

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, APRIL 17, 1969, AT 8:30 A.M.

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The meeting was called to order by the presiding officer, Mayor W. W. McAllister, with the following members present: McALLISTER, CALDERON, JONES, JAMES, COCKRELL, GATTI, TREVINO, HILL, TORRES; Absent: None.

69-19 The invocation was given by Reverend Leslie McDaniel, Palm Heights Methodist Church.

69-19 Mayor McAllister declared the hearing open on the proposed combined appraisal system for the City and County. Members of the City-County Cooperative Committee were present.

Mr. Henckel, City Manager, stated that he was not opposed to a coordinating appraisal system for Bexar County. His concern was only that any change in appraisal system that would affect the City of San Antonio should be one that would give the City better service for less money. His one objection is, no reflection on the present County and Tax Assessor Collector, that we have no way of knowing who the future elected County Officials might be. Perhaps the professional appraisors would be replaced by political appointees who were not qualified.

Mr. Henckel stated that Staff recommendation was to have the City-County Cooperative Committee, which was appointed by the Council, and the County Commissioners Court work toward an end where we could have a joint appraisal system. He strongly recommended that a feasibility study be made by professionals before any recommendations were made to the governing bodies as to how it would operate.

In answer to questions from the Council, Mr. Henckel stated the feasibility study would answer questions such as how it would affect our employees. At present the City has fifty-eight people in the appraisal section. Some of these people in particular, Mr. Baker, Mr. Garcia, and Mr. Duke, have undergone extensive study to become qualified Certified Appraisal Evaluator and Certified Personal Property Appraisors. Mr. Henckel said he did not know how many appraisors the County had at this time. The City Budget for the appraisal section alone was \$389,990.00. The appraisal records are in good shape because other governing entities use them as a basis and felt that any new appraisal system for the County and metropolitan area would necessitate a complete re-appraisal of the entire area and would cost in the neighborhood of one and one-half million dollars, however, there are many problems in coordinating area governments especially in the field of appraisals, one of which is a legal problem and Mr. Howard Walker, the City Attorney can explain this to you if you desire.

Mr. Keller, Chairman of the City-County Cooperative Committee, stated he had no particular comment at this time. He does favor a feasibility study. The problem is not an easy one and could not be accomplished at an early date. He and his Committee were present this morning for a briefing and it was apparent to all that the City Council was confronted with a request for action from AACOG on a Resolution which they had presented to the Council some time ago.

The Resolution, as presented, recommended the appointment of cooperative appraisal board with the County Tax Assessor and Collector as the Administrator.

Mrs. Cockrell: May I make a few comments on this? The background of this is that under the Alamo Area Council of Governments, one of the areas in which they were looking into as a possibility of cooperation or coordination was, of course, the field of assessing and collecting. In fact, all of the information systems that we have in the City and that of tax information would certainly be a vital one. The research and planning council sub-contracted with AACOG to do a very thorough study and made a recommendation that the system be developed with the County Tax Assessor as a prime agent. Now, of course, the City does not have to accept this recommendation. If we are all in agreement that we do think it would have advantages to have a cooperative system for pooling of information, I think we ought to move ahead in some direction toward a feasibility study. And if we are not prepared, in other words, to accept the research that has been done we should be prepared to move ahead with some independent research or cooperation with some other agencies. So, I would like to suggest that we ask the Manager to develop a plan for having a feasibility study done from the point of view of the City.

Mr. Torres: We already have a plan, Lila. This was the whole purpose of Mr. Keller and his committee to work on this, to come up with the feasibility study.

Mrs. Cockrell: These are a group of laymen in the community who are dedicated to our community. But I think what is called for, and I think Mr. Keller would agree, they would like some professional help on the development of a feasibility study. Now, I may be putting words in his mouth, but perhaps he would like to work with Mr. Henckel.

Mayor McAllister: Mrs. Cockrell, and Members of the Council, let me say to you that this is a matter that was studied very carefully by the Constitutional Revision Commission and provision has been made in the proposed new constitution for a practical and legal solution to this problem. As it stands right now, I see no opportunity at all for anything at all to effect a practical solution to this problem because it isn't legally possible to effect this consolidation, item number one. Number two, the manner in which the County Tax Assessor-Collector is selected, in my opinion, would negate a satisfactory operational system.

After further discussion by the Council, Mr. Henckel was directed to make a study as to the cost of a feasibility study on the consolidation of the appraisal departments as well

ADDITION TO MINUTES OF APRIL 17, 1969 CITY COUNCIL MEETING:

TOPIC: DISCUSSION REGARDING COMBINED APPRAISAL SYSTEM FOR CITY AND COUNTY.

Mr. Henckel: I would like to clarify a point. My recommendation would be that a feasibility study by a disinterested professional be made so that we could get a real objective look at this. Let's be realistic.

Mayor McAllister: We've been going 40 years or 50 years or 100 years with the present system and we can wait for just six more months to see whether or not the legislature gives the citizens a chance to vote on a revised and streamlined constitution. If they don't, then we can go ahead and set it up.

Mr. James: Have you any idea what this feasibility study would cost?

Mr. Henckel: No sir.

Mr. Gatti: I'm inclined to agree with Mr. Torres and Mrs. Cockrell here. We've got this committee of interested and dedicated citizens. Isn't this what they're supposed to do.

Mr. Torres: Except, so far as legal assistance is needed, and they have our legal staff. It looks to me like you almost have an agency, AACOG, that is telling the County 'what you need is a group of professionals to help you in this thing'. You know AACOG should be the group of professionals to get the contract and of course I don't want to see us get into that particular position. We're almost being sandbagged.

Mayor McAllister: If AACOG wants to pay and employ a group of persons to make the study, we'll cooperate with them.

Mr. Henckel: Of course Mayor, I think whoever would make the study would need to be an expert in this field. A local person or a local organization, as a matter of fact, would receive all of the information into their study as to what the City is doing and what the County is doing and school districts and what other suburban cities are doing. We all look at it from the particular point of the governmental entity we represent. I would be reluctant to put the City of San Antonio in a position where such a movement would result in savings for the suburban cities and the County, but none for the City.

Mr. Torres: Could you get a price from a consulting firm, Mr. Henckel, on what it would cost the City for such a feasibility study? At least, at this point I think Mr. Henckel could contact a local firm and see what the cost of such a project would be. That is from the beginning.

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Mr. Gatti: I guarantee that we will still be consulting in the year 2000 about this thing.

Dr. Calderon: I read a memorandum, I think you all got a copy last week, from Walter Stoneham about this thing and what strikes me is that he says basically there will be no savings as a result of the change.

Mr. Gatti: That's ridiculous. There's got to be.

Dr. Calderon: Because he mentions the fact there will be any number of people involved and there will be no lessening of the number of people involved in the change from one system to the other.

Mr. Gatti: Who said that?

Dr. Calderon: Walter Stoneham.

Mrs. Cockrell: I think the only point where there would be any advantage is the fact that it would look toward an equalization hopefully on taxes on a county-wide basis which we don't have now.

Mayor McAllister: If it is the Council's desire, we can ask Mr. Henckel to make a study and give us a recommendation along that line.

Mr. Henckel: I would just like to make one parting comment. There are other areas of operation that could be consolidated immediately that do not have the legal and administrative problems and I would certainly recommend that our City-County Committee give their immediate attention to those fields and come up with a recommendation to the County.

Mayor McAllister: Why don't you make those suggestions to them and let the Committee study it and we will certainly give it to you, Mr. Keller.

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as other areas of City operation that could be consolidated immediately and the City-County Cooperative Committee give their attention to these and come up with a recommendation for both the City and the County.

69-19

ZONING HEARING:

a. First heard was Zoning Case 3358 to rezone Lot 60, Blk. 24, NCB 1645 from "B" Two Family Residential District to "R-3" Apartment District, located southeast of the intersection of St. Anthony Avenue and Essex Street, having 150' on St. Anthony Avenue and 100' on Essex Street.

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

Mr. Jack Charles, the applicant, explained that he had requested the "R-3" Multiple Family Residential District zoning in order to construct ten efficiency apartment units on the subject property. He will provide adequate off-street parking for the units and explained that while the property is now zoned "B" Two Family Residential District, that the lot was not of sufficient size to support but two duplexes. There is a demand for efficiency type apartments in this area.

No one spoke in opposition.

After consideration, on motion of Mr. Torres, seconded by Mr. Jones, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McAllister, Jones, James, Cockrell, Trevino, Hill, Torres; NAYS: Calderon; ABSENT: Gatti.

AN ORDINANCE 37,410

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY DES-
CRIBED HERIN AS LOT 60, BLK. 24, NCB
1645 FROM "B" TWO FAMILY RESIDENTIAL
DISTRICT TO "R-3" APARTMENT DISTRICT.

* * * *

b. Next heard was Zoning Case 3383 to rezone Lots 9, 10, 11, and 12, NCB 12886 from "A" Single Family Residential District to "R-2" Duplex Residential District located on the east side of Semlinger Road, 300' north of Uecker Road, having a total frontage of 329.19' and a depth of 120'.

Lot 13, NCB 12886 from "A" Single Family Residential District to "R-3" Apartment District located on the west side

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of Loop 410, 300' north of Uecker Road, having 400' on Loop 410 and a depth of 326.67'.

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

Mr. Gordon Davis, Attorney representing the applicant, reviewed the efforts of his client, who is seeking "R-3" zoning on subject property, however, he stated since the completion of IH 410 there has been no further residential development in this area. He submitted a petition to the Planning Commission signed by neighbors in the immediate area all in favor of the request.

Mr. Davis then furnished the Council a plan of the proposed construction.

In answer to questions from the Council, Mr. Davis stated his client did not have a firm commitment from the State as the egress and ingress from the subject property to IH 410. He realized that the problems that existed now would have to be taken care of.

Mrs. A. G. Tuttlebee, a property owner living within the 200-foot area, had signed a petition favoring duplexes and now was informed that he plans to build apartments which she opposes.

After further discussion by the Council, this case was postponed for two weeks to enable the applicant to furnish additional information. No notices need be sent by the Planning Commission to the property owners in the immediate area.

69-19 Mr. Don Garret, President of the Fiesta San Jacinto Commission, presented official fiesta medallions to each member of the Council.

The Mayor thanked Mr. Garrett on behalf of the Council for the medallions.

c. Next heard was Zoning Case 3542 to rezone Lot 22, NCB 13182 from "A" Single Family Residential District to "R-3" Multiple Family Residential District located on the north side of Rigsby Avenue (U.S. Highway 87 - East) 475.85' west of Willenbrock Drive, having 166.0' on Rigsby Avenue and a depth of 408.55'.

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

Dr. Calderon made a motion to approve the recommendation of the Planning Commission subject to the erection of a six-foot solid screen fence along the north property line. Seconded by Mr. James, the following ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill; NAYS: None;

APPROVED:

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ABSTAINING: Torres; ABSENT: None.

AN ORDINANCE 37,411

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY DES-
CRIBED HEREIN AS LOT 22, NCB 13182
FROM "A" SINGLE FAMILY RESIDENTIAL
DISTRICT TO "R-3" MULTIPLE FAMILY RESI-
DENTIAL DISTRICT.

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d. Next heard was Zoning Case 3555 to rezone the north 70' of Lots 1A, 1B, 2A, 2B, Blk. 16, NCB 6374 from "B" Duplex Residential District to "B-1" Business District located on the east side of N. Gevers Street, 55' north of Canton Street, having 70' on N. Gevers and a depth of 100'.

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

Mr. Charles E. Williams, Sr., applicant, explained that he is requesting the change in zone in order to operate a barber shop on the subject property. He would provide off-street parking. The property adjoins other business property. He has been a barber for a number of years and has never had complaints about the operation of the shop. He did not wish to create dissention between himself and his neighbors. Mr. Williams plans to build a California Pine fence across the front of the property along Canton Street. He also owns the property directly south of this lot facing Canton Street. He has lived there over a year and intends to remain there if granted the rezoning.

Reverend C. C. Brown and E. A. Williams spoke in favor of the rezoning.

The applicant then presented a petition signed by residents of the area in favor of the rezoning.

Mrs. Charles McIntyre, 510 Canton Street, also presented a petition signed by property owners in the immediate area all in opposition to the request for rezoning. She stated that they have invested their money in residential property and did not want a barber shop in the neighborhood in that it would reduce the value of their property and would set the stage for other businesses to move in the area.

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Mr. Charles E. Williams, Sr., the applicant, stated that he had, at the recommendation of the Traffic Department revised his plans and that he would not do anything that would be detrimental to the neighborhood.

After discussion by the Council, Mr. Torres made a motion to uphold the recommendation of the Planning Commission and grant the rezoning. The motion was seconded by Mr. Gatti.

Mayor McAllister explained that since a protest petition had been filed, the motion would require seven affirmative votes to grant the rezoning.

On roll call, the motion to approve the recommendation of the Planning Commission and grant the rezoning, failed by the following vote: AYES: Jones, Gatti, Trevino, Hill, Torres; NAYS: McAllister, Calderon, James, Cockrell; ABSENT: None.

e. Next heard was Zoning Case 3556 to rezone Lot 18, NCB 12867 from "A" Single Family Residential District to "I-1" Light Industry District located on the south side of I. H. 10 Expressway (E. Commerce St.) 2467.93' east of W. W. White Rd., having 225' on I. H. 10 Expressway and a maximum depth of 381.58'.

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

No one spoke in opposition.

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

AN ORDINANCE 37,412

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY DES-
CRIBED HEREIN AS LOT 18, NCB 12867
FROM "A" SINGLE FAMILY RESIDENTIAL DIS-
TRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

* * * *

f. Next heard was Zoning Case 3562 to rezone Lot 38, NCB 11715 save and except the northwest irregular 136.62' x 258.90' which is presently zoned "R-3" Multiple Family Residential District from "B-1" and "B-2" Business District to "B-3" Business District, located between San Pedro and Lorene Lane; 200' north of the intersection of Lorene Lane and San Pedro, having 341.95' on Lorene Lane and 450' on San Pedro.

Mr. Burt Lawrence, Assistant Planning Director, explained the proposed change which the Planning Commission recommended be approved by the City Council. He stated that before the Planning Commission hearing there had been opposition, however, now he understands that the applicant has satisfied the opposition and that there would be a 100-foot setback along the Lorene Lane side of the property. A six-foot solid screen fence will be installed along the west property line.

Dr. Calderon stated that he was in favor of granting the rezoning since the applicant has agreed to the six-foot fence and the 100-foot setback.

Mr. Jones made a motion to approve the recommendation of the Planning Commission subject to a 100-foot setback on Lorene Lane and the erection of a six-foot solid screen fence along the west side of subject property. Seconded by Mr. Hill, the following ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Trevino, Hill, Torres; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 37,413

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY DES-
CRIBED HEREIN AS LOT 38, NCB 11715
SAVE AND EXCEPT THE NORTHWEST IRREGULAR
136.62' x 258.90' WHICH IS PRESENTLY
ZONED "R-3" MULTIPLE FAMILY RESIDENTIAL
DISTRICT FROM "B-1" AND "B-2" BUSINESS
DISTRICT TO "B-3" BUSINESS DISTRICT.

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g. Next heard was Zoning Case 3563 to rezone the north-west irregular 136.62' x 258.90' of Lot 38, NCB 11715 being that portion presently zoned "R-3" from "R-3" Multiple Family Residential District to "B-3" Business District, located on the east side of Lorene Lane, 461' north of San Pedro, having 289.45' on Lorene Lane and a maximum depth of 162.87'.

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

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Mr. William P. Dobbins, Attorney for the applicant, stated that the subject property is to be rezoned from "R-3" Multiple Family Residential District to "B-3" Business District, in order to be used in conjunction with the adjacent property that has just been rezoned. His client would have no opposition to a 100-foot setback line along Lorene in addition to a six-foot solid screen fence for protection of the properties along Lorene Lane.

No one spoke in opposition.

Mrs. Jones made a motion to approve the recommendation of the Planning Commission subject to a 100-foot setback along Lorene Lane and the erection of a six-foot solid screen fence. Seconded by Mrs. Cockrell, the following ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Trevino, Hill, Torres; NAYS: None; ABSENT: Gatti.

AN ORDINANCE 37,414

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTHWEST IRREGULAR 136.62' x 258.90' OF LOT 38, NCB 11715 BEING THAT PORTION PRESENTLY ZONED "R-3" FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT.

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69-19

ANNEXATION HEARING:

Mayor McAllister declared the hearing open on the proposed annexation of 33.573 acres of land known as "Park North, Unit 1".

Mr. Steve Taylor, Planning Director, briefed the Council on the proposed annexation which had been requested by the developers, Denton Development Company.

No one spoke in opposition.

Mayor McAllister stated the first reading for publication only would be held on May 8, 1969.

Mayor McAllister then declared the hearing closed.

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h. Next heard was Zoning Case 3565 to rezone Lot 21, Blk. 27, NCB 10328 from "B" Duplex Residential District to "B-2" Business District located southeast of the intersection of Peck Avenue and Hampton Avenue, having 140' on Peck Avenue and 100' on Hampton Avenue.

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

No one spoke in opposition.

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

AN ORDINANCE 37,415

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY DES-
CRIBED HEREIN AS LOT 21, BLK. 27,
NCB 10328 FROM "B" DUPLEX RESIDENTIAL
DISTRICT TO "B-2" BUSINESS DISTRICT.

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i. Next heard was Zoning Case 3579 to rezone Lot 53, NCB 9221 from "B" Duplex Residential District to "O-1" Office District located northeast of the intersection of Mariposa Drive and Blanco Road, having 62' on Mariposa Drive and 127.6' on Blanco Road.

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

No one spoke in opposition.

Mr. Jones made a motion to approve the recommendation of the Planning Commission subject to a six-foot solid screen fence being erected along the east and northside of the subject property. Seconded by Dr. Calderon, the following ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Hill, Torres; NAYS: None; ABSTAINING: Gatti; ABSENT: Cockrell, Trevino.

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AN ORDINANCE 37,416

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY DES-
CRIBED HEREIN AS LOT 53, BLK. 18, NCB
9221 FROM "B" DUPLEX RESIDENTIAL DIS-
TRICT TO "O-1" OFFICE DISTRICT.

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Mayor McAllister was obliged to leave the meeting
and Mayor Pro-Tem John Gatti presided.

j. Next heard was Zoning Case 3584 to rezone Lot 28,
Blk. 4, NCB 6778 from "C" Apartment District to "B-2" Business
District located northeast of the intersection of W. Thompson
Place and Cupples Road, having 95.7' on W. Thompson Place and
200.2' on Cupples Road.

Mr. Burt Lawrence, Assistant Planning Director, ex-
plained the proposed change which the Planning Commission recom-
mended be approved by the City Council.

No one spoke in opposition.

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

AN ORDINANCE 37,417

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY DES-
CRIBED HEREIN AS LOT 28, BLK. 4, NCB
6778 FROM "C" APARTMENT DISTRICT TO
"B-2" BUSINESS DISTRICT.

* * * *

k. Next heard was Zoning Case 3587 to rezone Lot 19,
Blk. 2, NCB 12812 from "Temporary A" Single Family Residential
District to "B-1" Business District located on the southeast
side of Louis Pasteur Drive approximately 240' northeast of the

intersection of Floyd Curl Drive and Louis Pasteur Drive, having 100' on Louis Pasteur and a depth of 250.4'.

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

No one spoke in opposition.

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

AN ORDINANCE 37,418

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 19, BLK. 2, NCB 12812 FROM "TEMPORARY A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT.

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69-19 Mayor McAllister returned and presided.

1. Next heard was Zoning Case 3597 to rezone the west 300' of Lot 3, NCB 14063, being that portion not presently zoned "B-3" from "R-3" Multiple Family Residential District to "B-3" Business District; Lots 4 and 5, NCB 14063 from "R-3" Multiple Family Residential District to "B-2" Business District; Lot 6, NCB 14063 from "R-3" Multiple Family Residential District to "O-1" Office District, subject properties located northeast of the intersection of Mossrock Drive and Woodcliffe Drive, having 318' on Woodcliffe Drive and 822.46' on Mossrock Drive.

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

Mr. Ellis Wilson, Jr., applicant, felt that his request represented good land use due to the various changes that had taken place in this area.

Mr. John McDonald opposed the rezoning and felt that there should be sidewalks constructed in this area.

Mr. Steve Taylor, Planning Director, stated that the property would have to be properly re-platted and that it would

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include a six-foot setback for sidewalks.

Mr. Gatti made a motion to approve the recommendation of the Planning Commission subject to a six-foot setback for sidewalks. Seconded by Mr. James, the following ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 37,419

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF THE WEST 300' OF LOT 3, NCB 14063, BEING THAT PORTION NOT PRESENTLY ZONED "B-3" FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT; LOTS 4 AND 5, NCB 14063 FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; LOT 6, NCB 14063 FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT.

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m. Zoning Case 3564, scheduled to be heard at this time was postponed at the request of the applicant.

n. Next heard was Zoning Case 3572 to rezone Lot 7, Blk. 12, NCB 2070 from "F" Local Retail District to "I-1" Light Industry District located on the north side of Culebra Road 250' east of Williams Avenue, having 50' on Culebra Road and a depth of 156.55'.

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

Mr. Raul Villarreal, Attorney representing the applicant, explained the request was made to rezone from "F" Local Retail District to "I-1" Light Industry District for the purpose of locating the applicant's concrete and asphalt contractor's yard and office on the subject property. The equipment used in this type of business is generally stored on the various jobs. Two trucks would be stored on the property. He further explained that his client was not aware that the zoning was restricted at the time that he purchased the property in May of last year.

Mr. Villarreal stated that Mrs. Elvira Cantu had formerly opposed the request for rezoning and has now withdrawn her opposition.

Mr. Jones stated that he opposed the rezoning due to the fact that business of this type has more equipment and materials to store and would be unsightly.

Mr. Hill made a motion to overrule the recommendation of the Planning Commission and grant the rezoning. The motion was seconded by Mr. Trevino.

Mayor McAllister explained that seven affirmative votes would be necessary to approved this request since the Planning Commission had recommended denial.

On roll call, the motion to overrule the recommendation of the Planning Commission and grant the rezoning, failed by the following vote: AYES: McAllister, Trevino, Hill, Torres; NAYS: Calderon, Jones, James, Cockrell, Gatti, ABSENT: None.

o. Last heard was Zoning Case 3598 to rezone Lot 32 and 33, Blk. 10, NCB 8990 from "C" Apartment District to "B-2" Business District located on the north side of Marbaugh Avenue, 115' west of S. W. 36th Street, having 110' on Marbaugh and a depth of 130.65'.

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

Mr. Jesus Palos, the applicant, stated he requested the rezoning in order to operate a small store and bakery on the subject property. He and his wife reside on the abutting lot. Both he and his wife would operate the business.

Mrs. Ackwood, wife of the Minister of the Miracle Assembly of God Church, located immediately north of the subject property spoke in favor of the rezoning.

Mrs. Alfred Hernandez and Mrs. Hoffman both spoke in opposition to the proposed rezoning due to the fact that this was a quiet neighborhood and it would create traffic on Marbaugh Street, which is very narrow.

Mr. Torres asked that Mr. Vann, Director of Housing and Inspections, inspect this particular area as it was noted there are several junk yards in the immediate vicinity of the subject property.

After further consideration, Mr. Gatti made a motion to uphold the recommendation of the Planning Commission and deny the request for rezoning. Seconded by Mr. Torres, the motion prevailed by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

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Ordinance Number 37,420 void.

69-19 Members of the Administrative Staff briefed the Council on the following ordinances and on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: James.

AN ORDINANCE 37,421

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDATORY CONTRACT AMENDING THE CONTRACT FOR OPEN SPACE PURPOSES NO. TEX OSC-12 (G) BETWEEN THE CITY OF SAN ANTONIO AND UNITED STATES OF AMERICA.

* * * *

AN ORDINANCE 37,422

GRANTING PERMISSION TO THE OWNERS OF GREENBRIAR APARTMENTS LOCATED AT 8535 GREENBRIAR TO ERECT AN 8-FOOT HIGH FENCE ON SAID PROPERTY.

* * * *

69-19 The Clerk read the following ordinance:

AN ORDINANCE 37,228

DETERMINING THAT THE PREMISES LOCATED AT 1307 CHIHUAHUA CONTAINS OR CONSTITUTES A CONDITION WHICH IS DEEMED A NUISANCE, A FIRE, HEALTH AND SAFETY HAZARD, AND DIRECTING THE CITY ATTORNEY TO FILE SUIT IN A COURT OF COMPETENT JURISDICTION TO HAVE THE NUISANCE ON SAID PREMISES ABATED AND TO HAVE THE COST OF SUCH PROCEEDINGS AND ABATEMENT ASSESSED AGAINST THE OWNERS OF SAID PREMISES.

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Mr. George Vann, Director of Housing and Inspections, stated that the property is owned by Mr. Alvino Reyes and Santa Kime who have been notified by certified mail of the hearing this morning.

He stated this is a vacant two story wooden residence structure in a rundown, decayed and damaged condition. He presented pictures of the structure for the Council's consideration. He then reviewed the efforts to have the hazard alleviated and recommended that the Council find the property to be a nuisance, a fire hazard and a hazard to the public health and safety in accordance with the Dangerous Premises ordinance.

Neither the owners or their representatives were present.

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

69-19 The Clerk read the following ordinance and after consideration on motion of Dr. Calderon, seconded by Mr. James, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,424

AUTHORIZING EXECUTION OF A CONTRACT
WITH THE CITY WATER BOARD FOR CHILLED
WATER SERVICE TO THE HEMISFAIR PLAZA
FOR A FIVE-YEAR PERIOD.

* * * *

69-19 The Clerk read the following ordinance.

AN ORDINANCE 37,425

AMENDING SECTIONS 6-31, 6-34, AND 6-37
OF THE CITY CODE, MAKING IT UNLAWFUL
TO PERMIT ANY DOG TO RUN AT LARGE IN
PUBLIC PLACES OF THE CITY, PROVIDING
FOR IMPOUNDING SUCH DOGS, PROVIDING
FOR THE EFFECTIVE DATE HEREOF, AND
PROVIDING THAT ANY VIOLATION HEREOF
SHALL BE PUNISHED BY A FINE NOT TO EX-
CEED \$200, AND PROVIDING FOR SEVERABILITY.

* * * * *

Mr. Joe Sanchez, and Mr. Woodrow Banks spoke in favor of the proposed ordinance.

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The following discussion took place:

Mr. Douthit: Mayor, this ordinance does exactly what Mr. Henckel proposed last week. It is a very short ordinance and basically states that any dog running at large and not under control of the owner and not on a leash, any complainant may swear out an affidavit and the case will be heard in court and provides for a fine not to exceed \$200.

Mr. Torres: Let me just ask Howard something. From the legal side, Howard. . of course Section 1 makes it unlawful for any person to permit the dog to be outside the premises, etc. And then on the prosecution Section 2 the proof varies from what is required in Section 1, doesn't it? In the sense that you would actually have to prove that the dog has bitten or attempted to bite or attacked a person; whereas the thing that's illegal about it is defined in Section 1, permitting the dog to run loose. My question is, shouldn't Section 2 read, that whenever the affidavit is filed that such dog has run loose in accordance with what the provisions in Section 1 call for.

Mr. Walker: Well, it isn't necessary that it read that way. It can read that way if you so desire. Now, this ordinance has to be read in conjunction with the original ordinance which is now being amended. That ordinance is contained in Chapter Six of the Code. It's lengthy and I'm just going to briefly go through it and tell you what the sections provide at the present time. But I would like to preface my remarks by saying that so far no one has mentioned the work being done by our dog pound people and I want to give you some statistics. I think we should all know them. In 1968 the humane officer, and his section, went out and caught and impounded approximately 22,000 dogs. Now, I don't need to point out to you the man hours involved or the cost involved in that type of thing. Of these dogs impounded, 1,000 were subsequently sold. 15,800 were executed. 3,200 were returned to their owners. A few were killed for the purpose of getting a head analysis where there was some belief that they may be rabid. Now, under the ordinance as now written, and before we get into the amendment, we require at the present time that dogs in this town be immunized. We require that they be certificated at which time, whenever you go down to get a license, they also get a vaccination. There's a special section, Pete, on the vicious dog-biting type of thing that you mentioned. We haven't changed that. That is found in Section 6-34. In 6-35 we have previously provided that any dog who bites is subject to confinement and there is the present section which permits the person bitten to take that particular case into the Corporation Court. We have not changed that. Section 6-37 provides for the impounding of dogs. We haven't changed that. Section 6-39 provides for the redemption of dogs. And there are certain requirements for that. It costs you \$3 and a lot of other things you have to do before you get your dog back. If he hasn't been vaccinated, if he hasn't been licensed, you don't get him back

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until he has been vaccinated and he has been licensed and you pay the fee. 6-40 provides for the sale of unredeemed dogs. They can be sold for \$3. The owner can buy them back from a purchaser, upon payment to the purchaser of the \$3 that the purchaser paid to the City. Section 6-41 provides for the disposition of dogs that have not been redeemed, which have not been destroyed, and have not been returned to the owner. Those dogs may go to the vivisectionists. 6-45.1 gives the Director of Health the right to enter upon private premises, particularly now we're concerned about dogs which may be rabid. We haven't changed that. Now what we have changed, and the only thing we have changed, as a matter of fact, is that in Section 6-31 we have amended it to provide that "any dog," now, caught running at large. Originally it says, "any unregistered dog." Now it doesn't make any difference whether the dog is registered or not--whether he's had his shots, whether he's been vaccinated, whether he has a tag on him or not. If he's found running at large, under the old law, he may be impounded. We haven't changed that. But under the new law we make it a penalty against the owner. And he can be charged \$200, if you pass this thing, for allowing his dog to run out. Now I don't need to point out to this Council--if you stop and think about it a couple of moments--the enforcement of this type of ordinance is extremely difficult. And, I'll tell you why. Cincinnati has perhaps, and I think, as good a dog leash law as we've found any place. They've amended it and amended it and amended it, trying to make it work. Now you run into this type of proposition. A dog is running at large and he's digging in your flower bed. And you're unhappy with him. And you think it's my dog or that I have a dog that looks something like him. And, you come running down here and you file a complaint at Corporation Court. And this provides for this now. And you run into the question of proof. The Corporation Judge, the first thing he's going to say, "I want to know the proof that this is Howard Walker's dog." Now you haven't caught the dog. If you had caught the dog you could check his tag which is registered here, and the tag would show that it didn't belong to Howard Walker. It belonged to somebody else. But my neighbor doesn't like me and he's going to get even with me for other grievous things he has in his mind, and he's going to take it out on me because of my dog. Now this happens in every dog license law in the country. And so you have a proposition of enforcement. First of all, to enforce an ordinance of this kind, you have to prove that the dog that is out belongs to the man you're filing against. And you can't just come in and say, "That's his dog because I know it." You've got to prove it. Supposing he comes in and says, "That's not my dog. My dog wasn't out that day." Now it's going to require proof. These things are hard to prove. Number One; this is the reason the City Manager was so insistent--and I think advisedly so--that if you're going to attempt to go against the owner of the dog, come on down and swear out your complaint. Because you can't have your policemen, and everybody else, running out there trying to run down a dog

that was there five minutes before digging up your yard that's no longer there now. We couldn't hire enough men to do that kind of work. Anyway, that's what Section 1 does. Section 1 now permits the humane officers to pick up any dog--I don't care whether he's licensed or not--and impound him and then we go through the regular routine of the ordinance we already have which I have explained to you. Section 1 also provides that the owner himself may be fined on. Now if you can prove it, you have a case. If you can't prove it you don't have a case, and you can't put anything into an ordinance to make a case unless you have the proof. On Section 2. We amended that section of the Code to equalize the penalty. Under the old section, if a person was bitten by a vicious dog, that person had a right to come down to the Corporation Court, swear out a warrant, and if he could prove it, the Corporation Judge had a right to charge him \$50 maximum. Now that was somewhat in conflict with other sections of the Code, so we've changed that to make that now the same penalty we have on all the rest, a maximum of \$200. That's the only change that Section 2 does.

Mr. Trevino: Mr. Walker, is there any particular reason why it wasn't changed here where it says, "To make the owner kill or remove such dogs. ." In Section 2, that the judge of Corporation Court, when it's proven that such dog has bitten any person that they direct the owner of such dogs to kill or remove such dogs from beyond the City limits.

Mr. Walker: That's correct.

Mr. Trevino: Well, is there any particular reason why they should kill but not remove?

Mr. Walker: Why it was not removed? No reason why, as far as I'm concerned. That's the way the law reads today. I just left it that way. If you want it changed, why change it.

Dr. Calderon: That's the way it's always been.

Mr. Walker: Section 3 provides that the Director of Health shall have the authority to impound the following: Now the only real change there is Sub-section 1. "Any dog found running at large." Originally, it read "unregistered dog found running at large." Those are the only changes you have in this ordinance.

Dr. Calderon: According to that Sub-section 1, Mr. Walker, is the authority given more or less permissive? Because the dog's running at large or imply that an obligation on his part to utilize the animal shelter to pick up every dog running at large.

Mr. Walker: Now the ordinance is intended to apply to all dogs found running at large. Now I grant you he may have to have more help to pick up all dogs found running at large. I don't know.

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Mr. Jones: Does this make it obligatory that the City pick up these animals?

Mr. Henckel: I would like to make a comment. That would be a question of administrative ordinance, whether or not we would pick up all animals. It certainly would give us the right to, but the administrative order at this point would only be to pick up unlicensed dogs.

Dr. Calderon: I think this point will have to be made clear. Otherwise we would find the animal shelter getting all kinds of calls, requesting that dogs be picked up.

Mr. Henckel: I think as far as the legality of it is concerned, the attorney can correct me, but it has to be that way. But that is a question of administration as to what dogs will actually be picked up by the animal wardens. I think at the time an administrative order is issued it will be in writing and will be given to the press and there will not be any misunderstanding.

Mr. Walker: That is correct, Dr. Calderon. In order to pick up any dog you're going to have to have this correction in here. If you don't have it, under the present ordinance, you can only pick up the unregistered dogs. Whether or not we have personnel to pick up all dogs I don't know. That's administrative.

Mr. Torres: Of course you don't have personnel to catch all speeders and to catch all thieves and to catch all burglars. You know, this kind of thing is academic, too. My principal inquiry, Howard, was whether this proposed Section 6-31 worked independently of the proposed amended 6-34, which is the case. The complaint specifies that the dog is loose in the streets. The affidavit, that is. Excuse me. I'm talking about 6-31 now. Under 6-31 this would be in the nature of a separate complaint. We're talking about two separate offenses, right? One under 6-31 and one under 6-34. Okay. I, of course, Mr. Mayor and fellow Council members, previously commented to the Council that I thought that we ought to start making an effort toward reaching the kind of regulation that some of our good postal employees have been pushing for. Since then, I have talked with a number of people who work for the City Public Service Board, the water system, all of whom have to work out in our public streets. We saw an example last week of a couple of young children who, in their own yard, had been ravaged by animals. I have mentioned to the Council before that we have a number of senior citizens who have sought to have us pass an ordinance that would begin to regulate the problem of dogs playing havoc on our public streets. I think this regulation is necessary, and I realize that too often we are subject to criticism when we continue to pass laws that we can't enforce. And yet the fact is no law on the books is completely enforceable. There has to be a willingness on the part of the populace to want to voluntarily comply. We can look

back at our Equal Employment regulations on the federal level. We even find examples of voluntary compliance sometimes in the matter of speed and other traffic controls, because we don't have enough police officers to police the streets to enforce all the traffic regulations. This is one of the regulations that, yes, would be difficult to enforce, but it's a beginning to correct a dilemma with which we are confronted, which we have been confronted, in the community. I want to compliment the staff on preparing a good ordinance, I think. And I believe Mr. Henckel agreed that if citizens come in, people who are complaining come in and they file a complaint that there would be not only a sanction on the part of the people using our Corporation Court and filing a complaint, but a psychological sanction in effect. I would speak in favor of the ordinance and I would move for its adoption at this time.

Dr. Calderon: Mr. Mayor, I of course would concur that we should pass the ordinance. I would only like to comment in respect to the wording in Section 1, 6-31, about the middle of the page where it says "or such other persons as would reasonable control . . ." It seems to me that if we don't discuss it, why the chain or the rope or the cord must be used to restrain the dog. And we leave this additional sentence here that it would again be most difficult to determine whether the owner does, in fact, have reasonable control of the animal.

Mr. Gatti: Difficult to control . . .

Mr. Walker: Mr. Mayor, the reason for the language in researching this thing, we discovered that in some towns they ran into this problem. People were going downtown, leaving their dogs confined, untied however, inside of their closed automobiles. In those cases, when the City attempted to enforce the real letter of the law, he was not tied, he was not chained, but he certainly was confined. The courts were inclined to throw the complaint out. So we decided that perhaps we had better make some leeway here, that if a person wanted to take his dog downtown and keep him confined in his automobile, for example, it would be considered within the restrain and control of the owner. But you can always strike that out.

Mr. Jones: Mr. Mayor, I would like to offer an amendment to the proposed ordinance to Section 1. Where it says "dog" to change the word to "animal" under Section 1.

Mr. Torres: How about "dog or any animal"?

Dr. Calderon: And cats too?

Mayor McAllister: Mrs. Cockrell, you wanted to say something?

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Mrs. Cockrell: Well my only concern is whether, is what we're really passing here. After the City Attorney's comments about how difficult it's going to be to get any sort of a conviction, I think we're giving lip service to something here that's not really going to amount to anything. I think we've got some postal employees back here who thought they were going to get a dog leash ordinance. And I don't know that they really are out of this.

Mayor McAllister: Well, I'll express myself since the motion has been made and seconded. I will vote against the motion, not because I'm opposed to a dog leash law, but because I think we're acting precipitously. We haven't had time enough to study this. Frankly with merely adding the amendments and not knowing, or having the opportunity of reading the law itself I don't know what kind of a mess we're getting into. It seems to me that we could give consideration to the passage of a law that would make it impossible or would make it illegal for an individual to have a dog that is running free outside of the premises. And that dog would be picked up and taken to the pound. In the event the individual had had his dog vaccinated or inoculated he would have a tag on it. The tag would state the name of the owner and the telephone number. Then when the dog is taken to the pound, and it is a tagged dog, it would be the responsibility of the pound to keep that dog for three days--and immediately get in touch with the owners--so that the owner would have a chance to recover that dog. But as far as the untagged dogs are concerned, there's no way by which the owner could be notified and they could be disposed of. But as we've got this ordinance here right now, we're, I don't think we really know what we're doing.

Mr. Torres: Well, we've been dealing with this matter for the past year, Mr. Mayor. We tabled it one time and then we started reconsidering this six weeks ago, and we have on numerous occasions promised the owners that we were going to take some action on it. This is an ordinance that was prepared by our staff and I'll reiterate my comments that of course Mrs. Cockrell doesn't know what we're passing. There is a question in the minds of the Council, and yet we have had enough time, I feel, to study the matter.

Dr. Calderon: Of course last week the idea was to have copies of this made for the proponents and the opponents. And at this point we have not heard from them as to their reaction. . .so we seem to be assuming that everyone concerned is in favor of this action . . . otherwise, why pass something that not even they want?

Mayor McAllister: Mrs. Kenny? Mrs. Kenny asked to be heard so let's hear from her now.

Mrs. Kenny: Mr. Mayor, members of the City Council and Mrs. Cockrell: I fear that Mr. Torres is courting a union vote and a union lobby on his continuing insistence upon the

law. I believe that the man who created an emotional scene by bringing his two grandchildren in that what it boiled down to was that this was a former candidate for the City Council running on the ticket of a dog leash law. I also believe that the child that he said was attacked in her own yard had her eyes scratched. The other child he did not say was attacked in her yard--the child that was bitten. He said that the reason why this dog attacked his child, or his grandchildren, was that there was a dog in season running loose. Now, the bitter opponent to dogs that this individual is, I'm sure he's fully aware of the City law that reads that any dog that is in season, or any vicious dog, is absolutely not allowed or not permitted to roam at large and that he could turn them in and have them picked up and the owners could be fined. That is also a section of the present City Code. Mr. Walker omitted in his description, I'm sure for the lack of time, that it is not only a dog that bites but any dog that attacks or attempts to attack may also be picked up. And I think that in that section of the City Code it says that just a sworn affidavit to the Corporation Court judge will bring a fine up to \$50 and on the discretion of the judge the dog could be destroyed or removed from the city limits. All of this our opponent had access to these facts just as I did by going to the City Library and reading the City Code. Now a few months ago, I believe it was 2 months ago, one of my neighbors came down to the building permit department of City Hall and applied to build a fence out to the street. She has a small child and a dog to protect the child and this is one where the teenagers have cut back and forth across her yard. With the cars ruining her lawn, she was afraid the child would be hurt. She was turned down. City Building ordinance does not permit, does not allow you to build your fence out to the front street. Now if this ordinance is passed, in which any dog--licensed or unlicensed--will be picked up and the owner fined up to \$200, then I think it should include an amendment that would allow us to run our fences out to the street in order to protect our own property and our children and ourselves. I've told you of the depravations that have been committed in the front yards because of being unable to have dogs to protect you. Now our postmen are complaining that they are being bitten on the job. All jobs have great dangers. The greater the danger usually, the greater the pay. My son presently is engaged in a job that is taking him to Vietnam. On a couple of occasions he has been in front lines. That was part of his job. He didn't ask the law to stop it. It was part of his job. I have a cousin that's a roughneck on a well and bolts and things drop. These dangers go with jobs. I would say that City Councilmen face danger every day in their job. Under your new ordinance, if a burglar or a prowler wants to get rid of a dog when he wants to break in, all he has to do is slip the bolt of the gate and walk on down. The dog is gone . . . complained, the dog will be picked up. Two days ago I saw my neighbors' dog, they're very good friends of mine, a doctor and his wife--the doctor is practicing and the wife is at work. And they have a beautiful bird dog and it's valued at about

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\$150. And the dog was loose on the street. The dog was desperately trying to get back in. He was lost. One of the exterminator men had left the gate open. Two blocks behind I saw the dog catcher coming. I took the dog into my yard and kept it. I didn't interfere with the work of the dog catcher, but I knew the dog. I knew that he was vaccinated, and was accidentally let out. So I kept the dog until the owners came home. I have a new little dog myself. I told you that mine had just been killed. This puppy, in the last week, has been out of the house. I find him at the front door. I've had the exterminators in checking. They've been letting him out. One time, my neighbor next door came in and left the door open, the dog has been out. I'd hate to be fined \$200 because that dog got out. Now you, Mr. Torres, who are representing, you say, the poor of this City.

Mr. Torres: Excuse me. I might correct you. I have never said I represented the poor. I'm elected by all people including your area.

Mrs. Kenny: I understand that. But my son said that you were the champion of the poor. I am quoting his word from an interview with you. He's a great admirer of yours, I must say. Let's get back to this. If you take this ordinance and put it on the books, then there is no one in this town that has a dog that lives in a rented house that can have a dog because they can't put a fence up. The house doesn't belong to them. We have several rent houses. Some are fenced, some aren't. But the tenants are not allowed to put up chicken wire fences or other fences to contain the dog in their yard. There are many people who are too poor to put up a fence. You're depriving everyone of those people of a dog because they can't have one. Any dog, the way the new ordinance reads, licensed or unlicensed, tagged or untagged, can be picked up and the owner fined up to \$200. So you're depriving every poor person of this town that can't afford a fence a dog. Every renter that can't afford a fence can't put up a fence--you're depriving all of them of a dog. Now I'm asking just two things of the City Council. If you decide to pass this ordinance, please put it up to the vote of the people not just to the vote of the Council. And the second thing, if it goes into effect to please amend building restrictions so that we can extend our fences to the front. Thank you.

Dr. Calderon: Mr. Mayor, I think we should confine our discussion not to the pros and cons of the leash law but as to what the people want. This discussion, for and against, I think the basic discussion in respect to this particular ordinance, where the people here are for or against.

Mr. Joe Sanchez: Mr. Mayor, members of the Council: I have no political ambition. I don't have any rent houses, and I do my job every day. I have for the past 20 years as a carrier, a letter carrier. I will say one thing that I'm not only for myself or our group but for the children. That we have stated again and again. Now what I'd like to do now,

I'd like to compliment Mr. Walker and Mr. Henckel for the outstanding job that they did on this proposed dog leash ordinance. I feel that this law will be beneficial to all citizens. And it is one that the City can enforce efficiently without additional costs to us, the taxpayers. For this reason, I'm up here today asking that the ordinance be passed. Thank you.

Mr. Gatti: Mr. Walker, may I ask a question? Under Section 1, if the dog is picked up, belongs to me, let's say. There can be no prosecution unless someone files a complaint. Is that true?

Mr. Walker: That is correct under Section 1. Yes. Now your dog can still be impounded, you understand. There will be no prosecution of you unless someone files a complaint and proves that it's your dog. You have to prove it's your dog. The old code provides that. You have 48 hours--they hold the dog for 2 or 3 days; it's all spelled out.

Mr. Gatti: The chances of the citizen who owns the dog being prosecuted under this ordinance are fairly remote, aren't they?

Mr. Walker: Well, Mr. Gatti, I can't say just . . . it would depend on just how mad the person is that wants the prosecution. If he's highly hostile and irate he can, of course, come down and file a complaint. Now I'll grant you, generally speaking, if my dog's in your yard and you call up the humane officer and he comes out and picks up that dog, you're probably going to come down and file. But say you call him up and he comes out and the dog is gone, he's left. And he says to you, "Well, I can't come down and file for you. I can't prove whose dog it is." However, you can come down and file the complaint. You'll be put under oath and you'll have to testify. That's the way it's done. However, in many cases it will not be done.

Mr. Henckel: Just to clarify that, there will be an administrative order that we will not pick up any dogs unless they are unlicensed and we will not prosecute anyone unless a citizen files a complaint.

Mail Carrier: Mr. Mayor and members of the City Council, I have read the proposed ordinance by Mr. Henckel and found it to be satisfactory. It is not as strong as I wish it to be, but it's something to start with. And in answer to the lady, people who can't afford fences will be able to afford to buy a chain or a strong rope. I would like to remind the lady that most of us letter carriers, and speaking for myself, we have all been overseas employed in wars at one time or another. And let me ask the lady, if the lady could prevent the war to prevent her son from going to fight, would she not prevent it? Or would she let it go on? Thank you.

Mayor McAllister: This gentleman right here.

Mr. Eddie Montez: Thank you, Mr. Mayor. My name's Eddie Montez. I live at 1806 Valencia on the west side. I am against the ordinance. I feel that it's going to create a hardship on a lot of our citizens, especially the poor. I know I had a Dalmatian dog for two or three years and she's jumped the fence. And right now I have a Boxer that belongs to my neighbor that comes over to my yard and once in a while knocks over the trash can which I'm willing to pick up in the mornings because we do have thieves in town. And I'm always glad to have a dog around. Another thing, you're going to deprive a lot of young children that love dogs from having a dog because I know, I would deprive my children from having a dog because we do get larger dogs and they jump the fence. Another thing, we have some figures here for you that we have taken time out and I'm not running for no public office. I am a politician. I have a lot of mailmen that are friends of mine, you see some of them that have their own dogs going with them on their routes. There's chemical pencils that postmen can buy for their protection that are legal at this time. And for this reason I think that you have ordinances on the books now that are strong enough and you cannot enforce them because of lack of money, lack of personnel at your Health Department and I hope that you will consider all these facts that will be presented to you right now by Mr. Ronnie Rideout right now.

Mr. Torres: Have you read the proposed ordinance, sir?

Mr. Montez: Yes, we have, Mr. Torres.

Mr. Torres: When you say "we," what group or organization?

Mr. Montez: Individuals, sir. We're citizens just like the postmen here in town.

Mr. Torres: I realize that, but I was just curious that you had an organization against the dog leash law.

Mr. Montez: Yes, we are against the dog leash law, because we feel that we're going to leash dogs that get the skunks, the possums, the bats that carry rabies in our community. I think that those should be leashed too.

Mayor McAllister: Mr. Banks?

Mr. Woodrow Banks: Honorable Mayor, and Council members. I'm Woodrow Banks of 3815 Manchester Drive, and I am here for a citizens group for a dog leash law. The lady who was up here a while ago--I want to correct her in her statements that one little girl was sitting here, the first one; that wasn't my grandchild. That was mine. She was attacked in my own yard. Now I didn't finish the story on that. On

April 1, 1968, she was attacked in the yard and I went to City Prosecuting Attorney's Office in the Police Department and tried to file a complaint due to the fact that that dog was in season and there was eight dogs following. The answer I got, "Do you have a veterinarian's certificate to certify that that dog was in season?" Mr. Walker, I contacted his office; remember?

Mr. Walker: No, I don't. I do know this. If the dog's in season you've got to prove it.

Mr. Banks: That's right. Now, they told me to go back and get a certificate from that owner and take it to a veterinarian and have it examined and then they would file the charges. That's your ordinance that's on the books right now.

Mrs. Cockrell: May I ask Mr. Banks a question? What is your opinion of the proposed ordinance? Do you think this will be a benefit? Or how do you feel about it?

Mr. Banks: It's a step forward. We've been on dead center all these years and it's a step forward. We support it.

Mr. Gatti: Mr. Mayor, we could sit here from now till the year 2000 and we're never going to get any different reaction from pros and cons. It's time that the Council lays itself on the line and either votes for or against it. We've got a motion and a second. The clocks stops here. Let's decide one way or another. And I would like to say that just because a person is for a dog leash law doesn't mean he's against dogs.

Mr. Banks: I agree with you, Mr. Gatti. My daughter has a toy poodle that I paid \$45 for and you won't see that on the street or out of my yard. But the other little girl that was bitten in the mouth and the bridge of her nose, that dog was picked up on the 9th day of March, put in a civilian hospital for observations and the woman did not receive anything from the City until March 31. And she was about to go out of her mind and she got a hold of me to trace it down and they're supposed to have those reports in 10 days. It's a lax law . . . and we support the recommendation.

Mayor McAllister: The Council is calling for that question. I'm sorry sir, but the question is being called for. All right, no further discussion. The motion is that this ordinance be adopted concerning the dog leash law.

Mr. Walker: Mr. Mayor, one thing to point out. Section 7 of this ordinance has allowed the date of effectiveness to be determined by City Council. It will not automatically go into effect until you make a determination in case you pass it and when it is to go into effect.

Mr. Torres: How soon can it go into effect, assuming it's passed?

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Mr. Walker: It can go into effect in 10 days. So if you decide, for example, we'll have to change, this ordinance shall become effective the blank day of July, it says now. You see, when this thing was proposed last week it was indicated that we were going to bring an ordinance in here. The public would then be advised as to its contents and so we put in this ordinance in order to comply with that thinking a date ahead. Now, if you're going to pass it today, we will have to amend Section 7 to say "this ordinance shall take effect from" something like that or just passed and approved if you want.

Mayor McAllister: I suggest to the Council that they allow at least 30 days so that copies of the complete law may be made available for them so that they can study it. You'll find many things in this that are entirely impractical. What's your pleasure?

Dr. Calderon: Don't you think 90 days would be unreasonable?

Mr. Gatti: Would you say 30?

Mayor McAllister: I don't care what you make it. Just allow yourself a little time to think about it.

Mr. Torres: You've got July on there; the first day of July.

Mayor McAllister: Okay.

Mr. Jones: You mean this makes it effective the first of July? What about my motion for a change in Section 1?

Mr. Gatti: You didn't get a second.

Mayor McAllister: Okay. The motion is that the amended ordinance be adopted effective July first. No further discussion. Call the roll.

On roll call the ordinance was passed and approved by the following vote:

Ayes: Gatti, Trevino, Hill, Torres, Calderon, and Cockrell. Nos: McAllister, Jones, and James. Absent: None. Mrs. Cockrell stated that she was going to vote aye but thought it a very weak ordinance, but was willing to give it a whirl.

Mayor McAllister: Mr. Walker, can you have a, since it's such a lengthy thing, couldn't you prepare a full complete ordinance for the members of the Council and have enough available in case any citizens is interested.

Mr. Walker: Of course, that can be done.

Mrs. Joe Kenny spoke in opposition to the proposed ordinance.

This ordinance had been discussed on various occasions by the Council and after additional discussion by members of the Council, Mr. Torres made a motion to approve the ordinance. Seconded by Mr. Gatti, the ordinance was passed and approved by the following vote: AYES: Calderon, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: McAllister, Jones, James; ABSENT: None.

69-19 Members of the Administrative Staff briefed the Council on the following ordinances and on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,426

AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE IN THE NAME OF AND ON BEHALF OF THE CITY OF SAN ANTONIO AN APPLICATION TO THE FEDERAL WATER POLLUTION CONTROL ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF THE INTERIOR FOR A RESEARCH AND DEMONSTRATION GRANT TO PARTICIPATE IN THE RESEARCH DESIGN AND CONSTRUCTION OF A SEWAGE TREATMENT FACILITY TO ELIMINATE VIRUS FROM MUNICIPAL SEWAGE.

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AN ORDINANCE 37,427

AMENDING THE 1968-69 BUDGET; AUTHORIZING THE PERSONNEL COMPLEMENT AND PROVIDING FUNDS FOR THE BALANCE OF THE FISCAL YEAR FOR MODEL CITIES DEPARTMENT.

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AN ORDINANCE 37,428

AUTHORIZING APPROVAL OF THE MODEL CITIES INTERIM BUDGET FOR THE PERIOD MAY 1, TO JULY 31, 1969.

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AN ORDINANCE 37,429

AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH THE PARTNERSHIP OF WILLIAM HIGBIE AND MILTON STAUDT DOING BUSINESS AS H. & S. ENTERPRISES FOR LEASE OF BUILDING NO. 401 AT HEMISFAIR PLAZA FOR ESTABLISHMENT OF A RESTAURANT.

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AN ORDINANCE 37,430

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH R. A. CORTEZ, SR., DOING BUSINESS AS CORTEZ ENTERPRISES FOR LEASE OF BUILDING NO. 511 AT HEMISFAIR PLAZA FOR ESTABLISHMENT OF AN ICE CREAM PARLOR.

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69-19 Mrs. Cockrell stated she had asked the Staff to prepare an inventory of personal property and a planned disposition of personal property that the City had acquired from HemisFair and how the Staff intends to reimburse the Tower Fund.

Mr. Gerald Henckel, City Manager, stated that the City has the complete inventory of the HemisFair property; however a complete report is not ready at this time because the City is in the process of transferring some of the property to the various City departments to replace the old office equipment. In addition, the City Water Board is making a determination on how much of this property they can use. Mr. Henckel stated the suggestion has been made that the remainder of the property be sold in one complete lot along with the old office equipment from the various departments.

Councilman Torres asked Mr. Howard Walker, City Attorney, when the suit against San Antonio Fair and the City would be tried.

Mr. Walker stated the suit is scheduled for June 14, 1969.

Mayor Pro-Tem Gatti stated he would like to have a conference on administrative matters immediately after the meeting with the rest of the members of the Council.

