

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, DECEMBER 19, 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, Cockrell, Gatti, Trevino, Hill, Torres; ABSENT: None.

68-416 The invocation was given by Councilman S. H. James.

68-416 The minutes of December 12, 1968 City Council Meeting were approved with the following corrections:

Page thirty, third line of the fifth paragraph, one percent (1%) was corrected to read forty percent (40%); the name of Mr. Roucher appears on pages thirty-one and thirty-two, the spelling was corrected to read Mr. Rocha.

68-416 CITIZENS TO BE HEARD:

Mr. Adolph C. Herrera complained to the City Council that he has been robbed ten times in the last ten years and asked who was in charge of the Police Department.

The Mayor advised that the City Council appoints the City Manager, who is the Chief Administrative Officer of the City. He was referred to the City Manager's office to see what could be done about his particular situation.

68-416 Mr. Richard Sanchez stated he was quite perturbed on the recommendations for the re-use of HemisFair Plaza. He suggested that rather than give the land to the University, the City should try and create the area that would attract tourists. He explained that it would be an ideal location in which to create a Mexican Town due to its charm complete with Market Place, Mariachi singers and even Chile Queens, as well as the

separate area in which could be created a Heidelberg Garden. He did not see how the City could do away with Victoria Courts and relocate all the old people there.

The Mayor thanked Mr. Sanchez for his suggestions.

68-416 First heard was Zoning Case 3448, to rezone Lots 12 through 15, and that portion of Lots 16 & 17 presently in the City of San Antonio, NCB 12798 from "A" Single-Family Residence District to "R-2" Duplex District located on the west side of Baywater Drive, 137' south of Newcome Drive; having 130' on Baywater Drive, and a maximum depth of 485'.

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

No one spoke in opposition.

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

AN ORDINANCE 37,134

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 12 THROUGH 15, AND THAT PORTION OF LOTS 16 & 17 PRESENTLY IN THE CITY OF SAN ANTONIO, NCB 12798, FROM "A" SINGLE-FAMILY RESIDENCE TO "R-2" DUPLEX DISTRICT.

* * * *

68-416 Next heard was Zoning Case 3462 to rezone Lot 20, NCB 11623 from "A" Single-Family Residence District to "R-3" Multiple Family Residence; Lot 21, NCB 11623 from "A" to "B-2" Business District; and Lot 22, NCB 11623 from "A" to "R-4" Mobile Home District located north of the intersection of Chambers Road & Fredericksburg Road, having 715.99' on Chambers Road & 542.24' on Fredericksburg 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.

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

AN ORDINANCE 37, 135

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, NCB 11623 FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT; LOT 21, NCB 11623 FROM "A" SINGLE-FAMILY RESIDENCE TO "B-2" BUSINESS; LOT 22, NCB 11623 FROM "A" SINGLE-FAMILY RESIDENCE TO "R-4" MOBILE HOME DISTRICTS.

* * * *

68-416 Next heard was Zoning case 3467, to rezone Lot 9, Blk. 1, NCB 11767 (5.075 acres) from "A" Single-Family Residence District to "R-3" Multiple-Family Residence District located east of the intersection of I. H. 410 Expressway and Babcock Road, having 924.39' on I. H. 410, 570.39' on Babcock Road and 99.60' on the cutback between these two roads.

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

In answer to questions by the Council, Mr. Bruce B. Johnson, the applicant, stated he intended to build one, two and three story apartments and that since the property is four feet lower along the southeast line, he will erect a solid screen fence to protect the people who live on Crestline Drive, whose property backs up to his property line. His proposed project would not spoil the view of the people who live immediately across Loop 410 to the North.

No one spoke in opposition.

Dr. Calderon made a motion to approve the recommendation of the Planning Commission and grant the rezoning subject to proper screening on the Southeast property line. Seconded by Mr. Torres, the following ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,136

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. 1, NCB 11767 (5.075 ACRES) FROM "A" SINGLE-FAMILY RESIDENCE TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT, SUBJECT TO THE ERECTION OF A SOLID SCREEN FENCE ALONG THE SOUTHEAST PROPERTY LINE.

* * * *

68-416 Next heard was Zoning Case 3488, to rezone Lot 23, Blk. 16, NCB 13777 from Temporary "A" Single-Family Residence District to "R-3" Multiple-Family Residence District located north of the intersection of Sherri Ann Road & Carelin Drive, having 141.57' on Carelin Drive and 159.03' on Sherri Ann 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.

After consideration, 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: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,137

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 23, BLK. 16, NCB 13777, FROM TEMPORARY "A" SINGLE-FAMILY RESIDENCE TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT.

* * * *

68-416 Next heard was Zoning Case 3489, to rezone Lot 25, NCB 13811 (1.842 acres) from Temporary "A" Single-Family Residence District to "R-3" Multiple-Family Residence District located on the northwest side of Sherri Ann Road, 802.92' northeast of Carelin Drive; having 112.51' on Sherri Ann Road and a maximum depth of 837.75'.

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

No one spoke in opposition.

After consideration, on motion of Mr. Gatti, 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, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,138

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 25, NCB 13811 (1.842 ACRES) FROM TEMPORARY "A" SINGLE-FAMILY RESIDENCE TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT.

* * * *

Councilman Torres requested that George Vann, Director of Housing and Inspections, investigate the junk yard east of the subject property for compliance with all of City ordinances.

68-416 Next heard was Zoning Case 3431, to rezone Lot 14, NCB 11608 from "A" Single-Family Residence District to "R-3" Apartment District; Lot 15, NCB 11608 from "A" to "O-1" Office District; Lot 16, NCB 11608 from "A" to "B-2" Business District; and Lot 17, NCB 11608 from "A" to "B-3" Business District located south of the intersection of Babcock Road and Wurzbach Road, having 450.98' on Babcock Road and 2352.99' on Wurzbach Road.

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

The Mayor asked Mr. Ralph Bender, the applicant, about the opponents that were present when the case was heard by the Planning Commission.

Mr. Bender explained that most of the opponents have been satisfied and they have formed an Architectural Control Committee who will have a voice in the layout of the proposed project. In addition, there will be deed restrictions for the subject property.

No one spoke in opposition.

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

AN ORDINANCE 37,139

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 11608 FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "R-3" APARTMENT; LOT 15, NCB 11608 FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "O-1" OFFICE; LOT 16, NCB 11608 FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS; and LOT 17, NCB 11608 FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICTS.

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68-416 Next heard was case 3402 to rezone the north 237' of Lot 36, NCB 11928, being that portion not presently zoned "D" Apartment and "E" Office Districts from "A: Single-Family Residence District to "R-3" Multiple-Family Residence District located southwest of the intersection of Lorenz Road and Broadway, having 195' on Lorenz Road, 237' on Broadway, and a maximum depth of 627.60'.

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

Mr. Terry Topham, attorney representing the applicant, stated his client was at home with the flu and requested a postponement of the hearing.

Mr. James R. Bass, attorney representing two of the opponents stated that it was agreeable with him and his clients to postpone the case.

Mr. Hartwell, 149 Lorenz Road, requested the Council to hear the case now since it had been postponed several times.

Mr. Torres stated that this case had been denied by the Council and that at the request of the applicant, the rehearing was set up for today and the opposition had been assured that the Council would hear this case today.

Mr. Stanton L. Fickel, representing Mr. Amberson, stated that he was not capable of presenting Mr. Amberson's request for rezoning but would be glad to answer any questions from the Council regarding the case. He then presented a plat showing the apartment units to be built.

The Mayor stated he had letters from Mr. Gilbert Kinder, letters from Mr. Putman and Mr. W. P. Glass, all favoring the rezoning.

After further discussion, the Mayor stated that the Council would hear this case later on in the meeting in order to give Mr. Fickel an opportunity to contact the applicant, Mr. Amberson.

68-416 Next heard was Zoning Case 3422 to rezone the north 300.3' of the west 296.3' of NCB 8644 being that portion not presently zoned "F" Local Retail District and "JJ" Commercial District from "A" Single-Family Residence District to "I-1" Light Industry District located south of the intersection of Bitters Road and Jones-Malstberger Road; having 282.33' on Bitters Road, 246.3' on Jones-Maltsberger Road, and 72' on the cutback between these two roads. (Postponed from Nov. 7, 1968)

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

In answer to a question from the Mayor, Mr. Lawrence stated that this was in the area under protective ordinance for expansion of the International Airport.

Mr. Tom Raffety, Airport Director, stated that while this property was under the protective ordinance, acquisition could not be planned until 1973.

Councilman Gatti felt that would be hardship on any property owner that could not use this property as he saw fit due to a long term protective ordinance.

Mr. William Stohlhandski, attorney representing the applicant, Mr. Eastman, explained that his client, while he had requested "I-1" zoning, he has since found that "B-3" would suit his needs. He stated that his client would put a single-story movable office building with enclosed warehouse, no outside storage. Northeast Independent School District, whose stadium is directly across Bitters Road from the subject property, had no objections to the rezoning. In fact, they favored it for his client would place sidewalks along the property line for the school children to walk on.

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

AN ORDINANCE 37,140

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 300.3' OF THE WEST 296.3' OF NCB 8644, BEING THAT PORTION NOT PRESENTLY ZONED "F" LOCAL RETAIL DISTRICT AND "JJ" COMMERCIAL DISTRICT FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

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68-416

The Clerk read the following ordinance:

AN ORDINANCE 37, 141

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF GEORGE C. VAUGHN & SONS, LUMBER DIVISION TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PUBLIC WORKS WITH CERTAIN SOUTHERN YELLOW PINE LUMBER FOR A TOTAL OF \$4,426.01.

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

68-416

The Clerk read the following ordinance:

AN ORDINANCE 36,142

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF GULF POOL EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF PARKS AND RECREATION WITH EIGHT GAS CHLORINATORS FOR A TOTAL OF \$3,260.00.

* * * *

Mr. John Brooks, Purchasing Agent, explained there was a representative from Gulf Pool Equipment Company present as well as a representative of Crane Company, who was an unsuccessful bidder.

Mr. Bill Martin, representing the Crane Company stated that the Gulf Pool Equipment Company did not meet the specifications and distributed a set of specifications to the Council. He explained that his company's bid did meet the specifications and requested the Council to reject Gulf Pool Equipment Company's bid.

Mr. Charles Rubinstein, representing Gulf Pool Equipment Company, stated that they had been in business for fifty-five years and his company did meet all the specifications. The Chlorinators that his company was furnishing were the 1969 version Gas Chlorinators.

Mr. John Brooks, Purchasing Agent, stated that he had met with representatives of the Parks and Recreation Department and they all concurred and recommended that the Council award the bid to Gulf Pool Equipment Company.

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

68-416

The Clerk read the following ordinance:

AN ORDINANCE 37,143

APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND THE STATE OF TEXAS FOR INSTALLATION, OPERATION AND MAINTENANCE OF HIGHWAY TRAFFIC SIGNALS IN CONNECTION WITH I. H. 35 TEMPORARY DETOUR IN SAN ANTONIO.

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

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68-416

The Clerk read the following resolution:

A RESOLUTION

REQUESTING THE TEXAS HIGHWAY
COMMISSION TO DEFER UNTIL AUGUST
1, 1969, ITS REQUEST FOR THE CITY
TO DEPOSIT ITS SHARE OF THE COST
OF LIGHTING U. S. 281 EXPRESSWAY
BETWEEN THE PEARL PARKWAY AND
HILDEBRAND AVENUE.

* * * *

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

68-416

The following ordinance was explained by Mr. George
D. Vann, Director of Housing and Inspections, and on motion of
Mr. Torres, seconded by Mr. Gatti, the ordinance was passed and
approved by the following vote: AYES: McAllister, James, Cockrell,
Gatti, Hill, Torres; NAYS: None; ABSENT: Calderon, Jones,
Trevino.

AN ORDINANCE 37,144

GRANTING THE OWNERS OF LOT 126 BLOCK
23 NEW CITY BLOCK 3466 OF THE CITY
OF SAN ANTONIO PERMISSION TO ERECT AN
EIGHT FOOT PRIVACY FENCE AROUND THEIR
BACKYARD.

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68-416

The Clerk read the following ordinance:

AN ORDINANCE 37,145

MANIFESTING AN AGREEMENT WITH JOHNSON
W. SMITH AND ALFRED F. BEYER, A PARTNERSHIP
D/B/A CASA RIO MEXICAN FOODS, TO AMEND
THE PASEO DEL RIO BOATS AND BARGES
CONCESSION CONTRACT SO AS TO ALLOW
CONCESSIONAIRE TO MOOR BOATS AND BARGES
IN THE CITY'S MARINA, TO CHANGE THE
METHOD OF PAYMENT TO THE CITY, AND TO
ADJUST THE RATES CHARGED FOR BOATS.

* * * *

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

68-416 Members of the Administrative Staff briefed the Council on the following ordinances and on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Cockrell, Gatti, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 37,146

AUTHORIZING A ONE-YEAR CONTRACT WITH DAVIS SANITATION COMPANY FOR THE DISPOSAL OF WASTE, GARBAGE AND TRASH AT A MONTHLY RATE OF \$54.00 PAYABLE TO THE CITY.

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AN ORDINANCE 37,147

AUTHORIZING A ONE-YEAR CONTRACT WITH THE CITY OF CASTLE HILLS FOR THE DISPOSAL OF WASTE, GARBAGE AND TRASH FOR THE SUM OF \$210.00 PER MONTH.

* * * *

AN ORDINANCE 37,148

AUTHORIZING A ONE-YEAR CONTRACT WITH THE CITY OF ALAMO HEIGHTS FOR THE DISPOSAL OF WASTE, GARBAGE AND TRASH FOR THE SUM OF \$540.00 PER MONTH.

* * * *

AN ORDINANCE 37,149

APPROPRIATING FROM AIRPORT REVENUE BOND FUND 8-06 \$65,000.00 PAYABLE TO LODAL AND BAIN ENGINEERS, INC. FOR ENGINEERING SERVICES ON DESIGNATED AIRPORT CONSTRUCTION PROJECTS AND \$19,800.00 AS A MISCELLANEOUS EXPENSES CONTINGENCY ACCOUNT.

* * * *

68-416 Mayor McAllister announced that Zoning Case 3402 postponed earlier in the meeting would be heard at this time.

Mr. Joe Amberson, Jr., applicant, stated he was late in arriving because it was his understanding through his attorney that a postponement would be granted because the attorney for the opponents was agreeable. He stated he had also understood that the attorney for the opposition represented all individuals who were opposed to the rezoning.

He then showed a plat of the proposed apartments to be constructed on the site. He said that he first proposed to build townhouses but had now decided apartments would be more desirable. He said there would be no access to Lorenz Road and there would be a 30' setback on the north property line as well as no access on Broadway within 125' of Lorenz Road. He pointed out that the apartments would be built to the extreme west of the property with 30' setbacks to comply with fire regulations. The apartments will be 40' from the east property line of Lot 18 and a solid screen fence will be constructed along the property line at the rear of Lots 16A, 17, 18, 33 and 34.

Mr. George H. Hartwell, 149 Lorenz Road, stated he has lived on his property for 10 years, and would like to preserve his privacy and if this is approved he would have apartments directly across the street from his property. He felt the project would create traffic congestion and be a safety hazard to children in the area.

Mr. Hartwell then reviewed the minutes of the Council, and the minutes as they had been corrected of the previous hearing. He felt he had been getting a run-around from all parties and asked the Council why the rehearing was granted.

Councilman Torres stated that he understood the reasons for the rehearing was a result of there having been only five members of the Council present when the case was last heard and that in fairness a rehearing had been granted so that opponents as well as the applicant could be heard by all nine members of the Council. He stated he was ready to hear the new evidence Mr. Amberson wished to submit.

Mr. Gatti, in answer to Mr. Hartwell's question regarding the rehearing, stated that it is the Council's prerogative in instances such as this if they wish to rehear a zoning case.

Mr. Hartwell stated that there would be increased parking on Lorenz even though parking would be provided at the apartments and the increased traffic would be a hazard due to a school being located immediately to the northeast of the property. He said there have been numerous accidents at that intersection already and this would cause more traffic.

Mr. Hartwell stated that at the last hearing he had asked the Council why every lot on Lorenz had had its tax valuation raised and he was told that his property is more valuable for apartment use than residential use.

Mr. Carl White, Assistant Finance Director stated the Tax records are open to the public and he would be glad to take Mr. Hartwell to the Tax Office and show him that all property in this area was raised in tax value.

Mr. James R. Bass, representing two of the opponents, pointed out that his clients residences are immediately adjacent to the subject property and showed pictures of a number of homes on Lorenz as well as a picture of the rear of apartments adjoining the property which were littered with trash. He felt it would not be long before the residences would be completely surrounded by apartments because that Lot 33 and 34 are vacant lots and owned by Gilbert Kinder, a builder, and the applicant owns Lot 16A.

He objected to the rezoning also because of additional traffic and the fact that there is presently no traffic signal light at Lorenz Road and Broadway.

Mr. Amberson, in answer to questions from the Council, stated that his new evidence was regarding the clearing up of confusion on the set back lines of the property and the elimination of townhouses from his plan.

Mr. Bruce Waite, attorney, explained that he represented two of the opponents who own very nice ranch style homes and felt that with the erection of two or three story apartments they will be surrounded on two sides and their privacy will be limited.

Mr. Ford, 176 Lorenz, stated he had lived in his home for 13 years and could not possibly replace it in any other part of town. He has a beautiful view and the apartments will block it completely. He also objected to being further penalized by having his tax valuation raised.

Mr. H. R. Stanley, 180 Lorenz, and Mr. Tommy Doda, 179 Lorenz, also opposed the rezoning.

After a lengthy discussion by the Council, Mr. Torres stated he had originally voted in favor of the rezoning but did not feel the applicant had submitted sufficient evidence for the rezoning. therefore he would speak against it.

Mr. Gatti made a motion to approve the recommendation of the Planning Commission subject to the following stipulations: Providing there would be no buildings closer than 50' to the east property line of Lot 18; There be a 30' set back on the east 169' facing Lorenz; No access on Broadway for 120' south and that the north property line immediately to the rear of Lots 16A, 17, 18, 33 and 34 would have no access easement; there be a 30' set back on the extreme west property line; there be erected a privacy fence along the east property line of Lot 18 and the north property line which immediately adjoins the rear of Lots 16A, 17, 18, 33, and 34. Mr. Trevino seconded the motion. On roll call the motion, carrying with it the passage of the following ordinance, prevailed by the following vote:

AYES: McAllister, Calderon, Jones, James, Gatti, Trevino; NAYS:
Cockrell, Hill, Torres; ABSENT: None.

AN ORDINANCE 37,150

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 237' OF LOT 36, NCB 11928 BEING THAT PORTION NOT PRESENTLY ZONED "D" APARTMENT AND "E" OFFICE DISTRICTS FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT SUBJECT TO THE FOLLOWING STIPULATIONS: PROVIDING THERE BE NO BUILDINGS CLOSER THAN 50' TO THE PROPERTY LINE OF LOT 18; THERE BE A 30' SET BACK ON THE EAST 169' FACING LORENZ; NO ACCESS ON BROADWAY FOR 120' SOUTH AND THAT THE NORTH PROPERTY LINE IMMEDIATELY TO THE REAR OF LOTS 16A, 17, 18, 33 AND 34 WOULD HAVE A NO ACCESS EASEMENT; THERE BE A 30' SET BACK ON THE EXTREME WEST PROPERTY LINE; THERE BE ERECTED A PRIVACY FENCE ALONG THE EAST PROPERTY LINE OF LOT 18 AND THE NORTH PROPERTY LINE WHICH IMMEDIATELY ADJOINS THE REAR OF LOTS 16A, 17, 18, 33, AND 34.

* * *

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DISCUSSION REGARDING THE PROPOSED RE-USE OF HEMISFAIR PLAZA:

Mayor McAllister: Since we had a special meeting on Tuesday regarding HemisFair re-use, I think it would be in order for us to discuss that proposal at the present time. I'd like to ask Mr. Henckel to have Mr. Fischer bring in that map and I will state to the Council that altogether there are about 68 acres there in the area that is under consideration. These figures have been given to me. They are not exactly accurate. 17½ are used by the Convention Center which leaves 50½. One acre approximately for the Tower which leaves 49½. 13 acres to the state which leaves 36½. 4½ acres to the federal government which leaves 32. If we go ahead with the commitment to the USO that will take about a half an acre and for the Witte Museum about an acre and one-half, and the press center about one-half an acre. Actually we have left there approximately 29½ acres of land. I can't see personally how it can be adequate for a university. I want to say to you that we can't use the land just south of the Convention Center because we have to hold that in reserve for future expansion of the exhibit hall which was contemplated at the time the plan was prepared.

Mr. Torres: How much acreage is that area that is south of the Convention Center?

Mayor McAllister: Bring the plat in here.

Mr. Fischer: The area that is contemplated is this area and it hasn't been calculated, but judging from an area here that is about 4½ acres, I would judge that to be about 3½ to 4 acres

Mayor McAllister: Take those figures there and point out the areas involved.

Mr. Fischer: The entire site, excluding the Market Street extension and the Water Board property here, and a small part of State Highway Department land that was used for parking on the Fair site, there are 68 acres contiguous in this area. Out of this the Convention Center itself occupies 17½ acres. Broken down the 15.8 shown here is the property that the City purchased. 1.6 acres is the water way which was a dedication so there is an ownership technicality here. So the total thing is about 17½ acres. We have 1 acre for the Tower. 13 acres is committed to the state and 4½ to the federal, roughly one-half an acre for the USO, about 1½ for the Confluence Museum. We estimate that the press center itself occupies about one-half acre. Deducting all of these from the original 68 we have a figure of about 29½ acres. Then Mr. Hill you mentioned the exhibit hall expansion, I would estimate about 3 acres involved in that.

Mayor McAllister: The exhibit hall expansion would be another 200 feet to the south and provide as much as 100,000 square feet of area and if that is the case it will be approximately 7 acres. It will be half of the fifteen acres you have in the Convention Center. Isn't that right?

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Mr. Fischer: No, sir. The 100,000 square feet is approximately 2½ acres.

Rev. James: Well, we have really about 29 acres to work with.

Mr. Douthit: Also, Mr. Fischer, the RCA building is committed to the Inter-American Educational Agency.

Mr. Fischer: Yes, we had forgotten that. It is very small, not much land.

Rev. James: We have about 29 acres to work with?

Mayor McAllister: No, you have about 24.

Mr. Jones: Where is the U.S.? Is it 4½? Altogether?

Mr. Fischer: Yes, this is the property (pointing to map) and I think it has already been deeded to the government.

Mr. Gatti: When you say 24 acres now the submission of this site, as I understand it would include the federal pavilion and the Texas Pavilion.

Mayor McAllister: If they can get the federal pavilion and Texas Pavilion fine. But we can't dispose of it.

Mr. Gatti: Yes, but their plan would include incorporating these two tracts in the proposal, provided of course if they can get it. Then you are talking in terms of 40 or so acres. About 42.

Mr. Jones: That is what the University of Texas has got.

Mr. Douthit: There is another thing I would like to point out. We do have a 15 year contract with the skyride people.

Mrs. Cockrell: Mr. Mayor, may we ask Mr. Henckel upon what basis he would recommend that we would go ahead with the contract we have with the Witte. We haven't had that presented formally to the Council.

Dr. Calderon: Frankly, I don't think it is the proper time to entertain any kind of discussion on that because we are thinking in terms of total use here. We have to resolve that first. I, personally, think Witte should be made a part of it, once we determine what the overall use is. Otherwise, we are just discussing here and really not getting any where.

Mayor McAllister: Mrs. Cockrell has asked the status of our contract.

Mr. Henckel: We presented to the Council, a number of months ago, the request by the Witte to operate the Confluence Museum which would house some of the art treasures that were left and donated by the various countries who participated in the Fair. We have been negotiating with the Museum Association for a ten cluster module. Modules which we did talk to you about informally. The original proposition was that the Witte would take over this group of modules and would maintain and operate the museum, and would pay the operating expenses. This was the original proposal. However, at a later date their president came back and presented a new proposal where the City would assume payment of the utilities and the insurance, which our estimates show to be about a \$40,000 a year figure. At that time also they proposed to charge an admission and to split the admission cost with the City to offset the payments that we are making. However, and I have not discussed this back with the museum people, but I would recommend that if we are going to consider our commitment with the museum association, we would not assume the responsibility of the utilities or the insurance because of the precedent we are setting with other people we are attempting to negotiate leases. If the City Council would desire to increase our appropriation to the Museum Association then I would recommend an amount to you. It's up to the Council, of course, whether or not you want to honor the verbal commitment we made both to the USO and the Museum Association because we have not formulated any written documents. This is your decision to make. However this was done at a time when we felt both of these entities would be advantageous to us, both in an interim and any permanent plan that we may adopt. So we are kind of out on a limb due to the fact that we led both of these organizations to believe that we would recommend and consummate a deal that we talked to them about. All I would like to point out to you is that we have had a lot of discussion about the acreage and I think at this time that it is just about an impossibility to pinpoint the acreage we could offer to our ten legislators to offer to the state. I would like to recommend for your consideration, if this Council desires to offer to the state university this site, that your offer be in general terms to include any balance of the site that this Council has not obligated to other organizations or to other municipal purposes. Then, if the site should be selected, at that time we could sit down and determine the actual acreage out of the HemisFair Plaza plus any additional acreage we might want to acquire.

Mr. Gatti: This is what the resolution, in effect, says. We will transfer to the university so much as the University and the City agree are suitable and that through the Urban Renewal Agency or other agencies will act to protect the reasonable future land requirements for the anticipated growth and expansion of such university. So that gives us, in effect, an out.

Mayor McAllister: If we pass a resolution of that kind, how long could we expect before we would have an answer on it?

Mr. Henckel: Of course, we have been informed that a decision would be made and a bill presented in the early part of the session which opens on January 14. If a determination is made at that early date, there would be no problem. As I stated to you last week, the staff has an additional problem because we are now attempting to negotiate a contract for the interim use. In other words we need to know what we are going to do come April 1 when we intend to open the gates and derive some revenue for the City in so far as the restaurant food and amusement concessions are concerned.

Mr. Henckel: So until this determination is made, we will be stymied as far as making any contracts and all of the existing temporary contracts do expire January 6. As we stated to you then the concessionaires are very reluctant to sign a 90 day contract or lease especially when they need to make some capital improvements so therefore we were considering contracts of at least one year. I think we need to talk with our legislators and find out if we can go ahead and plan an interim use even if the site might be adopted by the university system. Again, I am not familiar enough with how the site selection will be determined and I don't think anyone actually knows at this time whether it will be done by the university or whether it will be done by the legislature itself.

Mr. Hill: Is it not true that should they agree to this site that things aren't going to go into motion this quick. I mean the designation of the site is one thing, but when you go to financing it is something else and it will take probably longer than a year.

Mr. Henckel: Yes, I would think so. Therefore, if the site was selected, any actual deed of land we made could be subject to the existing contracts we had, some that would expire within a year and some that are a longer term. This is why I asked Mr. Douthit to mention the skyride lease because there are a lot of legal problems that would be involved in actually making an offer at this time. A determination has to be made whether or not the historic buildings would be given to the university or whether or not they would continue to be used by the city. As I pointed out to you previously, whether or not we have a university or an institute of creativity or what have you, that we feel it is very important that part of this site be kept and used either by us or anyone else to compliment our convention center and our tower.

Mr. Douthit: Another thing too is the Lone Star Pavilion lease which is about five years.

Mr. Henckel: So it would be subject to the leases we have and whether Council intends to make a gift of some of these facilities that the concessionaries have built and felt they would be able to keep and operate. It might be incidental to the university operation, but I think we need to sit down with the University people once they have decided on the site they want and then we can talk about what we are going to actually convey to them and what they are going to actually acquire. As long as the resolution is general, I think it is fine.

Mr. Jones: I think it would have to be in general terms because we don't know at this point whether we will be able to deliver them. But I think if we don't make the tender, certainly it will not even be considered. I think we are taking the necessary first steps to see whether or not we can or can't. I can't see where we really have any other choice except to make the offer and see what can be accomplished and try to work it out. If we can't work it out, meanwhile we can let Jerry enter into his contracts for one year with a temporary lease on the thing.

Mr. Torres: Going along with what you are saying, Bob, I still don't see, and this is based on this past study of last August, and correct me if I am wrong, but as I understand the past study even with the university people accepting it, where we would be at liberty to go into anything less than a five year interim use while they are phasing in, is that correct?

Mr. Henckel: No, not exactly. The staff study and the recommendation that was made to you for a university covered only the portion that was passed in an ordinance last February for a land use of the area which was an educational sector which was the area south of Goliad Street. So it did not include the areas to the north and northeast, the areas adjoining the Convention Center, the areas adjoining the Tower and there was a limitation of 32 total acres in that site which included the Texas Hall of Cultures, the Federal Pavilion and the two facilities we are now talking about, both the USO and the Witte Museum. So if you eliminate those facilities from the so called 32 acres you are ending up with 8 to 10 acres left. I don't see there is any way that we could at this time commit the land we had already given away and this is the very reason I suggested we talk in general terms and then if the site is selected then we set down to specific what we can actually deed to the university.

Rev. James: This is a fairly generally worded resolution.

Mr. Henckel: The original area was a much smaller area in our staff study and our original recommendation to you at that time. It was predicated upon as this proposal is, an expansion of the university area south of Durango Street.

Mr. Gatti: This resolution also, and the letters that will accompany it, urges the federal government and the state government to deed their facilities to the university.

Dr. Calderon: Would it be your opinion Jack, that we would offer the tract with the exclusion of that acreage required for the USO and the Witte Museum?

Mr. Gatti: I think if you wanted to be specific you could do it, but I think the way this reads that is something that would be done subsequently after we get the negotiations started because we said here what both the university and city are agreeable.

Mr. Torres: Is the Witte Museum use to be on a general contract basis?

Mr. Henckel: Yes, it would be on a general contract basis, but it has not been presented to the Council for formal action. Of course, the presentation originally was to be based on a \$1.00 a year lease and they would pay all the operating costs. The fact that if we received a new proposal asking us to pay the utilities, we would have to reconsider and I would have a different proposal to present to you. But I understand that Witte has been proceeding on the basis that this lease would be consummated and up until this presentation a week or so ago, we had no idea it would be changed.

Mr. Torres: Is it still \$40,000 on the utility bill?

Mr. Henckel: Yes sir, that's our estimate of the utility bill and the insurance. But I feel that I could negotiate with the Museum Association and I feel I have a recommendation that would be acceptable to them if it were to be approved by the Council.

Mr. Torres: Passage of the resolution that we have here this morning isn't going to preclude us from going into this one year interim use contract, is that right?

Mr. Henckel: I wouldn't think so as long as the resolution stated, as Mr. Gatti mentioned, as long as it was to be the area designated on the mutual agreement of both parties. I think that leaves us wide open. Actually we are not really making a specific offer, is that correct, Howard, this is just a general offer of part of the site? We should probably say part of the site and I think that would clarify it because it is obvious that we can't convey the Tower area, the Convention Center area, the area that has been conveyed to the Water Board, the Texas Pavilion and the U.S. Pavilion, that way we wouldn't mislead anybody.

Mr. Gatti: Here it is Mr. Walker, that Number 2 is what we are talking about.

Mr. Henckel: Just to be more specific as long as the resolution is open and that the determination of the actual land can be at a later date, I don't see any objection to it all, I think it would be proper and in order. It's just what you care to do.

Mr. Torres: How many years is the USO contract for?

Mr. Henckel: We can't lease for more than 25 years and it would probably be for a shorter term.

Mr. Torres: Has that been consummated?

Mr. Henckel: No sir, it has not.

Dr. Calderon: I feel we are being very generous in making this offer, but I feel we are being unrealistic. We have made two commitments here with the USO and the Witte Museum which actually no one is willing to back away from and yet we are willing to offer everything that is left over for a college and you will be offering a piece of land here that is full of holes with little islands that we want to reserve control over. If this were a piece of land that was clear and clean and contiguous, a whole piece of land it would be different. We are talking about a piece of land on which we have made certain commitments and we are really not offering anything.

Mr. Gatti: I think you have got to determine whether or not you think that a university in this downtown area has merit. That's number one. Number two, if it does have merit then we can move towards making it a reality, I think we ought to try.

Dr. Calderon: Recognizing we need a college downtown is one thing, but finding a place for it is another thing. We can not lose reasoning and judgement in the selection of a site downtown. In other words this is not the only site downtown that is logical for a college.

Mr. Gatti: Well, it is the nucleus of a site that would be very logical for a college.

Mr. Henckel: Let me remind you of some of the items that were discussed last summer and some of the justification of recommending this as a college site, the educational part. One of the factors being that we did have an expansion area immediately south which we felt at that time could be acquired by Urban Renewal. The acreage is quite extensive. Secondly it would be quite advantageous to the college because of the arena which could be used for basketball and their sporting events as well as the Fine Arts Theatre which is two buildings that every college needs. So therefore they could lease that facility from the City. So, as Mr. Gatti just stated, it is obvious that we can not offer the HemisFair site because we have already obligated too much of it, but there would probably be enough balance, enough remaining if whoever is going to select the site feels that a downtown college in this area is the appropriate place and that there is enough expansion land and that they still could use some of the facilities that are on the site as well as some of the facilities that are not now being used. But again, this is entirely up to the Council's determination. We have made two recommendations, the original one of the college and the second one of the Institute. In both recommendations I have stated to you emphatically that we must have eating and amusement areas to compliment the Convention Center so that the tourists who come here for conventions will have some form of recreation and this is a must. I think we can't lose sight of the fact that we have bonds against both the Convention Center and the Tower that must be paid off. I think the thing is wide open, if you want to go ahead and make an offer as long as it is open you can certainly do so.

Mr. Torres: A proposal for a downtown college can have merit without us offering the HemisFair site as the site for a downtown college. Not passing this proposal does not mean that the idea does not have merit. I am all in favor of a downtown college and I surely would like to see it and I think the HemisFair site is naturel but kind of disconcerted after I hear the figures presented by Mr. Fischer on the available land. I was under the impression that we had more available land down there. Number two, as to Urban Renewal, before we go into more Urban Renewal I think there is another matter we have to consider more carefully after the original presentation Tuesday. A number of the residents in the area who would be threatened by Urban Renewal have complained to me and I think we would encounter some citizen dissatisfaction there and the value for these people's homes have increased and we certainly wouldn't want to see their homes condemned. There are other sites, there have been other sites offered and we haven't considered these and I think since we are talking about land acquisition and land use that we haven't really sat down, I don't think, and gone over all the proposals that the staff committee came up with to determine what route we are going to take. In view of the delegation waiting to hear the result of our meeting today, I almost surely want to see us convene in another special meeting, perhaps tomorrow, an executive meeting to go over all the proposals and I think it would be justified in view of the fact that we are talking about land use. This is my proposal.

Mr. Walker: Mr. Mayor, I would like to interject a legal problem at this state. I think we are going to have to consider it and we might as well do it now while we are in the early planning. Education and the providing of education is no longer a municipal function. That authority has been taken away from the cities. We can not legally right now give a five dollar bill to the San Antonio Independent School District, it would be illegal. Now, I notice here that we will transfer to such state university, etc., etc. We don't say we will sell it to them. We say we will transfer it to them. Are we going to sell it to them or are we going to give it to them? And if we are going to give it to them, I think it is unconstitutional and I think we might as well be kicking that one around while we are at it.

Mr. Trevino: How does that apply to our city collecting their taxes? How does that apply to the City collecting school taxes.

Mr. Walker: The State Legislature passed that and we believe it is unconstitutional and if it is tried it will be stricken out.

Mr. Torres: You're not helping any.

Mr. Walker: While we are on that subject, I think it should be stricken out and we should make the Independent School District help us pay for the collection of taxes.

Mr. Henckel: I'm glad I'm not the only one that drops surprises on people. Maybe we can change the wording so that we are willing to make a balance available or a portion available. If the Council wants to do this, I am sure there is a way this could be done.

Mr. Gatti: How does the City of Austin, condemn in Austin, that Urban Renewal project for the expansion of that university up there? Is this the same thing?

Mr. Walker: I'm not raising the question about Urban Renewal going ahead and taking land for this purpose. My contention is that whenever the land is to be turned over to the state, they have more money than anyone else in the country, they have a \$100,000,000 endowment, why should the taxpayers give them land. I think it is ridiculous.

Mr. Henckel: Well, let me make one last statement. The Manager is caught in a real trap. Something needs to be done, one way or the other. I think the Downtowners who presented this to you would really like a decision, one way or the other, if possible. I need to know and have instructions from this Council, just as soon as possible whether to proceed with an interim use and whether you want us to proceed with the two permanent uses that have been advanced to you because if you are not interested we need to quit spending time on it. Also, I am concerned that we do need to have something there and ready to go come next spring. I don't have to tell you what's happened from the close of the Fair until now. It's a loss to the City every day and this is what concerns me.

Mr. Gatti: How did we get around providing the grant for the Texas Institute?

Mr. Walker: I wish it had been tested at that time. We got around it because nobody did anything.

Mr. Torres: In reference to what you are saying, Jerry, the ultimate use for the site, whether it be for a college or for the Institute of Creativity, whatever you call that thing, should not preclude you from planning a use for say something beginning next April. This is the thing that really concerns me., just what do we have going. Not only for a use next April, but for a use next month and the month after.

Mr. Henckel: The thing that makes this vital Mr. Torres, is that the people who are going to be in operation next spring and summer need to have a contract now so that they can provide for the proper utilities and the expenditures that they may make. We can't wait until March to make a decision on an interim use because if we do it will be too late.

Mr. Torres: This thing I think involves the contract with the Witte Museum and I think accepting these would jeopardize your dealings with other people you are going to contract, right or wrong.

Mr. Henckel: Right now I can't do any thing.

Mr. Torres: This is what we are talking about, land use items. This is why I mentioned to the Council that I think an executive session would be in order. I know we have got decisions to come to, but the contracts are going to be jeopardized if we don't sit down in an executive session and discuss these things and there are going to be some land situations that are going to be jeopardized if we don't sit down and discuss these things. This is why I am suggesting this Mr. Mayor. Of course it is time when the entire Council is prepared for this. I don't want to procrastinate, but I feel I need to come up with something and tomorrow would be alright.

Rev. James: I think we ought to resolve these immediate uses right away. The City Manager is correct, he has got to get going. Now the long term use is another thing, but what happens now and in April is of vital importance, and I think we need to resolve this.

Mr. Jones: I think we should have a decision right now, whether in executive session or otherwise because I think we need to get this thing resolved today. I don't think we ought to postpone it. I'm not a lawyer, but I've known enough lawyers that they can get things worked out if they want to get them worked out. My position is that first we ought to direct the Manager to immediately implement the interim use, that we go on record as favoring this site as the site of a downtown four year university if it is feasible and we will let the lawyers work it out.

Mr. Henckel: I might suggest if you want to recess and go into executive session, or if you want to meet at any other time we are certainly available, but I think time is of essence.

Mr. Torres: I'd like to come back at 2 o'clock.

Dr. Calderon: Mr. Mayor, I cannot come back at 2 o'clock. It seems to me that there is a general concept that we have to agree upon and we might as well do it publically. As to the sale of property and so on, this we could do in executive session, but I think we have enough ideas here that can be resolved now at this time

and the idea is, and it needs to be resolved, that it should be determined whether we want a college or not. This should be resolved right now.

Mr. Torres: There is no question, Herb, that we want the college. Everyone wants the college. It is a legal question that is involved. The answers to the questions posed by Mr. Walker, for example, and a number of legal matters that will have to be determined before we could even go into that. Even before we make a token resolution.

The resolution is meaningless. It is an open resolution. We are just wasting Mr. Harllee's time, we are wasting Mr. Henckel's time and we are wasting our time.

Mr. Gatti: Of course you have to consider this. The people who propose this resolution did not do it capriciously. They have done a lot of fact finding work which I am not familiar with, or who they have talked to or what they have done. But they purposely, I did not prepare this resolution, prepared it in this form according to their conversations with the people who would make the decision.

This resolution would give us at least a foot in the door. It gives us the out. This does not preclude any temporary negotiations that Mr. Henckel is making with various concessionaires. I think that can go on because this is not going to get done in a year.

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Mrs. Cockrell: May I make a suggestion? We are, in effect, offering land which of course we haven't paid for. One solution that occurs to me is that that land the state may find available and suitable for a university perhaps they would be able to buy from the Urban Renewal Agency instead of our buying it. As it is now, we are leasing land on a long term lease, but we are still obligated to the tune of 1.8 million and if it is illegal for us to buy it and give it to them perhaps they can exercise our option to purchase that portion of the site that they would be interested in.

Mr. Jones: Providing this site hasn't been considered at all. The first step is to determine whether or not we are going to make the tender. If these other things can be worked out that is a good possibility.

Dr. Calderon: This is the biggest point. We have to decide whether we are willing to go along with offering this land for a college. It is a technical aspect, the idea of our offering this for a college, is it good or bad, we must determine this first.

Mr. Henckel: The resolution has a preamble at the bottom of page one it says: "Now Therefore Be It Resolved By The City Council of the City of San Antonio: 1. Urges the Legislature of the State of Texas to authorize and to establish in San Antonio a State University. 2. Will transfer to such University so much of the HemisFair tract as the University and the City agree suitable and that through the Urban Renewal Agency and any other appropriate agencies will act to protect the reasonable future land requirements for the anticipated growth and expansion of such university. 3. Urges the Legislature of the State of Texas to transfer to such University the rights and title to the buildings and land to the Institute of Texan Cultures to be incorporated into the body of the University. 4. Urges the Department of Commerce of the Government of the United States to transfer to such University the rights and title to the buildings which housed the exhibits of the United States during HemisFair. 5. Urges all citizens to join together to support these actions in order to develop in the HemisFair area a demonstration of the contribution San Antonio made to the culture of the State, Nation and Western Hemisphere"

I suggest in Paragraph 2 just to make one change and that is "will transfer," to "will make available to such university so much of the tract that the university and the city agree are suitable... and then I don't think we are tying down any particular portion of land and we are not saying how it will be transferred, but I think that is enough to put it in the hopper.

Mr. Torres: Let me ask you this. If the federal pavilion is designated for a college use, how then Jerry, can we acquire an interim use?

Mr. Henckel: Well of course we have no determination over the federal building one way or the other. Of course the interim use would have to be a lease contract between the city and the federal government which would have to be mutually agreeable to both parties.

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If the federal government decided to give the building to the university at some future date it is possible we could have some interim contract with them for use of it. But again this is a question that I certainly don't know the answer to.

Mr. Torres: Once we pass this resolution today, would you be prepared in the next week or two to come up with a list of all interim uses or interim contracts that we are prepared to go into?

Mr. Henckel: I could give you a list of the proposals, yes, but it wouldn't be in final form where they could be passed on as contracts, but I could give you a list of the proposed contracts for the interim use for this spring and summer, yes sir.

Mr. Torres: And that would take up most of the available facilities over there which we have come up with so far?

Mr. Henckel: It would take up some of the available facilities, particularly those surrounding the Tower and the Convention Center area. Most of them would be in the area north of Goliad with the exception of course of the USO and the Witte operation. We do not have contracts that we are trying to negotiate in any other area. We are trying to get activity concentrated in one area that will compliment the Tower and the Convention Center so that the people going in will have a center of activity rather than spreading it out through the whole site.

Mr. Torres: On the statement of Mr. Walker on the unconstitutionality of the function, of our function as a municipality against providing assistance for an educational institution, would we be precluded, are you saying we would be precluded from giving any land or facility to an educational institution.

Mr. Walker: That is our viewpoint. We feel that may be unconstitutional, it has not been tested. The Section I have in mind is Section 52 and we have been reading it for a couple of weeks up in our office trying to make a determination on the thing. But education is not a municipal function. You spend city money for city functions, and you don't necessarily spend city money for governmental functions, you spend city money for city functions. Education is not one of them. Now, if you are going to turn around and take tax dollars from the city's taxpayers and give it for the use of higher education which is the function and responsibility of the state, are you not giving a gratuity? If that is true, is it not against the constitution? We think so.

Mr. Torres: Then the same thing would apply on the contract on giving the Inter-American Education Center say the use of a facility rent free?

Mr. Walker: Yes, and in fact we have rendered an opinion to that effect. They should pay lease money the same as any body else and they can afford it too.

Rev. James: In the resolution, "we will make available," doesn't this take care of that.

Mr. Jones: There's not anything wrong with the resolution.

Mr. Walker: No, this doesn't commit us. We just want to make certain where it says transfer, I was a little bit concerned because you transferred stuff to the state without charge heretofore. I just wanted to make sure that you weren't thinking of transferring all this land to the state free of charge.

Mr. Gatti: It should be 'make available', yes. We had the same kind of controversy back when they gave land off the site that in the long run proved to be pretty advantageous to the City. I think if we don't try, we would be derelict, that's all.

Rev. James: Mr. Mayor, I move the adoption of the resolution.

Mr. Jones: I second it.

Mayor McAllister: The motion has been made and seconded that the resolution be adopted as corrected. Frankly, I wouldn't mind voting for the resolution, but I do so with the feeling that nothing will come of it because all we have got is about 28 acres of land including the federal pavilion and the state pavilion and we have the little piece of land south of Goliad in between those two.

Mr. Torres: Every man has his cause, and Ed Harllee has his, to try to find more land over there.

Mr. Hill: Mr. Mayor, I appreciate what you have said, but to me at least, this location does have some advantages. Even if you don't utilize too much of the present HemisFair land, the fact that you have a college there you have the Theatre of Performing Arts, as was pointed out before, you've got this arena and to me a college adjacent to it is quite unique and you have an atmosphere that you don't normally have at a college.

Dr. Calderon: I feel we are being unrealistic in making this offer, however noble the gesture it is most unrealistic and for that reason I vote against it. I think the idea of a college is fine and we can be assured of a college in San Antonio in the very near future. It is just a matter of time. I am not concerned that we will not have a college, I am confident that we will. It is just a matter of where it will be. I support a college very definitely, but I feel the site we are offering is just totally inadequate and unrealistic.

Mr. Hill: I can't agree with you. I think it is about time we put something on the south side of town that means something besides Kelly and Brooks Field.

Dr. Burns, Director of the Witte Museum: Mr. Mayor, for the record, I have a few words about the urgency to the museum, to the Board, to myself as far as the museum concept is concerned. As I recall, we were invited to do this museum, we did not request it and I am sorry we did not think of it first. But we do have the obligation through the City to the foreign governments who gave their materials to be exhibited in perpetuity as far as they were concerned when they gave it.

Dr. Burns: Number two, we have tried for a long time to get more buildings for the Witte which is bursting at the seams up in Brackenridge Park. We do not have room enough to store one more Fiesta costume and downtown would give us tremendous opportunity to move the whole transportation section in the Witte right now and use that as a decent shop for my carpenter. He is now working in a damp cold cave in the winter and a hot oven in the summer and it would provide extra storage space and extra exhibition space in the Witte. Most important of all, it would give this City which is desperately trying to find something to offer the public by April 1st. I guarantee to you gentlemen and lady, that there will be a museum open on April 1st and the personnel to take the money at the door. It is the first time I have heard we are going to split the take from the thing. Also to guard the exhibits and to clean and do all things necessary to run a fine downtown museum. But I have to know pretty soon because already there are rumors of insecurity that have filtered up to Broadway and I have stopped work of my five men down there. I have told them not to do anything more vital. We have been knocking down walls and clearing and painting and scrapping and re-electric wiring all at our own cost. I told them to do nothing but light delicate jobs until we get more security from the City on the opening of the museum. We must know as soon as possible. We can not be interested in an interim use with this museum building. A museum is too much of a great complex to put together to say we will do it for a year and then you people move out. So I would like to try to persuade you to come to some definite decision on the use of the 30,000 square feet where the Witte is supposed to go down in the very near future.

Mr. Torres: Which building is that?

Dr. Burns: Three Spanish, three Italian, the OAS and Panama, two made with paper and the aqueous in the middle.

Mr. Gatti: Well those have never been quoted anyway. I don't see why we can't go on with those things and still do this other thing. I am all for the Witte.

Rev. James: A university does not have to be a solid avalanche of buildings, they can be spread around.

Mr. Gatti: I don't see why we are using this as the rationale to postpone everything else. I think the things that are in the mill and we all agree to, we ought to do them.

Mr. Jones: Let's vote on the resolution and then discuss these things.

Mayor McAllister: Alright, the motion is called, call the roll.

AYES: Jones, James, Cockrell, Gatti, Trevino, Hill, Torres, McAllister; NAYS: Calderon; ABSENT: None.

The resolution is as follows:

RESOLUTION

WHEREAS, the citizens of San Antonio, through their City Council, made available a tract of land to all Texans for the purposes of a World Fair, and

WHEREAS, the purposes of that Fair now have been accomplished and have aided in establishing San Antonio as a cultural center in the Western Hemisphere, and

WHEREAS, the continued use of the HemisFair area should build upon this cultural and educational accomplishment to the advantage of all of the citizens of the community and of the State, and

WHEREAS, the Coordinating Board, Texas College and University System has recognized the urgent need for a State University in San Antonio and has determined that such a State University should be established to make available higher education opportunities to all citizens, and

WHEREAS, two HemisFair re-use committees appointed by the City Government both have recommended the use of the HemisFair area for educational and cultural purposes, and

WHEREAS, preliminary investigation has developed sufficient evidence that the establishment of a University on the HemisFair tract is deemed feasible and that the Downtown Association has stated it will raise funds for a definitive study, and

WHEREAS, there are on the HemisFair site several permanent buildings, such as the Institute of Texan Cultures and the United States Pavilion, which are of a nature consistent with a University, and

WHEREAS, it is known that appropriate legislation authorizing the establishment of a State University in San Antonio will be introduced in the 61st Legislature of the State of Texas

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

1. Urges the Legislature of the State of Texas to authorize and to establish in San Antonio a State University, and
2. Will make available to such State University so much of the HemisFair tract as that University and the City agree are suitable and that through the Urban Renewal Agency or other appropriate agencies will act to protect the reasonable future land requirements for the anticipated growth and expansion of such University, and
3. Urges the Legislature of the State of Texas to transfer to such University the rights and title to the building and lands of the Institute of Texan Cultures to be incorporated into the body of the University, and
4. Urges the Department of Commerce of the Government of the United States to transfer to such University the rights and title to the buildings which housed the exhibits of the United States during HemisFair, and
5. Urges all citizens to join together to support these actions in order to develop in the HemisFair area an ongoing living demonstration of the contribution San Antonio makes to the culture and education of the State, the Nation, and the Western Hemisphere.

* * * * *

Mrs. Cockrell: Mr. Mayor, should the Council go on record as reaffirming its interest in having the Witte Museum proposal brought in?

Mayor McAllister: I think the proper thing to do is to pass a resolution or say now that the land that will be offered to

the University will not include the presently assigned area to the Witte Museum or to the USO.

Mr. Torres: We don't have to go that far do we?

Dr. Calderon: Some where along the line you are going to have to.

Mr. Gatti: Look, when it comes time for these guys to meet we are going to tell them, 'you ain't going to get this and you ain't going to get that'.

Mrs. Cockrell: If it is the intention of the Council to go ahead with the Witte, I think our staff needs to know so they can bring a contract and also the USO.

Mr. Gatti: I think definitely they should have it and I so move.

Mayor McAllister: Alright the motion has been made that the land that has been designated for the Witte Museum not be included in the university offer.

Mr. Gatti: Let's make it right now that the Witte is done.

Mr. G.W. Robinson: What about the rest of the concessionaire people down there at the Fair grounds that want to make a capital investment in there for an interim use. They can't be expected to make any kind of investment for one year. By passing this on to the university you create indecision down there and nobody is going to invest a darn thing and the interim use you are going to have is not going to be worth anything.

Dr. Calderon: It would take five years to build a college.

Mr. Gatti: Mr. Henckel, do you have an answer?

Mr. Henckel: I would like to state that I think all we need, because we did not specify the land we are offering to the state, that all we need is a resolution from the Council instructing the Manager to proceed with the contracts with Witte and the USO and to present to you an interim plan.

Mr. Gatti: I so move.

Mr. Torres: I second it.

Mr. Robinson : Do you include the rest of the concessionaires that are down there now in that motion?

Mayor McAllister: Yes sir.

Rev. James: Jerry, would you restate what you said about the motion?

Mr. Henckel: I think you just need a motion instructing the Manager to proceed with the negotiations with the contracts with the Witte Museum and the USO and to present to you at the earliest date a temporary re-use, or interim plan and that includes the concessions.

Mayor McAllister: No further discussion, call the roll.

AYES: James, Cockrell, Gatti, Trevino, Hill, Torres, McAllister, Calderon, Jones.

- - -
68-416 Mr. Gatti mentioned that there was an article in the newspaper by Dan Cook in relation to the use of the Municipal Auditorium ticket booths and asked that this be looked into by the Administrative Staff.

- - -
68-416 CITIZENS TO BE HEARD:

Reverend Charles Kemble, Pastor of the Parkview Baptist Church, representing the Town East Action Committee, stated they were appearing before the Council to remind them of the desire for an adequate city park with recreational facilities in the south east section of the City.

Reverend Kemble also requested that the Traffic and Transportation Department do a traffic study of several intersections along South W. W. White Road at Rice Road, Shelburn and Lavender Streets which are becoming increasingly dangerous due to a heavier traffic flow in that section.

He also told of some other possible things which the Town East Action Committee hopes to accomplish. Among these aims is a 'study hall' arrangement in the Town East Community which would give added professional guidance free of charge to children who are educationally deficient so that school drop-outs might be prevented. A 'listening post' is proposed where trained counselors would donate time to help people with problems.

Reverend Kemble also commended Mayor McAllister on his stand before the recent civil rights hearings.

Mr. Jesse Black, 9815 Plymouth, presented a petition asking the City to remove barricades and other unnatural obstruction from the City-owned ditch between the Mr. Wesansaldo Govea property at 243 Wolf Road and others to return it to the original flow of the ditch. The petition also requested that bench markers be placed along the boundary lines of the ditch to prevent Mr. Govea from moving the ditch in the future.

Mr. Black was advised that the matter would be looked into by the Administrative Staff and he would be advised of any action taken.

68-416

The Clerk read the following petition letter.

December 17, 1968

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

Gentlemen and Madam:

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

12-12-68

Petition of property owners and/or leasees of businesses adjacent to Highway 90 West objecting to the proposed changing of the name of Highway 90 West.

/s/ J. H. INSELMANN
City Clerk

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A P P R O V E D:

W. M. Maulester
M A Y O R

ATTEST: *J. H. Inselmann*
C i t y C l e r k

December 19, 1968