

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, SEPTEMBER 8, 1977.

* * * *

The meeting was called to order at 1:00 P. M., by Mayor Pro-Tem Joe Alderete in the temporary absence of Mayor Lila Cockrell, with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, ORTIZ, ALDERETE, PYNDUS, HARTMAN, STEEN, COCKRELL; Absent: NONE.

77-47 The invocation was given by The Reverend Bob Mikol, Chaplain, Baptist Memorial Hospital.

77-47 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

77-47 The minutes of the Meeting of September 1, 1977, were approved.

77-47 The following Ordinance was read by the Clerk and after consideration, on motion by Mr. Pyndus and seconded by Mr. Steen, was passed and approved by the following vote: AYES: Webb, Dutmer, Eureste, Alderete, Pyndus, Steen; NAYS: None; ABSENT: Cisneros, Wing, Ortiz, Hartman, Cockrell.

AN ORDINANCE 48,460

GRANTING PERMISSION FOR THE ERECTION OF APPROXIMATELY 72 FEET OF 12' HIGH CHAIN LINK FENCE TO SERVE AS A TENNIS COURT BACKSTOP AT 160 COUNTRY LANE.

* * * *

77-47 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Webb, Dutmer, Eureste, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Wing, Ortiz.

AN ORDINANCE 48,461

GRANTING A LICENSE TO DANIEL SAN MIGUEL, SR. TO OCCUPY SPACE OVER, UPON AND UNDER CERTAIN RIGHT OF WAY AREAS ADJACENT TO NEW CITY BLOCK 340, AND MANIFESTING AN AGREEMENT IN CONNECTION THEREWITH.

* * * *

AN ORDINANCE 48,462

CLOSING SAN SABA STREET BETWEEN DOLOROSA AND WEST COMMERCE STREETS ON SEPTEMBER 14, 15, 16 and 17, 1977, DURING CERTAIN HOURS.

* * * *

77-47 The Clerk read the following Ordinance:

AN ORDINANCE 48,463

AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL FROM LANCE, LARCADE AND BECHTOL FOR

PROVIDING PROFESSIONAL SERVICES FOR THE
BEAUTIFICATION OF CERTAIN BUILDINGS IN THE
HEMISFAIR AREA FOR A SUM OF \$5,500.00.

* * * *

In response to Mr. Pyndus' question regarding the lump sum cost, Mr. Mel Sueltenfuss, Director of Public Works, explained that when a building is renovated, it is very difficult to determine what the final cost is going to be. In this case, the architects agreed to a lump sum figure which is certain to be less than seven (7) percent, the usual fee for architects.

After consideration, on motion of Dr. Cisneros, seconded by Mr. Pyndus, the Ordinance was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Wing, Hartman.

77-47 The Clerk read the following Ordinance:

AN ORDINANCE 48,464

AUTHORIZING EXECUTION OF STANDARD PROFESSIONAL SERVICES CONTRACTS WITH CERTAIN ARCHITECTURAL AND ENGINEERING FIRMS TO PROVIDE PROFESSIONAL SERVICES AND TO PREPARE PLANS AND SPECIFICATIONS FOR CERTAIN CITY PROJECTS; AND AUTHORIZING PAYMENT FOR SAID SERVICES.

* * * *

In response to Mr. Pyndus' question, Mr. Mel Sueltenfuss, Director of Public Works, stated that architects and engineers are contracted with on the basis of their experience and ability to perform and whether they are San Antonio taxpayers. Their previous job experience with the City is also taken into consideration. On large jobs, it is necessary to have a company with sufficient personnel to handle the project. He did assure Mr. Pyndus that there are no other considerations, political or financial reasons that enter into the awarding of contracts at all.

After consideration, on motion of Dr. Cisneros, seconded by Mr. Pyndus, the Ordinance was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Wing, Hartman.

77-47 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

AN ORDINANCE 48,465

AUTHORIZING EXECUTION OF FIELD ALTERATION NO. 5 IN THE SUM OF \$20,009.00 AND FIELD ALTERATION NO. 7 IN THE SUM OF \$11,300.00 TO THE CONTRACT WITH FARRELL CONSTRUCTION CO. FOR CATALPA-PERSHING DRAINAGE PROJECT 2-7; AND APPROPRIATING \$79,075.00 OUT OF FUND 41-001 TO COVER THE ADDITIONAL COST.

* * * *

AN ORDINANCE 48,466

ACCEPTING THE PROPOSAL FOR PROFESSIONAL SERVICES FROM TOBIN RESEARCH, INC. TO PROVIDE AERIAL PHOTOGRAPHY AND TOPOGRAPHIC MAPS OF THE MITCHELL LAKE AREA AT A LUMP SUM COST OF \$9,554.00.

* * * *

AN ORDINANCE 48,467

AUTHORIZING THE CLOSING OF KENTUCKY STREET TO ALL VEHICULAR TRAFFIC BETWEEN ZARZAMORA AND ELMENDORF STREETS FROM 8:00 A.M. ON OCTOBER 1ST TO 10:00 P.M. ON OCTOBER 2ND, IN ORDER THAT THE LITTLE FLOWER PARISH MAY HOLD A FESTIVAL.

* * * *

77-47 The Clerk read the following Ordinance:

AN ORDINANCE 48,468

REPEALING SECTION 38-51.1 OF THE CITY CODE RELATING TO THE WEARING OF HELMETS WHEN RIDING MOTORCYCLES.

* * * *

In response to Mayor Cockrell, City Attorney James Parker explained the proposed Ordinance which is necessary to comply with the State Law that became effective on August 29, 1977.

Mayor Cockrell and other Council members expressed concern over the State Statute and cited the many fatal accidents in cases where helmets were not used that have occurred recently in the City.

After consideration, on motion of Mr. Steen, seconded by Mrs. Dutmer, the Ordinance was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

77-47 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

AN ORDINANCE 48,469

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION PERMITTING THE CITY TO USE THE AREA UNDER I.H. 35 BETWEEN SAN FERNANDO AND GUADALUPE STREETS AS A MOTOR VEHICLE AND BICYCLE STORAGE FACILITY.

* * * *

AN ORDINANCE 48,470

ACCEPTING ALLOCATION OF REVENUE SHARING FUNDS FOR THE 9TH ENTITLEMENT PERIOD; ESTABLISHING THE NECESSARY FUND; AND AUTHORIZING THE EXECUTION AND SUBMISSION OF A STATEMENT OF ASSURANCES TO THE OFFICE OF REVENUE SHARING IN CONNECTION THEREWITH.

* * * *

AN ORDINANCE 48,471

AUTHORIZING A REFUND IN THE AMOUNT OF \$3,632.00, REPRESENTING AN OVERPAYMENT FOR GRAVEL PURCHASE, TO THE BEXAR COUNTY TREASURER.

* * * *

AN ORDINANCE 48,472

ACCEPTING THE LOW QUALIFIED BIDS OF CENTURY PAPERS, INC., GRAHAM PAPER CO., AND NATION-WIDE PAPERS TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH CUSTODIAL PAPER PRODUCTS FOR A TOTAL OF \$72,040.30.

* * * *

AN ORDINANCE 48,473

ACCEPTING THE LOW QUALIFIED BID OF STEWART & STEVENSON SERVICES, INC. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH AN IRRIGATION SYSTEM FOR A TOTAL OF \$11,564.00, LESS 2% - 10 DAYS.

* * * *

77-47 The Clerk read the following Ordinance:

AN ORDINANCE 48,474

ACCEPTING THE LOW QUALIFIED BID OF MEDTRONICS, INC. TO FURNISH THE CITY OF SAN ANTONIO EMERGENCY MEDICAL SERVICE WITH EXTERNAL CARDIAC PACEMAKERS FOR A NET TOTAL OF \$25,000.00.

* * * *

In response to Mrs. Dutmer's concerns, City Manager Huebner explained that the EMS technicians perform the insertion of the device which is actually a temporary pacemaker while under radio communication orders from a doctor.

After consideration, on motion of Mr. Alderete, seconded by Mr. Steen, the Ordinance was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

77-47 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

AN ORDINANCE 48,475

ACCEPTING THE LOW QUALIFIED BID OF AMFAC ELECTRIC SUPPLY COMPANY TO FURNISH THE CITY OF SAN ANTONIO CONVENTION FACILITIES WITH ELECTRICAL MATERIAL FOR A TOTAL OF \$6,312.00, LESS 2%.

* * * *

77-47 The Clerk read the following Ordinance:

AN ORDINANCE 48,476

ACCEPTING THE LOW QUALIFIED BID OF CENTRAL DISTRIBUTING COMPANY TO FURNISH THE CITY OF SAN ANTONIO CONVENTION FACILITIES WITH PORTABLE CHAIR RISERS FOR A NET TOTAL OF \$130,964.00.

* * * *

In response to Mayor Pro-Tem Alderete, Mr. John Brooks, Director of Purchasing and Central Supply, explained the proposed Ordinance and described the number of risers which will be purchased by approval of this Ordinance.

After consideration, on motion of Mrs. Dutmer, seconded by Mr. Pyndus, the Ordinance was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

77-47 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mrs. Dutmer, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

AN ORDINANCE 48,477

ACCEPTING THE PROPOSAL OF ACTION COMMUNICATIONS SYSTEMS, INC. TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH SOFTWARE FOR UPGRADE MESSAGE SWITCHER PHASE III FOR A TOTAL OF \$37,408.00.

* * * *

77-47 The Clerk read the following Ordinance:

AN ORDINANCE 48,478

ALLOWING MR. ALFRED FLORES, JR. TO ASSIGN PART OF HIS INTEREST IN THAT CERTAIN LOAN COMMITMENT EXTENDED BY THE CITY OF SAN ANTONIO FOR DOWNTOWN HOUSING.

* * * *

In response to Mr. Pyndus, City Attorney James Parker explained that this Ordinance authorizes the addition of other parties to the contract. He also stated that this will not change the amount of the commitment.

After consideration, on motion of Mr. Pyndus, seconded by Mr. Steen, the Ordinance was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

77-47 The following Resolution was read by the Clerk and after consideration, on motion of Dr. Cisneros, seconded by Mr. Steen, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

A RESOLUTION
NO. 77-47-60

PERTAINING TO THE 1978-1980 TRANSPORTATION IMPROVEMENT PROGRAM (TIP).

* * * *

77-47

AMTRAK SERVICE

Mr. Pyndus asked if an effort could be made to obtain better Amtrak service and scheduling between San Antonio and Laredo.

Mayor Cockrell asked the City Manager to obtain the necessary information and report to the Council on this matter.

77-47 The following Resolution was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mrs. Dutmer, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

A RESOLUTION
NO. 77-47-61

PERTAINING TO THE TRANSPORTATION SYSTEMS
MANAGEMENT ELEMENT (TSME) PROGRESS REPORT.

* * * *

77-47 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Pyndus, seconded by Mrs. Dutmer, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

AN ORDINANCE 48,479

APPOINTING MR. M. C. BELDON TO THE HOUSING
AUTHORITY OF THE CITY OF SAN ANTONIO FOR A
TERM EXPIRING FEBRUARY 23, 1978. (to replace
Mr. Raymond Wells.)

* * * *

77-47 The Clerk read the following Ordinance:

AN ORDINANCE 48,480

APPOINTING CERTAIN INDIVIDUALS TO THE
FIREMEN'S AND POLICEMEN'S CIVIL SERVICE
COMMISSION.

* * * *

Mr. Alfred Castellano -- appointed to replace
Mr. Frank Manupelli for term expiring May 31, 1980.

Rev. William Ellis -- appointed to replace
Rev. Robert Forte for term expiring May 31, 1979.

* * * *

Mr. Wing moved to approve the Ordinance. Mr. Eureste seconded the motion.

Dr. Cisneros asked if this Ordinance could be postponed.

Mrs. Dutmer then made a substitute motion to postpone this Ordinance. Mr. Steen seconded the motion. On roll call, the substitute motion failed by the following vote: AYES: Dutmer, Steen, Cockrell; NAYS: Cisneros, Webb, Wing, Eureste, Ortiz, Alderete; ABSTAIN: Pyndus; ABSENT: Hartman.

On roll call, the main motion to approve carried by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Ortiz, Alderete; NAYS: Steen; ABSTAIN: Pyndus, Dutmer, Cockrell; ABSENT: Hartman.

77-47 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

AN ORDINANCE 48,481

APPOINTING AND RE-APPOINTING INDIVIDUALS
TO THE CARVER COMMUNITY CULTURAL CENTER
ADVISORY BOARD FOR TERMS EXPIRING APRIL
3, 1978.

* * * *

Mr. Melvin Sance -- reappointed.

Mr. John Maxey -- appointed to replace
Mrs. Eulalia Armstead.

* * * *

AN ORDINANCE 48,482

APPOINTING CERTAIN INDIVIDUALS TO THE FORT
SAM HOUSTON GATEWAY NEIGHBORHOOD PROJECT
ADVISORY COMMITTEE. (For indefinite terms).

* * * *

REPRESENTING AREA BUSINESSES:

Mr. F. R. Kirkpatrick
Mr. Rene B. DeWinne
Mrs. Mildred Brown
Mr. William N. Roerink

REPRESENTING AREA CITIZEN ORGANIZATIONS:

Mr. Guadalupe Alcoces
Mr. Orece Greer
Mrs. Elanor Harris
Mrs. Erma McNeil

REPRESENTING OTHER AREA RESIDENTS:

Mr. Patrick Sullivan
Dr. J. C. Bonaminio
Mr. Oscar Ortegon

REPRESENTING THE COMMANDING OFFICER, FORT SAM HOUSTON,
AS EX-OFFICIO, NON-VOTING MEMBERS:

Lt. Col. Martin B. Carson
Lt. Col. A. D. Adams

REPRESENTING THE CITY COUNCIL AS AN EX-OFFICIO,
NON-VOTING MEMBER:

Councilman Joe Webb

* * * *

AN ORDINANCE 48,483

APPOINTING AND RE-APPOINTING CERTAIN INDIVIDUALS
TO THE BOARD OF ADJUSTMENT FOR TWO-YEAR TERMS
EXPIRING JULY 31, 1979.

* * * *

Mr. Frank Sardo, Mrs. Harry Meyer, Mr. Richard H. Keoughan -- reappointed.

Mr. Joe Mendiola -- appointed.

Mr. Ralph Rich, Mrs. Boyce Gaskin, Mr. Arthur Lilley -- re-appointed as alternate members.

Mr. Victor San Miguel -- appointed as alternate member.

* * * *

77-47 The following Resolutions were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Hartman.

A RESOLUTION
NO. 77-47-62

EXPRESSING GRAVE CONCERN AT THE POSSIBILITY OF THE CLOSING OF THE USAF INSTRUMENT FLIGHT CENTER AT RANDOLPH AIR FORCE BASE.

* * * *

A RESOLUTION
NO. 77-47-63

EXPRESSING GRAVE CONCERN AT THE POSSIBILITY OF THE CLOSING OF THE SAN ANTONIO DATA SERVICES CENTER.

* * * *

77-47

DISCUSSION OF THE
INTERIM DEVELOPMENT ORDINANCE

The Clerk read the following Ordinance:

AN ORDINANCE 48,484

AN ORDINANCE AMENDING THE ZONING ORDINANCE, THE SUBDIVISION REGULATIONS, BUILDING CODE, AND WATER EXTENSION POLICIES OF THE CITY OF SAN ANTONIO SO AS TO LIMIT REZONING APPROVAL, SUBDIVISION PLATS, BUILDING PERMIT ISSUANCE, AND WATER SERVICE APPROVALS IN THE AREA KNOWN AS THE EDWARDS UNDERGROUND AQUIFER OVER WHICH THE CITY HAS JURISDICTION, AND PROVIDING FOR AN EXPIRATION DATE OF DECEMBER 31, 1978, FOR SUCH AMENDMENTS AND REPEALING ORDINANCE NO. 48106.

* * * *

The following discussion then took place:

MAYOR LILA COCKRELL: Mr. Manager, would you like to review the procedure again and comment on...if you have any personal recommendations at this point.

CITY MANAGER TOM HUEBNER: Yes, this, of course, has been a subject of pretty intensive discussions both in executive session and in public session. It is my feeling that the Council should approve the amendments to the Moratorium Ordinance, and I think it would substantially improve our position, both from the practical standpoint of controlling development in the recharge area and, in

my discussions with the City Attorney, it would also materially improve our legal standing with respect to the lawsuits that have been filed against us. I would urge that the Council adopt this amendment.

MAYOR COCKRELL: We have received comment from the Planning Commission and also from the Zoning Commission. As I understand it, the comment from the Planning Commission was to recommend the passage although they did take some exception, perhaps, to some of the language in the preamble or the "whereas" clauses.

CITY MANAGER HUEBNER: My understanding was they did not include the "whereas" clauses in their recommendation.

MAYOR COCKRELL: The Zoning Commission, on the other hand, recommended against the adoption of this Ordinance.

CITY MANAGER HUEBNER: That's correct. You should be supplied with copies of the reasons that they stipulated for their action.

MAYOR COCKRELL: All right, Mr. Steen.

MR. JOHN STEEN: I cannot understand why we did not put this into two ordinances because, as far as I am concerned, it is a "no" and a "yes." I want to repeal Ordinance 48106 but I don't want to vote "yes" on the interim ordinance. So, I am left in a dilemma. I will have to vote negative on the whole thing even though I want to vote "no" on one and "yes" on the other. Is there any way that we can divide this into two ordinances?

MAYOR COCKRELL: Let me just say we have had it under review for some time and I think it is a little bit late at this point to try to divide up the ordinance or to have it in separate ordinances.

MRS. HELEN DUTMER: If you vote "no" on the whole thing, John, that puts you in the same pocket as we are as to keeping the Moratorium in existence.

MR. BERNARDO EURESTE: And, then you could be sued.

MR. STEEN: I'll be defeated.

MAYOR COCKRELL: Mr. Pynđus.

MR. PHIL PYNDUS: First of all, I wish to echo Councilman Steen's feelings with reference to including two ordinances in one. First of all, in your absence, I have attempted to get this Council together in a special session to repeal the Ordinance without success. So, I must necessarily vote for this ordinance today; but, I do have reservations and I wish to go into the record that I have reservations with reference to some of the stipulations on the entire Ordinance with specific reference to five acre tracts. I think that the small landowner will be caught in an economic squeeze, unfairly, if the building code is limited to five acres of land. I would like to register that into the record and I will vote for the Ordinance. I am half-way delighted that this Council, after listening to two legal bodies and experts, have decided to repeal an Ordinance that I worked so hard to rescind myself. I think that also should be stated publicly because I don't think it was a good action to be taken by anyone, the Council, contrary to the advice of our City Manager and his staff and his legal staff.

MR. GLEN HARTMAN: I think, regardless of how we got here, I think that we have all gotten to the place where I think all of us wanted to go initially and that was to get this City on the road toward a good land-use development process and that is where we are regardless of what may have been the differences as to how to get there; nevertheless, we are here. I think that this Ordinance puts us into that perspective and I intend to vote for it.

MR. FRANK WING: Madam Mayor, I just want to tell Phil that if two, maybe even four, years ago the members of the different groups that are either for or against this Moratorium had gotten together and come up with something between them, we wouldn't have to had to take this type of measures to protect our sole source of drinking water. I know that you were opposed initially to the Ordinance but the majority of this Council took a positive action to protect our sole source of water and I am delighted that it has come about.

MAJOR COCKRELL: Any other comments that anyone wishes to make?

MR. PYNDUS: Yes, ma'am. First of all, I think the route that you took was quite expensive to the taxpayers.

MR. WING: The route that you could have taken...

MAYOR COCKRELL: O'k, just a second, this is Mr. Pyndus' turn.

MR. PYNDUS: And, secondly, you have made the claim that you have protected the water with the Moratorium and now you are taking and removing the Moratorium. So, on one side, you are saying you have protected the water and, today, you are going to take action to remove that Moratorium and you are making the claim that you are going to protect the water. My point in the past was that, if we can do it legal, and we can do it without violating constitutional rights, fine, let's protect our water. But, I think it has been stated and publicly that it is not a legal act. That was my objection.

MR. WING: We would rather have a million dollar treatment plant to treat the water after it was polluted, though, to prove a legal, viable act or an illegal act.

MAYOR COCKRELL: All right, Mr. Eureste.

MR. EURESTE: No comment at this point.

MAYOR COCKRELL: All right. I am going to say that although I voted against the Moratorium I am going to vote for this Ordinance. I think probably if each one of us were to go through the Ordinance there might be some things that we would personally change and I am sure that that is the case with each person but I feel that we have come to a process. I think it puts the City in a much sounder position and helps us move forward and so I will be voting for it.

MRS. DUTMER: I do not regret my vote for the simple reason that now we know--we have experts that are guiding us whereas before, for 150 years it seems, there have been laypeople form it that its actions, its land-use plans, and other things. We have never come up with a master plan. Now, maybe we will get on with the job.

MAYOR COCKRELL: All right. We have a motion and a second. Those in favor say "aye", any opposed, "no."

AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Cockrell.

NAYS: Steen.

ABSENT: None.

MAYOR COCKRELL: O'k, it could be recorded.

MR. EURESTE: Could we have a roll call?

MAYOR COCKRELL: Yes, you will all be reflected as voting for it with the exception of Mr. Steen who is going to vote against it. All right, that concludes the matter except for the 3 o'clock public hearing. So, at this point, I think we should go to Executive Session and finish some matters there. Then we can come back.

77-47 The meeting recessed at 2:00 P. M., and reconvened at 3:00 P. M.

77-47 PUBLIC HEARING TO CONSIDER CERTAIN CHANGES TO CHAPTER 36 (SUBDIVISIONS) OF THE CITY CODE

Mayor Cockrell declared the Public Hearing open.

No one appeared to speak.

The Mayor then declared the Hearing closed.

The Clerk then read the following Ordinances:

AN ORDINANCE 48,485

AMENDING SECTION 36-24, 36-25 and 36-27 OF THE CITY CODE (SUBDIVISION REGULATIONS) TO DECREASE THE TIME REQUIRED FOR SUBMISSION OF A PERFORMANCE AGREEMENT AND SECURITY THEREFOR AND THE TIME FOR CONSTRUCTION AND INSTALLATION OF SITE IMPROVEMENTS; MAKING A CHANGE IN THE TYPES OF SECURITY AVAILABLE; AND AMENDING PROVISIONS RELATING TO RECORDATION AND EXPIRATION OF PLAT APPROVAL.

* * * *

AN ORDINANCE 48,486

AMENDING CHAPTER 36 OF THE CITY CODE MAKING CERTAIN REQUIREMENTS FOR THE CONSTRUCTION OF WHEEL CHAIR RAMPS AT CROSSWALKS.

* * * *

Mr. Bob Hunter, Director of Planning, explained the proposed changes to the City Code. He explained that one ordinance is a product of the Handicapped Accessibility Program which deals with the revision to the Subdivision Regulations requiring curb cuts in new subdivisions at the intersections. The other ordinance is a change in the Subdivision Regulations relative to plat recordation time. At the present time when a plat is approved by the Planning Commission, the applicant then has three years to file the plat at the County Courthouse and three years after that to make the site improvements on that plat. The new ordinance stipulates that plats must be recorded in six months after approval by the Planning Commission and site improvements completed within two years after recordation. Mr. Hunter stated that the Planning Commission has recommended approval of both these ordinances.

After consideration, on motion made and duly seconded, the Ordinances were each passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Ortiz, Alderete.

77-47 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Pyndus, seconded by Mr. Webb, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Ortiz, Alderete.

AN ORDINANCE 48,487

APPOINTING A BOARD OF EQUALIZATION FOR THE 1977-78 TAX YEAR.

* * * *

September 8, 1977
nr

Scruggs Love -- appointed as member and chairman.

Manuel Chacon and Clarence Williams -- appointed as member.

Donald V. Bouchelle, Sue Weems, and Abe San Miguel -- appointed as alternate members.

* * * *

77-47

REVENUE SHARING

Councilman Eureste asked City Manager Huebner to explain certain items in the memo given to the Council regarding Revenue Sharing.

Mr. Huebner said that one project being investigated by the staff is the Hillside Acres Water System where those property owners who would receive benefits would pay some portion of the costs over a period of years. When the staff has completed its work, a proposal will be given to the Council to consider.

77-47

CIBOLO RESERVOIR PROJECT

Councilman Cisneros brought to the attention of the Council a portion of a newsletter written by Congressman Gonzalez regarding surface water, in particular, the Cibolo Reservoir. Dr. Cisneros suggested that the Council direct the staff to begin the necessary steps to assure that if the Cibolo project is approved that the City will be in a position to begin the project immediately.

Mayor Cockrell stated that direction had been given to the Planning Commission on an overall water master plan for the City, and they are to report back to the City Council.

Mr. Pyndus asked that this matter be discussed at "B" Session next week.

Mayor Cockrell cautioned that the G.B.R.A. water should not be overlooked and should be kept in mind while plans are being made for Cibolo.

City Manager Huebner stated that the staff had been directed previously by Council to identify all the necessary steps to move on the Cibolo project so that if the Council should give its approval of the project the staff would have a plan of action.

77-47

CITIZENS TO BE HEARD

MR. KARL WURZ

Mr. Karl Wurz read a newspaper article that appeared in the San Antonio Light on Sunday, July 3, 1977, written by Congressman Henry B. Gonzalez. The article made reference to taxation without representation and made mention of the City's revenue from the City Public Service Board. (A copy of the article is on file with the papers of this meeting.)

MR. RICARDO GUZMAN

Mr. Ricardo Guzman spoke to the Council regarding the \$237,000 that has been allocated to the Homemaker Health Services. He asked if these monies are going to be used to subsidize an existing program or used as matching funds to secure federal monies.

Mr. Skip Noe, Administrative Assistant in the City Manager's Office, stated that these monies will be used as a match to obtain additional funds to continue an on-going program.

Mr. Guzman was asked to contact Mr. Noe for any additional information.

MRS. BARBARA DUNBAR

Mrs. Barbara Dunbar, Director of Unicorn Children's Playhouse of Theatre San Antonio, stated that their funding from Revenue Sharing has been cut off and asked the City Council to favorably reconsider their request for funds.

Several Council members then stated that quite a number of projects were unable to be funded.

Mr. Eureste stated that there are a number of art groups who would like to have the facilities as provided for the Theatre San Antonio group and asked what arrangements could be made.

Mayor Cockrell asked that the staff check into the lease agreement with the Theatre San Antonio group and report to the Council.

Mr. Pyndus then moved to reconvene the committee on the arts in order to review the programs which were not funded. Mr. Steen seconded the motion. On roll call, the motion failed to carry by the following vote: AYES: Dutmer, Pyndus, Steen; NAYS: Cisneros, Wing, Eureste, Ortiz, Alderete, Hartman, Cockrell; ABSTAIN: Webb; ABSENT: None.

Mayor Cockrell then stated that the staff was instructed to investigate the contract which the City has with Theatre San Antonio and review the possibilities of using CETA workers as a means of providing service.

City Manager stated he will review the contract and report to Council next week.

MR. JOE RAINEY MANION

At the request of Councilman Pyndus, Mr. Manion's discussion before the Council is as follows:

MR. JOE RAINEY MANION: I am Joe Rainey Manion, 134 Cave Lane. I have made some notes which I will go through as briefly as possible and as quickly as possible; but, I would like to say beforehand that, although I have been over at the County for seven months, I am not a County employee, not on the payroll. I am speaking as a citizen, as a concerned citizen. I am addressing the matter of the problem of taxation both for the County and for the City.

I have made a seven-month study of the problems. I have been involved in the taxing, the appraisal, the methods. I have watched the functions of the Board of Equalization. I watch the operations of the Tax Attorney and the people who represent the larger tax payers. I have watched the smaller taxpayers. I have heard their problems. I have had an average of 15 telephone calls per day, after working hours, I have been involved in this very deeply.

I have been unable to contact the members of the Council separately although I have talked to a number of you because I understand you are just as busy as I am. So, I am taking this opportunity to make a short statement as to what I think I may have found out in seven months of looking at the problem. Before I go into this, I will say I believe the system is the problem. The problem was not Mr. Gordon or Mr. de la Garza; it is not anyone else in particular. The problem is the system and the system is what we need to change.

September 8, 1977
nr

I think the first step in the solution of most of the problem is the establishment of a single, unified appraisal and assessing entity including one board of equalization to produce one tax value under the responsibility of one elected official. One way this can be done is Mr. Ben Shaw, the County Tax Assessor, is charged directly by the statutes to assess and collect taxes for Bexar County and also for any city, township, road district, etc. that desires the services for a set fee or for an agreement between the parties. Judge Elair Reeves, Mr. Art de la Garza, Mr. Jeff Gordon, Mr. Carl White, the City Attorney, the Tax Attorney for the District Attorney's Office, and I'm not positive but I believe the City Manager agree that a single entity is the only answer that we have at this particular point.

All of the people that I listed beforehand have publicly stated that they believe the solution is for the Tax Assessor-Collector, who is charged by the statutes to be the man with the final responsibility

I am here to urge the members of the City Council to assign the responsibility for appraisals or assessments to the Bexar County Tax Office retaining a review control of all major tax assessment changes.

This could be very easily done by securing the services of out of town or out of state, two senior appraisers which would cost not over \$20,000 to bring down here; but in the long run would really solve the problem of assessing without pressure.

A computerized appraisal system for 80% of the tax rolls of both the City and the County should be completed in less than two years. I wish to recommend that Mr. Clint Jagge, who is the most experienced computer developer and manager in the United States and who designed and managed the largest computer section in the world at Randolph Field, and I recommend that he be put in charge of the phase of the program which has to do with computerization. Directly under Mr. Jagge, the three senior review appraisers, competent people, not subjected to any pressure, brought in from outside Bexar County, at least two, and completely isolated from politics or financial pressures of all kinds. This way the buck will stop at the door of the assessor-collector who must answer to the electorate every four years.

I believe the time to reorganize is now and that the appraisal section should be reorganized by appraisers--it was not done that way in the beginning. The appraisal book that is being used over there is 30% less than any national appraisal book--Marshal Swift or any of these. The appraisals are low. I am not talking about raising taxes. I am talking about bringing the base up so that the basis can be changed. If the flow in the calculations section is organized by Mr. Jagge, I believe it can be a model of work. We have studied Fairfax, Virginia--they have a beautiful system, it is working and we can do the same thing. Recomputerize every two years all of the values and every one year on all home values.

MAYOR COCKRELL: All right. I think that if you can leave this report with the City Clerk, the Council has had a joint meeting recently with the Commissioners. We need to have a second work session for the Council which I would like to see scheduled, if possible, next week to follow-up to get the Council's own decision-making process in order as to what the Council wants to do next in this direction. But, certainly, we appreciate your comments and we will take them under advisement.

MR. MANION: That was the end of the comments. I just suggested that maybe now is the time to do it. I would like to answer any questions if anyone has any.

September 8, 1977
nr

-14-

MR. EURESTE: Madam Mayor, I really like what has been said here. I could support a C.C.A. if ideas like this were incorporated as far as the goals and objectives for the C.C.A. I think these were items that were talked about when the County Commissioners and City Council members met a couple of weeks ago. I like the fact that this gentleman has come before us to present these ideas at this type of forum and I am hoping that we, as a Council, can take this into one of our sessions and, perhaps, elaborate in more details about it.

DR. CISNEROS: Mayor, I would like to thank Mr. Manion for coming. I also agree with his very sound presentation he has made in the spirit of system which we have to deal with. One of the problems is trying to get that single appraisal and assessing entity. You also mentioned a single B.O.E. Is it your understanding that the law is such that a single board of equalization is a feasible proposition at this time?

MR. MANION: Yes, I have really looked into that in great depth. There are some restrictions, though. The restrictions are, at this point, that it has to be a County Commissioners. Now, the Judge has said that he might want to make a test case to see if someone other than the commissioners, but, I think since the County Commissioners have to come before the electorate also, they should be responsible. Let the buck stop with the people that decide the final thing. So, I would hope that the single board would be the County Commissioners and they could be the board for the City, the school districts, for all the other entities.

DR. CISNEROS: I think there are some serious questions when the City would basically, even though they could be giving up under your proposal, that is to say, make a single attempt to get an assessing and appraising entity at the Bexar County Tax Office and then make a single court of resort here at the Board of Equalization, the County Commissioners, there might be some problems there and I would like to hear some ideas, as you would define this as to how we might be able to make that single board of equalization one that would be responsive to both the City constituency and the County.

MR. MANION: Well, part of that is here. You see that is this three man review board. If there is any major change then the City does not have to accept it, nor does the school district. They really don't have to accept it. But, this proposes the roll and sets the roll up; then the review board can change it.

DR. CISNEROS: Could Mr. Manion be invited to our meeting?

MAYOR COCKRELL: I was going to suggest that because I think rather than try to get into all the details now, we will take it in the study when we are talking about the whole thing. We certainly invite you, Mr. Manion.

MR. HARTMAN: I also think that this suggestion Mr. Manion has advanced here has a lot of merit. I would like to...in fact, we have discussed the need to have a separate work session on this in the Committee meeting last week. I think we did set it for next week. I think this is where we need...I think the ultimate answer must be to have a single place to look. I think that is where we have to go.

MR. MANION: The Assessor-Collector has instructed me to be at the disposal of the City Council for anything that they would like for me to do.

MR. PYNDUS: Madam Mayor, if these remarks can be, I think you taped them, Garland. Do you have much more to report? Because we have taped the remarks, and I would like to hand them to the staff. I met with the Manager this morning with reference to the program and the interim administration that would have to be accomplished because we have lost our director. This is the time, the timing is appropriate, if we want to make this move. I have some objection, or I have been told there is a legal obstacle that cannot accomplish the single board of equalization but the City certainly could make decision on assessments.

MAYOR COCKRELL: Well, I think we could review the whole subject next week and certainly it is one that we need to get with and do in the time...Yes, Dr. Cisneros.

DR. CISNEROS: A quick point to our own staff relevant to preparing for that meeting next week which I hope is more than we are able to begin to get direction and decisions and in preparation for it, perhaps, you could clear up this legal question and present us a number of legal options on how to do the board of equalization question and what all the legal pitfalls are because I hear things on both sides of it and I would like to get a definitive opinion.

MAYOR COCKRELL: I think some of this legal work has already been done and we'll get it brought in. Fine, let's try to move on then.

MR. PYNDUS: Madam Mayor, one request, that we have the County Assessor also at the meeting, Mr. Shaw.

MAYOR COCKRELL: All right. I certainly think we would want to invite anyone that is...

MR. PYNDUS: I would like to have him there also.

REV. F. CLIFTON BYRD
REV. I. W. MITCHELL

Rev. F. Clifton Byrd, accompanied by a number of members of Christian Action for Progress (CAP), addressed the City Council and made certain demands on the Council. He asked that the Council:

- (1) pass a resolution stating that the Council joins CAP in the lawsuit that is now pending against the City Public Service Board, and
- (2) pass an ordinance authorizing the recall of all outstanding City Public Service Board bonds and providing for the issuance of substitute bonds in their place, and
- (3) pass a resolution calling for the resignation of Tom Berg.

Rev. Byrd asked that action be taken on these matters at this meeting.

City Attorney James Parker then reviewed briefly the State Statutes covering the recall of bonds. He also pointed out that the City could not unilaterally change the call date on bonds but would have to get an agreement with the bond holders to recall the bonds and issue other bonds. This is undoubtedly a long, time-consuming process and would be very expensive.

Mayor Cockrell said that she would request the City Public Service Board furnish the Council with a resume of the total outstanding bond debt and how it is split between the old and the new indentures along with an estimate of the number of bond holders there may be.

Rev. Byrd asked that a meeting be arranged with CAP and the City Council to discuss the matter of charter provisions that relate to the City Public Service Board matter.

The entire matter was discussed by all members of the City Council with Rev. Byrd and Rev. Mitchell. It is recorded in full on tape on file in the Office of the City Clerk.

MR. KNOX MILLER

Mr. Knox Miller stated that his property had been annexed into the City in 1974 and he is now paying \$350.00 a year in City taxes. As of this date, he does not receive proper city services and asked if his property could be de-annexed. He particularly referred to water service.

City Attorney Parker explained the legal statutes by which the City can annex or de-annex property. He also stated that the City Water Board can provide water service to Mr. Miller if he is willing to pay.

Mayor Cockrell asked that the staff make a report on the background of this annexation and what services are available to the area since annexation. Mr. Pyndus asked for the City Water Board's comments to be included in this report.

77-47 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Pyndus, seconded by Mr. Steen, was passed and approved by the following vote: AYES: Dutmer, Wing, Eureste, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Webb, Ortiz, Hartman.

AN ORDINANCE 48,4888

ACCEPTING THE RESIGNATION OF CHARLES WILLIAMS, SR. FROM, AND APPOINTING EDWARD WILLIAMS, JR. TO, THE PLANNING COMMISSION. (Term expiring July 31, 1978.)

* * * *

There being no further business to come before the Council, the meeting was adjourned at 5:25 P. M.

A P P R O V E D

Lela Cockrell

M A Y O R

ATTEST: *G. V. Juchacz*
C i t y C l e r k