

* * * *

73-16

CITIZENS TO BE HEARD

MRS. GERTRUDE ESQUIVEL

Mrs. Gertrude Esquivel, 609 Devine, spoke to the Council requesting a crosswalk over I. H. 37. She had photographs of school children scaling a fence and crossing the busy expressway. She presented a petition signed by residents in the area.

Mr. Hill stated that the children should go to either Florida Street or Carolina Street and there go under the expressway.

Mr. Stewart Fischer, Director of Traffic and Transportation, stated that this problem had been called to the state's attention last August. A plan for a sidewalk along the west right of way line from Leigh Street to Florida was also given to the State Highway Department. He has been advised by the state that the sidewalk will be built and fenced on either side. This should solve the problem.

MRS. MARIA DOMINGUEZ

Mrs. Maria Dominguez, 250 Freiling Drive, stated that the money spent on Riverside Golf Course should have been spent for more policemen or more garbage collectors.

73-16

The Clerk read the following letter:

March 30, 1973

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

Gentlemen and Madam:

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

March 27, 1973

Petition of Mr. Sylvan K. Barry,
 Capitan Drive In, requesting
 permission to erect a 24 foot

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 nsr

fence for approximately 535 feet
along 36th Street.

/s/ J. H. INSELMANN
City Clerk

* * * *

There being no further business to come before the Council,
the meeting adjourned at 12:05 P. M.

A P P R O V E D

John Matthews
M A Y O R

ATTEST: *JH Inselmann*
C i t y C l e r k

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