

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
FRIDAY, JULY 21, 1967 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, JONES, JAMES, COCKRELL, TREVINO, PARKER and TORRES; Absent: CALDERON and GATTI.

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67-445 The invocation was given by Reverend Roy H. May, Harlandale Methodist Church.

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67-445 The Mayor welcomed a group of thirty-one students from Central Catholic High School accompanied by their instructor, Brother Walter Ebbesmeyer.

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67-255 The Mayor called upon Inspector John W. Fitch who then explained that the 48 Police Officers present in the Council Chamber are recent graduates of the Police Officers Traffic Training Course of Northwestern University Traffic Institute and are accompanied by two instructors from the University.

Assistant City Manager Gerald Henckel explained that two officers tied for top honors in the class. They were Inspector Marion Talbert and Sgt. Frank Hoyack.

The Mayor presented certificates to these two officers and congratulated them on their fine showing.

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Mrs. Frances Levenson, President of Cupples Corporation, requested the Council to authorize the City to deed back to the Cupples Corporation two streets, Beach and Bay Streets, which were previously deeded to the City. She explained that the Cupples Corporation is now in the process of building two eight unit apartments in North Kelly Gardens Subdivision and need the subject streets for parking, as well as a swimming pool for the apartments.

Assistant City Manager Henckel explained that while the streets have been dedicated, they have not been paved. However, the Staff did not recommend deeding the streets to the Cupples Corporation because in the Master Plan the City would use these particular streets as drainage easements.

After discussion by the Council, the Mayor explained that no action would be taken at this time and instructed the City Manager to prepare a report for next weeks meeting to see if the City could use an alternate route, rather than these particular streets.

Assistant City Manager Gerald Henckel explained that zoning cases 2856, 3032 and 3047 scheduled to be heard this morning were cases that the Planning Commission recommended be denied and since the full Council was not present, he recommended the cases be postponed.

The Mayor then explained to the applicants and opponents in the above three cases that since a majority vote of seven is needed to overrule the recommendation of the Planning Commission in each case and the full Council is not present this morning the cases would be postponed. He added that the next scheduled meeting to hear zoning cases was August 3, but in all probability no meeting will be held on that date due to the fact that a majority of the Council Members will be absent from the City attending the National League of Cities Conference. Therefore, zoning cases 2856, 3032 and 3047 would be postponed to August 17, 1967.

67-446 First heard was zoning case 2874 to rezone Lots 3, 4, 5 and Lot 2, save and except the southwest 120', Blk. 1, NCB 14079; Lots 2-7, and Lot 1 save and except the southwest 120', Blk. 2, NCB 14080 from "B" Residence District to "I-1" Industry District, and Lot 1, save and except the southwest 120', Blk. 1, NCB 14079 from "B" Residence District to "I-2" Industry District, and located on the south side of Napier Avenue approximately 210' east of Mission Road having approximately 1,105.90' on Napier Avenue and 1,029' being on the west 700' and the remaining portion to be "I-1".

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

Mr. R. Raymond, representing the applicant, stated his client had worked out a beautification plan with the Parks and Recreation Department along the river and 150' along Mission Road within the property lines. His client intended to use the property as a high type industrial park.

Reverend Eliseo L. Ayala, Pastor of San Jose Mission opposed the rezoning and stated that it was not clear to him what type of industrial development would be on the subject property and that he feared some types would detract from the historical mission's basic atmosphere.

Mr. Raymond then explained the proposed use of the property and the screening of the property and set back of the buildings.

Reverend Ayala then withdrew his opposition.

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

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AN ORDINANCE 35,607 A

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 3,4,5 AND LOT 2, SAVE AND EXCEPT THE SOUTHWEST 120', BLK. 1, NCB 14079; LOTS 2-7, AND LOT 1 SAVE AND EXCEPT THE SOUTHWEST 120', BLK. 2, NCB 14080 FROM "B" RESIDENCE DISTRICT TO "I-1" INDUSTRY DISTRICT AND LOT 1, SAVE AND EXCEPT THE SOUTHWEST 120', BLK. 1, NCB 14079 FROM "B" TO "I-2" INDUSTRY DISTRICT.

* * *

67-447 Next heard was case 2944 to rezone Lot 9, NCB 13718, containing 2.471 acres from "A" Residence District to "R-2" Two-family Residence District and Lot 8, NCB 13718, containing 1,507 acres from "A" Residence to "B-2" Business District, located on the east side of Blanco Road, 217.37' north of Thames Drive; having 210.80' on Blanco Road and a maximum depth of 812.06'. The west 310' being "B-2" and the east 502.06' being "R-2".

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

Mr. Frank Bradley, representing the applicant, explained that the zoning was requested in order to use the property for employee parking and that his client is willing to build a screen fence along the south and east sides of the property and have a non-access easement on the south side of the property.

Mr. Sam Lefcowitz and Mr. Norman Callow opposed the rezoning and stated that they bought their homes in this area and understood that the property would be strictly residential.

Mr. Joe Pickett, representing a group of the residents opposed the rezoning in that it would be spot zoning for this particular type of business. They would not object to duplexes being built on the property.

Mr. Dan C. Crow, representing the Blanco Road Baptist Church, which is part owner of the subject property reviewed past attempts in seeking relief for his client and requested the Council to approve the application for rezoning.

After lengthy discussion by the Council, Mr. Trevino made a motion to overrule the recommendation of the Planning Commission and deny the request for rezoning. Seconded by Mrs. Cockrell the motion prevailed by the following vote: AYES: McAllister, Jones, James, Cockrell, Trevino, Parker and Torres; NAYS: None; ABSENT: Calderon and Gatti.

67-389 The Mayor explained that the Council had been scheduled to take action on the request of General Electric for a Cablevision franchise at this time. However, because most of the Council had been out of town this past week, each felt they needed more time to study the different aspects of the request and with the approval of the Council postponed action until the 10th of August.

Mr. Paul Green, attorney representing some of the interested opposition, asked if the hearing postponed until August 10th would be readvertised and if his clients will be able to submit additional evidence to the Council for its' consideration.

The Mayor explained that the hearing is closed and if any one wished to submit information they could present a written brief to the City Manager's office who would then in turn present it to the City Council for consideration.

67-451 The Clerk read an ordinance accepting the low qualified bid of Girard Machinery and Supply Company to furnish the City of San Antonio with two Elgin Street Sweepers for a total of \$27,995.00.

Mr. John Brooks, Assistant Purchasing Agent, briefed the Council on the proposed ordinance and stated that three bids were mailed out and one received meeting the specifications which the Public Works Department recommended be accepted.

Councilman Torres questioned the proposed purchase and asked if the specifications were written so that only one company (Girard) could qualify although bid specifications were sent to two other companies. He raised the question about the hopper mentioned in the specifications that would lift to a specified height of 9'8".

Mr. Sam Granata, Director of Public Works, explained that the Girard Machinery and Supply Company is the only company handling the Elgin Sweeper which is a direct dumping sweeper that eliminates the use of a Front End Loader because of the hopper which dumps directly into the dump truck.

Assistant City Manager Henckel explained that quite often the City will put out bids that specify one particular piece of equipment when it is the opinion of the Staff that this piece of equipment would be a saving to the taxpayers. In this instance the Staff estimates that the City will save approximately \$16,000. by using this type of sweeper.

After discussion by the Council, Mr. Torres made a motion to postpone action on this ordinance in order to have more time to study the matter. Seconded by Mrs. Cockrell, the motion prevailed by the following vote: AYES: McAllister, Jones, James, Cockrell, Trevino, Parker and Torres; NAYS: None; ABSENT: Calderon and Gatti. JUL 21 1961

Mayor McAllister was obliged to leave the meeting and Councilman Parker took the chair and presided in the absence of Mayor Pro-Tem Gatti.

67-452 The Clerk read the following ordinance and on motion of Mr. Jones, seconded by Mr. Trevino, was passed and approved by the following vote: AYES: Jones, James, Cockrell, Trevino, Parker and Torres; NAYS: None; ABSENT: McAllister, Calderon, Gatti.

AN ORDINANCE 35,608 A

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF RADIO CORPORATION OF AMERICA TO FURNISH THE CITY OF SAN ANTONIO WITH CERTAIN RADIO COMMUNICATIONS EQUIPMENT FOR A TOTAL OF \$10,690.00.

* * *

Mayor McAllister returned to the meeting and presided.

67-428 The Mayor announced at this time the Public Hearing on the proposed changes in the City's comprehensive zoning ordinance to be held jointly with the Planning Commission is now open.

Mr. Paul Rose, Chairman of the Planning Commission, presented recommendations by the Commission which have been given the careful consideration of the Home Builders Association, the Conservation Society, Members of the Real Estate Board and the Commission in adopting and approving the following changes: (1) A Historic District Ordinance providing the means of preserving certain historical buildings and areas in keeping with the character of the community and setting up a safeguard for the City and people living within the historical district and providing for a public hearing to define the area presented. In addition the ordinance provides that there be a Board of nine people to review specific buildings and areas as to whether or not they comply with the provisions of the ordinance. (2) The Town House Ordinance is not covered under the present regulations and is basically a new type of housing for San Antonio and is different than the row type apartments and flats. It will provide the developers means to construct housing in a different manner with certain limitations on density, yard set back, etc.. (3) Amendments to the existing ordinance will cover definitions of recreation facilities, neighborhood recreational facilities, allowing lodges and fraternal clubs to be constructed in something other than "B-2" or "B-1" classifications. New requirements pertaining to yard and set back requirements will be added in the "R-2" and "R-3" areas all of which will give the Commission a better way of serving the people living in these areas.

Mr. Ralph Langley, representing the proponents of the ordinance, stated that they have worked hard and long on this ordinance and the proponents include such organizations as the Chamber of Commerce, the American Institute of Architects, Bexar County Chapter, the San Antonio Historical Society, the Bexar County Historical Survey, the River Walk Society, Hemis-Fair, and the Conservation Society, all of which feel the ordinance will preserve San Antonio's heritage of historic areas and recommended the Council's approval and adoption.

Mr. Don Stillman, Executive Director of the Home Builders Association, also proponents of the proposed ordinance, referred to Section 9, paragraph b, page 5 of the ordinance regarding demolition procedures of historic structures. They questioned the provision that after a building is demolished the property owner must wait a certain length of time before he can reuse the property. They felt the time limit the owner must wait before demolition would be sufficient without putting a time limit on the reuse of the property after a building is demolished.

Mr. Langley stated that this has been a focal point for discussion before the Commission but after many meetings the ordinance represents a compromise on the part of both parties and felt that since the Council must approve any area that will be defined as a historic district that this ordinance is actually providing a pattern or guideline for the City to go by and is in actuality a permissive ordinance.

After further discussion by the Council and the proponents, the Mayor announced that the Council will study the ordinances and endeavor to act on them at the next meeting, July 27, 1967.

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67-453

The Clerk read the following resolution.

A RESOLUTION

AUTHORIZING AN APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A GRANT IN THE AMOUNT OF \$82,558.00 TO ASSIST IN THE BEAUTIFICATION AND IMPROVEMENT OF OPEN-SPACE AND OTHER PUBLIC LAND.

* * *

Mr. Robert Frazer, Director of Parks and Recreation, explained the resolution to the Council. In answer to a question from Councilman Torres, Mr. Frazer outlined the various projects for which the money was being asked, such as the Riverwalk area, the Witte Museum Fountain, a portion of Broadway which would be in one of the Urban Renewal Projects, Planting of trees in City Parks and Planter Boxes on Houston Street. He further explained that while the Fountain for the Museum had been donated by a private citizen, as well as the planters on Houston Street, it was Federal Policy to have such gifts listed in the Grant so that the City is credited for such gifts.

After lengthy discussion by the Council, Mr. Jones made a motion to approve the resolution. Seconded by Mr. James the motion prevailed by the following vote: AYES: McAllister Jones, James, Cockrell, Trevino, Parker; NAYS: None; ABSTAINING: Torres; ABSENT: Calderon, Gatti.

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, Jones, James, Cockrell, Trevino, Parker and Torres; NAYS: None; ABSENT: Calderon and Gatti.

67-437

AN ORDINANCE 35,609

AUTHORIZING A CONTRACT WITH PALACIO DEL RIO, INC. TO LEASE CITY-OWNED PROPERTY AT THE NORTHWEST CORNER OF NUEVA AND SOUTH ALAMO STREET FOR MATERIAL STORAGE AT A MONTHLY RENTAL OF SIX CENTS PER SQUARE FOOT; CONTRACT SUBJECT TO TERMINATION UPON TEN DAYS NOTICE BY EITHER PARTY.

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67-426

AN ORDINANCE 35,610

AMENDING THE CURRENT BUDGET BY AUTHORIZING ONE HUNDRED ADDITIONAL TEMPORARY LABORER POSITIONS FOR THE PERIOD OF JULY 24TH THROUGH AUGUST 25TH, 1967.

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At this time Councilman James stated he wished to go on record, and have the Council go on record, acknowledging the findings and conclusions of the Court of Inquiry on Police Brutality conducted by Judge Archie S. Brown, 144th District Court. Mr. James made a motion that the Council recognize the recommendations made by the Court, especially the recommendation of establishing a Citizens Police Review Commission. Seconded by Mr. Trevino, the motion prevailed by the following vote: AYES: McAllister, Jones, James, Cockrell, Trevino, Parker and Torres; NAYS: None; ABSENT: Calderon and Gatti.

67-403 Councilman Torres asked the City Attorney if he had a report on the Conflict of Interest Ordinance.

The City Attorney reported that he was not through with the necessary research and therefore would not be ready for presentation until next week.

67-403 Councilman Torres proceeded to read the following statement on Conflict of Interest Charges against Mr. Robert C. Jones.

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July 21, 1967

TO CITY COUNCIL:

Re: Councilman Bob Jones, ⁽¹²⁷⁾ Mission View Subdivision
Mayor McAllister, fellow Council members:

Several weeks ago, I was approached by a resident of our community, Mr. Charles Matheson, of 3634 Southport, concerned with the use of city machinery which he had observed in the Mission View Subdivision over the last two years.¹ He was disturbed by the use of city facilities in developing this tract of land; that is, opening streets where there were no streets or houses, building curbs, cleaning privately owned lots, and installing sewer lines. These projects, developed at city expense, all centered around property owned, as I indicated earlier this week, by Councilman Bob Jones.

I became satisfied not only that there was cause for concern but that the information I had received was only part of the story of a colleague taking advantage of his role as a public official to further his private business interests. Perhaps I would have been ready to disclose the results of my own investigation two to three months ago, but each inquiry has led to further inquiries, and I felt compelled to delay making these details public. I do so at this time to comply with the Mayor's request of two weeks ago.

By way of preface to these remarks, I believe that the facts which have been uncovered add up to a very serious case in their own right, but in some ways, a more serious question is whether these very facts are not in themselves symptomatic of a much more widespread decadence and disease of government in the City of San Antonio at the present time.

¹See Exhibit I. This subdivision is bounded on the north by Hiawatha; on the east by Meadowlark; on the south by Kashmir; and on the west by Clark. The subdivision was originally platted in February, 1909, by Thomas Glover and R. T. Glover, as shown in Bexar County Deed and Plat Records, Volume 105, p. 212. The subdivision, however, was not developed by the original platters.

If the questions which I am raising are answered as I believe they must be answered by the facts at hand, then, it is entirely possible that Councilman Jones should be charged with using his office to obtain preferential treatment in furthering his private business interests and malfeasance in office resulting from the conflicts of interest problems that have arisen amounting to violations of Section 141 of our City Charter,² and Article 373 of the Texas Penal Code.³

I would submit to this Council that Mr. Jones obtained preferential treatment and special favors in this city's drainage project 56-A. I recognize that this project was planned generally many years ago and that as early as 1958 the proposed routes had been designated. But I realize also that original planning called for this project to terminate at Fair and Clark Avenue short of the Mission View Subdivision.⁴ In May, 1963, this Council by Ordinance No. 31332 entered into a contract with engineers to perform services on Storm Drainage Project 56-A to run from a point on the north side of Interstate Highway 37 northward to the intersection of Fair and Clark. On September 30, 1963, Mr. Sam Granata asked the City Manager that an ordinance be prepared to pay the engineers for work on this project described again as going to Fair and Clark.⁵ I mention this terminal point with emphasis because of recent public statements to the effect

²Section 141 of the San Antonio City Charter provides in part that "no officer or employee of the City shall have a financial interest, directly or indirectly, in any contract with the City... Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his office or position."

³Article 373, Texas Penal Code, reads as follows: "If any officer or any...city...shall become in any manner pecuniarily interested in any contracts made by such...city...for the construction or repair of any bridge, road, street, alley, or house, or any other work undertaken by such...city...or who shall contract for or receive any money or property...or any emolument or advantage whatsoever in consideration of such bid, proposal, contract, purchase, or sale, he shall be fined not less than fifty nor more than five hundred dollars."

⁴See Exhibit II from city engineer's map showing the original route.

⁵See Exhibit III. Memo Sam Granata to City Manager, September 30, 1963.

that the final route; that is, the route by virtue of which one entire block of Brennan Avenue was cut open, paved and curbed had been selected before Mr. Jones became a member of the Council. Mr. Jones was appointed to this Council on September 12, 1963.⁶ On October 10, 1963, Ordinance No. 31810 was passed by the Council authorizing payment to engineers for preparing plans on Storm Drainage Project 56-A. The ordinance recited again that the northern boundary was the intersection of Fair and Clark Avenue and that the project cost was \$463,150.⁷ My charge that this project was extended to meet Mr. Jones specifications has been called a falsehood in that the drainage route had already been determined. Yet, Mr. Jones was on the Council in October, 1963, when he voted on this ordinance which embraced the original route and which would not have affected his property and his holdings on Brennan Street where he owned substantially the entire block. Not only that, he voted on this ordinance.⁸ Thus, I say to you that Mr. Jones, of late, is seeking to perpetrate still another fraud in leading people to believe that the route chosen in 1958 would have taken in his property.

My colleague would claim that no changes occurred on this drainage route after he was on the Council, yet, it was not until after October, 1963, that the project was extended beyond the intersection of Fair and Clark. Not once, judging from the minutes of this Council, was Council informed of this extension nor of Councilman Jones' interest in the extended portion, nor of the fact that the project would include opening, paving, and curbing Brennan Avenue, an unopened street; in effect, a pasture, and providing drainage on a street where there were no houses, where Councilman Jones or his partner owned the majority of the lots and to provide drainage for a subdivision whose developers have never been required to comply with the City Code and regulations pertaining to street paving, curbing, drainage, etc.⁹

⁶ Ordinance No. 31753, September 12, 1963.

⁷ See Exhibit IV, Ordinance No. 31810, October 10, 1963.

⁸ See Exhibit V, vote on Ordinance No. 31810, October 10, 1963.

⁹ See Exhibit VI for map of the completed project. Compare with Exhibit II.

On February 18, 1965, Council voted on accepting the low bid for construction of Storm Drainage Project 56-A, which at this time included the Brennan Street improvements. The ordinance called for expenditures of \$607,012. This amounted to an increase of \$143,862 above the estimates made without the extension in question. Councilman Jones voted for this expenditure. Again, minutes do not reflect that he advised Council of his interest in the project.¹⁰

I indicated earlier this week that other developers under our City Code are required to provide paving, curbing and drainage for their particular developments, yet, apparently Councilman Jones, by virtue of special favors, is circumventing this procedure.

I am quite certain that there are other realtors in our city who would be pleased to be accorded this preferential treatment if they could get it by legitimate measures. I am equally certain that most taxpayers would be very pleased to have their property, particularly any undeveloped property they may have, as thoroughly serviced as Councilman Jones has been able to have his serviced by San Antonio city personnel and equipment, all of which have been used to install curbing at Councilman Jones' place of business on Clark Avenue, to pave the entrance to his driveway (his next door neighbors had to pay for their paving and curbing) and to clear his lots on Brennan of debris.

I have also questioned the propriety of Mr. Jones' involvement with the City of San Antonio on the Meadowlark Street paving, curbing, and sewer installation project. I am not opposed to the city's street improvement participation project under the voluntary assessment program. However, I do feel that the statute on the subject is very clear in that it provides that the owner of the abutting property shall pay two thirds of the cost.¹¹ My concern is that Mr. Jones as the

¹⁰See Exhibit VII, Ordinance No. 33082, February 18, 1965. The ordinance was passed on motion of Mrs. Cockrell, seconded by Doctor Calderon, and approved by following votes: Ayes - McAllister, Caldero, Jones, Kaufman, Cockrell, Gatti, Padilla, Parker and Bremer. Nays - None; Absent - None.

¹¹Article 1082, Vernon's Texas Statutes.

developer of Meadowlark Street had the obligation and responsibility to provide his own paving, curbing, drainage and sewers. The fact that this property was platted and streets dedicated years ago is no excuse for his nonfeasance because under Section 90 of the pre-1952 Charter, there was a similar requirement (that no plats would be accepted by the city until curbs, pavement, etx. were installed according to specifications).

Thus, the argument by Jones that this is not a new subdivision is a farce. Mr. Jones had the city open Meadowlark Street beyond Glover and then incur an expense that was his to make and not the city. The same transpired in the installation of sewers in the area, an arrangement that other contractors were unable to make, and which he was very successful at accomplishing; especially difficult, since the sewer lines had to come a long way across Highland Lions Park at a substantial cost to the City of San Antonio.¹² But he was able to do this because he was a City Councilman. These improvements at city expense were completed in late 1965. Councilman Jones began selling the lots the following month.¹³ A + B

There were definite increments that accrued to Councilman Jones' lots as a direct result of these advantages cited herein. Yet, in spite of the obvious values, lots owned by him, on Brennan Street for example, are on the tax rolls at remarkably low valuations. These lots have 50 foot fronts and are selling at \$2,500 per lot. Yet, they remain on the tax rolls at \$20 to \$40 per lot.¹⁴ I think that this should serve as further evidence of the deception that has been practiced on the taxpayers of San Antonio by Councilman Jones.

¹²See Exhibit VIII, Affidavit of Charles Matheson, Sr. July 17, 1967; verbal statement of M. E. Wright, Contractor, July 17, 1967; Exhibit IV, pictures taken November, 1965.

¹³Deed, Jones and Danysh to Calvin King, January 14, 1966; recorded in Volume 5497, page 198, Bexar County Deed Records; Deed, Jones, et al, to Calvin King, March 28, 1966, recorded in Volume 5547, page 348, Bexar County Deed Records.

¹⁴Tax records, Bexar County Tax-Assessor Collector's Office, Volumes on NCB 3720 and NCB 3722. Councilman Jones in these records is listed as owner of lots 34-39 & 47/48, however, his partner and/or associate in business is G. B. Lane who is listed as owner of lots 29/31 40/41 in NCB 3720 and lots 1-10, 12/13, and 18-21 in NCB 3722.

Again, not only will other San Antonio realtors question the practices which place them in a distinctly disadvantageous competitive position...much more importantly, I am certain that other San Antonio taxpayers owning comparable property may well wish to compare their own property valuations on the tax rolls with the valuations of Councilman Jones' properties.

(C)

The question of how Mr. Jones has acquired some of these properties in the first place in an intriguing one. With already a high concentration of properties on Brennan Street, the area served, as I have shown by the strangely extended drainage, he has acquired a number of these properties by purchase from the City of San Antonio through the indirect route of foreclosure and Sheriff's sales. To illustrate Mr. Jones acquired lots 42-56 (five lots) in NCB 3720 in this manner for \$920.¹⁵ He similarly acquired lots 11, 16 and 17 in NCB 3722 for \$1,200.¹⁶ There are other like transactions on record the very nature of which creates considerable concern in my mind, as to the propriety of a City Councilman taking an active part in a foreclosure sale being made by an official who is acting for the City of San Antonio as a selling agent.¹⁷ I question the propriety of Mr. Jones' involvement in these transactions in flagrant disregard of Section 141 of our City Code. Immediately apparent is concern as to whether influence was exercised to force these foreclosures and the consequent sale. Were other bidders present at said sale? These questions can only be answered by Mr. Jones and those with whom he dealt, but that is precisely why the City Code prohibits an officer from engaging, directly or indirectly, in any contract with the city and from having a financial interest therein. The

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¹⁵ Deed, Hauck to Atkin and Jones, September 6, 1966, recorded in Volume 5633, page 825, Bexar County Deed Records.

¹⁶ Deed, Hauck to Atkin and Jones, February 7, 1967, recorded in Volume 5711, page 659, Bexar County Deed Records.

Deed, Hauck to Lane, June 7, 1966; recorded in Volume 5605, page 103, Bexar County Deed Records; Deed, Hauck to Lane, November 1, 1966, recorded in Volume 5685, page 685, Bexar County Deed Records.

object of this provision in the Charter is to prevent him from taking advantage of his official position and from using knowledge acquired and influence manifest in his capacity to further his private interests. The gravamen of its breach is evident in the only alternative offered in the Charter; that is, that a violation shall result in forfeiture of the position held. I cannot help but quote Mrs. Cockrell's remarks of last week when she said, "I have an oath to uphold the law. And the law is very clear in this regard. It requires a forfeiture of all rights and privileges."

I am convinced that Councilman Jones has made deliberate use of his official position of public trust to further his private interests, that he has allowed his personal motives to preponderate when these conflicted with his public trust, and that in each of these situations, the extension of drainage project 56-A north from Fair and Clark; his vote on the ordinance of February 18, 1965, to spend \$607.012 on this project, installation of curbing and paving at his place of business on Clark Avenue, cleaning his lots on Brennan, noncompliance with the City Code on improvements to his subdivision, paving, curbing and sewer projects on Meadowlark, the low assessment on lots owned by him and the acquisition of lots from the city; in each of these instances, there are sufficient grounds to seek his removal from Council. In very simple language, Councilman Jones' actions in each of these matters, his violation of statute and our code, and his vote in his self-interest constitutes a direct, clear and distinct conflict of interests. His private motives have deterred the more benevolent enterprise of representing the public good. We need better government in our community than the good government provided by Councilman Jones. Indeed to again quote Mrs. Cockrell in the garbage fiasco, "We must adhere to the law." And it is surely not asking too much to expect from this Council a great deal more for the deserving taxpayers of San Antonio than mere adherence to the law. Two points I want to emphasize in closing: First, I cannot for the life of me comprehend how a project originally estimated at \$463,150 could have

been approved less than one year later at a cost of \$607,012, an increase of \$143,862, which went apparently unnoticed and unquestioned judging from the minutes of this Council. Thus, in a sense, the entire Council is to blame for what transpired. Second, this project was originally approved to the intersection of Fair and Clark, short of Mr. Jones' property by ordinance. An ordinance can only be changed or amended by another ordinance as I am sure our city attorney will agree. The charges that were made in drainage project 56-A extending the project to Hiawatha in a circuitous route around Brennan, was a complete illegality.

All of this is clear enough.

But the much larger question which San Antonio taxpayers must surely ask now is whether this admittedly serious case is but a trivial symptom of diseased government which has been masquerading as good government in San Antonio.

Peter Torres, Jr.
City Councilman
Place 9
San Antonio, Texas

Mr. Jones read the following statement in rebuttal to Mr. Torres' charges:

July 21, 1967

Mr. Pete Torres, Jr.
City Councilman
Tower Life Building
San Antonio, Texas

Dear Councilman Torres:

Your July 17, 1967 letter to me makes the following false and misleading charges.

I. You charge:

"In November, 1965 you arranged to have the City of San Antonio provide the labor and equipment to cut open a new street at Meadowlark beyond Glover and to pave that street on which you own all of the lots."

The truth:

a. I paid for the paving of Meadowlark in the same manner that every other citizen of San Antonio pays on a participation basis.

b. The City agreed to share this work in 1962, long before I became a City Councilman.

c. I received no special favors.

d. The City owns all of the property on one side of this street. It is Hi Lions Park.

II. You charge:

"Further, in February, 1965, you voted on a \$600,000.00 appropriation, being a drainage project which ended at Bremen and Hiawatha and as a result of which project Bremen Street was paved and curbed. It is no coincidence that the project is extended and directed in such a way as to meet your private needs as a developer of the Mission View Subdivision which this project services.----where the majority of the lots are owned by you."

The truth:

a. The drainage project was planned, financed and definitely located before I became a councilman.

b. I had nothing to do with the location of the drainage project.

c. This is not my sub-division. I am not the developer or sub-divider.

d. The plat on this sub-division was recorded in 1909 (11 years before I was born) and the street you mentioned has been a public street since that time.

If you really wanted to be fair about this, you would have talked to the engineer who designed the project. He would have told you, as he has stated to me in an affidavit, that no effort was made by any city official to change the alignment recommended in his preliminary engineering report dated July 12, 1963, and further during the design and construction of this project no member of his firm was personally acquainted with me and the project was never discussed with me. I became a councilman in September, 1963.

Also had you taken the trouble to find out, you would have learned that I do not own a majority of the lots.

Common decency should have made you ask me about these matters before you popped off. Instead, you chose to make wild sensational accusations.

Through no effort of yours, the City has made tremendous improvements over the past 12 years. It would be difficult to find a piece of property or a section of the City that has not benefited from our progress.

Should I have refused to support this drainage project--- a project that was so desperately needed by the school of the Hi Lions area---for fear that some reckless person would cry that I owned a few lots in the area? I think not.

It is indeed ironic that the independent voice you asked the voters to put in the Council Chamber has become the mouthpiece of the big lie. If there is anything "pathetic" and "deceitful" about any of this, it is the irresponsible and callous manner in which you have distorted the facts, apparently just to attract attention to yourself.

Yours very truly,

/s/ Bob Jones

Copy of certified document by Mr. G.B. Lane

My name is G. B. Lane. I am a retire builder, manage my own property, and am a director of the Alamo Savings and Loan Association. I own property in various parts of San Antonio and Bexar County. Some of the property which I now own is on Bremen Street in Mission View Addition. I acquired it by purchase from various owners. I own this property with my wife and with no other party or parties. I have no agreement with any other party regarding this property. Mr. Robert C. Jones or Mr. Raymond Danysh neither now own any part of my property nor have they ever owned any nor do they have any buy or sell agreement with me. Mr. Danysh and Mr. Jones have previously acquired properties in the eastern portion of Mission View while I have confined my activities to the western section of this subdivision. Prior to Mr. Danysh and Mr. Jones purchase of Lots 34-39, Block 1, NCB 3720 these lots were offered to me and I declined. Only then did Mr. Danysh and Mr. Jones enter into a purchase agreement on this property.

JUL 21 1966

Seal

Date: July 17, 1967

/s/ G. B. Lane
/s/ Maxine E. Hammond
Notary Public, Bexar County

Copy of letter to Mr. Jones dated June 1, 1962
from C. W. McKennon, Jr., Asst. Dir. of Public Works

June 1, 1962

Mr. Bob Jones
3401 So. Gevers
San Antonio, Texas

RE: Meadowlark Street

Dear Mr. Jones:

With reference to the improvement of Meadowlark Street, it is our understanding that you propose to improve this street for approximately 1,245 lineal feet and desire to pave 30 feet in width. It is also our understanding that prior to the street improvement, you propose to install curb on one side of this street and to arrange for installation of sanitary sewer line within and beneath the street right-of-way.

The City paving forces are agreeable to assisting in this work to the extent of providing necessary labor and equipment for the application of eight inches (8") of compacted base material and one inch (1") of Hot Mix Hot Laid Asphaltic Concrete.

It is our understanding that you desire to prepare the subgrade of the street to the grades provided by our Engineering Division, compacting said subgrade for the application of the eight inches (8") of crushed base material. It is our understanding also that you will provide the necessary base materials and asphaltic materials, and we are listing below the quantities estimated to be required at the prices which the City normally pays for these items under its contracts with its suppliers.

Crushed Base Material	
1,385 cu. yds. @ 50¢ per yd.	\$ 692.50
Contract Hauling	
121,880 yd. qtrs. @ \$0.0125	1,523.50
MC-1 Prime Oil	
830 gals. @ \$0.115	95.45
RC-2 Tack Oil	
210 gals @ \$0.1175	24.68
Hot Mix Hot Laid Asphaltic Concrete	
228.25 tons @ \$3.90	<u>890.18</u>
TOTAL COST OF MATERIALS	\$3,226.31

Since the purchase of the MC-1 and RC-2 Oil in the small quantities required for this job will be difficult for you, you may substitute in lieu of these two items an additional 80 cu. yds of crushed base material delivered to our stockpile area which is located near the intersection of "J" Street with Roland and Twohig Streets.

In the event this participation on your part as stated above and the City furnishing the labor and equipment for the application of the bases and asphalt surface are satisfactory, then it is requested that you so indicate by signing a copy of this letter which is furnished for this purpose and return to the writer.

In the meantime it is requested that you make the necessary arrangements with the Sewer Engineer with respect to the sanitary sewer and with our Engineering Division for the staking of Meadowlark both for your curb construction and later street work. It is understood, of course, that permits for the curb work are to be obtained by you from the Housing and Inspections Department, Trench and Sidewalk Division.

Very truly yours,

/s/ C. W. McKennon, Jr., Asst. Dir.
Public Works Department

cc: Engr. Div.,
Housing & Inspections,
Sewer Engr.
Victoria Area PW Engr.
Tom Ivy

Discussion followed the above statements by Members of the City Council. A verbatim report of the discussion is filed with the original of these minutes. All exhibits referred to in above statements are also on file with minutes.

67-445

The Clerk read the following letter.

July 17, 1967

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

Gentlemen and Madam:

JUL 21 1967

