

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, FEBRUARY 15, 1968 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 GATTI, MRS. COCKRELL, TREVINO, PARKER, TORRES. Absent: NONE.

The invocation was given by Dr. Edwin L. Kirtley, Alamo Heights Christian Church.

The minutes of the Regular Meeting of February 1, 1968, were approved.

68-112 The Mayor made the following statement:

The City of San Antonio is a fast-growing entity, taking her place among our nation's most important cities. It is essential that all uniformed and civilian personnel of our City be recognized for their role in making this development possible.

After giving considerable thought to some of the problems facing the City of San Antonio in the field of employee relations, I am recommending that the City Council authorize me to appoint a Citizens Advisory Commission on Municipal Employees.

The Commission's responsibilities would include the following:

- (1) To evaluate the overall attractiveness of municipal employment in the various departments and grades, and recommend programs for improvements where necessary.
- (2) To study the personnel pay plan and recommend adequate salary goals where they are determined to be inadequate at present.
- (3) To review the fringe benefits program of municipal employees and make recommendations for any needed changes.
- (4) To inquire into the financial ability and resources of the City that could be made available to pay for any expenditures which the Commission recommends.

- (5) To evaluate the public image of all municipal employees and how this can be improved.
- (6) To review grievance procedures and make recommendations for any further changes needed.
- (7) In general, to suggest those reforms which will give municipal service an aspect of professionalism and career endeavor.

The Commission's study should be conducted with full statistical of experience in other cities of size comparable to San Antonio, including salary plans, fringe benefits, number of municipal employees in relation to population overall budget figures in relation to population, and any other fiscal data which might be of assistance to the Commission.

In all its work, the Commission should keep in mind the goal of municipal employees, which should be to maintain at a high level of efficiency the various services performed and provided by the City of San Antonio.

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Mrs. Cockrell stated that she concurred with the Mayor's statement and made a motion to authorize the Mayor to appoint a Citizens Advisory Commission on Municipal Employment.

Mr. Jones seconded the motion.

The Mayor asked if there was any discussion.

Mr. Torres: Who would compose the Commission?

Mayor: The Commission would obviously not be one of employees. It would be a Citizens Commission. My hope would be that we could secure people who would be knowledgeable on the subject. The Commission really could not make an immediate report because, frankly, I want them to study the wage scales in other cities and be familiar with wage scales in other lines of work so that when they compare city jobs, they can compare them with other jobs of similar responsibility in San Antonio.

Dr. Calderon: Would we have some of our representatives?

Mayor: It is my feeling that the Commission would naturally call in representatives of departments if they cared to do so, but I would not put on the Commission employees of the City. I don't think it would be advisable. They wouldn't be objective about the matter.

Mr. Henckel: We would furnish all of the information that the Personnel Office compiles. It would be available to assist the Commission in securing any information they desired.

Mayor: They could call an employee group to testify.

Mr. Torres: Of course, I would think, Mr. Mayor, that this is one of the situations that falls within the functions of the Council, and I respect the efforts that the Mayor and perhaps the majority of the Council would see having a group of citizens assist us in this function; yet I would think that this is one of the reasons we're elected, because people want to place a certain discretion with us to perform certain duties, acts and responsibilities. I can't see the need for a commission on this matter. I would think that in establishing a commission, we're in a sense passing the buck on the situation. We have the budget available to us. The Mayor knows what the budget is. We know what the requirements are. We know and are able to learn what the money need of the police department is with the requested increases in salary. I haven't seen and am not familiar with the items read, but I would think this is something that the Council should undertake. We just appointed a Committee last week of citizens to undertake the task of preparing a post-fair youth plan for Hemisfair and committees are real good; they can serve in the advisory capacity. Yet, I think the situation is critical enough that if the Council wants to take an interest in it, the Council should take the primary role in this thing to do something to rectify the situation at hand. I realize the money problems that we are having, and I think we should take the first hand approach on this thing. The Council should determine whether we have the money, what the needs are, and what we are going to do with the crisis with which we are confronted.

Mayor: I agree with part of what you say, namely that the responsibility finally rests with the Council, but I feel that if we have a Commission that, for instance, we have a commission that is to study traffic and parking. That is a citizens commission. They are serving as advisory to the Council. We have numerous commissions, and I feel that if this commission is carefully selected from as many people in San Antonio as are knowledgeable on this subject, that we will benefit, because I don't think we can claim to be experts in the labor field ourselves.

Mr. Torres: Well, we have a crisis on our hands, and in time of crisis, I don't see the propriety of passing the buck. I think this is what we are doing.

Mr. Gatti: I don't think we are passing the buck. As far as a crisis is concerned, I don't know what the rest of the Council's attitude is going to be. I think it has been made clear by the City Manager and by the City Council what the fiscal situation of the City was, and that in April we are going to have a report and a new pay plan which will be presented to the Council. I think that this type of an approach is an excellent one in that it will give the Council the benefit of the thinking of some of the top people and a cross section of people. I think this Commission should not be composed of just one group of people. I think it should be a wide, broad base commission. We have

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done this on major bond issues. We have a number of committees and boards working. I think they make a tremendous contribution, and as I understand the system that we are in, the broader the base, the more representation, the more ideas, the more thoughts we get, the more democratic it is. I can't understand why Mr. Torres would be against a broad base commission like this to help us in our decision-making processing.

Mrs. Cockrell: I would like to comment that many of our friends in the police department have served to focus the attention of the community to the problem of employee salary. I would like to say that the problem, as we all realize, is not isolated to this department. It is a general problem. I think that in the whole field of employee relations, we understand that their satisfaction in municipal employment is related in part to the compensation they receive, but that is not the only factor. There are many factors which make up the total picture of how satisfying job employment is with a particular organization. I think we need to have a citizens commission that will look into this, that will look into their fringe benefits, into their relationship with the community, the public support which they have, the prestige which they enjoy, and I believe that this broad-base citizens commission is going to do a great deal to enhance the position and prestige of our municipal employees. I think it is going to mobilize and crystalize public opinion in this community behind our municipal employees--raise the stature of all of them. We are growing as a city. And as we are taking our place as one of the leading cities in this country, all of our employees need to increase in stature and recognition, and I know that we all realize that the members of the police force have helped us to focus on this problem. I believe that the police department and the members of our other departments are going to benefit from a real citizens' study of this matter.

Mr. Gatti: I just want to say that the very nature of the problem itself, the weightiness of the problem would urge and suggest that we do just the thing that we are trying to do--bring in responsible opinion, responsible points of view from other citizens to help us face this. I think the very nature of the problem suggests what we are trying to do.

Mr. Torres: The thing that concerns me about this is, if we are going to follow the thinking of Mrs. Cockrell and Rev. James, in reference to wage problems, it would just seem that any time, Mr. Mayor, that we are going to run into a wage problem, we say, "Well, we don't know what to do. We don't know how to cope with it. We don't have the answers. We can't come up with the answers ourselves as legislative officials of this community; therefore, we are going to appoint a committee." This is nothing more to me, with all due respect to what Mr. Gatti is saying and with respect to his comments as to democratic institutions. I appreciate all this. I can see the need for looking for community support, and yet we're vested with certain functions when we are elected. I think that everytime we run into a weighty problem, we, to use Rev. James phraseology, we go to look for a committee. What have the voters elected,

except a bunch of people who are going to pass the buck everytime that they run into a weighty problem. This is exactly what is happening right here.

Mr. Gatti: Why is that that you're always so interested in calling referendums when you don't get your own way. You ask the public to participate in that. And, Mr. Mayor, I don't think we have ignored the problem. I think we've thought it out, and we understand it. What we are asking for is a long-range broad outlook at the whole situation. The pension program for the entire city complex--I may be wrong, but didn't we resolve last week the situation about the police department? There is no money available until August. We are going to look at this again in April when the City Manager presents us with a pay plan. I think that has been done. Now we are going one step further--to try to look into the overall problem. I think we should make it clear. We've got some gentlemen from the police department here this morning. I think we should make it clear what our situation is. If they don't understand it, or if the citizens don't understand it, or if Mr. Torres doesn't understand it. We have no money in the budget right now for any pay increases. Now, that is the way it is. We feel sympathetic to the need of all these people, but you can't get blood out of a stone. There is no way it can be done. So let's resolve this once and for all. We've got to face up to it.

Mr. Torres: It's not, Mr. Gatti, that I don't understand the problem. I think you are just missing the point that I'm trying to make, whether deliberate or otherwise. The point that I'm trying to make is that if we are the elected officials of this community, then we're the ones who should take the direct and immediate interest in the problems that are confronting us with reference to salary benefits. We're just pushing this thing off on somebody else.

Mr. Gatti: Mr. Torres, you're evading the question. We are not saying we're not taking an interest in it. We're doing the same as any elected body would do. The Congress of the United States has committees and hearings. This is what we are going to do. We are going to ask people who are responsible to help us with this problem. Now, I don't see where that is negating our responsibilities as elected officials.

Mayor: We just recognize that we may be too close to the trees to see the forest, that's all.

Mr. Gatti: There has been a motion, hasn't there.

Mayor: The motion has been seconded. No further discussion. Call the Roll.

The motion to authorize the Mayor to appoint a Citizens Advisory Commission on Municipal Employment prevailed by the following vote: AYES: Mr. Calderon, Mr. Jones, Mr. James, Mrs. Cockrell, Mr. Gatti, Dr. Parker, Mayor McAllister, Mr. Trevino. ABSTAIN: Mr. Torres.

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Mayor: We have members of the Water Board here. We'll be glad to hear from them.

Mr. Mike Passur: Mr. Mayor, Council Members, Mr. Henckel: My name is Mike Passur. I am Vice-chairman of the City Water Board. We know that you have a lot of problems, and we are not here to give you another problem, but to make a brief report of something that has happened in the last few weeks. We feel that the Council should be informed. Before I do this, I would like to take this opportunity to thank all the members of the Council, Mr. Henckel, and his staff for the wonderful cooperation that they are giving to the City Water Board. We are very proud to be members of the Board of Trustees with such cooperation. Our staff has commented to us several times what the staff of the City is doing to help the Water Board. You know, some twelve years ago, when I was a member of the City Council, we organized the Water Department. We felt at that time it was improperly run, and the Board of Trustees is now being appointed by the City Council. We feel we are part of the City. We feel that there are things that we thought of at that time--the growth of San Antonio--the time was going to come when we were going to have surface water. We were planning for the orderly growth of San Antonio. We foresaw at that time that we were going to have a city of a million before we knew it. It is getting near a little sooner than we expected. Envision a metropolitan water system where we could serve the entire community. We left the operation to the trustees, with the exception of setting the water rates and the selling of the bonds. That is still in the power of the Council. Now we find that some of our communities are wanting to split away from the metropolitan system. It makes me sad because we worked so hard with the Council to have a metropolitan system. In the past nine or ten years, we bought two of the smaller water companies that are operating in the city. Now, Mr. Van Dyke will give you a report on some of the cities who want to pull out. It makes me sad because I'm wondering what is going to happen a year from now when we do have to have surface water and we have a fragmented bunch of water companies. I don't feel that the City should pay all the expense of the surface water, and, when the time comes when they'll need it, we should furnish it to them. I don't see how they can afford to bring their own surface water in here. If we don't do it on a metropolitan set-up, it's going to be bad. So, with that, I'm going to give you Mr. Van Dyke, the Manager of the Water Board to give you the brief report.

Mr. Robert Van Dyke: At the present time, the City Water Board serves approximately 100 active customers within the corporate limits of the City of Alamo Heights. The rest of the System at Alamo Heights is served by the Alamo Heights Municipal Water System. We serve that portion of the City under a franchise which will expire in April of 1973. So the City Council of Alamo Heights, realizing that within five years they are going to have to do something, has contacted the members of the Water Board to see what can be done. At the expiration of this franchise, they would have three choices--either to extend the franchise, to install their own system, or perhaps to negotiate for the purchase of our facilities. And

so, on the 13th of December, they wrote us a letter--a copy of it has just been handed to you--and stated that they wanted to own their own water system. They no longer felt that they could use our services. As you realize, the city of Alamo Heights is surrounded by San Antonio. It is fully developed, and they don't have any expansion problem facing them like we do. So naturally their rates are considerably lower than the rates that the Water Board charges. As far as the legal aspect of this matter, this was taken up by our attorney, and the Board was advised that, because Alamo Heights is an incorporated city in the state of Texas, they have every right to own their own water system and to operate it. Their request to us for working out this problem to convey our facilities to them is within their corporate rights. At the regular Board Meeting on the 9th of January, this matter was reported to the Water Works Board of Trustees, and, at that time, they asked me to prepare an appraisal report covering our distribution facilities within the corporate limits of Alamo Heights. This report was prepared, and it was presented to the Board on the 13th of February, which was last Tuesday. A copy of that report also has been handed to you. To summarize this report, the distribution system in Alamo Heights, exclusive of our new 36 inch transmission main which takes water from the Olmos pump station through Alamo Heights to the eastern part of San Antonio, has a value of about \$377,000, based on the earnings that we are receiving out there. The present day cost of reproducing these facilities in Alamo Heights is estimated to be \$111,000. If we continue to operate our facilities in Alamo Heights till the expiration of our franchise in April of 1973, if we consider all of the existing facilities, the replacement costs that would have to be taken care of, and our anticipation of revenue, this system has a value of \$212,950. After considering all the factors in this matter, it is my opinion that the Board System, which actually belongs to the citizens of San Antonio, has a value somewhere around \$290,000. This value can only be realized if we can find a buyer who is willing to pay that price. And in this case we have only one buyer, and that is the City of Alamo Heights. The City of Alamo Heights made it absolutely clear that the continuation of the service is not open to negotiation. The only thing that is open for negotiation is the price for the system. So, based on this, the Board has authorized me to enter in negotiations with the Council of Alamo Heights to work out the very best price that we can get for our system there. We will start our negotiations at the figure of \$290,000, and I have advised the Board that I feel that we cannot accept anything less than \$212,950 because, to do that, we would be foolish when we can keep on operating the system until 1973 and realize that amount of money.

Mr. Jones: Mr. Van Dyke, did you ever play poker?

Mr. Van Dyke: Yes, Sir.

Mr. Jones: You don't win. I can guarantee you that.

Mr. Van Dyke: These negotiations will take place following this consultation and report to the Council. I think it is necessary to state that the \$100,000 which has been offered to the Board by the City

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of Alamo Heights is so unrealistic that it cannot seriously be considered by the Board. Along in this same vein, I'd like to point out that we have received two communications from the city of Olmos Park. Copies of these have been given to you this morning. Olmos Park also seems to be dissatisfied with their rate and the condition of their system. The Regular Board has taken this under advisement and an appraisal report will be made to the Board at the March Board Meeting. The Council will be kept informed of any significant developments in this matter by letter or by further personal reports from Board Members or from the General Manager. I might point out that your own Utility Supervisor, Mr. Clayton Fowler, attends all of our Board Meetings, and he makes a report following each meeting to the Council and to the City Manager. He also will be in a position to advise you on any questions that may come up. Thank you very much for allowing us to make this report to you this morning.

Mayor: May I ask you one question?

Mr. Van Dyke: Yes, Sir.

Mayor: Is the water system of Alamo Heights a state-approved system?

Mr. Van Dyke: I don't believe they have state approval. They do not chlorinate their water in the City of Alamo Heights.

Mayor: Okay. Thank you for making the report to the Council.

The Mayor then recognized Officer Mendoza of the Police Officers Association.

Officer Mendoza made the following statement:

The Committee, appointed for the purpose of trying to negotiate a pay raise, met this passed Tuesday. The only answer that we have received with reference to our pay raise proposal, is that there are no funds available at this time.

We have a greater problem facing us at this time. A great number of our young and valuable officers are leaving us to join the Houston Police Department. Since our meeting last Tuesday, we have been contacting these men and have asked them to hold off resigning, at least until April. Most of the younger men are ready to quit the department for a better job elsewhere.

The officers of the Association and the special committee appointed want to take this opportunity to put the City Council on notice, that if anything happens in the next six months or so, and the men of this department cannot handle it, because of the manpower shortage, we want the citizens of our City to be aware of the fact that we have exhausted all

possible means in trying to keep our men from leaving. The only alternative is a pay raise, which is found to be impossible at this time. If, by some means, funds were available to finance a pay raise for the Police Department of this City before Hemisfair begins, it would be the strongest deterrent for a young officer who is contemplating resigning, not to mention the boost in moral it would bring to the entire Police Department.

Detective Tom Barnes: I have a copy of this small form I would like for each member to have. Mr. Mayor, Mrs. Cockrell, Gentlemen of the Council: Last time we met, we discussed the manpower shortage and crime conditions of our city. I hope that by this chart you will be able to see and understand better what I attempted to explain the last time. On this base chart here, beginning back in the dark ages of 1947, it shows the increase in our population and the increase in police incidents or calls that police officers will make. In 1967, our population went better than several hundred thousand, according to the Council's formula on this population information. Also, in 1967, our police calls ran above 200,000. I gave you an accurate figure at the last meeting. On the second chart, the one you have there, (A) shows our authorized personnel, (B) the actual strength of it, and (C) effectiveness. (A) represents better than 800 officers, and (B) represents the .9 per cent of the officers that we were supposed to have at the end of 1967. Now, you can see that we never did get up to one officer for every thousand people of San Antonio. And you can see our effective strength continuing to decline with the increase of our population. The only way that we are going to eliminate this is more officers. On our third chart, here, it shows the increase in our crime. This represents our Part I crime, which consists of murder, negative homicide, rape, etc. which you can see on your chart. You can see the tremendous jump that it took from 1962 to 1967, and burglary alone, as you can see, took a tremendous jump. I gave you the actual figures at our last meeting. The only way we are going to be able to combat this thing is to put more men out there on the streets. With this chart, I'd like for you to study it a little closer and see the problem that we are actually facing and up against. We would certainly appreciate any consideration that is given us in correcting this thing. I said before, the only way that we are going to be able to correct it is with more manpower, and it looks like the only way we are going to get the manpower is to pay more money. So, this committee that I understand you are anticipating forming, if this were done immediately and the situation met immediately, I'm sure we could possibly save a lot of our officers that are going to leave our department unless the money situation is corrected. Thank you.

Officer Mendoza: I would like to thank the City Council and the City Manager who have graciously permitted us to appear before you with this vital problem.

Mayor: I just want to say that we are aware of the seriousness of the situation and will certainly give it our best consideration and study. I'm sympathetic on this issue. Let us now proceed with the regular items of business.

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The Mayor presented a plaque to Mr. Sam Granata, naming him the Engineer of the Year. Mr. Granata was recognized by the local Engineer Chapter. Mayor McAllister congratulated Mr. Granata and stated that just last year, Mr. Granata had also been named one of the ten outstanding Engineers in the country.

Mr. Allison Peery, architect for Hemisfair, presented a fountain to be known as the "William Cameron Fountain", to be located in the Convention Center area. The gift was donated by the Certain-Teed Products Corporation, Ardmore, Pa. The Mayor expressed appreciation for the gift.

68-130

The Clerk read the following Ordinance:

AN ORDINANCE 36,218

ACCEPTING A GIFT FROM CERTAIN-TEED PRODUCTS CORP.,
ARDMORE, PA., OF THE "WILLIAM CAMERON FOUNTAIN" TO
BE LOCATED IN THE CONVENTION CENTER AREA.

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On a motion made by Mr. Jones and seconded by Mr. James, the ordinance was approved for passage by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Torres, Cockrell; NAYS: None; ABSENT: Parker.

65-380

The Clerk read the following Ordinance:

AN ORDINANCE 36,219

GRANTING PERMISSION TO SAN ANTONIO FAIR, INC.
TO CONSTRUCT AN 8 FT. HIGH FENCE AROUND THE
PERIMETER OF THE HEMISFAIR AREA.

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The motion was made by Mr. Calderon, seconded by Mr. Torres. The ordinance was approved for passage by the following vote: AYES: Calderon, Jones, James, Gatti, Trevino, Torres, Cockrell, McAllister; NAYS: None; ABSENT: Parker.

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Mrs. Cockrell then made a motion to place certificates of appreciation, honoring the donors of the various gifts, in the Convention Center. It was seconded by Mr. Torres. The motion prevailed by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Torres, Cockrell; NAYS: None; ABSENT: Parker.

The Mayor announced that the zoning cases were to be taken up at that time.

68-74 The first heard was zoning case 3166 to rezone Lot 2, Blk 48, NCB 3316 from "B" Residence District to "B-1" Business District. Mr. Burt Lawrence, Assistant Planning Director, briefed the case which the Planning Department recommended be denied.

Mr. Robert Valdez represented the applicant and explained the request for rezoning. He stated it was necessary in order for his client to operate a beauty shop at this location. He explained that his client was the sole support of 3 children, and that while she was now working for someone else, if the request for rezoning was granted, she could spend more time at home with her children.

Councilman Torres asked if the applicant would agree to have parking only in the rear.

Mr. Jones stated that this was spot zoning and opposed rezoning.

Mr. Walter Gray, whose property adjoins subject property opposed the rezoning because of the traffic that would be generated. Mr. Hays, 610 Rigsby, Mr. Calder, 601 Kayton, and Mrs. V. Sanders, 606 Rigsby, also opposed the rezoning.

After discussion by the Council, Mr. Trevino made a motion to overrule the recommendation of the Planning Commission and grant the rezoning. Mr. Torres seconded the motion. The motion failed by the following vote: AYES: Calderon, James, Trevino, Torres; NAYS: McAllister, Jones, Cockrell, Gatti, and Parker.

68-42 The next case heard was case 3167 to rezone the east 94.9' of Lot 14, Blk. A, NCB 1006 from "C" Apartment District to "B-2" Business District. Mr. Burt Lawrence, Assistant Planning Director, briefed the Council on the proposed change which the Planning Commission recommended be denied by the City Council.

Mr. A. J. Hohman, Jr. represented the applicant and showed a plat of the area, identifying other non-conforming uses. He stated that his client has operated this grocery store for some time but now would like to sell beer and needed the change in zoning. It was his client's

intention to sell beer to-go only.

Mr. Tom McNeel, who owns the property immediately west of the subject property, opposed the rezoning.

After discussion by the Council, Dr. Parker made a motion to overrule the recommendation of the Planning Commission and grant the rezoning. Seconded by Mr. James, the following ordinance was passed and approved by the following vote: AYES: Calderon, Jones, James, Gatti, Trevino, Parker, Torres; NAYS: McAllister, Cockrell; ABSENT: None.

AN ORDINANCE 36,220

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 EAST 94.9' OF LOT 14, BLK. A, NCB 1006 FROM "C" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT.

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68-131 The Clerk read the following ordinance.

AN ORDINANCE 36,221

REGULATING PARADES AND OTHER SIMILAR USES OF PUBLIC PLACES, AUTHORIZING THE CHIEF OF POLICE TO RECEIVE APPLICATIONS AND ISSUE PERMITS; PROVIDING STANDARDS FOR ISSUANCE HEREOF; REQUIRING COMPLIANCE WITH PERMIT CONDITIONS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

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Dr. Calderon made a motion that the ordinance be approved. The motion was seconded by Mr. Jones.

City Manager Henckel stated that this is merely an upgrading of our existant parade ordinance which did require a permit from the Chief of Police, but it did not have the specifics required in this ordinance in which the Chief would have the authority to decline the permit, or the authority to reroute it in some other way because of the traffic, etc. The specifics that are provided are the manner in which a permit must be applied for and the information must be given with the application. Before, the ordinance was very general and merely provided that the applicant go to the Chief. Mr. Walker could go into the details should you desire any more legal information on it.

Mr. Torres asked if the present ordinance included a public assemblage or ceremony show exhibition.

Mr. Walker commented that the ordinance read was the straight parade ordinance. That ordinance specifies in detail what the chief of police is now doing without specific authority. The present ordinance, as written, is a five-line ordinance, which says the chief of police shall grant parade permits, etc. It provides for no specifications. It provides for no standards. It provides for no restrictions. The present ordinance coming in curtails the chief of police with reference to the granting of a parade permit, establishes under what circumstances a permit might be granted, and establishes the routes where the parades might go with reference to the traffic hazard which might be involved in any parade permit. It merely spells out in detail what the chief now does upon his own arbitrary decision with reference to this parade that was held here the other day. The chief determines the street which shall be used. This spells out specifically his authority to do so. It also gives him the standards by which he may grant a parade permit.

Mr. Torres: In addition to the term, parade, I notice that this ordinance refers to a parade as a public assemblage or a ceremony, a show, or an exhibition. This is the question that I have-- does the present ordinance include that in the definition?

Mr. Walker: The present ordinance has nothing whatever about what is involved--what is a parade. It has no definition at all.

Mr. Torres: I ask for your opinion, then, for the policemen who walked over here from the police station, would they have to go to their boss for a permit to march over here?

Mr. Walker: It would require a permit if there would involve a traffic hazard of any kind, but I don't think this is intended for that purpose--that if three or four or ten people want to walk down the sidewalk coming down here to City Hall, for example, that it constitutes a parade, as such, if that is your question. I was referring to your western parade. That type of thing. At the present time, the chief has no standards whatever, even though he does issue permits for it. We attempted to set standards in this ordinance which would be obvious and open and everybody could understand what it involved when they seek a parade permit.

Mr. Torres: Then it's within his absolute discretion to determine whether the parade is likely to cause injury, and I'm reading from Sub-section 6 of Section 5, where he can deny the permit, apparently, if that parade is likely to cause injury to persons or property or to result in a provoked disorderly conduct to create a disturbance. This is absolutely within the discretion of the chief. Is this what we're saying?

Mr. Walker: That's correct. That would give the chief some authority. If by chance the chief should overstep his authority--that for some reason he might overstep his authority, then any party desiring to obtain a permit has a right to come in to the City Council. They have a right to go into Court if they feel it is an overstepping of the thing.

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Mr. Torres: I'm just concerned about the proper restraints on this kind of thing. How do you determine without prior restraint whether a march or a parade or an assemblage is likely to cause injury to a person's property. In other words, if ten or fifteen people get together, sidewalk over here from the police station, and I'm referring again to the incident of the 100 policemen who came over here last week, would that require a permit? Under this particular ordinance and under the phraseology in the ordinance, would it?

Mr. Walker: It would be my impression that that would not require a permit. This is not a parade.

Mayor: Let me point out that we receive many requests for parades and, in the past, we have tried to differentiate between what is a parade for a public purpose, or whether it is for some particular private purpose. For instance, certain industries will have shows and will have a parade to display their wares. The boat show is an example. It will be the determination of the chief as to whether the public is inconvenienced for any particular group and whether they are more important than the benefits that that particular group should receive from a parade. For instance, if a particular group desires to have a parade there on Houston Street during a peak period, at which time the merchants are inconvenienced, for the benefit of this particular group, then the permit would be denied. The chief would have the discretion to determine at what time and at what route this parade could take place. This is just one example.

Mr. Torres: I see what you are driving at. I just don't feel like these limitations on the authority, on the discretion that you are giving to the police chief, are spelled out in your particular ordinance. This kind of thing worries me, because you are giving one man absolute discretion to make the determination which will, in effect, place a prior restraint on a public assemblage, which is the definition which is given in the ordinance of what a parade is. It refers to a public assemblage-- In or upon any street, park, alley, or other public thoroughfare in the City. If you are going to have a group over here who is going to rent the Woodlawn Recreation Center for a political rally, for example. This is a public assemblage. Does this mean that this particular group goes to the police chief, and it is within his discretion to grant or to deny the permit?

Mr. Henckel: No, sir. This is not the intent of the ordinance.

Mr. Torres: As I see it, this is the way the ordinance reads.

Mr. Henckel: In order to prevent a public assemblage on a public street, it would be necessary for the ordinance to read as such. For instance, I don't believe that this Council or the citizens would want public assemblages in the middle of Houston and St. Mary's Streets without receiving a permit.

It is certainly the duty of the City to control traffic and law and order. The purpose of this ordinance is to correct the previous ordinance which did not, in effect, spell out the duties and authorities. This ordinance, does provide that the application be made in time so that a determination can be made as to the purpose of the parade or assemblage.

Mr. Torres: I imagine that's the duty of the City, Mr. Henckel, and I recognize that we must maintain law and order. I'm certainly not opposed to law and order. The only thing I don't want to see is us getting into a mistake. We are placing a restraint on the free activity, the right to assembly guaranteed the people as citizens by the first amendment of the Constitution. If you refer to an assembly in a particular street on any public street and that definition was spelled out in your ordinance, of course, I would have no question about this whatsoever, but the very fact that this ordinance refers to a public assemblage or a show or an exhibition of any kind--it doesn't limit the type of show, assemblage or exhibition, but merely says such activity in a park or a plaza, which leads me to believe that any kind of activity which one man at his discretion would want to restrict of a particular group or individual could be done. And here is where, Mr. Walker, I think we are running into a legal problem.

Mr. Henckel: I certainly feel that any group or individual would have the right to appeal to the Council or to my office if a permit is denied. We feel that they would certainly have a right to appeal a decision of the chief, either to my office or to the Council. We are certainly not trying to restrain anybody.

Mr. Gatti: This is the one where it says parades, demonstrations, and public assemblages not a part of the official activities of Hemisfair will be prohibited in the Hemisfare area...

Mr. Torres: That's not the one.

Mr. Henckel: I believe that the purpose and intent of this ordinance is merely to give the authority to the chief of police that he has been exercising without authority, and we feel that this is necessary.

Mr. Torres: This is why I asked if the term, parades, in itself was defined in the present ordinance. I don't think it includes a public assemblage, generally, and this is, in effect, what we are restricting. I'd like to offer an amendment which I think might be necessary, since Mr. Henckel says the matter would be appealable to the City Manager and/or to the Council. I would at least like to offer that in the way of an amendment, if that would be satisfactory to the staff? What do you think, Mr. Henckel? The right of appeal. How would that, could you phrase how that should be worded, Mr. Walker?

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Mr. Walker: Actually, the right of appeal exists without it being in the ordinance, but I see no reason why, if you want to put it in the ordinance, why it shouldn't be put in. But any citizens group has a right to come in here in case the chief denies it as a matter of right and say to the Council, "We think this is wrong." The Council could make a determination on it.

Mr. Torres: Of course, Mr. Walker, as I see it, if you give the chief discretion like you are doing under this particular ordinance, once he makes a decision--you might correct me if I am wrong--he has made a decision vested in him as a final administrative remedy available, and the only available remedy would be from there to appeal to a district court or to file suit to set aside his ruling. This is timely and costly, and I feel that a citizen who feels that he has been treated unfairly should at least have the remedy of at least being able to appeal to a higher administrative level where he can attain a remedy to which he is seeking.

Mr. Walker: I see nothing wrong in that concept at all.

Mayor: We'll consider the motion and add a clause prepared by the City Attorney to the effect that appeals can be taken to the City Manager and/or to the City Council.

Mayor: No further discussion. Call the roll.

The Ordinance was approved for passage by the following vote: AYES: Mr. Trevino, Dr. Parker, Mr. Jones, Mr. James, Mayor McAllister, Dr. Calderon, Mrs. Cockrell, and Mr. Gatti; NAYS: None; ABSTAIN: Mr. Torres.

* * *

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The Clerk read the following proposed Ordinance:

AN ORDINANCE

DEFINING CIVIL EMERGENCY; DEFINING CURFEW;
AUTHORIZING THE CITY MANAGER TO PROCLAIM THE
EXISTENCE OF CIVIL EMERGENCY; AUTHORIZING THE
CITY MANAGER TO IMPOSE CURFEW DURING CIVIL
EMERGENCY; AUTHORIZING THE CITY MAYOR TO CALL
FOR MILITARY AID DURING CIVIL EMERGENCY;
PRESCRIBING PENALTY FOR VIOLATIONS; AND DE-
CLARING AN EMERGENCY.

* * *

Mr. Henckel: This is a protective ordinance mainly for the protection of lives and property should we have a civil emergency. There are various meetings which the chief of police has attended all over the country involving civil emergencies. As a result, in the conclusion that the inability to act immediately because of the law has

resulted in the emergency becoming aggravated. This ordinance merely gives someone the authority to act immediately. It provides that as soon as the Council convenes, in either regular or special session, they can either ratify or revoke the emergency so declared. Also, I feel that for the protection of city property and for the protection of city employees, that they should not unnecessarily be exposed because of a lack of protection. That's why I am recommending this ordinance.

Mr. Gatti: I'd like to add one statement. As soon as the majority of the Council can be convened, not the whole Council, a majority of the Council.

Mayor: What does the Charter say about that?

Mr. Walker: In order to do business, you have to have your majority here. So, if Council meets, it's not a legal meeting unless you have the required number.

Mayor: What I'm saying is this. If we were to have a Council Meeting tonight without any prior notice, would that require acquiescence of the meeting on the part of any particular number of Councilmen? In other words, we want to have an emergency meeting tonight. It would have to be called. The Mayor would have to call a special meeting.

Mr. Walker: That part of it is alright, but notice how many Councilmen would have to receive notice. Five would constitute a quorum to act, but how many would have to receive notice, and the others who would not receive notice--would they have to acquiesce?

Mayor: In my opinion, they would not. The mayor would, of course, attempt to serve notice on all Councilmen. Now if three Councilmen were out of the City, for example, and you could not get service on them, and you do get service on a definite number by which you take action, then I think you have a legal meeting at that time, particularly in a case of an emergency. There is no question about it.

Mr. Torres: How many people would you need, then?

Mayor: You would need five, the usual number to pass any motion.

Mr. Torres: If you were to consider Article II, Section 15 of your City Charter, in order to deny an emergency provision, you would necessarily need six people. Is this correct?

Mr. Walker: Yes, if you were to pass it as an emergency measure. That is correct.

Mr. Torres: If you are going to declare a state of emergency, then you would have to have six people. Right?

Mr. Walker: Under this ordinance, you already have the state of emergency declared.

Mr. Torres: By virtue of the City Manager?

Mr. Walker: That is correct.

Mr. Torres: To ratify that act, it is going to be an emergency measure?

Mr. Walker: No, I don't see that it is an emergency measure to ratify an act.

Mr. Torres: Would the act of declaring a state of emergency be in the nature of a legislative act?

Mr. Walker: You mean with reference to the City Manager?

Mr. Torres: Yes.

Mr. Walker: It is in the nature of a legislative act. That is why we are requiring either the affirmation or the cancellation by the City Council.

Mr. Torres: And you would first have to find the particular state of emergency that you are directing your efforts at.

Mr. Walker: That would have to be done in the order of whatever it is that the City Manager would do.

Mr. Torres: And under some of your supreme court holdings, there will actually have to be such an emergency or a clear and present danger of an emergency in order to justify the particular ordinance that we are passing. Is that correct?

Mr. Walker: Yes. As a matter of fact, in order to invoke the ordinance, the provisions of the ordinance, as it is envisioned in the provisions of this ordinance, you would have to have more than a threatened act. You would have to have some justification, a gathering of this group, an exercise of force or violence. In other words, this means an emergency, not merely some threatened or vague report or rumor. It is not anticipated that the City Manager, under this type of ordinance, would just say, "I think there is going to be an emergency here." This contemplates an emergency as we understand it. Otherwise, it is not going to apply. I think the City Manager well understands that under this ordinance, that just because a group of people meet, it does not constitute enough to make a declaration of emergency. In order for an ordinance of this kind to be upheld, it is our belief that the emergency must be real and be in existence. Otherwise you will never get court backing in the first place. Therefore, we envision this as being, as

the manager has said, a protective measure, in case there is a real emergency, for an immediate action to be taken until such time as Council can meet and then pass whatever other articles of legislation which may be necessary at that time.

Mr. Torres: In view of the fact that we are giving the City Manager powers in this type of situation, wouldn't the current present danger have to be in effect, at the time that the enabling ordinance is passed?

Mr. Walker: You mean this ordinance? No, definitely not. Not in my opinion.

Mr. Henckel: For example, a civil emergency could be an earthquake. If we have such an occurrence, it is very possible that none of the Council would be able to come to a meeting. Someone must have the authority to act.

Mr. Torres: We're talking with directing the major part of this thing to, for example, major disturbances in the streets, I'm sure. This is what we are talking about, for the most part. Is that right?

Mr. Henckel: This is one part of it. That's correct. It is all inclusive, I believe.

Mr. Torres: In view of the fact that we have disturbance of the peace laws under our penal statutes, doesn't that seem like there is a pre-emption under the state law which would preclude us from enacting the type of ordinance that is directed here to a disturbance of the peace?

Mr. Walker: No. In my opinion, not. In the state statute which defines disturbances of the peace, those statutes do not envision a break-down of civil conduct. It is merely a disturbance of the peace. Two men get out here in the middle of the street. There is a disturbance of the peace. But if twelve men got out here armed with shot guns and attempt to break in windows along the way, that is a disturbance of the peace, obviously, but it is also an emergency breakdown of civil rights per se. And this ordinance attempts to have some effective control, at least of a temporary nature, until Council can act.

Mr. Torres: Mr. Walker, under the criteria we are establishing under this ordinance, if I understand it correctly, Section 1 A, Subsection 1, refers to an unlawful assembly as any threat to use force if accompanied by immediate power to execute by three or more persons. If you have three or more persons who get together, is this a breakdown of civil order. Under this criteria, it would be, would it not?

Mr. Walker: No. It would depend on the fact situation. Now, this A-1 is verbatim with the state code. That's the definition of a riot under the state code.

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Mr. Torres: So then it is pre-empted by the state code, isn't it?

Mr. Walker: No. It is not pre-empted by the state code. The state code defines what a riot is, but the state code makes no provisions whatever for having immediate emergency powers to contain it. Now, the state of Texas, in my opinion, is at fault for not having passed such a law. Other states have, but Texas hasn't. It is my viewpoint that it is the duty of the City Manager, where there is a possibility of this thing, to take emergency steps to contain it, and I think we will violate our duty to the public if we don't act. I don't care if the state has ruled on it or not.

Mr. Torres: Then the point is, that whether, under our Charter, it would be up to the City Manager, as one individual, to take this step, as whether he is authorized to do so, and whether we are authorized to delegate this function to him, or whether, again, under Article 2, Section 15 of our City Charter, if the declaration of the emergency itself, because it is in the nature of a legislative act, if that doesn't require the Council to act upon it at the time the emergency arises?

Mr. Walker: I see your point. It is my viewpoint--we can argue it all day--that the City Council has the authority under the Charter, in fact it has the duty, as I see it, not only under state law, but also under whatever state law we may have to provide for the containment of an emergency situation. Now, obviously, there are going to be a number of attorneys who say you can't do it. I understand that. It is our belief that we can do it. Now we second guess the courts, of course. Whatever we say, we can do it. I grant you, if you don't pass it, you don't have the authority. And if you do pass it, the courts can test it if it comes to a test. Now, I can't conceive, if there is a real emergency, of any court with the nerve to say that this would be illegal.

Mr. Torres: What authority doesn't he have in view of the fact that he is the administrator of penal ordinances in the state of Texas and of this city to regulate disturbances and to arrest offenders who are guilty of a breach of the peace, and the fact that those are defined by State law and by City ordinances. Is that in itself authority such as is needed if a crisis did arise?

Mr. Walker: It's the authority to make the arrest. That's true under the State law and City Ordinances. We have authority at the present time to make an arrest when we see a man down here pick up a rock and throw it through somebody's window. That's true. But we have no authority at the present time, where a group of people, armed and coming down the street, with all of your outpouring that you generally have--your people who want to see what is going on--I know of no authority which permits, at the present, to adopt a curfew type of thing, to force those people off the street. They have a right to be

on the street. The City Manager has no right, if a group of people wants to see these vandals in operation, to arrest them and throw them off the street. They have a right to be there. Unless you have an emergency situation where it is an emergency, then he should have the right to say, "We have a very definite hazardous situation here. You people must get off the street." Now that is generally what you run into when you have the riot type of thing. Or, for example, let's take an earthquake or a flood. How many cases have we had, even in situations of that kind, where your vandals come out and proceed to loot from one store to the next. Now, one way to try to control that is by adopting a curfew of some kind which makes it illegal for those people to be there during this emergency situation. I don't think you have authority at the present time to do that. This is an effort to try to get some authority.

Mr. Torres: I can't disagree as to the natural calamity where such authority would be necessary and be proper. But I just think that we are getting ourselves into a real dangerous situation when we are giving the City Manager the authority to determine, when he feels that any three people are threatening to use force, that he can actually tie down this community. I rather feel that this authority is vested, with all due respect to the abilities of Mr. Henckel. I just feel that this authority is vested in this Council, and we're making a mistake in delegating what would amount to dictatorial powers, and I just think that it is a bad situation, not only for our community, but for our country if we got this kind of thing going on where people begin to panic like this.

Mr. Gatti: Present company excepted, we're not talking about Mr. Henckel. It could be John Doe, for that matter. Only if the City Manager has made an attempt to convene the Council prior to such action, and if action is warranted, and the City Council is not available, then as soon as the majority of the Council can be made available to act on this thing.

Mr. Torres: How long would it take you to convene the Council in any given situation, Mr. Henckel?

Mr. Henckel: That's an X factor. It depends on what the particular situation happened to be. If it is an earthquake, it may take days for you to get down for a meeting.

Dr. Calderon: We have no quarrel with an earthquake. We have no quarrel with a natural disaster. We have a quarrel with this other aspect of it.

Mr. Henckel: Well, let's use the other aspect in particular. All of the facts of previous occurrences in the country have pointed out that time is the most important element. To be specific, the emergency could be declared at the same time the request was made to the Council to convene. It could be the question of a half hour, an hour, two hours. In the meantime, the emergency would be contained. There is not any intent here to violate or restrain anybody's civil

rights. The main purpose of this ordinance is for the protection of the lives of the innocent people of this community. This is our obligation, and this is why the ordinance is being presented.

Mr. Torres: I am concerned about it, too. I don't want my position to be misconstrued that I am not concerned about the lives of innocent people in this community, but I'm equally concerned about the authority that is being vested in one man, and, secondly, the ramifications of this whole thing. For example, the ramifications in Section 3, when it says that after a proclamation of Civil Emergency by the City Manager, he may order a general curfew applicable to such geographical areas of the City. In other words, you can take one section of the city and say, "There have been three people (under the criteria that has been established here) and it looks like they are threatening to commit civil disorder, and therefore, I'm going to snap a curfew in that particular area." That's the type of power that you are giving, a type of power that I think is improper.

Mrs. Cockrell: Mr. Mayor, it seems to me that any City Manager who attempted to use power in that particular way would not last until the next City Council meeting. I would like to point out that if our City Manager is not vested with some emergency power of this type, I can foresee where situations might arise where Council members might be forcibly detained, and it would be impossible to call a Council meeting under emergency situations. I think that we have to have some authority given to the City Manager in order to proceed. I think that in all situations of emergency, that quick action prevents more serious disturbance. Now, in San Antonio, I believe that we have citizens that are law abiding. I don't anticipate that we are going to have problems. I think that if any problems arose, it would be more apt to be because of outside people coming in rather than any of our local citizens becoming involved. But I think there has to be some means for our City to act quickly and, if an emergency prevented the City Council from assembling, then there has to be some way for the situation to be taken under control.

Mayor: Mr. Walker, let me ask this question. This giving the authority to the City Manager would in no way divest the authority from the City Council. In other words, the Council has the authority. It merely gives the City Manager the authority to act immediately in the event of an emergency. The final authority always rests with the Council, and they can countermand his order if they see fit.

Mr. Henckel: Your Honor. I would certainly at this time recommend that this ordinance be amended to include that when such an emergency is declared by the City Manager, it is an automatic call for an emergency meeting of the City Council immediately. I think that would take care of it.

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Dr. Parker: I move that we pass the ordinance with that amendment.

Mayor: The motion is that the ordinance be passed as prepared with an amendment, Mr. City Attorney, to the effect that the declaration of an emergency by the City Manager become automatically a call for a meeting of the Council. And I would say that the City Manager would have to get in touch with the Mayor or the City Clerk and see that the Council would be notified immediately and the meeting be held at the earliest practical time.

Mr. Maverick: May I make an inquiry now on behalf of the Texas Civil Liberties Union?

Mayor: Yes, sir.

Mr. Maverick: My name is Maury Maverick, Jr. I'm an attorney, and I'm appearing here at the request of a local Chapter of the Texas Civil Liberties Union and a part of the American Civil Liberties Union. The client, by the way, doesn't pay me a fee, so I'm here as a public service. I would hope, Mr. Mayor, and Gentlemen of the Council, and Mrs. Cockrell, that you first have your City Attorney, who feels sure that the courts wouldn't have the nerve to call these laws unconstitutional--at least I understood him to say that--to supply you with the written opinion, a signed opinion. This is a serious thing. You are getting into a civil rights question, here, and Mrs. Cockrell let the cat out of the bag when she said outside agitators.

Mrs. Cockrell: Correction. I did not use the word agitators.

Mr. Maverick: Outsiders. Well, that's what you meant. That has an anti-negro...

Mr. Maverick: I've been recognized, and I'll yield when I get through. And you can all jump on me, one at a time. I have the right to finish.

Mayor: Just don't tell us what we're saying. We know what we're saying.

Mr. Maverick: I know what you are saying. And you go ahead and interview me in just a minute. All I'm asking of you is to please get your City Attorney to have a signed written opinion and put his name on it that he thinks its constitutional. And let groups in town like the American Civil Liberties Union and others work with you because we're for civil law and order, but there are laws on the books which purportedly deal with this. There are disturbance of the peace laws. There are existing firearms laws, arson laws and riot

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control laws, but these ordinances increase the chance the protest craves. They increase the chance of race riots. They increase the chance of burnings. They increase bloodshed because these, in effect-- I'm telling you this not to make you mad or offend anybody--I love this city just as much as you do. My people have been residents of this city since 1834. I care about this city, but what you're doing with these ordinances is putting a chip on the shoulder of the minority groups in this city, and you're saying, "Knock it off." And that is precisely what you are increasing the chances of. So I say to you as a person and those of the history of this community like Mayor McAllister, I studied, and I'm asking you in the name of the San Antonio Chapter of the Texas Civil Liberties Union to please take a second look at this, and to please have your City Attorney give you a written opinion in terms of the 1st and 5th Amendment, because this is a threat to businessmen, too. I want the conservatives in this town to understand that. This is a threat to the businessmen, too, in this community. I know the reason we're doing this is because of the Hemisfair. The man named Warren Lesley wrote a book called Dallas City Limits, and he traces the decline of the set and free speech in Dallas with the beginning of the Texas Centennial in 1936, when labor unions and big businessmen and intellectuals and liberals and professors and everyone said, "We'll have to be quiet to put on the Texas Centennial." And that's what we're doing about this Hemisfair. This is what is behind it. The Hemisfair is not more important than the 1st Amendment, and the only thing I'm asking is that you people get a good, sturdy, written, signed opinion from Mr. Howard Walker where he puts his name on it, and where he lays it out there with more nerve I suppose than the judges when he says they may not have nerve. He lays it out for other lawyers to look at it, and we will have a better city. I come here in friendship and with best wishes for my community, and I come here with the wishes of the Texas Civil Liberties Union that we not have protest parades of an improper nature, that we do not have racial disturbances, that these ordinances will increase the chances of. Now, I'll yield to your questions.

Mayor: Does anyone want to ask anything?

Mr. Gatti: Mr. Maverick, I have no question other than that, in my opinion, only those who have no regard for law and order need fear this ordinance. That's just my opinion.

Mr. Torres: That certainly is not true, Mr. Gatti. I certainly think that because I have taken opposition to this thing, I think you owe me an apology, Mr. Gatti.

Mr. Gatti: I don't owe you an apology. It's the right of every Council member to express himself. I've expressed myself in answer to Mr. Maverick's question, and I'll ask the same courtesy from you and Mr. Maverick as he asked from us.

Mr. Maverick: I belong to the American Civil Liberties Union and I respect your right to denounce me anytime you want to, and I'll help you in that regard.

Mr. Gatti: I think that's the way we should be.

Mrs. Cockrell: I would like to make one clarifying statement. I have heard no member of the City staff or any member of the City Council imply any racial ideas in this particular ordinance, and I would like to say, for myself, that my only idea is to prevent civil disobedience in our city and to provide means to take action if this occurs. I would like to say that, in my opinion, civil disobedience is not specifically related to any national ethnic or cultural group. I think that anyone who is the person to start a riot, whatever his racial nationality background is, is in violation of the right to all of us, and so I think this is simply not related, not against any group. It is for the protection of our citizens. I think we all have a right to expect that our City Government will be prepared to act to protect us and our families.

Mr. Maverick: You talk about lawlessness in the streets. When you lecture to people about lawlessness in the streets, to the negro community and to people sometimes of Mexican descent, that means to them policemen coming into their community and whipping them around. Historically, this has been so. This law doesn't have in mind Alamo Heights. It has in mind the East side, that's what it has in mind. I'm asking you please, get an opinion from your attorney about this. Make him put it in writing. I'm trying to help this Council. I'm not coming over here to cause trouble.

Mayor: Mr. Walker, you have prepared this ordinance. Is the ordinance constitutional in your opinion?

Mr. Walker: I have already stated publically, and I do not intend to put it in writing. Here it is out open. I have already said that in my opinion, this ordinance would be considered a legal ordinance under the emergency situation envisioned therein.

Mayor: Okay.

Mr. C. Wm. Black: I'm not an attorney. I guess I consider it really a little out of place to try to deal with this matter in terms of the law, because I'm not versed in this area. But I do understand the language. I think every negro understands the language and certainly I mean no offense to Mrs. Cockrell. But the language of this ordinance is directed toward the effort on the part of the Negroes to achieve and receive their rights. It seems to me that we are moving in a dangerous direction. I agree with Mr. Maverick that what you are doing is calling for demonstrations. By the mere fact that you are drawing this kind of attention that you intend to restrict the efforts of Negroes. I don't know how, I don't know well enough to know how to interpret my walking down the street with a couple of other people. I've been involved in the Civil Rights struggle for a long time. I don't know how he is going to interpret this. I have great fear because I have found that many things that were designed to make for greater democracy end up being

restrictive on the negro community by virtue of the power of interpretation of those persons who have the power of interpreting. Certainly this can be remedied, maybe six months later. It can be remedied a year later, but the damage will have already been done. The efforts on the part of the individual to make known the injustices of the community have by that time already been stifled. May I say that I think the only thing we are doing is creating a greater climate of hostility, because the people who are desirous of their rights care little about crowding that jail that you have there. They'll pack it in San Antonio, just like they packed it in Birmingham. There is no fear of that kind of thing, and the only thing I think is missing in the ordinance is that you are to authorize cattle cars to bring all of Birmingham right here to San Antonio and get the whole thing over with. But it is not going to remedy the thing that you are calling upon it to remedy. It seems to me that if you are trying to seek a remedy to what you are addressing in this ordinance, you might do it in another way, in a way that addresses itself to justice rather than in a way that addresses itself to punishment.

Mr. Gatti: What is your alternative?

Mr. Black: I'm not an attorney. The only thing I'm saying is that the ordinance is punishing rather than altering the conditions. My alternative is that we would address ourselves to the conditions that make for demonstrations. Demonstrations are not created out of nothing. They are created because of injustices within a community.

Mr. Torres: I think that in view of what has been said here-- in view of the comment made by Mr. Gatti--I want to make the record perfectly clear that my opposition of this thing is that it just smacks of the power of tyrants seeking to oppress or control the activities of free men on the streets of our city. It would seem to me that we fought one war to get around this thing, with the knowledge that we have of the history of pre-1940, knowing the restrictions that were placed on citizens and the controls. This is the thing that is sinful about what is getting done here today.

Mr. Maverick: Again I say, present company excepted, John Doe could be the City Manager as far as I'm concerned. It's just too much authority in the hands of one man. Now, I would be amenable to this ordinance if it would provide that an effort is to be made before this automatic instigation, that an attempt is to be made on the part of the City Manager to convene the Council.

Dr. Calderon: I personally see no objection to your recommendation--make the first step one of the Council, and, if that fails, then immediately the City Manager would have the authority to declare a state of emergency, and then convene the Council as soon as he gets a chance.

Mr. Maverick: This goes one step further than what was proposed.

Mr. Walker: Throughout the country where these problems have existed, it has been unanimously stated that if somebody could have acted immediately, not after he had tried to call nine council members, but immediately, that a lot of times, they could have contained the problem before it got out of control. I think that is very significant.

Mr. Maverick: But there is the other side of the coin, though, and the other side of the coin is this police thing.

Dr. Parker: Alright, then at the same time that he would declare a state of emergency, he would call an emergency meeting of the council, which may be an hour or more or less before the Council meets. But in the meantime, the City Manager is able to try to contain the problem.

Mr. Maverick: May I simply conclude that I think that this ordinance requires more time than you have given to it this morning. I would encourage your further study of this ordinance. I certainly feel that it is not the answer to what it is addressed to resolve. I feel that possibly we have adequate laws on the books to deal with the problems that we are talking about. I feel these should be used, rather than adding another ordinance. It is a reminder of what has been taking place nationally in terms of where particularly repressive efforts have been made on the part of those who are in authority. I think that all of us are in agreement as far as law and order are concerned. We want this. But along with this, we also want justice and the right to make known the injustices of our community when they are not corrected. This, it seems to me, is the whole objective of our democratic system.

Mayor: In that act, nevertheless, you do not include the permission to do violence, do you?

Mr. Maverick: No. I think we have laws that have already indicated that no one is permitted to do violence.

Mr. Lopez: I am the president of a little council in a little part of San Antonio. I live in that little part. I am an attorney by profession, and I live in that little part because I feel that that is where the need of the people is. I have been working with that little group of people for more than a year, trying to instill in them the desire and the need for them to participate in their government as American citizens. Now it is beginning to pay off. We try to congregate. After we learned that we were going to be left out of the Model Cities, we met, over 150 of us, not for anything against our government, but to see what could be done about this situation. This ordinance, Mr. Mayor, that is being considered, would not allow assemblies or demonstrations in the vicinity of HemisFair. These people that I refer to in the little community of Santa Maria are the people who will hardly have the money to pay to go to HemisFair, but they do care to improve and progress with the community. Mr. Mayor, if you pass an ordinance of

this nature, you are just killing those little people who want to develop their leadership and be part of the community. The Preamble of our Constitution, of the State of Texas, we humbly invoke in the blessedness of Almighty God. The Bill of Rights, Article I states that Congress shall not make any law regarding the right of the people to assemble peacefully. The Constitution of Texas states in Article 27, the Bill of Rights, that these citizens shall have the right to assemble in a peaceful manner for their common good. This is what those people want. Article I of Section 28 of the Texas Constitution states that no power of suspension of laws in the state of Texas shall ever be exercised except by the Legislature of the state of Texas. Mr. Mayor, these are the things that our boys in Viet Nam are dying for, and I agree with the gentlemen who have spoken here, that it would only invite trouble. I know because I speak for the people that I work with. You have never had reported that any police had to be called to our section of town where we have two or three hundred people. We in that little section of San Antonio are not trying to keep up with the Joneses. We are trying to catch up, and you will kill, Mr. Mayor, and Gentlemen of the Council, if you vote for this, that which we have in our government of the people, for the people, and by the people--a true democracy.

Mayor: I don't see how this ordinance affects your group. It doesn't affect your group.

Mr. Torres: It does, Mr. Mayor.

Mayor: This ordinance, of course, doesn't infringe upon the individual's rights as defined by the Bill of Rights.

Mr. Lopez: How do we know this early in the stage. There is not a real opinion that I as an attorney can challenge. Why is the City Attorney afraid to give it in writing? Because he knows that any attorney with as little experience as I have or less can break it through under the guarantees of the Bill of Rights of the State of Texas in the United States. Mr. Mayor, Saturday, 150 people of my community are going to march here to an assembly of the Greater Federation of Community Councils. We are going to march, and that is a demonstration, but only to say, "Don't leave this part of San Antonio out of this good program. We need drainage; we need public health." We've been left out, Mr. Mayor. We are only asking that. Not to burn or destroy, but to better our section of the City, only that.

Mr. Trevino: You are aware, of course, that if any community of any area was left out, it was not the city's doing. I don't believe that this ordinance has anything to do with this type of an assembly.

Mr. Lopez: It has, because, Saturday, we are going to walk, to demonstrate.

Mr. Trevino: That doesn't prevent you from doing that, Mr. Lopez, as long as you get a permit from the Police Department.

Mr. Lopez: Why should I when, under the Constitution, I have the right, Mr. Councilman. Why?

Mr. Trevino: Even though you are in the middle of the street?

Mr. Lopez: We are going to walk, two by two.

Mr. Trevino: On the sidewalk?

Mr. Lopez: If you are going to arrest us, Mr. Trevino, you are going to have to take 200 people to jail.

Mayor: I'm sorry, but we are not going to have any further discussion on this. Now, what is the pleasure of the Council?

Mr. Raul Rodriguez: I would like to be recognized, Mr. Mayor. Our men are fighting in Viet Nam for the rights that we are fighting for here. There are rules higher than the council's. If you want bloodshed, you will have it. I don't want bloodshed. That's why I have come here.

Mayor: We don't want bloodshed, either. We will listen to you when we get through the rest of the meeting.

Mr. Rodriguez: After you decide everything. What's the use of deciding anything?

Mayor: That's alright. We can always reconsider.

Mr. Maverick: I'd like to move that we have this amended, that this not be an automatic power on the part of the City Manager, but only after he has made every attempt to convene City Council, and, after failure of that attempt, then he move, on a temporary basis, until the Council is convened.

Mayor: Mr. Walker, what is your reaction right now?

Mr. Walker: I see nothing particularly wrong with this suggestion. I just want to be absolutely certain that when we draw the clause that the Council has in mind, that we include the intent of the Council. I'm not too clear about what it is that you would like to have in the amendment, but I see nothing wrong with an amendment.

Dr. Parker: It appears to me that if the City Manager would have to try to call all the Council members, then you would have a lapse of time which may be a critical one.

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Mr. Maverick: Nine telephone calls. You can do it in ten minutes.

Mr. Torres: He is going to have to prepare his emergency declaration in writing, Dr. Parker. He can call nine councilmen before he can prepare his declaration in writing.

Mr. Gatti: Doesn't the ordinance say that the Council will be convened immediately after?

Rev. James: The intent is to get the Council in session by way of communicating before the City Manager acts. That's the intent.

Dr. Parker: The other ordinance that we passed said that Council would be automatically convened upon...

Mr. James: But this is a step beyond that.

Dr. Parker: You want to go beyond that? What could happen right now before he had any ordinance?

Mr. Torres: He has the police department.

Mr. Henckel: I might suggest that the amendment read that before such emergency is declared, the Manager make every attempt to personally call an emergency meeting of the Council, and in the event that he is unable to do so, the declaration of the emergency is an automatic call. I think that will handle what Rev. James has in mind. Is that your intent, Rev. James?

Rev. James: Yes. If that does not come about, then he has the right to move ahead. All the other provides for is for a second attempt to be made. In other words, his action is inbetween the two acts.

Mayor: Under this amendment, is it your thinking that the City Manager would call the nine members of the City Council. What if the members of the City Council decide that there is no need for the City Council to meet at that time? They just don't believe it is a state of emergency. In that case, I'm assuming that the City Manager would not have any authority to call an emergency under this ordinance. Is that correct? I'm assuming that he reaches all nine of you by telephone or by messenger and says he believes he has an emergency and would like very much if you people would come down, have a meeting, and discuss it. And the City Council might say that they are not disposed to come down at that time. Would he still go on and declare the emergency under this ordinance?

Dr. Parker: If the Council refuses to convene, this obviates his act.

Mayor: That is what I thought the meaning was. Just so we understand that.

Mr. Henckel: I'd like to clarify that point. I don't believe that, in the event of an emergency, that there would be time to go into detail on the telephone to nine members of the Council for them to ascertain whether they wanted to attend the meeting. I think the call of the meeting should be mandatory. I couldn't conceive of any Councilman not coming if he could.

Mayor: If you can't get the six members to come, then you have the authority to go ahead with your declaration and then convene as soon as possible. Mr. Walker can prepare the necessary amendment in accordance with that. I suggest that perhaps we just pass this ordinance until next week, at which time you will have it ready.

Mr. Walker: I think so because I'm still not sure of exactly how this should be worded. I don't think we should take action until we clarify it. We can prepare it and have it ready before the meeting is over.

68-131

The Clerk read the following Ordinance:

AN ORDINANCE 36,222

PROHIBITING PARADES, DEMONSTRATIONS AND PUBLIC ASSEMBLAGES IN THE HEMISFAIR AREA AND ON THE PERIMETER OF THE HEMISFAIR AREA AND PROVIDING PENALTY THEREFOR.

* * *

Mr. Henckel: This ordinance is merely for the protection of the Hemisfair area because of the congestion that traffic and people at the entrance would create. Under this ordinance, another place will be provided for such parades and demonstrations when an application is made. It can be in the downtown area, in front of the Alamo or some other suitable place, but do not feel that because of the fact that Hemisfair is in the downtown area and because it will be congested, that we should allow any additional congestion which would keep people from coming in or out of the Hemisfair area.

Mr. Torres: Do you have any similar ordinance for the Alamo Stadium or the Colliseum or any other area where we have large numbers of people?

Mr. Henckel: No, sir.

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Mr. Torres: No restriction whatsoever. What is the particular emergency and danger that purportedly is justifying this ordinance?

Mr. Henckel: I can't see the comparison at all, Mr. Torres, between the Hemisfair area and the Alamo Stadium.

Mr. Torres: You are talking about large crowds and crowded traffic conditions. This is the comparison that I am making.

Dr. Calderon: What is the expected daily attendance at the Hemisfair?

Mr. Henckel: I'm not sure of those figures. They can be obtained from the Hemisfair people. It is going to, of course, fluctuate very much. The particular intent here is that many of the people attending Hemisfair will be visitors from out of state. It would certainly aggravate the traffic control and people flow problem, whereas in our stadium, I would think that many of the people attending are local citizens and know the particular rules and regulations pertaining to crowds. Also, they are not in the downtown area where we already have terrific congestion.

Mr. Torres: Who suggested this particular ordinance?

Mr. Henckel: This was suggested by the Hemisfair people. They are concerned about the control points at the gates, and which I certainly am in full accordance with because of the limitations and the number of entrances to the fair grounds. I can't see where anybody would have an objection to holding their parade or demonstration in some other place.

Dr. Parker: I second it.

Mr. Torres: I have an objection for the same reason that I had earlier because you have a 1st Amendment to the United States Constitution which guarantees the right to assemble. I don't think that even a sacred cow like Hemisfair can transcend the United States Constitution.

The Ordinance was approved for passage by the following vote: AYES: Dr. Parker, Mayor McAllister, Dr. Calderon, Mr. Jones, Mrs. Cockrell, and Mr. Gatti; NAYS: Mr. Torres; ABSTAINS: Mr. James and Mr. Trevino.

The Mayor announced that the zoning cases were to be taken up at that time.

68-111 The next case to be heard was Case 3029 to rezone Lot 20, Blk. 13, NCB 11488 from "A" Residence District to "B-2" Business District, located northwest of the intersection of Brendell Blvd. and Culebra Road.

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

No one spoke in opposition.

On motion made by Mr. Gatti and seconded by Mr. Jones, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: McALLISTER, CALDERON, JONES, COCKRELL, GATTI, TREVINO, PARKER, TORRES; NAYS: None; ABSENT: JAMES.

AN ORDINANCE 36, 223

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 20, BLK. 13, NCB 11488 FROM "A" RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT.

* * *

68-112 The next case to be heard was Case 3031 to rezone Arb. Tract D, 4.145 acres out of NCB 13827, from Temp. "A" Residence District to "B-3" Business District, located on the East side of San Pedro Avenue.

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

No one spoke in opposition.

Mr. Gatti made a motion, seconded by Dr. Parker to approve the change. The following ordinance was approved by passage of the following ordinance by the following vote: AYES: McALLISTER, CALDERON, JONES, COCKRELL, GATTI, TREVINO, PARKER, TORRES, JAMES; NAYS: None; ABSENT: None.

AN ORDINANCE 36, 224

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 ARB. TRACT D., 4.145 ACRES OUT OF NCB 13827, FROM "A" RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

68-113 The next case to be heard was Case 3128 to rezone Lot 3, NCB 13666 from "A" Residence District to "R-3" Multiple-Family Residence, Lot 4, NCB 13666 from "A" Residence District to "B-2" Business District, and Lot 5, NCB 13666 from "A" Residence District to "B-3" Business District, bounded on the southwest and the northwest by the Old Babcock Road.

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

On motion made by Dr. Calderon and seconded by Mr. Jones, 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, PARKER, TORRES, GATTI; NAYS: None; ABSENT: None.

AN ORDINANCE 36, 225

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 3, NCB 13666 FROM "A" RESIDENCE DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE, LOT 4, NCB 13666 FROM "A" RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, AND LOT 5, NCB 13666 FROM "A" RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

* * *

68-129 The next case to be heard was Case 3216 to rezone Lot 11, Blk. A, NCB 8695 from "A" Residence District to "R-3" Multiple-Family Residence District, located on the west side of Rainbow Drive.

Mr. Burt Lawrence, Assistant Planning Director, briefed the Council on the proposed change which the Planning Commission recommended be denied.

After discussion by the Council, Mr. Gatti made a motion to overrule the recommendation of the Planning Commission and grant the rezoning. Dr. Parker seconded the motion. The following ordinance was approved for passage by the following vote: AYES: CALDERON, JONES, JAMES, COCKRELL, GATTI, TREVINO, PARKER, TORRES; NAYS: McALLISTER; ABSENT: None.

AN ORDINANCE 36, 226

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 SOUTH 90.71' OF LOT 11, BLK. "A", NCB 8695 FROM "A" RESIDENCE DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT.

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68-114 The next case heard was Case 3134 to rezone Lots 26, 27, Blk. 79, NCB 2794 from "B" Residence District to "B-1" Business District, located on the S. side of Hildebrand Avenue.

Miss Margaret Eldridge, applicant, stated that because of the heavy traffic along Hildebrand, subject property was not suitable as residential property. She explained that the property immediately to the east has been developed for business use, and future plans for the widening of Hildebrand will make her property less desirable for a residence.

Mrs. C. D. Steele, 1542 W. Hildebrand, opposed the rezoning because of the additional traffic and the narrowness of Hildebrand at this point.

After further discussion, Mr. Torres made a motion to approve the recommendation of the Planning Commission to rezone this property. Dr. Parker seconded the motion. The ordinance was approved for passage by the following vote: AYES: CALDERON, JONES, JAMES, TREVINO, PARKER, TORRES; NAYS: McALLISTER, COCKRELL; ABSENT: GATTI.

AN ORDINANCE 36, 227

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 26 and 27, BLK. 79, NCB 2794 FROM "B" RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT.

* * *

Mayor McAllister was obliged to leave the meeting, and Dr. Calderon took over.

68-115 The next case heard was Case 3142 to rezone the south 114.05' of the west 25' of Lot 65, Blk. 4, NCB 1772, from "B" Residence District to "I-1" Light Industry District, located on the N. side of Hollywood Avenue.

Mr. Burt Lawrence, Assistant Planning Director, briefed the Council on the proposed change which the Planning Commission recommended be approved.

No one asked to be heard in opposition.

On motion made by Mr. Jones and seconded by Dr. Parker, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: CALDERON, JONES, JAMES, COCKRELL, TREVINO, PARKER, TORRES; NAYS: None; ABSENT: McALLISTER, GATTI.

AN ORDINANCE 36, 228

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 SOUTH 114.05' OF THE WEST 25' OF LOT 65, BLK. 4, NCB 1772, FROM "B" RESIDENCE DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

* * *

68-116 The next case heard was Case 3146 to rezone Lot 12, Blk. 5, NCB 10937 from "B" Residence District to "B-2" Business District, and Lot 35, Blk. 5, NCB 10937 from "B" Residence District to "B-3" Business District, located north of the intersection of the Hot Wells Blvd. and I. H. 37 Southeast Expressway.

Mr. Burt Lawrence, Assistant Planning Director, briefed the Council on the proposed change, which the Planning Commission recommended be approved.

No one spoke in opposition.

On motion made by Mr. Torres and seconded by Dr. Parker, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: CALDERON, JONES, JAMES, COCKRELL, TREVINO, PARKER, TORRES; NAYS: None; ABSENT: McALLISTER, GATTI.

AN ORDINANCE 36, 229

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 12, BLK. 5, NCB 10937 FROM "B" RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, AND LOT 35, BLK. 5, NCB 10937 FROM "B" RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

* * *

68-117 The next case heard was Case 3156 to rezone Lot 14, NCB 11622 from Temporary "A" Residence District to "B-3" Business District, located on the northeast side of Fredericksburg Road.

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

No one asked to speak in opposition.

On motion made by Mr. Torres and seconded by Dr. Parker, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: CALDERON, JONES, JAMES, COCKRELL, TREVINO, PARKER, TORRES; NAYS: NONE; ABSENT: McALLISTER, GATTI.

AN ORDINANCE 36, 230

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 14, NCB 11622 FROM TEMPORARY "A" RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

* * *

68-118 The next case heard was Case 3163 to rezone Lots 48 and 49, NCB 8409 from "F" Local Retail District to "B-3" Business District, located on the northeast side of Fredericksburg Road.

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

No one spoke in opposition.

On motion made by Mr. Torres and 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, COCKRELL, TREVINO, PARKER, TORRES; NAYS: None; ABSENT: McALLISTER, GATTI.

AN ORDINANCE 36, 231

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 48 and 49, NCB 8409 FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT.

68-119 The next case heard was Case 3183 to rezone the west 60' of Lot 23, Blk. 2, NCB 8563 from "B" Residence District to "R-3" Multiple-Family Residence District, located on the south side of Vassar Lane.

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

No one asked to speak in opposition.

On motion made by Mr. Torres and 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, COCKRELL, TREVINO, PARKER, TORRES; NAYS: None; ABSENT: McALLISTER, GATTI.

AN ORDINANCE 36, 232

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 WEST 60' OF LOT 23, BLK. 2, NCB 8563 FROM "B" RESIDENCE DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT.

* * *

68-120 The next case heard was Case 3193 to rezone Lot 51, NCB 7907 save and except the east 150' from "B" Residence District to "R-3" Multiple-Family Residence District, located on the south side of Gerald Avenue.

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

No one spoke in opposition.

Mr. Torres made a motion to approve the recommendation of the Planning Commission to rezone this property. Mr. Jones seconded the motion. The recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: CALDERON, JONES, JAMES, COCKRELL, TREVINO, PARKER, TORRES; NAYS: None; ABSENT: McALLISTER, GATTI.

AN ORDINANCE 36, 233

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 51, NCB 7907 SAVE AND EXCEPT THE EAST 150' FROM "B" RESIDENCE DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT.

* * *

The Mayor returned to the meeting and presided.

68-121 Next heard was Case 3210 to rezone Lot 96A, Blk. 11, NCB 9311 from "B" Apartment District to "B-3" Business District located southeast of the intersection of southwest Military Drive and Altura Avenue.

Mr. Leo Mendoza, Jr., the applicant, stated that the area in and around the subject property is basically commercial and he desires the rezoning for the purpose of operating a steak house with a private club.

No one spoke in opposition.

On motion of Mr. Torres, seconded by Mr. Trevino, the recommendation of the Planning Commission was approved by passage of the following ordinance by the following vote: AYES: Calderon, Jones, James, Cockrell, Trevino, Parker, Torres; NAYS: None; ABSTAINING: McAllister; ABSENT: Gatti.

AN ORDINANCE 36,234

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 96A, BLK. 11, NCB 9311 FROM "C" APARTMENT DISTRICT TO "B-3" BUSINESS DISTRICT.

* * *

68-131 At this time the Clerk read the following ordinance as amended.

AN ORDINANCE 36,235

DEFINING CIVIL EMERGENCY; DEFINING CURFEW; AUTHORIZING THE CITY MANAGER TO PROCLAIM THE EXISTENCE OF CIVIL EMERGENCY; AUTHORIZING THE CITY MANAGER TO IMPOSE CURFEW DURING CIVIL EMERGENCY; AUTHORIZING CITY MANAGER TO REGULATE THE CONDUCT OF CERTAIN BUSINESSES DURING CIVIL EMERGENCY; AUTHORIZING THE CITY MAYOR TO CALL FOR MILITARY AID DURING CIVIL EMERGENCY; PRESCRIBING PENALTY FOR VIOLATIONS; AND DECLARING AN EMERGENCY.

* * * *

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The ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Parker, NAYS: Torres; ABSENT: None.

67-726

The Clerk read the following ordinance.

AN ORDINANCE 36,236

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF LITTON BUSINESS SYSTEMS, INC., MAVERICK-CLARKE DIVISION TO FURNISH AND INSTALL CARPETING IN ADMINISTRATIVE OFFICES AND STAIR LOBBY AT MEETING ROOMS, CITY OF SAN ANTONIO TEXAS CONVENTION CENTER AND APPROPRIATING FUNDS FOR PAYMENT FROM COMMUNITY AND CONVENTION CENTER BOND FUND 489-05.

* * *

Mr. Al Tripp, Purchasing Agent, explained the ordinance, and on motion of Dr. Calderon, seconded by Mr. Trevino, was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Trevino; NAYS: None; ABSTAINING: Torres; ABSENT: Gatti, Parker.

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, Trevino, Torres; NAYS: None; ABSENT: Gatti, Parker.

AN ORDINANCE 36,237

ACCEPTING THE ATTACHED QUALIFIED BID OF FOLEY'S DIVISION OF FEDERATED DEPARTMENT STORES TO FURNISH AND INSTALL DRAPERIES IN ADMINISTRATIVE OFFICES, BANQUET HALL, REAR WALL OF THEATER, ASSEMBLY ROOM AND MEETING ROOMS, CITY OF SAN ANTONIO, TEXAS CONVENTION CENTER AND APPROPRIATING FUNDS FOR PAYMENT FROM COMMUNITY & CONVENTION CENTER BOND FUNDS 489-05.

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AN ORDINANCE 36, 238

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF FOLEY'S DIVISION OF FEDERATED DEPARTMENT STORES TO FURNISH AND INSTALL CARPETING IN THE THEATER - CITY OF SAN ANTONIO, TEXAS CONVENTION CENTER AND APPROPRIATING FUNDS FOR PAYMENT FROM COMMUNITY AND CONVENTION CENTER BOND FUND 489-05.

* * *

68-132

AN ORDINANCE 36, 239

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF CERAMAFLEX COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH MATERIALS AND LABOR TO PAINT CITY SWIMMING POOLS FOR A TOTAL OF \$5,950.00.

* * *

68-83

The Clerk read the following ordinance:

AN ORDINANCE 36, 240

PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LINES OF THE CITY OF SAN ANTONIO, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 48.453 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO.

* * *

Mr. Steve Taylor, Planning Director, explained that this annexation was at the request of the developer.

No one spoke in opposition.

On motion made by Dr. Calderon and seconded by Mr. Jones, the ordinance was approved for passage for publication only by the following vote: AYES: McALLISTER, CALDERON, JONES, JAMES, COCKRELL, TREVINO, PARKER, TORRES; NAYS: None; ABSENT: GATTI.

The Mayor was obliged to leave the meeting, and Dr. Calderon took over.

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68-122 The next case heard was Case 3214 to rezone 1.655 acres out of Lot 81, 82, and 83, Blk. 34, NCB 13490 from "B-2" Business District to "B-3" Business District, located on the southeast side of West Avenue.

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

No one spoke in opposition.

On motion made by Mr. Jones and 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, COCKRELL, TREVINO, PARKER, TORRES; NAYS: None; ABSENT: McALLISTER, GATTI.

AN ORDINANCE 36, 241

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 1.655 ACRES OUT OF LOT 81, 82, and 83, BLK. 34, NCB 13490 FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT.

* * *

68-123 The next case heard was Case 3220 to rezone Lot 32, Blk. 3, NCB 11839 from "R-2" Two-Family Residence District to "R-3" Multiple-Family Residence District, located northeast of the intersection of Eisenhower Road and N. Vandiver Road.

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

No one asked to speak in opposition.

On motion made by Mr. Jones and 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, COCKRELL, TREVINO, TORRES; NAYS: None; ABSENT: McALLISTER, GATTI, PARKER.

AN ORDINANCE 36, 242

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 32, BLK. 3, NCB 11839 FROM "R-2" TWO-FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT. * * *

68-124 Next heard was Case 3227 to rezone Lot 19, NCB 11619 (1.201 acres) from "A" Residence District to "R-3" Multiple-Family Residence District, located on the northeast side of Babcock 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.

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

AN ORDINANCE 36,243

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, NCB 11619 (1.201 ACRES) FROM "A" RESIDENCE DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT.

* * *

68-125 Next heard was Case 3230 to rezone the north 53.37' of Lot 10, Blk. 2, NCB 12524 from "E" Office District to "B-2" Business District, located on the east side of Harlow Drive.

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.

On motion of Mr. Jones, 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, Cockrell, Trevino, Torres; NAYS: None; ABSENT: Gatti, McAllister, Parker.

AN ORDINANCE 36,244

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTH 53.37' OF LOT 10, BLK. 2, NCB 12524 FROM "E" OFFICE DISTRICT TO "B-2" BUSINESS DISTRICT.

68-126 The case heard was Case 3236 to rezone Lot 1, Blk. 3, NCB 14160 (13.020 acres) from Temp. "R-1" One-Family Residence District to "B-2" Business District, located on the northeast side of Evers Road, Lot 1, Blk. 1, NCB 14158 (2.874 acres) from Temp. "R-1" One-Family Residence District to "B-3" Business District, located north of the intersection of I.H. 410 and Evers Road, and Lot 1, Blk. 2, NCB 14159 (10.606 acres) from Temp. "R-1" One-Family Residence District to "R-3" Multiple-Family Residence District, located on the north side of I.H. 410.

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

No one spoke in opposition.

On motion made by Mr. Trevino and seconded by Mr. Jones, the recommendation of the Planning Commission was approved for passage by the following vote: AYES: CALDERON, JONES, JAMES, COCKRELL, TREVINO, TORRES; NAYS: None; ABSENT: McALLISTER, GATTI, PARKER.

AN ORDINANCE 36, 245

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 1, BLK. 3, NCB 14160 FROM TEMP. "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, LOT 1, BLK. 1, NCB 14158 FROM TEMP. "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT, AND LOT 1, BLK. 2, NCB 14159 FROM TEMP. "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT.

* * *

68-127 The next case heard was Case 3237 to rezone Lot 15, BLK. 1, NCB 13952 from Temp. "R-A" Residence Agriculture District to "B-2" Business District, located on the south side of Highway 90 west of Marwhite Road.

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

On motion made by Mr. Torres and 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, Cockrell, Trevino, Torres; NAYS: None; ABSENT: McAllister, Gatti, Parker.

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AN ORDINANCE 36, 246

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 15, BLK. 1, NCB 13952 FROM TEMP. "R-A" RESIDENCE AGRICULTURE DISTRICT TO "B-2" BUSINESS DISTRICT.

* * *

68-128 The last case heard was Case 3242 to rezone Lot 9, Blk. 42, NCB 12331 from "B" Residence District to "R-3" Multiple-Family Residence District, located southwest of the intersection of Dresden Drive and Scotland Drive.

Mr. Burt Lawrence, Assistant Planning Director, briefed the Council on the proposed change which the Planning Commission recommended be approved.

No one spoke in opposition.

On motion made by Mr. Torres and 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, Cockrell, Trevino, Torres; NAYS: None; ABSENT: McAllister, Gatti, Parker.

AN ORDINANCE 36, 247

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 9, BLK. 42, NCB 12331 FROM "B" RESIDENCE DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT.

* * *

68-111 In answer to a question from Councilman Trevino, Bob Frazier, Director of Parks and Recreation, stated that he had made a detailed study in regard to the lack of dressing rooms at the Columbia Heights Swimming Pools. He stated that this condition exists in the other six swimming pools. People in the Columbia Heights area are requesting the City to provide dressing room facilities and personnel to check clothes in and out.

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In the study just completed and sent to the City Manager's office, he included the cost of constructing dressing room facilities at each of the swimming pools to be considered in the preparation of the new budget. He assured Mr. Trevino that he would notify all the people concerned with this problem.

68-111
petition:

Miss Shirley Cruz read to the Council the following

We, the undersigned citizens and parents of Columbia Heights, in the area between Division, Southcross, Commercial, and Zarzamora, and the members of the Columbia Heights Civic Action Council (SANYO #23)

request adequate drainage. For too long we have suffered from excessive flooding of the area, with our children unable to get to school and automobile travel made practically impossible. Also, we request additional sidewalks comparable to other sections of San Antonio. Further, we request that the lighting (street) be investigated, and where adequate lighting of the streets and corners is not had, that this matter be rectified.

Mr. Torres stated that he spoke to the San Antonio Neighborhood Youth Center #23 and told them to submit a petition. He suggested that the staff contact the San Antonio Neighborhood Youth Center #23 and advise them as to the Sidewalk School Program and how their request for sidewalks should be submitted and to have members of the staff recheck the petition as to the four basic items in a report to the Council.

Mrs. Manuel Lopez suggested to the Council that they retain a small street (Bauer) between Brunswick and Fitch, to be retained as a sidewalk for the school children. She stated that since Southcross Boulevard has been completed, the children have had to walk in the street a good distance out of their way to attend school. Mrs. Lopez also stated that she was a member of the Columbia Heights organization.

Dr. Calderon then recognized Mr. Lester E. Pratt, Jr. Mr. Pratt made the following statement:

It is respectfully requested that I, Lester E. Pratt, Jr. be permitted to address the Council on a matter of importance at its meeting on February 15, 1968. The topic for presentation is the now current construction of five foot masonry walls and gas meter complex within four feet of the street curb and near the curving triangular intersection of Blanco and Jackson-Keller Roads.

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It is felt that the construction of such walls and the location of large industrial gas meters in this particular location as planned by Mr. William Ochse for an apartment unit, will constitute a danger and nuisance to area motorists and pedestrian traffic for Nimitz Junior High School and is in poor regard for the business and residential neighborhood. That is, this wall-meter complex will so restrict the vision of motorists (both in the streets and adjoining driveways) and pedestrians so as to constitute a grave safety condition. A petition will be submitted to the Council of local citizens opposed to this construction.

This construction is clearly a violation of the open space requirements of local zoning ordinances which require a twenty-five foot setback from the street. However, approval was granted to Mr. William Ochse for this construction without notice to other parties or benefit of public hearing.

Certain City offices are now of the opinion that this construction is not in the public interest and is contrary to local zoning laws and procedures, and have advised Mr. Ochse of a zoning violation. However, as of this date, this action has not halted construction.

It is respectfully requested that the City Council investigate this matter and direct the City Attorney to take the necessary legal action so as to permit construction in agreement with established city zoning ordinance codes.

Mrs. Cockrell suggested to the Council that this matter be referred to the City Manager for investigation and report.

After further discussion, the City Manager was instructed to make an investigation on this matter for the City Council.

68-111 Mr. Samuel Backson, retired railroad engineer, spoke in opposition to a proposed ordinance limiting the speed of trains within the City limits.

68-111 Mr. Bob Bouble, representing IBW Local 60, requested if the City crews which were to be used to renovate the Martin Wright Building on Auditorium Circle were going to be paid the prevailing wage rates for trades. He would like an explanation as to why City

crews would be used, as the City wage is not in compliance with the prevailing wage rate accepted in this area. He then introduced Mr. William F. Keller, Secretary of the Building Trades here in San Antonio.

Mr. Keller stated that he understood that bids that were received were prohibitive and also mentioned that work is going on in the Wolff and Marx Building, which the City, at one time, considered renting the first floor of. However, no permit has been taken out for this work. As far as the Martin Wright Building is concerned, it didn't sound plausible that the City would let a mechanical contract for the job, using the City's people for the work. If this is the intent, the Building Trades would like to file a protest against it.

Mr. Henckel, the City Manager, stated that the City had a right to remodel their own building; however, there has been no definite committment as yet and there are several alternatives being considered. The cost for the bids were prohibitive for the short time that the Martin Wright Building is to be used.

Mrs. Cockrell suggested that the City Manager evaluate the situation and give the Council a report. She felt that the gentlemen had raised a question which is deserving of a study.

Dr. Calderon stated that the Council would recess at this point.

The City Council reconvened.

Mr. Henckel, City Manager, informed the Council that there were a number of Board appointments to be made and that they would be ready for the next Council Meeting.

66-831 The Clerk read the following Resolution:

A RESOLUTION

APPROVING THE USE PLANS FOR THE LA VILLITA AREA
AS SUBMITTED BY THE DIRECTOR OF PARKS AND RECREA-
TION.

* * *

Councilwoman Mrs. Cockrell stated that she must vote not on this resolution because she felt the Staff should find a place for the tenants within the LaVillita Area.

After discussion, on motion of Dr. Parker, seconded by Mr. Trevino, the resolution was passed and approved by the following vote: AYES: Calderon, Jones, James, Trevino, Parker; NAYS: Cockrell; ABSENT: McAllister, Gatti, Torres.

68-111 The Clerk read the following letter.

February 12, 1968

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

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

2-8-68 Petition of Mr. William Duncans, 1002 Poinsettia, requesting the City to repair the drainage ditch at the rear of petitioner's home at 1002 Poinsettia and to replace the dirt that has washed away from the property caused by the rains.

/s/ J. H. INSELMANN
City Clerk

* * * *

There being no further business to come before the Council, the meeting adjourned.

A P P R O V E D:


M A Y O R

ATTEST:


C i t y C l e r k

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