

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, OCTOBER 30, 1975.

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The meeting was called to order at 9:30 A. M., by the presiding officer, Mayor Lila Cockrell, with the following members present: PYNDUS, CISNEROS, BLACK, HARTMAN, ROHDE, NIELSEN, BILLA, TENIENTE, COCKRELL; Absent: None.

75-64 The invocation was given by The Reverend Herbert Lammert, Pastor, Our Saviour's Advent Lutheran Church.

75-64 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States of America.

75-64 CORRECTION TO MINUTES OF OCT. 23, 1975

Mayor Pro-Tem Richard Teniente called attention to the misspelling of Dr. Zaccaria's name on page nine of the minutes of October 23. He also called attention to Mr. Billa's name on page 16 when in fact he was not present at the meeting. The remark was made by Councilman Al Rohde.

Councilman Hartman asked that his question concerning the status of the Mayberry Drainage Project at the top of page 11 be clarified to show that it is not essential that all of the right of way for this project be acquired before bids can be advertised.

With these corrections, the minutes of October 16, 1975 and October 23, 1975, were approved.

75-64 KUDOS TO MAYOR LILA COCKRELL

Councilman Phil Pyndus made the following statement:

"May I address the Council please. Our Mayor, we love to kid her and the papers do too with regards to her traveling. She represents this City in many, many instances. She is required to travel and it takes a lot of her personal time and it takes her away from her family.

She was re-elected President of the Texas Municipal League and we are pretty proud of this. I would like to publicly endorse a commendation from the Council with regards to her re-election. Congratulations, Mayor Cockrell!"

The other Council members joined with the staff and audience in applauding Mayor Cockrell and congratulating her.

75-64 OLD CROCKETT ELEMENTARY SCHOOL

Councilman Cisneros said that he had proposed a resolution endorsing the acquisition of the old Crockett Elementary School by the Mexican-American Unity Council. Copies of the resolution had been sent to Council members in the weekly packet. He said that he understands the Council policy concerning introduction of matters to be acted on, but in this instance there is a time frame.

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After discussion, Council agreed to consider the resolution in due course.

75-64

BRUSH-UP '75

Councilman Cisneros said that the special effort expended on Brush-Up '75 has been completed and he would like a resolution commending everyone who participated in it including the Director of Public Works, the City Manager, and all the volunteers.

Dr. Nielsen agreed that the effort was very good but there are still some areas that were missed and need to be cleared up.

Mayor Cockrell requested that the resolution be prepared and placed on the agenda for next week.

75-64 The following Ordinance was read by the Clerk and explained by Mr. Ron Darner, Director of Parks and Recreation, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Billa, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 45,902

AUTHORIZING AN APPLICATION TO THE NATIONAL ENDOWMENT FOR THE ARTS FOR A "CITY SCALE" GRANT OF \$50,000 TO MAKE CERTAIN BEAUTIFICATION IMPROVEMENTS TO THE SUNKEN GARDEN THEATER ENTRANCE AND SURROUNDING AREA.

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75-64

BRACKENRIDGE PARK

Councilman Rohde said that he has given the Director of Parks and Recreation a memorandum asking for a bold plan for the remodeling of Brackenridge Park. This park has not had an updating plan since 1899.

75-64

TRAVIS PARK

Councilman Cisneros asked Mr. Darner to comment on plans to make Travis Park a better place for people to go. It presently has a bad reputation and should be a place where all ages could go for pleasure.

Mr. Darner said that Travis Park is receiving attention. Plans are being worked on at the present time for the renovation of the park and the preliminary work will be completed in mid-November.

Councilman Rohde said that programs such as art shows, music programs, etc., should be included in the park plans.

75-64

The Clerk read the following Ordinance:

AN ORDINANCE 45,903

ACCEPTING THE LOW BID OF HOUSTON BRIDGE AND ENGINEERING CO., INC. IN THE AMOUNT OF \$33,173.17 FOR CONSTRUCTION OF PEDESTRIAN BRIDGES AT GARZA PARK;

AUTHORIZING EXECUTION OF A STANDARD  
PUBLIC WORKS CONSTRUCTION CONTRACT;  
APPROPRIATING FUNDS; AUTHORIZING PAYMENT,  
AND PROVIDING FOR A CONTINGENCY ACCOUNT.

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The ordinance was explained by Mr. Ron Darner, Director of Parks and Recreation, who said that this is a contract for construction of three pedestrian bridges in Garza Park. The recreation building is under construction now. Site development will go to bid in about two weeks. Two of the bridges are to connect schools to the park area. The other bridge is to connect a four acre tract to the park. He explained the drainage problems in the park area which make the bridge necessary.

Mr. Rohde said that the bridges should have some artistic value and be appropriate for a park.

After consideration, on motion of Mr. Teniente, seconded by Mr. Billa, the Ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

75-64 The Clerk read the following Ordinance:

AN ORDINANCE 45,904

AMENDING ORDINANCE #45554 TO PROVIDE THAT  
MEMBERS OF THE BOARD OF EQUALIZATION SHALL  
BE PAID AT THE RATE OF \$125.00 PER DAY  
EFFECTIVE NOVEMBER 3, 1975.

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The ordinance was explained by Mr. Carl White, Director of Finance, who said that the members of the Board of Equalization are working a five day week this year because of the tax re-evaluation program. Their full time is being devoted to the Board's business. This increase in pay will partially compensate them for their time away from their personal business.

Councilman Cisneros said that he felt that a woman should be on this Board and an attempt should be made to get a qualified woman to serve.

After consideration, on motion of Mr. Rohde, seconded by Mr. Cisneros, the Ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

75-64 The following Ordinances were read by the Clerk and explained by Mr. Stewart Fischer, Director of Traffic and Transportation, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 45,905

AUTHORIZING THE CITY MANAGER TO EXECUTE  
AN AGREEMENT WITH THE STATE DEPARTMENT OF  
HIGHWAYS AND PUBLIC TRANSPORTATION FOR

RECONSTRUCTION OF BLANCO ROAD FROM  
RECTOR DRIVE TO I.H. 410; APPROPRIATING  
FUNDS FROM 1970 BOND FUND 41-002 AND  
AUTHORIZING PAYMENT TO STATE TREASURER.

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AN ORDINANCE 45,906

AUTHORIZING THE CITY MANAGER TO EXECUTE  
AN AGREEMENT WITH THE GOVERNOR'S OFFICE  
OF TRAFFIC SAFETY FOR PARTICIPATION IN  
TRAINING PROGRAM OF CITY PERSONNEL RELATED  
TO CITY'S STEP PROJECT.

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75-64

WIDENING OF EXPRESSWAYS

Mayor Cockrell asked Mr. Fischer to give the status of possible expansion of the inner-city expressways.

Mr. Fischer said that both expressways have been approved by the Federal Highway Administration for Interstate funding. The Department of Highway and Public Transportation are in the process of making design studies for these projects. He reviewed some of the alternatives which are being studied. He estimated that it will be three to ten years before construction could begin.

75-64

NORTH EXPRESSWAY

Councilman Hartman asked Mr. Fischer to discuss the traffic situation at Loop 410 when the North Expressway is opened.

Mr. Fischer said that there will be a considerable amount of congestion when the expressway opens. The section of the expressway from Loop 410 to San Pedro Avenue will not be completed at that time and all traffic will exit at Loop 410. About nine months later the section out to San Pedro will be completed and the congestion will be somewhat relieved. A new entrance is planned from the expressway into the airport north of Loop 410. The possibility of an interchange at Loop 410 is still being considered. There are other solutions as well.

The matter was discussed at some length. It was the consensus of the Council that planning start now for resolving possible traffic problems in the area of Loop 410 and the North Expressway.

75-64 The following Ordinance was read by the Clerk and explained by Mr. Mel Sueltenfuss, Director of Public Works, and after consideration, on motion of Mr. Billa, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Nielsen.

AN ORDINANCE 45,907

APPROPRIATING THE AMOUNT OF \$8,603.00  
AND AUTHORIZING PAYMENT OF SAID AMOUNT  
TO THE NORTHEAST INDEPENDENT SCHOOL  
DISTRICT AS A PARTIAL REFUND OF SEWER  
PLATTING FEES.

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## AN ORDINANCE 45,908

AUTHORIZING THE CITY MANAGER IN CONCURRENCE WITH OTHER TAXING ENTITIES TO EXECUTE QUITCLAIM DEEDS TO CERTAIN PURCHASERS TO PROPERTIES ACQUIRED THROUGH TAX FORECLOSURES AND AUTHORIZING PAYMENT TO OTHER TAXING ENTITIES AND COSTS INCURRED THEREIN.

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The following discussion took place:

ASST. CITY ATTORNEY TED WAGNER: This ordinance concerns resale of ten properties acquired through tax foreclosure. Nine of the ten parcels for which we were requesting resale were advertised in the two daily newspapers, the Express and the Light in accordance with prior Council directives calling for bids to be submitted to the City Clerk in an amount not less than our appraised value on each property. Bids were accepted for a period of two weeks by the City Clerk and bid closings were on October 7 of this year. The tenth property was not advertised for resale since this was a redemption by an owner who claimed an interest in the property. Further, this was a hardship situation. Information on each parcel for which we are requesting resale concerned legal description, condition of the property, indicating improved or unimproved, approximate location, approximate size, date of acquisition, offer of the purchaser and the name of the purchaser has been supplied in the summary information which was sent out in the Council packet. We would recommend passage of this ordinance.

MAYOR LILA COCKRELL: All right. Are there any questions? Yes, Mr. Billa.

MR. BOB BILLA: Yes, I don't recall how many times they are advertised. I forgot what that was directed.

ASST. CITY ATTORNEY WAGNER: It's advertised once.

MR. BILLA: One time.

ASST. CITY ATTORNEY WAGNER: Yes, sir.

DR. HENRY CISNEROS: Madam Mayor.

MAYOR COCKRELL: Yes, Dr. Cisneros.

DR. CISNEROS: I came across some interesting information on a matter related to this. I happened to be out of town for the last couple of days and visited in Washington with an organization called the Council for Urban Economic Development. They are doing some work on reutilization of central city land. One of the proposals that they're working on is when land is made available to the City government in various parts and apparently, this was already being done in Baltimore. When land is made available to City government because of tax foreclosures to establish redevelopment standards before selling it back. In other words, instead of just a simple transaction as has occurred in this case between us and a prospective purchaser, the transaction resembles more what goes on at Urban Renewal, where highest and best use becomes an element of the resale. I wonder whether you would comment on what Texas law might say about that kind of a transaction. The intent, of course, being that central city areas, you know, little by little and one by one as parcels acquired in this fashion, standards begin to be set for revitalization and for rebuilding as opposed to simple transactions where nothing may happen on some of these tracts.

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ASST. CITY ATTORNEY WAGNER: The only comment I could make, Doctor, with regard to the City, I know of no law that presently requires any type of control over resale of these properties. I might add that most of the properties.....

DR. CISNEROS: Are you saying it's an open question and if we wanted to define our present policy that we could.

ASST. CITY ATTORNEY WAGNER: I see nothing to impede it at this point. I would mention, however, that most of the properties that we acquire through tax foreclosure in many instances are either fractions of lots, streets with no frontage, substandard in some respect either in area, desirability of relocation, or redevelopment, something of that nature. But it's usually a very unusual situation when we acquire anything other than a standard lot in size of area.

DR. CISNEROS: Thank you, very much.

REV. CLAUDE BLACK: I do think this is a very important point that you're making because often even though they are substandard, they are purchased by people who don't care whether they ever get standard or not. It means that those properties remain and they deteriorate and they become a barrier with outsiders controlling the ultimate outcome of that property. Those persons who live in that neighborhood are unable to really move it at all because when they know anything about it, the property is sold either to some concern or some individual that doesn't really care.

ASST. CITY ATTORNEY WAGNER: I certainly would know nothing within our knowledge that would prohibit some type of regulation or some requirement on the resale of this property to any potential purchaser.

MR. PHIL PYNDUS: How difficult is it to mail out to the surrounding property owners the fact that this property is being offered for sale? I had a case come to my attention in the Oak Hills Subdivision and the property owners adjoining this particular plot of land would have purchased it for the amount of dollars it was sold for and instead it was advertised in the paper unbeknown to them. I'm wondering if it would incur a great amount of expense to mail the notices to the adjoining property owners.

ASST. CITY ATTORNEY WAGNER: It certainly would be no impediment to that program, Mr. Pyndus. It would just be a question of how far a radius you would want those notices mailed out.

MR. PYNDUS: I would adjoining - you know, the adjoining properties.

MAYOR COCKRELL: All right. That seems to be a point well taken. I'm wondering if it should be mailed as we do on zoning within 200 feet or if it should be just the immediately adjacent.

DR. CISNEROS: I'd say the 200 feet.

MR. GLEN HARTMAN: I think the 200 feet would be a good rule. As a rule, it would be the adjacent property owner that would be more interested in order to expand his property.

MR. PYNDUS: Would you do that, please?

DR. CISNEROS: Madam Mayor, Reverend Black raises a very interesting point here. If you'll look for example at the first one of the back-up material that we have, you'll note that it's a 50 foot by 120 foot lot and it is selling for \$802 to Santex Lumber Company. The top one on this page 47 by 120 feet selling for \$753 to Santex Lumber Company. Well, who knows what Santex Lumber Company is going to do with it, probably not a lot. But my point is if we had something like highest and best use standards in addition to simply the bidder - the bidder format, that maybe there would be someone who would look at these standard sized lots, 50 by 120 feet and want to build something on it, you know. Especially an adjoining property owner or someone in the neighborhood. It could be the neighborhood would want to pool their resources and buy it for a park or something.

MAYOR COCKRELL: All right. I think this is a point that we ought to take a look at and yes.....

MR. RICHARD TENIENTE: Madam Mayor, the other thing that I would ask in this regard is after these people have purchased this property, we have no - really have no provision other than just the inspectors going out there and checking for any kind of health problems that may exist in the area and the lots especially if they're a nuisance to the neighborhood. I recognize the names in here of people that have already been charged before the City Corporation Court with violations of not handling their lots, not cleaning it up and I see these people buying more property. The comment that this one person made to the judge or to the citizen was that it's going to cost me \$15 and it's going to cost me more to clean it up so I'd just as soon pay the 15 dollar fine. This is why a few months back when we had this discussion I suggested that we instruct our prosecutors of the people that are repeaters in this particular type case and especially in the areas where they own most of the property, and its mostly the westside, that they be given the maximum \$200 or should be charged with a maximum \$200 violation. Here we are seeing these people buying them again and I don't know what they're going to do with them whether before they buy them we instruct them that they have to clean it up or at least not necessarily clean it up to the point that it would need the replanting of grass but at least not to have junk in there and to clear it up and not be nothing other than just collect paper and trash.

MR. HARTMAN: I would strongly endorse the point, Madam Mayor. I think the matter of giving them a maximum fine, first of all, I would agree with. Secondly, you know we discussed I think about at the same time period that these people who are constantly leaving the lots in disarray. You know occasionally, it would be publicized as a list in the paper. I think it would be interesting to see their name in print when they're letting their lots grow up in weeds. I think we ought to really push this. I think it's unfair to the neighborhood, I think it's unfair to the City that these people get by with it.

MAYOR COCKRELL: All right. Mr. Pyndus.

MR. PYNDUS: Mayor Cockrell, I'm wondering if we can summarize this by staff. Some of these suggestions to me seem pertinent and if we could kind of review comments that have been made and see what we can come up with concrete substance.

MAYOR COCKRELL: All right. I think we've had three areas of comments. First, is on the notification. There was a little bit of discussion as between adjoining or within 200 feet actually, it's probably the adjoining property owners that are most immediately concerned. So we're asking for notification by mail of adjoining property owners. Second, the raising development standards or concepts that would be required of any person acquiring the property in terms of attempting to meet standard lot requirements. Then third, the considerations of Mr. Teniente in enforcing our procedures in terms of - would you like to.....

MR. TENIENTE: Yes, we have a man purchasing two parcels right now and they have not cleaned up some of the parcels on Palmetto Street right now and I see no reason for this person to pick up two good parcels of property at a good price even though it did come in under bid when he still hasn't taken care of his moral obligation to the community where he owns property even though he doesn't live there. I'd like to ask our Assistant City Attorney whether this item might not be withdrawn at this time. I know there are legal ramifications in this thing but we can look at that and work from there.

ACTING CITY ATTORNEY JAMES PARKER: Mr. Teniente, I would like to make one comment on another aspect of it. As far as the enforcement, the prosecutors recommend or they try a case that is presented to them and they present it to the court. They can recommend a fine which they do or which I've instructed the staff people to do in relation to what the offense is. I understand in talking to one of them yesterday, they got

a \$200 fine from one of the judges on one of the cases. There was another case of a similar nature where the fine was again a \$10 fine and the \$10 fine has been appealed to the County Courts at Law. That takes it completely out of the jurisdiction of the City. It then goes to the County Courts at Law and they are the ones that are going to have to determine in the trial de novo over there. Now the City or the Manager or the City Attorney's office has no control and no influence whatsoever as to the Municipal Court Judges. They are completely a separate group of people. We can recommend and the courts don't have to follow our recommendations. The same thing will apply completely, or even more so, to the County Courts at Law. To that degree whether we sell a property to somebody or not as far as enforcement, I don't think it's going to be controlled.

MR. TENIENTE: I understand that. I also know that we on the Council appoint our Municipal Judges. I think that while we don't try to dictate to judges what to do, I think they ought to recognize that we're the ones that hear from the citizens. We're the ones that are catching the flak and we're the ones that are going to help. And I know that they too would feel the same way as we would if they would know the situation. Now, the question I asked that time was whether we had background on the persons coming up as repeaters and they have repeaters in traffic violations. I'm just wondering if they have them also in these other violations here where they consistently refuse to clean up areas where they own property.

CITY ATTORNEY PARKER: It's the same group of people all the way through, I think, Mr. Teniente.

MR. TENIENTE: Do they know about this?

CITY ATTORNEY PARKER: Yes, sir. I think they know who they are.

MR. TENIENTE: We ought to have the judges up here and instruct them, not instruct them but to tell them that there are problems in certain communities and that they should - just like they seem to throw the book at some of the traffic violators, I think that they can do the same thing with some of these people that continually cause nuisances in the neighborhoods.

CITY ATTORNEY PARKER: I think some of them you're going to find are attorneys and then they then appeal to the County Courts and then there's a (inaudible).

MR. TENIENTE: At least we have fulfilled our part of it. They can go to the Supreme Court too I'm sure but we'll do our part here.

MR. BILLA: Madam Mayor, I think you suggested we withdraw this item and I have an additional concern, you know, whenever you're dealing with the sale of public property and the way it's advertised and I'd like to check with our Assistant City Attorney but would the adjacent property owners be receiving preferential information, you know, to bid on something and then.....

ASST. CITY ATTORNEY WAGNER: Not necessarily. I would point out this, Mr. Billa, with response to the bid procedure which we've now adopted under the prior to Council's directive, we have absolutely no way under this present program, of advertising for bids, of accepting or rejecting any proposed bidder. We have some information concerning people who are perennial tax delinquents and those who purchase at tax sales. And under our prior program, we used to resell the property not on a bid basis but someone contacted the City Attorney's office, we had the property appraised, they then submitted a cashier's check and we resold the property without advertising and could be more selective. Under the bid procedure, we have absolutely no control over it. People which may be acquiring property and we know that in some instances the property may indeed become delinquent again and we'll end up foreclosing on it but we have no control.

MR. BILLA: Well, I can see that but isn't this sort of a precedent set as far as some of the property owners are concerned. We have street closings or alley closings. What procedures follow that, that's some kind of a form of a gift though isn't it or not.

ASST. CITY ATTORNEY WAGNER: You have legal requirements regarding an adjacent property although I'm commenting out of my area.

CITY ATTORNEY PARKER: If we're closing an alley or a street it depends on whether we own any interest in it, or whether we're just abandoning our use and the law then does favors small areas and the law says that the abutting or adjoining property owners own to the center line or wherever that property is and they can reclaim it.

CITY MANAGER SAM GRANATA: That comes under the description of their lot in the code. Where it's an alley, they own half of it.

MAYOR COCKRELL: All right. What is your question, Mr. Rohde.

MR. AL ROHDE: Mayor, I've sort of lost in the debate here but I'd like to see if this has been covered, correct me but this might be a good opportunity to clean up the City a little bit is that when we sell these lots, the City go in there and completely clean them off period probably improvements and everything else because if the owners have abandoned them, they must be pretty bad. This way we'd then be selling vacant lots and the person would be notifying that and this is one way we could clean these areas up and I'm wondering if the Council couldn't address themselves to this issue. Secondly, maybe if we would not lose these bids I'd like to withdraw this thing for several weeks and go in that direction because we've got to start recycling our property in the inner city and we have a great opportunity here to come to grips with something this Council can do. We hear about what everybody else can do but I want to take advantage of the opportunity when I have it in my hand and say we can do it and this is an area that we can do it.

ASST. CITY ATTORNEY WAGNER: May I comment, Mr. Rohde.

MR. ROHDE: Sure.

ASST. CITY ATTORNEY WAGNER: Our office long ago initiated just such a program as you're suggesting.

MR. ROHDE: What happened to it?

ASST. CITY ATTORNEY WAGNER: Well, it's still implemented, sir. When we are made aware of a substandard building on a property where we're initiating tax foreclosure we incorporate in our pleadings and seek in the judgement authorization for demolition of that building.

CITY MANAGER GRANATA: Yes, that's minimum housing.

MR. ROHDE: Well, what have we done. Just give us some facts here. How many of these ten are going to be done?

CITY MANAGER GRANATA: Yes, but there's some school districts involved. The County.....

CITY ATTORNEY PARKER: There are other taxing agencies also own interest in the particular parts as well as the City, the City is not the sole owner of these things.

ASST. CITY ATTORNEY WAGNER: All we're doing is conveying the City's interest in these particular things.

MR. ROHDE: Yes, but we have a superior interest, don't we?

ASST. CITY ATTORNEY WAGNER: No, sir.

MR. ROHDE: Well, do you think the school districts would stand in the way to try to clean up the City of San Antonio?

CITY MANAGER GRANATA: No, sir, not if we pay for it.

MR. ROHDE: I want to hear how we can do it, not how we can't do it, gentlemen.

ASST. CITY ATTORNEY WAGNER: I'm not in a position to give you any figures on what property, the number of properties we're building.....

MR. ROHDE: Madam Mayor, I would suggest that we withdraw this for two weeks for further study by staff and Council.

DR. CISNEROS: I second that.

MAYOR COCKRELL: Is there any further comment?

MR. TENIENTE: Yes, I'd like to ask if this would cause any problems. It's the legal aspect what I'm looking at.

ASST. CITY ATTORNEY WAGNER: You're going to have one problem because within this ordinance there is one property on which a redemption is being requested and you would have no legal authority to withhold redemption.

MAYOR COCKRELL: May I make this suggestion to the Council. We are discussing what I think are some very pertinent, very good ideas for Council policy but it's a little difficult to make them retroactive after the bids have already been opened and so perhaps we should proceed on this one but set this as policy for the future.

MR. ROHDE: Mayor, yes, I withdraw the motion. Let's debate in more of a calm area, gentlemen, there's no rush for this.

MAYOR COCKRELL: All right. You have withdrawn the motion and the second so now we have no pending motion is that correct?

MR. TENIENTE: Yes, I move for adoption and recommendation under the City Attorney's (inaudible).....

MR. BILLA: Somebody amended it and withdrew your amendment.

MAYOR COCKRELL: All right. We have a motion and a second. Any further discussion?

On roll call, the motion, carrying with it adoption of the ordinance, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Nielsen.

CITY MANAGER GRANATA: Mayor Cockrell, I suggest that the City Clerk be instructed to send a copy of the transcript of this portion of the meeting to the Municipal Court judges.

MAYOR COCKRELL: Well, first may we ask that we have a summary of it for the Council and to let us perfect this as policy and be sure that it's accurately mentions all the points we want addressed before it's forwarded. Yes, Dr. Cisneros.

DR. CISNEROS: I'm not satisfied that we have set any process in motion to get some of these ideas up properly. Do you have anything in mind as far as the procedure or process?

MAYOR COCKRELL: Yes, I think we have listed several particular items and may I ask if the staff will review the transcript first, the City Manager's office, and initiate and report back to the Council on those areas involving policy which the Council has indicated that it would like to have reflected in procedures and come back to us with a recommended set of procedures that would address some of the areas that have been initiated today.

DR. CISNEROS: As Mr. Rohde has already said, indicating the way we want to do - indicating ways to do what to do.

MAYOR COCKRELL: All right. Fine.

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75-64 The following Ordinance was read by the Clerk and explained by Mr. James Parker, City Attorney, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Billa, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 45,909

APPROPRIATING THE SUM OF EIGHT THOUSAND FIVE HUNDRED SIXTY-ONE AND NO/100 (\$8,561.00) DOLLARS OUT OF FUND NO. 42-001, MAYBERRY DRAINAGE PROJECT, PAYABLE TO THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, IN SATISFACTION OF THE AWARDS OF THE SPECIAL COMMISSIONERS IN CONDEMNATION CAUSE NUMBERS C-1269 AND C-1270 INCLUDING COURT COSTS FOR PROPERTY ACQUIRED FOR THE MAYBERRY DRAINAGE PROJECT.

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75-64 MAYBERRY DRAINAGE PROJECT

Councilman Hartman asked, "How close are we now to satisfying acquisition of all parcels for this project?"

Mr. E. J. Wagner, Assistant City Attorney, said that there are two remaining parcels to be acquired by condemnation.

75-64 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Billa, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 45,910

AMENDING ORDINANCE NO. 45670, PASSED AND APPROVED AUGUST 28, 1975 TO ESTABLISH A NEW SCHEDULE OF FARES TO BE CHARGED BY THE TRANSIT BOARD OF TRUSTEES OF SAN ANTONIO.

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75-64 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Dr. Nielsen, seconded by Dr. Cisneros, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Rohde, Hartman, Teniente, Cockrell, Nielsen; NAYS: None; ABSENT: None.

## AN ORDINANCE 45,911

AUTHORIZING THE PAYMENT OF \$5,545.58 TO IBM CORPORATION FOR THE MAINTENANCE OF IBM TYPEWRITERS OWNED BY THE CITY FROM JANUARY 1, 1975 TO JUNE 30, 1975.

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75-64 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: Pyndus, Billa, Cisneros, Black, Rohde, Teniente, Nielsen, Cockrell;  
 NAYS: None; ABSENT: Hartman.

## AN ORDINANCE 45,912

ACCEPTING THE LOW QUALIFIED BID OF THE DAVIDSON CORPORATION TO FURNISH THE CITY WITH LUMBER FOR A TOTAL \$7,640.40, LESS 1% - 10 DAYS.

\* \* \* \*

## AN ORDINANCE 45,913

ACCEPTING THE LOW QUALIFIED BID OF CHICAGO TRANSPARENT PRODUCTS TO FURNISH THE CITY WITH PLASTIC GARBAGE BAGS FOR A NET TOTAL OF \$10,106.25.

\* \* \* \*

## AN ORDINANCE 45,914

ACCEPTING THE LOW QUALIFIED BID OF PRODUCTION AUTOMATION SYSTEMS TO FURNISH THE CITY OF SAN ANTONIO WITH TIMBER PLAY EQUIPMENT FOR A TOTAL OF \$20,865.00, LESS 12% - 10 DAYS.

\* \* \* \*

75-64 The Clerk read the following Resolution:

A RESOLUTION  
 NO. 75-64-97

ENDORING THE APPLICATION BY THE MEXICAN AMERICAN UNITY COUNCIL TO THE ECONOMIC DEVELOPMENT ADMINISTRATION FOR A NEIGHBORHOOD RESOURCE CENTER AT THE FORMER CROCKETT ELEMENTARY SCHOOL.

\* \* \* \*

The Resolution was explained by Mr. Frank Leach, Assistant Director of Planning and Community Development, who said that for five years attempts have been made to get a project started at the old Crockett Elementary School. The Mexican American Unity Council has processed a grant application through EDA. They have requested a complete application and an endorsement by the City Council within ten days. The Council has also come up with \$650,000 of additional funds to go with the EDA funds.

The project would have office space for health programs, housing programs, economic development programs. The location is excellent for serving the westside.

Mr. Juan Patlan, representing the Mexican-American Unity Council, said that no funds will be required from the City for this project.

Councilman Rohde said that he would like a list of tenants of this building and cautioned Mr. Patlan not to rely on tenants funded by Revenue Sharing funds.

Mr. Patlan said that he will seek long term leases because there will be a \$400,000 loan involved.

After consideration, on motion of Mr. Teniente, seconded by Mr. Rohde, the Resolution was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

75-64 Mayor Pro-Tem Teniente introduced the following Resolution:

A RESOLUTION  
OF RESPECT  
NO. 75-64-98

WHEREAS, life came to a close for one of the outstanding citizens of San Antonio, Mr. Clem Galan, Sr., on October 25, 1975, and

WHEREAS, he was active in many civic endeavors and was instrumental in setting up recreational areas for Little League teams in the Southwestern area of the City, and

WHEREAS, he served his fellow citizens as a member of the Edgewood School District Board of Trustees with twelve dedicated years, and

WHEREAS, Mr. Galan was a leader who gave of his time and talents to help develop an industrial site in the Southwestern area of the City, and

WHEREAS, his passing will be a loss to the citizens of San Antonio;  
NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. That this Council, on behalf of the citizens of this community, does hereby express profound regret on the occasion of the death of Mr. Clem Galan, Sr., and tenders to his family our heartfelt sympathy.

SECTION 2. That this Resolution be spread upon the minutes of this meeting and a copy thereof delivered to the bereaved family.

\* \* \* \*

After consideration, on motion of Mr. Teniente, seconded by Mr. Pyndus, the Resolution was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

75-64

CENTRO 21

Mayor Pro-Tem Teniente said that he resented a letter received from Centro 21 dated October 29, 1975, in which General McDermott said that the Committee does not want a consultant employed for it at this time. Instead it asked the Council to appoint two full time persons from the City staff to work with Centro 21 and said that some of the members were threatening to resign if the Council did not follow their wishes. Mayor Pro-Tem Teniente said that this is an Advisory Committee and cannot tell the Council what to do. He asked that a joint meeting of the City Council and Centro 21 be arranged at an early date.

The idea of a joint meeting was supported by Councilmen Black, Hartman and Rohde. Rev. Black also said that a decision to hire an outside consultant for Centro 21 should wait until the Council has had an opportunity to discuss the matter with Centro 21.

Councilman Nielsen reminded the Council that when the item of hiring an outside consultant was withdrawn from last week's agenda, it was agreed that the item would be put on the agenda for November 6.

Mr. Pyndus said that he felt the matter of an outside consultant should not be on the agenda until after the Council has discussed the matter with Centro 21. He then made a motion that this item not be included on the agenda for November 6, 1975. The motion died for lack of a second.

Mayor Cockrell said that it was agreed when the item was pulled that it would be on the November 6 agenda and she felt obligated in this regard.

After discussion, it was agreed that a joint meeting of the City Council and Centro 21 would be held in the "B" Room at City Hall on Wednesday, November 5, 1975, at 9:00 o'clock A. M.

\* \* \* \*

The following conversation took place:

MAYOR LILA COCKRELL: I would like to bring up an item. Both Mr. Hartman and I have prepared rather similar memos on the subject of proposing continuing action for the City Council in terms of this continuing responsibility on the Aquifer policy. I would like to just hit a couple of highlights of mine and then ask Mr. Hartman to add comments on his.

In particular, I am recommending to the Council that we schedule a joint meeting with the Planning Commission and the key Planning staff persons to cover this agenda that I have outlined, all of which I would say are continuing responsibilities of the City, some of which we have already reviewed in some depth, but just in order to bring them all in focus at one time to get progress reports on areas where we have given delegation of work to the staff and to get them all pulled together. I would like to recommend that the County Judge and members of the Commissioners Court be invited to the briefing as guests. Following this meeting, it seems to me that the Council will then be in a position to evaluate any additional directives it may wish to give the staff in terms of reaching its final policy, and at that point Mr. Hartman's memo might take over at that point and work really with the memo that I have recommended in terms of a mechanism in proceeding. I'm not going to read this in detail. You have all received this. I'm simply recommending this that we do schedule a meeting with the City Council and the City Planning Commission and the Planning staff to review this and any other items any other Council members would like to have as part of the agenda. Mr. Hartman, would you comment on yours.

MR. GLEN HARTMAN: Yes, Madam Mayor, I think, thank you, I think our two memoranda are consistent with each other. I, first of all, strongly endorse the need to meet together with the City Planning Commission in order to, in effect, review the bidding of all the factors that relate to the Aquifer policy question. I also strongly endorse the matter of bringing the County into the problem because, again, the City of San Antonio has limited action that it can take and limited jurisdiction to addressing the Aquifer problem. It's much larger than the City. It is much larger than the County, but the recommendations are excellent. I think it's time that the Planning Commission meet with City and the City staff to get a real clear indication as to what the problems are and the manner of thinking of the Council. I think then that after this has taken place, I think the question that seems to be at hand is what actions and what specific arrangements can and should be made in order to overcome the basic objections that citizens have voiced. I think we're at the point where after this meeting takes place, and I think we'd be at the point where this matter could be addressed.

The essence of my memorandum is merely that I'm proposing that the Planning and Policy Objectives Committee which developed the Resolution and subsequently the Ordinance pertaining to the Aquifer zoning, then be instructed to work with the City staff, and I'm suggesting here representatives of the interested developers as well as representatives of Citizens for Better Environment, or perhaps other groups for the purpose of developing appropriate sub-development regulations to be presented to the City Council by January 14, 1976. I'm choosing that date because as you may recall in that Resolution there had been established a 1 January date for identifying the sensitive areas within the recharge zone. I'm also saying concomitantly ongoing action should be expedited during this same period by the City staff to identify specific sensitive areas over the recharge zone for urban development that's considered particularly hazardous. So, I would think that the matter, I think that the action that I'm recommending in my memorandum is consistent and would follow on the recommendations that you have in your memorandum.

MAYOR COCKRELL: Thank you. Mayor Pro-Tem Teniente.

RICHARD TENIENTE: Mayor Cockrell, I first want to commend you and Councilman Hartman for the work and the ideas that have been presented. There's only one part at this point I think we ought to discuss and that is that this Planning and Policy Objectives Committee handle this. We've already had that happen once and it wasn't then acceptable by some Committee members after that. So, I think that this ought to be just something that should be handled by the entire Council so that when we get together there ought to be some sort of unanimity in whatever actions we would take. I'd be happy to sit in and I think it ought to go to the whole Council like you have recommended.

MR. HARTMAN: Well, Madam Mayor, if I could respond to that, I'm saying that as the Mayor Pro-Tem might not have heard me, but I said that I felt that there should be a total discussion or a discussion on the part of the whole Council and the Planning Commission to review the bidding and then I think after that has been done then I think there is a need for development of specific recommendations. I would like to address the other point that some aspects of the rezoning or the zoning ordinance were not acceptable to members of the Committee. This is quite the contrary. At the time that the zoning ordinance was recommended by the Committee, it was pointed out that the zoning ordinance went as far as the Texas Water Quality Board went and it was considered that this was an appropriate first step and I have so indicated this in my memorandum. I think we are now at the point where another step could be taken in a logical fashion to further define the protection that is needed. I think that the need for this protection has been voiced over the past couple of weeks.

DR. D. FORD NIELSEN: I agree. I think it ought to be the entire Council though.

MAYOR COCKRELL: All right, we have sort of two suggestions. The first is to set up first this meeting with the Planning Commission and let's see if that is an acceptable first step and then it appears then that there would have to be a determination of what comes out of that meeting. The consensus to proceed exactly how the Council would desire to go into the second step. Dr. Cisneros.

DR. HENRY G. CISNEROS: Madam Mayor, I think both questions are premature. They end run the essential issue that raised this whole debate most recently and that is a spectre of a concrete structure and 130 acres of parking on top of our water supply, and you indicated last week that you were going to poll the Council to determine whether or not there was a sentiment for reconsideration of that vote - looking for the seven votes would be required for reconsideration. That was not articulated in your memorandum, or the results of that poll. I just wondered if you would report to us on the possibility of reconsideration, and I think that it needs to be brought up.

MAYOR COCKRELL: All right, as you know, at the last meeting, the City Attorney stated that reconsideration per se was not possible..

DR. CISNEROS: But the process....

MAYOR COCKRELL: The only thing that would be possible was to initiate a totally new zoning procedure. At the time I stated that as of then I had not changed my position because I felt that the Council could still take all of these steps and in the PUD and in the delineation of the PUD procedure, the subdivision procedure, the Texas Water Quality Board procedure, all of those procedures, that there would be additional public hearings, additional review, and I felt that many of these concerns could be taken care of in the process. It would be several years before anything would begin. It is my understanding in visiting with the Council

members that no one is proposing at this time initiating a change in zoning, but it does appear that there is a strong desire on the part of all members of the Council to proceed in the further delineations of Council policy which we feel that represent the concern which I believe every member of this Council feels in protecting the Aquifer and protecting our water supply. Reverend Black.

REV. CLAUDE BLACK: I would like to address the recommendations that were made. I think you have made it clear that in your opinion that there would not be a review of this matter in terms of what has happened already.

MAYOR COCKRELL: I think at this time I do not see any move at this time for an initiation of the new process.

REV. BLACK: Now, may I just simply comment on the two proposals. I don't think they're in conflict with each other. I think they can supplement as you've indicated, but I think they come with some basic assumptions that I'd like to deal with. That assumption is that once you have dealt with the protective forces that this automatically indicates that you will now pass all persons who come with recommendations over the Aquifer, and that to me is a bad assumption. I don't care what kind of a protection you come, every person that comes here for zoning over the Aquifer must be dealt with as a specific case, otherwise, if we're going to think that protection, that the protective preparation for the Aquifer is going to guarantee the action or the passing or the zoning of the individuals over the Aquifer so long as they say they're going to meet all this, it seems to me then there will be no need for us to act on those matters, that they would just automatically go on with the zoning. I don't think that's true that that provision is made in the Charter. Neither do I feel that we ought to make that kind of assumption. So, I'm simply saying is that while this is extremely important that we tighten up, it will not change the kind of situation in which we could find ourselves as we found ourselves a few weeks ago. Our differences of opinion in terms of the way the matter is presented and, therefore, action that would be taken on the part of individual Councilmen that he feels is necessary for the protection of the Aquifer without regard for all of the protection that has been provided in other areas.

MAYOR COCKRELL: Correct, this is true. Actually, in any kind of zoning that ever occurs...

REV. BLACK: That's right.

MAYOR COCKRELL: ....the Council has to consider every case on its own merits regardless of any blanket rules that there are for any case. Yes, Dr. Cisneros.

DR. CISNEROS: Madam Mayor, I one hundred per cent support Rev. Black's comments because I, too, feel that over the past couple of weeks since the vote on the Mall, it has been widely assumed that because there were protective measures that they were all encompassing and, therefore, every project that came forward should automatically be voted on. I simply don't think that that's the case, and will never be the case. I think that we do have to look at each case on its own merits, no matter how stringent the regulations we impose. I intend to participate to the fullest extent possible in the process of tightening up and working on the regulations, but I think that the citizens of San Antonio need to know that the process is one that, in my opinion, is compromised. I'm speaking specifically of the cloud hanging over the Planning and Zoning Commission which we attempted to deal with as a Council once before or at least talked about but which we did nothing substantially about. That is the fact that the Chairman of the City's Planning and Zoning Commission the people who are supposed to have the most open mind about the planning

the future of San Antonio is at the moment also serving as President of the Home Builders Association. That Association having taken a very strong position for a certain kind of development over the Aquifer and on a number of other issues having made their position very, very clear. It's a misnomer for the Planning Commission, in my opinion, to be called the Planning Commission when there's that kind of clear policy stance associated with its chairmanship. I think that's a fact that needs to be a factor in the decision-making this time, because it compromises the process by which we are entrusting the future of the City, and I think it's a very serious problem.

MAYOR COCKRELL: All right, let me just disagree to this extent. I don't feel that the Council has done nothing. I think we did ask the City Attorney whether or not there was any conflict of interest in terms of the legal structure of the City, and may I ask that Mr. Parker respond to that.

CITY ATTORNEY JAMES PARKER: There is no conflict of interest for the party that you're concerned with holding the outside interest that he owns plus the City position that he actually occupies. From a legal standpoint, there is no conflict of interest.

DR. CISNEROS: I think it compromises the process.

MAYOR COCKRELL: In addition to this, it's been discussed individually and at this point unless the Council had some legal ground for formal removal, it seems to me that it's a matter for individual decision of the person in question.

MR. TENIENTE: An individual opinion.

MAYOR COCKRELL: Unless the Council has any legal grounds to initiate any kind of removal process, which I do not feel that we do.

CITY ATTORNEY PARKER: We do not feel any legal reasons.

MAYOR COCKRELL: We do not have any legal grounds. Mr. Pyndus.

MR. PHIL PYNDUS: Well, I would just like to state in that respect that this Council has the authority in every case to overrule the Planning Commission, and perhaps armed with the fact that it is not a conflict of interest, this situation can be kept in control. The thing that disturbs me is that we have veered away from the basic question. To me, I am most concerned with a review of the zoning that was passed the previous week. We've had recommendations for shoring up the ordinance over the Aquifer, but in neither memo was the fact made that the Council would review the zoning. I'm wondering if we can include in those two proposed actions, a review of the zoning that was passed last week.

MR. AL ROHDE: Why don't you just poll the members?

MAYOR COCKRELL: May I respond to that? Since this Council has been in office, this Council has approved six cases of zoning. On several of those, all members of this Council have voted in favor including business zoning. On the property immediately adjacent to this is a tract as large as this zoning including "B-2" and "B-3", was approved by a vote of eight members of this Council. Now, it seems to me patently unfair to raise the issue of rezoning one case when you are letting stand without question, the other cases and the 30 per cent land over the Aquifer Recharge Zone that was rezoned by May 1st of this year, including substantial acreage that is already zoned "B" zoning. Now, these actions have all occurred, many of them have started development, and it seems to me that just as one member of the Council that it is necessary to continue the Council's review which every member has

said that we were open and willing to do, and these regulations, the Texas Water Quality Board has review of this and there is no effort at rescinding. It cannot be done legally and so that states my position. Mr. Pyndus.

MR. PYNDUS: Mayor Cockrell, the thing that disturbs me is the fact that without a master plan that the one shopping center, the first one that was approved by this Council certainly might be adequate with a master plan as far as the development over the Aquifer is concerned. My thinking with regards to review of the zoning was the fact that other development less concentrated of the nature that we have approved, less massive in that area that would attract the tremendous traffic and accompanying undesirable drainage problems. My thought was that the development could be done better controlled under a lesser zoning, and this was my concern.

MAYOR COCKRELL: Any other comments?

MR. BOB BILLA: I think everybody shares a concern that those people that voted against this thing. I still think it was appropriate zoning, and Mr. Pyndus wants to put me in a position of saying if he wanted to open another steel business that he couldn't do it, and that's what we'd be telling people that you're not going to permit the free enterprise. Of course, I've heard that we don't have free enterprise any more, but I think that it exists to a large degree, and it's just a matter of conscience of trying to do, and I think the people would have a legal right if the zoning were denied, unless we had some basis. I mean we've set up the guidelines, and I see no reason why something like this can be denied. The fact that the zoning is there tells people what is happening, if there is other type development approaching, but it will never occur unless economic conditions permit it to occur, and that will give us plenty of time to review the things that have happened.

MAYOR COCKRELL: Mr. Hartman.

MR. HARTMAN: Well, it seems to me that we're, perhaps, losing our perspective as to what...

MR. BILLA: I agree with that.

MR. HARTMAN: ...seems to be the main problem here. In other words, there was a great deal of concern expressed upon the passage of that particular zoning case that there was inadequate protection provided for run-off. That, I think, as I get the signal was the main concern. Now, in my particular vote, I had an additional concern that does not relate to the Aquifer protection. It was a matter of providing statistical data as to need and area served and so on. But if indeed that was the main concern, that is, that there was inadequate protection for storm drainage run-off, then it would appear to me in my fairly simplistic way of thinking that the next thing we do is to try to solve the problem, and that's what I think we're about to do. I would like if there's something bigger, please tell me.

DR. CISNEROS: I would agree, Madam Mayor.

MAYOR COCKRELL: Mr. Rohde. Mr. Rohde had his hand up.

MR. ROHDE: Mayor, let me get my notes together here. Where do we stop and start with emotion and with facts. I do not want to be put on the cross every time I vote on an Edwards Aquifer case that when we have the rules and regulations come out of a Committee that this is it, and then we said, well we forgot some, we want to catch up and add it on. All right, let me finish. The thing that I'm concerned about here is that we've done six cases already, and is this going to be an emotional situation every time we vote on the Aquifer in this City? For some, it may be, but I've got the facts at hand. I'm going to be responsible for

my vote. I'm going to be one of the chief watchdogs on the Aquifer, even through you may say, well, I voted for it, but we've got to look at the whole picture. We have the information. We have the facts, and people that are crusaders against the votes that we do, I don't believe that they're going to accept if God came down here and gave them the information, that they would accept that the Aquifer is being protected. Where do you stop and you start? This is an emotional issue now, and I don't want this Council to act on emotion. Take the facts and use your judgment. I agree with Reverend Black, that I will look at everything that comes before Council on the Aquifer, and whatnot, but I can't substitute my vote. I can't give it out to anyone else. I've got to vote the way I see it and on the judgment that I have. We have voted on six cases. This case is no different than any other case. We've had one Councilman here, I think, that voted against all cases because he said, I'm going to vote against all the Aquifer matter and whatnot. Is this giving the Aquifer a fair shake when I say I'm going to do this. And yet he worked on the legislation that we're working on, and things of this sort. I don't want to get emotionally involved here, I want to go on the facts, Mayor, and I want this issue closed once and for all.

MR. HARTMAN: Madam Mayor.

MAYOR COCKRELL: Yes sir.

MR. HARTMAN: I'm happy to hear that Mr. Rohde does not intend to get emotional. I would like to just correct one thing that leads me to believe that perhaps there are some people that was counseling me this particular morning be hard of hearing. There was no indication that anything had been overlooked. It was stated very clearly at the time that the zoning ordinance was drafted and presented to this Council the fact that it was a recommendation for actions to take the first step, that is, to in effect go as far as the Texas Water Quality Board has gone in establishing certain procedures. It was further stated that by the first of January of next year, that the next action would be taken, that is, to identify the sensitive areas. There's nothing willy-nilly about this process. It is a matter of merely trying to proceed in a reasonably logical, sequential fashion, and that's what we're trying to do. We will do that as long as we don't become emotional.

MAYOR COCKRELL: Fine, all right, anyone else have anything to say.

DR. D. FORD NIELSEN: Yes Madam Mayor, I think that, Glen, one of the overriding issues is the degree of responsibility that not only the people who hold office in this community have regarding the viability of this whole community, the Aquifer and everything else, but as that gets translated into resolving conflicts, and differences of opinion, I think that the definitive overriding struggle is how responsible we are in dealing with the various factions. Some have said you know, no growth, those who care not whether we protect the Aquifer or not. I think the basic stance of this Council must be that in fact it is every member of this Council who is very concerned about the protection of the Aquifer, and whatever kinds of development takes place in or around, and not just the responsibility of one or two, or even three or four Council members, and what they articulate, express, plead, or what have you for the Aquifer, and this City's future. It seems to me that the only significant thing that happened, perhaps, regarding 117 acres is that some people interpreted that particular zoning as a sort of a well, the Council has washed its hands, it doesn't care about the Aquifer. I'm sorry if there were some who assumed that or concomitantly that 117 acres is the signal, the straw, that broke the camel's back, because now everything is going to be developed and regardless of what we do to protect the Aquifer or not that that 117 acres symbolized a complete capitulation on the part of the Council or at least some of its members. That's simply not true, in no way true.

I would just hope that the emotional pleadings of us are certainly considered, and that emotions do not however prevail.

REV. BLACK: Madam Mayor, I would like to, I think there are certain terms that tend to make this matter an emotional matter, and I don't know how we can escape them. But somebody, some persons have played the fact that you don't vote for the development over the Aquifer, that you are a no growth person. Now, I don't think God stopped making land when he made it on the northwest side. There's more land in this country that you can grow on, and I don't think a person ought to be charged with no growth, and that tends to make the situation emotional, when you start saying he's a no growth person, you see, because that's not true. There's a lot of places to grow in and we can grow in. Now, the next point I would like to just raise, and that is that while I recognize the Council has taken some action that is consistent with the action of supporting the recent action, I would not like to feel that at no point in my action here as Councilman that I don't have the right to change my position with regard to what I might see happening to a particular area. Now, one of the concerns that I had and one of the things that I think we might add to this list is something that you had indicated that you would also do, Madam Mayor, and that is provide for an overview of all of the development and zoning that we've, that has been a part of our concern, so that we can see what we are doing, because often when the zoning comes to us we really don't know it's isolated, and you don't really unless you give it a great deal of concern. Know all of its relationships to other areas of that same critical zone. I do think that the Aquifer does offer itself as a special area of consideration in spite of all because it does involve the life and the possibilities of our community and therefore should be considered under those circumstances.

MAYOR COCKRELL: All right, may I just say this. I think that there's no member on the Council who doesn't agree that number one the Aquifer is a special case. We have spent a great deal of time and undoubtedly will spend a great deal more individually and as a Council on the subject. To summarize the action that has taken place today, it's my understanding that the Council will give approval to the idea of meeting with the City Planning Commission on this agenda, that we will proceed and that following that meeting we will evaluate what additional action we wish to take, whether we wish to proceed as a Council, or whether we wish to delegate certain portions of this to a committee that can be decided after our meeting with the Planning Commission. Is that, does that summarize? Dr. Cisneros.

DR. CISNEROS: Madam Mayor, one of the problems that we've encountered, I think, along the way, has been, we encountered it in the committee, and I think we'll hit it in the Council. I think the Planning Commission also has probably encountered it is a certain lack of expertise. This is a technical subject and depending on what interest, you know, has paid for what expertise in terms of consultants, etc., you get a lot of different answers. Literally, 180 degrees opposite. Some will say yes and some will say no on vital questions, on critical questions. I would like to see if we're really going to get into this thing in a serious straight-forward fashion, us address the question, what kind of expertise we're going to have available to us. Maybe that means getting someone at Southwest Research for a while to do this for the Council.

MAYOR COCKRELL: Let's ask the...

DR. CISNEROS: I'm asking a procedural question here because I really think that almost everybody that we have talked to, and of course, the committees and so forth have an interest. When you sit down and start writing legislation and this is just a practical matter, and I think maybe Glen can attest to it...inaudible. Everybody is talking about from their particular bureaucratic, political perspective. From their constituency perspective, whether it be the underground Edwards district

or AACOG, or everybody has a bureaucratic perspective. I think the Council needs to have somebody who is trying to get some answers for us on technical issues that is responsible to us. Forgive me if that is not appropriate, but I see it as a problem.

MR. TENIENTE: Mrs. Cockrell, I think maybe the discussion that was just brought out I could perhaps start the meeting that we're planning so that we can start on that. Because this discussion is interesting and relevant. I think that would be the time to put one's input. When would you suggest that we have the meeting?

MAYOR COCKRELL: Let me get Shirl to check with everybody's calendar. Would that be agreeable? Fine...Mr. Rohde.

MR. ROHDE: Mayor, let me give you an example of the protections that we have now and this is actual facts and I think the Council would feel very comfortable with this. The case that started all of this, started in March and finally got rezoned, but now it has to be replatted. Henry, listen to me please, is that this normally, replatting would run on a ten acre tract of about \$400 to the average real estate owner for a ten acre tract. Because this land is now on the Aquifer and because of the professional things that need to be done, the owner of this property got an estimate that this now would run \$3,000 and he called me and said why all these. I said because of the procedures that the City has set down and things of this sort. So, I want you to know that this is testing whether, this is testing where the trees have got to be removed for elevations and so forth, but I want you to know that these things are now in effect immediately as soon as the City Council took action to protect what we've done already. So, the thing I'm making it very clear is that before they can replat there are very high engineer technology on this now and very high on things that have to replat with the City of San Antonio. In fact it's there and I want you to feel comfortable about it.

MAYOR COCKRELL: I think we've all had quite a bit to say. In summary, we have taken some action. We have agreed to set up this meeting and we're taking under advisement the suggestions of Councilman Hartman about referring from then on and we will make that decision following our meeting. If anyone else has any other agenda items for the meeting, we welcome your assistance.

DR. CISNEROS: You left one point out. That is my reservations about the process itself. I really think there's a problem. I am going to have to consider very hard whether I want to participate in this procedure because if the process is, in my opinion, compromised, then you lend your name to something to which the outcome is sealed before it starts. I think there's a very serious question with respect to the Planning Commission at this moment that I'm going to have to think very hard about whether or not we can expect anything responsible would come out of such a compromised process.

MR. ROHDE: I didn't get that message.

MAYOR COCKRELL: Your remarks have been noted, as those of one individual Council member. We then will recess until 1:30 when we'll have Citizens To Be Heard and go back into "B" Session.

75-64 The meeting recessed for lunch at 12 o'clock and reconvened at 1:50 P. M.

MRS. JEAN LEVINE

Mrs. Jean Levine read a prepared statement concerning the use of Wyoming Coal by City Public Service Board. She said that she favored the use of coal but if scrubbers were used then Texas lignite or coal could be used which would be much cheaper. They opposed nuclear energy as it is no longer a cheap commodity. (A copy of Mrs. Levine's statement is included with the papers of this meeting.)

Mayor Cockrell said that scrubbers have not yet been perfected, but City Public Service is watching their development. City Public Service is also studying the use of lignite and is aware of solar energy developments.

PATTY KOCIAM

Councilman Billa introduced Miss Patty Kociam, a student at Southwest Texas State University, who was attending this Council meeting.

MR. PHIL KOEHNE

Mr. Phil Koehne, 402 Mary Louise Drive, addressed the Council with regard to development of solar energy. He said that associates with whom he works have made a breakthrough in the field of solar energy. He said that he has a 13,000 acre ranch in South Texas which he would dedicate for use in solar energy. He has contacted Dr. A. B. Meinel of the University of Arizona and Dr. Yudi Gupta of the East Systems Company who are working in this field. They have told him that his site is an excellent location for a solar energy plant.

Mr. Koehne said that he wants to start a regional power project which would include Austin, Corpus Christi, and Houston in addition to San Antonio. He asked that Mayor Cockrell call a meeting of South Texas utility companies.

Mayor Cockrell asked first that this project be discussed with City Public Service officials and City staff after which the Council could take appropriate action.

MR. WILLIAM BAXTER

Mr. William Baxter, President of the Solar Energy Society of San Antonio College, spoke to the Council concerning the advantages of solar energy and urged the Council to encourage homeowners to make use of this type energy whenever possible.

DR. HERMAN LEVINE

Dr. Herman Levine read a prepared statement requesting the City Council to adopt an ordinance providing that no building be con-

structed without making provisions for solar heating in the future. He also requested an Ordinance requiring all businesses which use a lot of hot water to install solar energy systems. (A copy of Dr. Levine's statement is included with the papers of this meeting.)

MR. KARL WURZ

Mr. Karl Wurz, 820 Florida Street, again protested the pending purchase by the Urban Renewal Agency of a tract of land from Harold Vexler for park purposes. He said that he and Mr. Raul Rodriguez are entitled to see the appraisals on the property and they should be made available. (A copy of Mr. Wurz statement is included with the papers of this meeting.)

Mayor Cockrell said that this matter has been scheduled for a public hearing at which time all facets of the problem will be presented. She asked the City Attorney to comment on the confidentiality of the records.

City Attorney James Parker said that under Article 6252-17(a) the documents in question are confidential, and it is a penal offense for that information to be disclosed until the property is actually acquired. At that time the entire file becomes a public record.

Council Rohde asked that the following be of record:

MR. AL ROHDE: By what authority does the City Charter blanket an official, a City employee, etc., to use the word confidential?

CITY ATTORNEY PARKER: The City Charter?

MR. ROHDE: Yes. What authority is anyone granted to say that this is confidential and will keep it from the public?

CITY ATTORNEY PARKER: It's not in the City Charter, Mr. Rohde, it's a state statute.

MR. ROHDE: Okay. Let's go to the next area. By what written authority in any laws that we have in the City of San Antonio is that anyone can say that this is a confidential matter?

CITY ATTORNEY PARKER: The state statute defines it as such, Mr. Rohde, and the Charter doesn't have anything to do with it and neither does the City Council.

MR. ROHDE: Who are those people that can say this is confidential? Break it down for me.

CITY ATTORNEY PARKER: Who are the people that can say this? The definition is included in the state statute as to what constitutes confidential information, and it refers to the appraisal report for the purchase of land which then says that it makes it a penal offense for anyone to disclose it.

MR. ROHDE: Yes, but who in authority - you're not answering the question - who can say this is confidential?

CITY ATTORNEY PARKER: The state legislature defines it, Mr. Rohde. I'm not following your question.

MR. ROHDE: I'm asking you - you said that such persons that say this is a confidential matter. What persons are authorized in the City of San Antonio government to say this is a confidential matter?

CITY ATTORNEY PARKER: If you asked me if it is my legal opinion if what is included in that statute, yes. That is included in there. If you want to be given that information and you want to dispose of it and give it out to the public then fine. That will be your business and you in all probability, in my legal opinion, would be violating that statute and be subject to the penalties thereunder.

MR. ROHDE: I have no argument with that because I've been cleared for top secret, and I would not violate that confidence but the thing I'm getting at is what person in City government can say something is confidential?

MAYOR PRO-TEM TENIENTE: I think it's the interpretation of the statutes.

CITY ATTORNEY PARKER: It's the interpretation of the state statute.

MR. ROHDE: I realize that. I'm leading into another question. This is for the record.

CITY ATTORNEY PARKER: It would be what is the definition in the state statute, Mr. Rohde.

MR. ROHDE: What documents fall under confidentiality? Let's go down another route.

CITY ATTORNEY PARKER: Well, whatever ones are set out in that particular state statute.

MR. ROHDE: Are you saying that all appraisals are then confidential in the City of San Antonio?

CITY ATTORNEY PARKER: No, sir. I said all appraisals that are used when they are going to be used for the purchase of land. Until such time as the land is acquired are classified as confidential information under state statute.

MR. ROHDE: The next question I direct myself to and you is what does the word contract letting mean legally?

CITY ATTORNEY PARKER: Contract letting?

MR. ROHDE: Yes, what does that mean in your interpretation? Letting of contracts?

CITY ATTORNEY PARKER: Well, normally it can be in several phases if you are talking about the entire procedure of a contract letting. We go from the invitation to bid through the opening of bids through the verification of bids as to whether they comply with the.....

MR. ROHDE: Wouldn't an agreement to purchase be a letting of contract?

CITY ATTORNEY PARKER: No, sir. Not in that context. It would not, sir.

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Mayor Pro-Tem Teniente took exception to some of Mr. Wurz' comments. He said that the land in question has not been bought yet, and is still being negotiated. If the land is badly needed for park purposes in that area, it should be purchased even at a price increase.

Mr. Pyndus said that he would like the questions raised by Mr. Wurz answered by the San Antonio Development Agency.

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MR. RAUL RODRIGUEZ

Mr. Raul Rodriguez, 719 Delgado, insisted that citizens have a right to know everything going on in the Urban Renewal Agency. He accused Urban Renewal of cheating Mexicans and Blacks and then overpaying others such as for the Vexler Properties. He also accused Mayor Cockrell of protecting the Urban Renewal Agency and its Director, Mr. Winston Martin.

Mayor Cockrell took exception to remarks made by Mr. Rodriguez and then again reviewed the City Attorney's opinion regarding the appraisal documents.

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MR. E. L. RICHEY

Mr. E. L. Richey, 1118 West Craig, spoke of the need to bring more businesses back to the downtown area. He also criticized the Urban Renewal Agency for its practices.

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MR. BILL LEFFLER

Mr. Bill Leffler, 231 West Mayfield, said that he had come to discuss with the Council the need to reconsider the rezoning case over the Aquifer. Most of his questions had been answered earlier.

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MR. STEPHAN HARVESTY

Mr. Stephan Harvesty spoke in opposition to nuclear energy and in favor of development of solar energy. He said that he had heard that there had been a nuclear explosion in a power plant recently but nothing had been published.

Mr. Cisneros said that even though he had different views than Mr. Harvesty concerning the City Public Service bonds, he still appreciated Mr. Harvesty's community interest.

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MRS. SHIRLEY BARTELS

Mrs. Shirley Bartels representing Will Rogers Elementary School P.T.A., Edison High School P.T.A., and St. John's Catholic School, again complained of the flooding conditions in these areas and asked that the Martinez Creek project be pushed.

City Manager Granata reviewed the status of this project which was included in the 1970 bond election. The City is acquiring right of way at the present time and the Corps of Engineers is committed to construction which is scheduled for January, 1977.

Mrs. Bartels urged the Council to do all it could to speed up this project.

FATHER WESSELSKE

Father Wesselske of St. John's Catholic Church supported the statement of Mrs. Bartels and also urged Council action.

SHIELDS OF BEXAR COUNTY

Mr. Glen Horton, 249 Archimedes, spoke as a representative of Shields of Bexar County. He said that two months ago the Mayor had asked that a policy statement be written by the City Attorney establishing policies and procedures for complaints against police officers. He asked that this subject be scheduled for "B" Session consideration.

Mr. Rohde said that this matter has been referred to the Council's Crime Task Force, but has been put aside for the present because of more important matters to be considered.

After discussion, Mayor Cockrell asked that the Crime Task Force consider this matter soon and that it be scheduled for "B" Session within the next two weeks.

MR. HENRY OEFFINGER

Mr. Henry Oeffinger, 243 Freiling, said that the present wrecker ordinance gives sole permission to one wrecker company to haul wrecks off the streets. He asked that the ordinance be changed so that citizens can have a choice and select the wrecker company of their choice.

Police Chief Emil Peters said that the present wrecker system is the best way to handle this situation. Several alternative methods have been used but none were successful until the present system started. He recommended that the ordinance remain as it is at the present time.

Other Council members concurred with Chief Peters. No change in the ordinance is contemplated.

HALLOWEEN

Councilman Cisneros asked Chief Peters to make his recommendations about Halloween safety.

Chief Peters said that he had publicized his usual recommendations for children to wear reflective clothing, to move in groups and to walk when crossing streets. Additionally he recommended that parents accompany their children and also remain in their own neighborhoods.

MRS. E. L. DUNCAN

Mrs. E. L. Duncan said that there is a great need for bus service on the eastside of the City. Between Houston Street and Rigsby Avenue is a big gap with no service at all.

Rev. Black said that the Transit System has indicated a possible extension of the line to W. W. White Road. He said he would discuss it with Mrs. Duncan.

COUNCILMAN BOB BILLA

Councilman Bob Billa spoke regarding Centro 21. He commended those persons who gave it a start and those who gave it direction. He said that the Council should disregard threats of resignation and always remember that the Council is receptive to recommendations but in the final analysis the Council does have the final say.

SUTTON HOMES

Reverend Black said that a contingent from Sutton Homes will soon appear before the Council requesting that the name of the park at Sutton Homes be changed to Ruth Woodard Park in honor of this lady who has done so much for the eastside. He filed a petition with the City Clerk asking the Council to support this change. (The petition is on file with the papers of this meeting.)

EMERGENCY MEDICAL SERVICE

Rev. Black said that he had a report that the Emergency Medical Service refused to respond to a call because a person could not afford to pay the fee. He asked for a policy statement on this.

City Manager Granata said that E.M.S. does not ask questions in an emergency. They respond at once with no questions asked. He did point out that for routine service, E.M.S. will not respond. Routine calls are handled by private ambulance companies.

Rev. Black said he would get more detailed information on this incident.

HENRY MUNOZ, JR.

During the course of this meeting, Council members received a letter from Mr. Henry Munoz, Jr., Business Manager for Local 2399, in which he enclosed a form which employees had been told to complete to be eligible for promotion. Mr. Munoz said that this is a violation of individual rights and an invasion of privacy. He asked that the matter be looked into.

Mayor Pro-Tem Teniente asked that the staff look into these allegations and report to the Council.

75-64 The Clerk read the following letter:

October 24, 1975

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

Madam and Gentlemen:

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

October 30, 1975

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nsr

October 20, 1975

Petition of Captain H. G. Lutz, 117 Haggin, San Antonio, Texas, appealing the decision of the Firemen's and Policemen's Civil Service Commission with reference to sick leave.

October 24, 1975

Petition submitted by Mr. J. Rex Henry, 8707 Norwich Drive, and other residents of Norwich Drive, requesting the City to contact the owner(s) of vacant property located in the vicinity of Loop 410 Access Road to Hitching Post and including the streets of Brookhaven, Chisholm Trail and Old Ranch Road and to have the owner(s) clean up and dispose of dry brush and weeds in this area.

October 24, 1975

Petition submitted by Mr. Thomas Jimenez, 154 Tommins Avenue, and other residents of Tommins Avenue, requesting the installation of a sidewalk and curb on the south side of Tommins Avenue.

October 24, 1975

Petition submitted by M. Olivarez, 221 Dartmouth Street, and other residents of the 200 Block of Dartmouth Street, requesting to be advised as to whether the City through its agencies has any immediate plans for the betterment of their area or whether the San Antonio Development Agency is considering the purchase of their properties.

/s/ J. H. INSELMANN  
City Clerk

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There be no further business to come before the Council, the meeting adjourned at 4:20 P. M.

A P P R O V E D

M A Y O R

ATTEST:  
City Clerk

October 30, 1975

