

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JANUARY 21, 1971.

* * * *

The meeting was called to order by the presiding officer, Mayor W. W. McAllister, with the following members present: McALLISTER, CALDERON, BURKE, JAMES, HABERMAN, NIELSEN, TREVINO, HILL, TORRES; Absent: NONE.

71-3 The invocation was given by Reverend Charles S. Burgess, West Side Ministries of Presbyterian Church, U. S. A.

The minutes of the meeting of January 14, 1971, were approved.

Councilman Nielsen asked the Clerk to prepare a transcript of the discussion concerning the two proposed contracts with the Mexican-American Unity Council. (The transcript has been prepared and added to the minutes of January 14, 1971.)

71-3 Mayor McAllister recognized a group of 23 government students from Little Flower High School and explained the procedure for rezoning property in the City. The students were accompanied by their instructor, Miss Diane Langford.

71-3 ZONING HEARINGS

a. CASE 4112 - to rezone the west 35.0' of Lot 10, NCB 8622, from "B" Two Family Residential District to "R-3" Multiple Family Residential District, located on the north side of Rayburn Drive, 477.99' west of Commercial Avenue; having 35.0' on Rayburn Drive and a depth of 163.0'.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

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

AN ORDINANCE 39,185

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS THE WEST 35.0'
OF LOT 10, NCB 8622, FROM "B" TWO
FAMILY RESIDENTIAL DISTRICT TO "R-3"
MULTIPLE FAMILY RESIDENTIAL DISTRICT.

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b. CASE 4088 - to rezone Lots 40 and 41, NCB 11688, from "D" Apartment District to "B-3" Business District, located on the east side of West Avenue, 1239.4' south of the cutback to Jackson-Keller Road; having 210' on West Avenue and a maximum depth of 209'.

Acting Planning Director, J. H. Wilkerson, 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. Trevino, seconded by Dr. Nielsen, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: McAllister, Calderon, Burke, Haberman, Nielsen, Trevino, Hill; NAYS: None; ABSENT: James, Torres.

AN ORDINANCE 39,186

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 40 AND 41,
NCB 11688, FROM "D" APARTMENT DISTRICT
TO "B-3" BUSINESS DISTRICT.

* * * *

c. CASE 4059 - to rezone Lot 2, Blk. 1, NCB 13519, from "B-2" Business District to "B-3" Business District, located on the east side of Callaghan Road, 168.0' north of the cutoff to Culebra Road; having 200.0' on Callaghan Road and a depth of 175.07'.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, on motion of Mr. Hill, seconded by Mrs. Haberman, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: McAllister, Calderon, Burke, Haberman, Nielsen, Trevino, Hill; NAYS: None; ABSENT: James, Torres.

AN ORDINANCE 39,187

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 2, BLK. 1,
NCB 13519, FROM "B-2" BUSINESS
DISTRICT TO "B-3" BUSINESS DISTRICT.

* * * *

d. CASE 4065 - to rezone Lot 7, NCB 8680, from "A" Single Family Residential District to "O-1" Office District, and Lot 8, NCB 8680, from "A" Single Family Residential District to "I-1" Light Industry District, located northeast of the intersection of Jones-Maltsberger Road and Northern Boulevard.

The "O-1" being at the northeast intersection of Jones-Maltsberger Road and Northern Boulevard; having 191.60' on Jones-Maltsberger Road and 100.0' on Northern Boulevard.

The "I-1" being on the north side of Northern Boulevard, 100.0' east of Jones-Maltsberger Road; having 508.4' on Northern Boulevard and a depth of 190.6'.

Acting Planning Director, J. H. Wilkerson, 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 Mrs. Haberman, seconded by Mr. Hill, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: McAllister, Calderon, Burke, Haberman, Nielsen, Trevino, Hill; NAYS: None; ABSENT: James, Torres.

AN ORDINANCE 39,188

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 7, NCB 8680, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT, AND LOT 8, NCB 8680, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

* * * *

e. CASE 4113 - to rezone 0.472 acres of land out of Lot 1, NCB 14315, being further described by field notes filed in the office of the Planning Department, from "B-2" Business District to "B-3" Business District, located on the southeast side of Northwest Loop 410, 495.71' southwest of the cutoff of Northwest Loop 410 and Dewhurst Road; having 100.00' on Northwest Loop 410 and a maximum depth of 221.02'.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

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

AN ORDINANCE 39,189

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 0.472 ACRES OF LAND OUT OF LOT 1, NCB 14315 (BEING FURTHER DESCRIBED BY FIELD NOTES), FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT.

* * * *

f. CASE 4126 - to rezone Lot 6 (17.552 acres), NCB 13798, and Lots 1 (18.255 acres) and 2 (16.761 acres), NCB 14593, from "B" Two Family Residential District and Temporary "R-1" Single Family Residential District to "I-2" Heavy Industrial District, being irregular in size, located 375' south of Space Center Drive, 460' east of Southeast Loop 410; having a maximum width of 1163' and a maximum length of 2241.62'.

Acting Planning Director, J. H. Wilkerson, 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. Nielsen, seconded by Dr. Calderon, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: McAllister, Calderon, Burke, Haberman, Nielsen, Trevino, Hill; NAYS: None; ABSENT: James, Torres.

AN ORDINANCE 39,190

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 6 (17.552 ACRES), NCB 13798, AND LOTS 1 (18.255 ACRES) AND 2 (16.761 ACRES), NCB 14593, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT AND TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-2" HEAVY INDUSTRIAL DISTRICT.

* * * *

g. CASE 4083 - to rezone Lots 15 through 39, Blk. 31, NCB 11574, from "B" Two Family Residential District to "R-6" Townhouse District, located on the south side of Sunnyland Drive between Broadview Drive and Bloomfield Drive, also having frontage on Eastview Drive; having 730.67' on Sunnyland Drive, 187' on Broadview Drive, 140' on Bloomfield Drive and 143.15' on Eastview Drive..

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Acting Planning Director, J. H. Wilkerson, 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. Nielsen, seconded by Mr. Trevino, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: McAllister, Calderon, Burke, Haberman, Nielsen, Trevino, Hill; NAYS: None; ABSENT: James, Torres.

AN ORDINANCE 39,191

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 15 THROUGH 39, BLK. 31, NCB 11574, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-6" TOWNHOUSE DISTRICT.

* * * *

h. CASE 4093 - to rezone Lot 6, Blk. 4, NCB 6969, from "B" Two Family Residential District to "B-3" Business District, bounded by Walton Avenue on the north, Phyllis Street to the east, Carroll Avenue to the south and South Zarzamora Street to the west; having 141.66' on Walton Avenue, 243.25' on Phyllis Street, 142.09' on Carroll Avenue and 243.25' on South Zarzamora Street.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

Mr. Harold C. Linahan, the applicant, told the Council that a convenience center is proposed for this property and will include a Jif-E-Mart, a cleaning shop, a restaurant and other stores. He is willing to follow the request of the Planning Commission in erecting a screen fence along Phyllis Street, as well as a non-access easement. He asked the Council's favorable consideration.

Mr. Ralph Lopez, 502 Fulton Avenue, the owner of two lots at the corner of Walton and Phyllis, objected to the rezoning. He had doubts that the property would be developed, as proposed, and feared that it would be sold and an undesirable business would be placed on the property.

Mr. Linahan assured the Council that his company would, indeed, develop the property, as stated. He also explained setbacks from each of the streets concerned.

Dr. Calderon moved that the recommendation of the Planning Commission be approved, provided that a six foot (6') solid screen fence is erected on the east property line and that a five foot (5') non-access easement is provided on Phyllis Street. The motion was

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seconded by Mr. Hill. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote:
 AYES: McAllister, Calderon, Haberman, Nielsen, Trevino, Hill, Torres;
 NAYS: None; ABSTAIN: Burke, James; ABSENT: None.

AN ORDINANCE 39,192

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 6, BLK. 4,
 NCB 6969, FROM "B" TWO FAMILY
 RESIDENTIAL DISTRICT TO "B-3" BUSINESS
 DISTRICT, PROVIDED THAT A SIX FOOT (6')
 SOLID SCREEN FENCE IS ERECTED ALONG
 THE EAST PROPERTY LINE AND THAT A
 FIVE FOOT (5') NON-ACCESS EASEMENT
 IS PROVIDED ALONG THE EAST PROPERTY
 LINE.

* * * *

71-3 Mayor McAllister was obliged to leave the meeting and Mayor Pro-Tem Calderon presided.

i. CASE 4041 - to rezone Lot 3, Blk. 16, NCB 14477, from "B" Two Family Residential District to "R-1" Single Family Residential District, and Lot 2, Blk. 15, NCB 14477, Lot 10, Blk. 5, NCB 14429 and Lot 35, Blk. 1, NCB 14425, from "B" Two Family Residential District to "B-2" Business District.

The "R-1" being on Lot 3, located on the south side of a proposed street (Reforma), 299.16' west of Palo Alto Road (State Highway 346); having 329.36' on Reforma and a maximum depth of 121.31'.

The "B-2" zonings being on the following:

Lot 2, being located on the west side of Palo Alto Road (State Highway 346) between I. H. Loop 410 and Reforma; having 561.50' on Palo Alto Road (State Highway 346), 303.94' on Reforma and 564.43' on I. H. Loop 410.

Lot 10, being located on the west side of Palo Alto Road (State Highway 346) between Aragon Boulevard and Reforma; having 516.61' on Palo Alto Road (State Highway 346), 300.63' on Aragon Boulevard and 303.28' on Reforma.

Lot 35, being located northwest of the intersection of Palo Alto Road and Aragon Boulevard; having 437.82' on Palo Alto Road and 300.64' on Aragon Boulevard.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

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After consideration, on motion of Mr. Hill, seconded by Mr. Trevino, the recommendation of the Planning Commission was approved by the passage of the following Ordinance by the following vote: AYES: Calderon, Burke, James, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister.

AN ORDINANCE 39,193

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 3, BLK. 16, NCB 14477, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT, AND LOT 2, BLK. 15, NCB 14477, LOT 10, BLK. 5, NCB 14429 AND LOT 35, BLK. 1, NCB 14425, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT.

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71-3 Mayor McAllister returned to the meeting and presided.
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j. CASE 3711 - to rezone 6.110 acres out of NCB 12107, being further described by field notes filed in the office of the Planning Department, from "A" Single Family Residential District to "R-3" Multiple Family Residential District, 11.855 acres out of NCB 12107, being further described by field notes filed in the office of the Planning Department, from "A" Single Family Residential District and Temporary "A" Single Family Residential District to "R-6" Townhouse District, and 16.937 acres out of NCB 12107, being further described by field notes filed in the office of the Planning Department, from "A" Single Family Residential District and Temporary "A" Single Family Residential District to "B-3" Business District, located approximately 600' east of Valley View Lane and approximately 1400' southeast of Nacogdoches Road, containing a total of 34.902 acres.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

Mr. Emerson Banack, Jr., an attorney, representing Quincy Lee and St. Mary's Hall, opponents of the rezoning, appeared before the Council. He advised the Council that this case had been heard by the Planning Commission on March 4, 1970. He pointed out that Chapter 42-29 (b) (4) of the Municipal Code states that an applicant is allowed eight months to present his case to the City Council, after it has been approved by the Planning Commission. The Code further provides that failing to meet this time limitation, the matter must be referred back to the Planning Commission before the Council could hear it. Mr. Banack stated that, in view of the Code's requirements, the Council could not legally consider this case.

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Mr. John Oliver, an attorney, representing the applicant, Ben Carter, said that one of the requirements of the Planning Commission was that the property under discussion be replatted. In the process of replatting, a severe drainage problem was discovered and brought to the attention of the City Attorney in October, 1970. As a result of this meeting, the City Attorney issued a written opinion on October 27, 1970. (A copy of the opinion is filed with the papers of this meeting.) In brief, the opinion is to the effect that time has not run out on the applicant.

After discussion, Dr. Calderon moved that the Council listen to the case on its merits. The motion was seconded by Mr. Torres and passed by the following vote: AYES: McAllister, Calderon, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: Haberman; ABSENT: None.

Mr. Oliver explained the intended uses of the property, which would include a pitch-putt golf course, driving range and a townhouse area. He said that there is an engineering problem for drainage, but that it is being worked out.

Mr. Banack spoke in opposition to the rezoning, saying that it would decrease property values in the area and is not wanted by any of the property owners.

After consideration, Mr. Torres moved that action in this matter be deferred to February 18, contingent on plans for development of the area being presented to the Council for study. The motion was seconded by Mr. Hill and was passed by the following vote: AYES: McAllister, Calderon, Burke, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: James.

k. CASE 4070 - to rezone the north 161.68' of Lot 22, Blk. 1, NCB 11674, from "H" Local Retail District to "I-1" Light Industry District, located on the south side of East Commerce Street (U. S. Highway 90 East), 322.84' east of Honey Boulevard; having 172.85' on East Commerce Street and a depth of 161.68'.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be approved by the City Council.

No one spoke in opposition.

Mr. Trevino moved that the recommendation of the Planning Commission be approved, provided that a six foot (6') solid screen fence is erected on the rear property line and that a one foot (1') non-access easement is provided along the south property line. The motion was seconded by Dr. Nielsen. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 39,194

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

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DESCRIBED HEREIN AS THE NORTH 161.68'
OF LOT 22, BLK. 1, NCB 11674, FROM "H"
LOCAL RETAIL DISTRICT TO "I-1" LIGHT
INDUSTRY DISTRICT, PROVIDED THAT A
SIX FOOT (6') SOLID SCREEN FENCE IS
ERECTED ON THE REAR PROPERTY LINE
AND THAT A ONE FOOT (1') NON-ACCESS
EASEMENT IS PROVIDED ALONG THE SOUTH
PROPERTY LINE.

* * * *

1. CASE 4118 - to rezone the remaining south portion of Lots 5, 6 and 7, Blk. 55, NCB 7107, from "B" Two Family Residential District to "B-3" Business District, being irregular in shape and located south of the intersection of Rohde Drive and Northwest Expressway (U. S. Highway 87); having 130.2' on Rohde Drive, 35.0' on Northwest Expressway (U. S. Highway 87) and a mean depth of 70.0'.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be denied by the City Council.

Mr. Don Hand, attorney for the Atled Corporation, the applicant, familiarized members of the Council with the area being considered with a number of photographs. He said that his client has owned the property several years, but it is too small to put any kind of a building on. In order to use it for a billboard, commercial zoning is necessary.

Speaking in opposition were:

Mr. Fredrico Saldivar
1411 West Olmos Drive

Mr. Stephan Shaw
1414 West Olmos Drive

Mrs. Ruth Nations
1418 West Olmos Drive

In discussing the case, members of the Council recognized that the owner of the property should be entitled to make use of it and also that some of the residents might object. It was felt that the Planning Commission should study the sign ordinance, particularly as it applies to area requirements for signs. The matter of blinking lights on signs should also be considered.

Mr. Hand said that his client would not object to deferring action on this request to allow time for further study by the Planning Commission.

On motion of Dr. Calderon, seconded by Dr. Nielsen, and unanimously carried, the case was referred back to the Planning Commission for further study.

m. CASE 4057 - to rezone Lot 16, Blk. 59, NCB 3657, from "B" Two Family Residential District to "B-2" Business District, located northeast

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of the intersection of West Salinas Street and 24th Street; having 50.0' on West Salinas Street and 153.71' on 24th Street.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be denied by the City Council. He also stated that this case had been reset from the meeting of December 17, 1970.

Mr. Trevino said that the applicant in this case, Mr. Adolfo Z. Garcia, is represented by Mr. Frank Lombardino, who is a State Representative, and unable to be present. Mr. Lombardino asked that this case be postponed to March 18, 1971.

The Council was agreeable to this request and the case was postponed.

n. CASE 4092 - to rezone Lots 20 through 35, Blk. 4, NCB 8179, from "B" Two Family Residential District to "R-3" Multiple Family Residential District, located on the west side of Evelyn Drive between Donaldson Avenue and Bexar Drive; having 274.5' on Evelyn Drive and 518.0' on both Donaldson Avenue and Bexar Drive.

Acting Planning Director, J. H. Wilkerson, explained the proposed change, which the Planning Commission recommended be denied by the City Council.

Mr. Jay Sam Levey, attorney representing the Congregation of Agudas Achim, the applicant, spoke with reference to the case. He said that while the application was for zoning of the entire tract to "R-3", the Planning Commission had recommended that only Lots 28 through 35 be rezoned "R-3". The remainder of the tract was recommended for "R-2" zoning. Mr. Levey said that the prospective purchaser of the property preferred to have it all zoned "R-3", but that this was not a condition to the sale. His client would accept rezoning, as recommended by the Planning Commission.

Mr. Lawrence E. Deveau, 219 Bexar Drive, spoke as an opponent. He said that none of the effected property owners have been contacted, since the meeting of December 17, 1970, when it was first heard. The owners are opposed to "R-3" zoning, but would agree to zoning, as recommended by the Planning Commission.

After consideration, on motion of Mr. Torres, seconded by Mr. Burke, the recommendation of the Planning Commission to rezone Lots 28 through 35 to "R-3" and the remainder of the tract, being Lots 20 through 27 to "R-2", was approved by the passage of the following Ordinance by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 39,195

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 20 THROUGH
27, BLK. 4, NCB 8179, FROM "B" TWO

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FAMILY RESIDENTIAL DISTRICT TO "R-2"
TWO FAMILY RESIDENTIAL DISTRICT, AND
LOTS 28 THROUGH 35, BLK. 4, NCB 8179,
FROM "B" TWO FAMILY RESIDENTIAL
DISTRICT TO "R-3" MULTIPLE FAMILY
RESIDENTIAL DISTRICT.

* * * *

71-3

The Clerk read the following Ordinance:

AN ORDINANCE 39,196

DIRECTING PUBLICATION OF NOTICE OF
BOND SALE.

* * * *

THE STATE OF TEXAS :
COUNTY OF BEXAR :
CITY OF SAN ANTONIO :

WHEREAS, the City Council of the City of San Antonio,
Texas, deems it necessary and advisable that
the bonds hereinafter described be authorized,
issued, sold and delivered as soon as possible.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF SAN ANTONIO:

SECTION 1. That the City Council shall receive and
consider sealed bids, at a duly advertised
public sale, for an issue of City of San
Antonio General Obligation Bonds, Series
1971, dated April 1, 1971, in the principal
amount of \$13,000,000, at a Regular Meeting
of the City Council to be held at 10:00
o'clock a. m. on March 4, 1971.

SECTION 2. That the City's Director of Finance and
the City Clerk shall proceed immediately
with the preparation of notices of bond
sale in connection with said bonds; and
an appropriate Notice of Bond Sale shall
be published one time, not later than
February 10, 1971, in The Commercial
Recorder, being a daily newspaper published
in and having general circulation in the
City of San Antonio. Such other and
further Notice of Bond Sale may be
published, mailed and given as is deemed
advisable by the City's Director of Finance.

SECTION 3. Payment of all necessary expenses incurred
by all persons in connection with the
issuance, sale and delivery of said bonds
is hereby authorized, including the payment
of necessary expenses incurred in making
delivery of said bonds to the purchaser
in New York, New York.

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SECTION 4. That this Ordinance is hereby passed as an emergency measure, to be effective immediately upon enactment, such emergency being that the proceeds from the bonds described above are required as soon as possible for the preservation of the public peace, property, health or safety.

* * * *

Assistant City Manager, Ancil Douthit, advised the Council that this Ordinance was prepared in accordance with Council's instructions on January 7, 1971.

After consideration, on motion of Dr. Calderon, seconded by Mr. Hill, the Ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

71-3 The Clerk read the following Ordinance for the first time:

AN ORDINANCE 39,197

PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LINES OF THE CITY OF SAN ANTONIO, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 6.43 SQUARE MILES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO.

* * * *

Mr. J. H. Wilkerson, Acting Planning Director, explained the proposed annexation of a 6.43 square mile area, known as the proposed University of Texas at San Antonio site and surrounding areas, adjacent to the City Limits of San Antonio in the northwest section of the City, and outlined the areas being considered on a map for the Council.

No one spoke in opposition.

After consideration, on motion of Dr. Calderon, seconded by Mr. Hill, the Ordinance was passed and approved for publication only, by the following vote: AYES: McAllister, Calderon, Burke, Haberman, Nielsen, Hill, Torres; NAYS: None; ABSENT: James, Trevino.

71-3 Mr. Torres asked that the Council reconsider the whole matter of the comprehensive annexation plan. He asked that this matter be first discussed at a "B" session and then placed on the agenda of an official meeting.

After discussion, the Council agreed to place this subject on the agenda for the "B" session of February 4 and on the regular agenda for February 11, 1971.

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71-3

APPEAL OF MR. ROY C. SMITH, REPRESENTING THE SAN ANTONIO
INSURANCE HOLDING POOL, FOR PERMISSION TO OPERATE AN
INSURANCE HOLDING POOL AT 1223 MARCH AVENUE

Mr. J. H. Wilkerson, Acting Planning Director, said that, as instructed by the City Council on January 7, 1971, all of the property owners within 200 feet of the proposed holding pool were notified. Four notices were mailed and three were returned in opposition.

Council members discussed various aspects of the proposal and discussed them with Mr. Smith. He assured the Council that he intended to operate a clean, neat storage yard and would agree not to permit any dismantling on the premises. It was agreed that the number of vehicles to be stored would be limited to 75.

After consideration, on motion of Mrs. Haberman, seconded by Mr. Hill, the following Ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Hill, Torres; NAYS: Nielsen, Trevino; ABSENT: None.

AN ORDINANCE 39,198

GRANTING PERMISSION TO OPERATE AN
INSURANCE COMPANY HOLDING YARD FOR
WRECKED AUTOMOBILES ON THE NORTH
300 FEET OF LOT 21, NEW CITY BLOCK
11176.

* * * *

71-3 Dr. Nielsen suggested that, since there are some 20 industrial parks in San Antonio, the staff study the idea of restricting junk yards and holding pools away from residential areas and restrict them to industrial areas.

Mrs. Haberman felt that the staff should study the entire situation on junk yards.

71-3 The following Resolution was read by the Clerk and after consideration, on motion of Rev. James, seconded by Mr. Hill, was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

A RESOLUTION
NO. 71-3-70

APPOINTING NINE MEMBERS TO THE
CITIZENS' PARTICIPATION POLICY
COMMISSION - MODEL CITIES PROGRAM
(OLIN W. LeBARON, COL. GEORGE
CISNEROS, NEAL TALLEY, JR.,
RAYMOND APOLLON, LICO B. LOPEZ,
MANUEL J. GONZALEZ, E. T. XIMENES,
RICHARD BORREGO AND MANUEL H.
CALDERON, FOR TERMS BEGINNING
JANUARY 21, 1971).

* * * *

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71-3 The following Ordinance was read by the Clerk and after consideration, on motion of Dr. Calderon, seconded by Mr. Hill, was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Haberman, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 39,199

GRANTING THE STUDENT SENATE AT ST. MARY'S UNIVERSITY PERMISSION TO HAVE A BON FIRE ON THE UNIVERSITY CAMPUS ON TUESDAY, JANUARY 26, 1971, PERTAINING TO THE HOMECOMING BASKETBALL GAME WITH ST. EDWARD'S UNIVERSITY.

* * * *

71-3 Dr. Nielsen said that he felt the Council should rescind the ordinance, which adopted the Bovay Report, as the master plan for the International Airport, and that the City should start over in its planning and include some of the effected citizens in the discussions.

Mr. Hill reported to the Council that he and Mr. Henckel had met with five representatives of the Citizens for Responsive Government within the past week. He said that he will have a statement prepared for the Council to the effect that the consultants selected by the City should look at the total airport situation, whether we go regional or another International Airport and also that during the course of the consultants' study, they will talk with interested groups of citizens in compiling the study. There is still concern about the runway, which was proposed in the bond election and the citizens want the Council to go on record that the runway is no longer a consideration.

71-3 Mayor McAllister was obliged to leave the meeting and Mayor Pro-Tem Calderon presided.

71-3 MUSICAL PRODUCTION "HAIR"

Reverend Charles Kemble, Pastor of the Parkview Baptist Church, spoke to the Council concerning the holding of "Hair" at the theater in the Convention Center the week of January 22. He said that he had been asked by many people, school people in the Northeast School District, concerned mothers and fathers, as well as people connected with the Conference for Decent Literature, to protest the showing on City-owned property. He discussed the play and stated that he felt it was non-Christian, anti-American, immoral and glorified drugs and sex. He asked the City Council to withdraw or cancel the agreement to rent the theater for the staging of this production.

Assistant City Attorney, Nicholas Cosgrove, advised the Council that cancellation of the rental agreement would make the City open to a suit for damages.

After a lengthy discussion, no action was taken. The Council agreed to discuss the matter at the informal session, at which time the City Attorney could advise the Council further on what alternatives the City may have in the matter.

71-3

The Clerk read the following letter:

January 15, 1971

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.

1-11-71

Petition of Mr. Martin A. Diedrichs, 419 Mebane,
requesting the annexation of Shenandoah, Unit 11,
Block 18, Lot 18, NCB 14273, containing 3.937 acres.

/s/ J. H. INSELMANN
City Clerk

* * * *

There being no further business to come before the Council,
the meeting was adjourned at 12:05 P. M.

A P P R O V E D


M A Y O R

ATTEST:


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ADDENDUM TO THE MINUTES OF THE
MEETING OF THE CITY COUNCIL OF
THE CITY OF SAN ANTONIO
JANUARY 21, 1971

DISCUSSION CONCERNING USE OF PUBLIC PROPERTY FOR MUSICAL PRODUCTION

-HAIR-

REV. CHARLES B. KEMBLE: Mr. Mayor, I'm Charles Kemble. I'm a Minister of this City, Parkview Baptist Church. I appreciate your indulgence and the extension of time as I know that customarily on this day you hear only the zoning cases and such as we have heard this morning. I've been asked by a number of people to come and to speak to you on their behalf this morning, both school people from the Northeast Independent School District, from concerned mothers and fathers, and from those people composing the Citizens for Decent Literature in our City. It was my privilege to attend the prayer breakfast at the Governor's Inauguration last Tuesday morning at the invitation - gracious invitation of the Governor and Lieutenant Governor Ben Barnes. I was happy to see also on the program there the distinguished Bishop of the Catholic Church of our City, Bishop Flores. At that prayer breakfast there was a number of scripture read and prayer as they look forward to the inauguration of the Governor, and I'll read only two verses before I proceed, and I will not be long this morning. One verse taken from Romans the 13th Chapter, and this only the fourth verse out of a lengthy passage which was read speaking of the leaders of government, "For he is God's servant, working for your good, but if you do evil be afraid of Him for His power to punish is real. He is God's servant and carries out God's wrath on those who do evil." Reading also and this, by the way, is the new translation of the New Testament from First Peter, the second Chapter reading only two verses, verses 15 and 16 also referring to God's servant, the leaders of our state and nation, and I think of our City. "For this is God's will, He wants you to silence the ignorant talk of foolish men by the good things you do. Live as free men. Do not use your freedom, however, to cover up any evil, but live as God's slaves."

Mr. Mayor, as you know the tribal love rock musical festival entitled, HAIR is to be produced in our City at the Theater of the Performing Arts in Hemisfair Plaza beginning next Monday. The Hemisfair is public property paid for by taxpayers' money and other interested citizens interested in seeing San Antonio grow into a thriving metropolis which will invite and entice industry, conventions, and the like. This musical production, HAIR is produced and backed heavily by or let me rephrase that, is backed heavily by a man by the name of David Butler of Oak Vile, Illinois, who is non-Christian, and, in many respects, anti-American. This musical production has been produced in private theaters in New York and in Boston. However, in Boston on April 10, 1970 the production closed because they had violated the request of that City and that state in producing a non-cut version. They had to refund some \$600,000 pre-showing sales. St. Louis, Missouri on the other hand got together and the citizens, or the City Council, or altermen of that City voted 16 to 11 not to permit HAIR to be shown in their City. I read you just an excerpt from a publication known as the National Decency Reporter. "HAIR is an evening of anti-religious, anti-American vulgarity. It is an outrageous assault on morality. The Yippie cast strips naked for the Act I finale. In another scene simulated sexual intercourse is performed on stage. An outrageous

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assault on patriotism - the American flag is used as the object of a perverse sexual act in a key musical number. An outrageous assault on America's youth as marijuana, LSD, and sexual promiscuity are glorified as the end quote, "things for young people to sample."

In addition, "HAIR is a vicious, sacrilegious attack on the Catholic Church and religion in general." I read to you an excerpt from the play itself, Mr. Mayor, and Council, this comes from page nine of the script as one of the characters stands exhibiting himself, "This is the Body and Blood of Jesus Christ, I'm going to eat you." He eats it, crosses himself, kneels raising his right hand, "I swear to tell the truth, the whole truth, and nothing but the truth so help me God. In the name of the Father, of the Son, and of the Holy Ghost, amen." But, then goes on to profane the Catholic Church, and I think Churches in general, as I read from another passage, page 155 of this text. In another scene three Catholic nuns enter playing behind praying Buddhists. The script says, "Hail Mary, full of grace, blessed is the fruit of the loom." They strangle the Buddhists with their rosary beads, "Holy Mary, Mother of God pray for us sinners now and at the hour of our death," at which time three astronauts, which we're extremely proud of in our country and in our nation, enter behind the nuns killing them with ray guns. Three Chinese enter behind the astronauts carrying machine guns and kill the astronauts. Mayor, these and many other selections I could read to you this morning without taking that much time, could vividly portray the fact that this play is anti-American, anti-religious.

From the Decency Reporter again one other paragraph. In one scene, a principle character expresses desire to hang on a cross and eat corn flakes and plays early in Act one the plays - Yippie tribe chants pig latin and another character swings a smoking incense chalice kneels holding an imaginary host in the air and screams, "This is the Blood and the Body of Jesus Christ, I'm going to eat you."

We want to hold up to the Council once again that this play was disallowed in St. Louis. The booking agency for this play that's going to be here in our City, the PACE Productions Company, has an office in Houston, Texas. It's my understanding, Mr. Mayor, that they have tried to book this in Houston and were unable to do so. I came here to the Church from another Church in Houston. I know at random Mayor Louie Welch and some of the men in that City, and I heartily agree, and uphold their decision not to have HAIR in the places of Houston.

In our City, I'm a member of the Lions Club which not too long ago we tried to establish and have established a youth council to work in conjunction with this City Council. We're trying not only through our Lions Club, but as you know, many other organizations to help our young people. There are a number of groups trying to help the great narcotic problem in our City, and for a play, and I could read other passages, for a play that glorifies the use of drugs such as this passage, "Dig it people, I'm tripped, high, zonked, stoned, right here, right now, in this theater. I had every drug going except some jungle vine somewhere. I've a right to put anything I want to in my body. What goes on inside of us all those little daily newsheads anybody who pays pot, who says pot is bad is full of _____" and then a four letter word for the human excretion. "This is my living room,

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and I'm going to say something I always wanted to say," and then he mentions a TV personality and says some very bad words about him.

Also, I want to point out this morning, Mr. Mayor, that there are three songs which I enjoy hearing that come out of this musical, the music, "Hair" the theme song, "Aquarius" and "Let the Sunshine In." I have the Fifth Dimension Album we play quite often in our home with "Aquarius" and "Let the Sunshine In" There's another song in this play which is sung which is called "Sodomy." There's another song in this play called "Bed" in which the act of sexual intercourse is glorified. I'm not here this morning to speak out against sex because God made sex, and sex is for the use of propagating the human race. I don't think I tell any of you anything new this morning, but sex can be very good and is good, but sex as portrayed in this play is of the perverted acts of mankind. Mr. Mayor, and Council, I've worked along with some other people who are trying to get rid of some of the very bad movies in our City. I've worked especially in the area of trying to get rid of the 16 mm underground movie industry that is fast growing in our City. I think there are now five theaters. I can remember when there were none. San Antonio seems to be a hodgepodge of a lot of people who are trying to take advantage of a lagging morality in our City. This is a City, as you know, that trains many servicemen from all over the country, and they play on the needs, the sexual needs and drives of many of these young men, but these young men are not the only ones who attend these theaters. I've been in these theaters and witnessed the working force of our City from truck drivers to white collar workers enter the theater and view these lewd movies. There's very little because of the Supreme Court Decision that I've as I understand from talking to the Assistant District Attorney, Charles Albidress, that we can do about the theaters of our City because they are somewhat handcuffed, yet we're trying. The private theater is different from the public theater. Private theaters of our City which show these movies which we have little control over is different from a public Hemisfair Theater of the Performing Arts. I don't know whether you are aware of this or not, but the tickets for this play range from \$9.00, I believe, to \$3.00. The rental fee I know from conferring with some folks from the Convention Center is \$400.00 per night. This is a money-making proposition for the people who produce HAIR. Mr. Councilman or Mr. Mayor, and Councilmen and Mrs. Haberman, I respectfully in the name of decency, in the name of many citizens, in the name of God implore you to please consider withdrawing contractual agreements with the production company and thus stopping the showing of HAIR. Remember that we are precluded by the scripture to live as free men.....(TAPE CHANGED).....the showing of HAIR be disallowed in the City realizing, of course, that there will be much controversy, realizing if the Council agrees with this request there will be financial loss to these who seek to play on people's human emotions.

We're not opposed to just the nudity which the play has, even though that nudity is performed under shallow or dim lighting. We're opposed to the anti-Americanism, anti-religious, all the rest of these things, that this musical HAIR entails. The time is short, and I wish each one of you if you not have already done so read this play. I think if you did you'd be convinced with us. The Supreme Court has also handcuffed us by permitting the use of displaying your human body. I would not stand before you naked this morning, but according to the Supreme Court, if I wanted to come in unclothed and stand before you as long as I did not involve myself in masturbation

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or some other act that would offend people I could stand here all morning. It was a time when strippers working at that profession could not remove their small pasties that protected part of their bodies without being arrested. But, again, Mayor, I respectfully suggest that this is public property. Realizing that the District Attorney and the Vice Squad of our City will be involved in surveying putting this play under surveillance as came out in the paper and as also documented by Charles Albidress. If this play is permitted you realize that it would be under scrutiny but what would we want to have for our Council the pressure of scrutiny at this time before the performance or the scrutiny and the embarrassment of the Council to close the play after it's run for one day.

DR. NIELSEN: Mr. Mayor, I would think.....

REV. KEMBLE: That's all I have to say.

DR. NIELSEN: Excuse me, Rev. Kemble, I appreciate very much your concern in being here. I think we can all be admonished by the words of St. Paul, that we do not live by the law, we live by the grace of God. I think in terms of the question of the morality. I think it was ironic that you should mention the Governor's prayer breakfast and the next day he's called to question for some stock dealings. I would suggest, Rev. Kemble.....

REV. KEMBLE: They're merely alleged.....

DR. NIELSEN: I would suggest that knowing one of the gentlemen who is responsible for writing HAIR and was on the staff on many institutes and known him for several years as a very religious man and in his own way does believe in God. But, yes, there is some anti-religious if you want to use that word. I think what it is more than anything is satire. I, like you, enjoy the music very much. I would think if this is a town of reasonable people, a town of very concerned religious people, that there will not on viewing, and I would invite you. I have some tickets for Tuesday night's production. I'd like very much, I'm serious, for you and your wife to come with my wife and I to view it. Have you seen it?

REV. KEMBLE: No, I haven't.

DR. NIELSEN: Well, I would like very much if you would come view it. I think that would clarify some things perhaps for both of us. I would see no particular reason at this time, speaking for myself, to close the production of HAIR even before it began. I've heard some favorable and unfavorable comments about it. You've raised some good questions - that I think we all stand responsible for in this town. On the face of it so far, Mr. Mayor, I can find no personal reason to say let's close HAIR.

MR. TORRES: And beyond that you did read the play, in it's entirety. Would I, in view of the statements that you made in view of the criticism of the Supreme Court, which is, of course, establishes or interprets the law of the land, Rev. Kemble, did in reading the play did it make you a lesser American? You say the book is anti-American, did it make you a lesser American?

REV. KEMBLE: No, it made me a better American.

MR. TORRES: Did it make you a lesser religious man? Or, finally, did it excite your prurient interests and these are the criteria by which you're going to judge a book or a play in its totality, you know.

REV. KEMBLE: In all due respect, Mr. Torres, your reverse psychology will not work.....

MR. TORRES: That's the idea.....

REV. KEMBLE: I am a stronger, I am a good American; I'm proud of it, and I am a good, I try to be as good as I can even though as a Minister I do fault.

MR. TORRES: We're all trying to be good.....

REV. KEMBLE: These things differ from just pure simple satire. At least in one ruling the burning of the flag was removed from the play. Now, if we want to stand by and see and again so many other things that I didn't want to take as much time as I did and I don't want to go into other things, but anti-draft, anti-establishment all the way through. You can call it satire if you want to but to me it's - it boils down to almost.....

MR. TORRES: We're living in troublesome times, Rev. Kemble. These troubles are not going to be removed from us, and they're not going away by hiding, you know, by hiding these difficulties under the carpet, by hiding their causes and ignoring them.....

REV. KEMBLE: We've got enough in our private theaters, though, Mr. Torres, to elevate all that.....

MR. TORRES: I would hope that those of us who get uptight over books, and plays and over these productions like HAIR if we would get similarly uptight over four letter words, like people do as you do over four letter words, and yet if we would get similarly uptight like the situation in My Lai and the killing that goes on in Vietnam perhaps we would have peace in the world. This is a great contradiction that bothers me. Rev. Kemble, we do get uptight over four letter words and yet we cannot come out for the cause of peace, you know, when we do have killing in the world, sir.

REV. KEMBLE: Many four letter words that I'm not uptight about and the greatest of these is love and.....

DR. CALDERON: Rev. Kemble, let me speak for myself, and I support your position. I agree and I have the same concerns as you have expressed. I'm really at this point upset over the fact that I, for one, was not aware of this production to be held on public property and the production begins, I understand, Monday, to run Monday through Saturday, and I feel very strongly at this point in terms of cancelling the contract and assume whatever liability would be attached to it. We many times talk in terms of we shouldn't encourage obscene movies and really get involved in rhetoric as to the adverse effects that these movies have in our community. Yet when we have an opportunity to manifest this concern we many times ignore it and turn away from getting involved in perhaps minimizing the problem. I feel, again

speaking for myself at this point, that I would be in favor of cancelling the contract with this company that you mentioned the name.....

REV. JAMES: Mr. Mayor, let me ask the City Attorney what would be our position legally if we cancel this contract.

CITY ATTORNEY COSGROVE: We'd be open for a suit for damages..... as far as I know we have a binding contract, well, that's the situation legally.

MR. TREVINO: You have a contract already signed?

DR. NIELSEN: I don't really see, Dr. Calderon, in terms of full responsibility of this community. I can only speak for myself until I have seen it can I pass any kind of a judgement on the thing. I just don't think, I appreciate these good people's concerns and intentions and everything else, but have any of you all seen it, have any first hand.....

MR. BURKE: This is not on our agenda. We can't take action on it.

DR. NIELSEN: We're discussing it.....

DR. CALDERON: And I think if we consider it urgent enough that we could risk having someone challenge us on the basis of the open meeting law. I don't think it's really a matter of whether the issue of the subject is officially important. It merits an action which that could perhaps bring on (inaudible) open meetings law. I think the basic point here is really whether - we are sufficiently interested and concerned over the matter that has been brought before us and dispose of it on its own merits rather than on legal technicalities.

MR. TORRES: Let me ask, if I may interject a dilatory matter that has been brought up by the Reverend Doctor Calderon, we are, I understand, going to challenge the open meeting law now, you are saying you disagree with the open meeting law and that the open meeting law and the fact that we have to publicize things in advance so that the general public may know what is transpiring in the Councils of government. Are you saying then that we should proceed to challenge the open meeting law, Dr. Calderon? If this is the procedure that you want to take, I'll express myself to you right now. I think it's wonderful that we can publicize things in advance so that we can let the public know what is transpiring because the public has a right to know. Now, if you want to go back and have your little secret meetings, that is absolutely fine with me, but you can count me out. I think the public ought to know. Now, and I think before we're going to proceed any further that we ought to take a vote on Dr. Calderon's proposal that we want to challenge the open meeting law. I think this would be dilatory in to taking precedence to the proposition advanced here by Rev. Kemble.

DR. CALDERON: Let me, if I may, speak on the point that Mr. Torres has raised. He apparently was so busy talking to the City Manager that he wasn't listening, and if he was listening he as per usual distorts those things that he hears to his own advantage. He is rather interesting when he feels that a certain action should be taken. He doesn't really give a hoot about the open meetings law,

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and he seems to find adequate justification for taking action. On the other hand, when the subject matter is not agreeable to him then he obviously raises the open meetings law as law and something that should be protected and so he certainly has been hypocritical many times and is certainly being hypocritical at this time. What I said is that the subject matter being discussed here this morning is sufficiently urgent and certainly of sufficient concern to me, and I think there is enough in this community who express my concern.

REV. KEMBLE: There are a number of those people here this morning too, by the way. May I apologize for not bringing this up at the last Council meeting, but I was called only last Tuesday night to be a spokesman for this group of citizens, and I want to reiterate that it is not the showing necessarily of HAIR in the City of San Antonio that we are violently opposed to, but we would make some statements about that. It is the use of tax paying dollars from the citizens of San Antonio who going back to the and I know I'm no lawyer, but who without their consent and without their knowledge this play was booked in to a contract by those who we put in responsible places in the City. Now this, to me, is a matter of secrecy as well, Councilman Torres, and thus I would challenge you at that point. If we are, I realize that we cannot say to our Convention Center please check with the public before you book anything here. This would be handcuffing them to the extent where they could not operate, of course. But, for something this controversial as even in Houston where the firm is located that is booking it here, could not book. Why should we be branded as the City, the only City in the whole United States that uses public property for the production of HAIR. That is a detriment, anti-American all the rest that I've said.....

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DR. NIELSEN: Perhaps Houston is the lesser for not being able to decide whether it is anti-religious or whether it is anti-American or not. I would hope-would you defer this until you've had a chance to see it? I'm serious, I'd like very much for you to go with us and see it. Then, I think we've got a lot more first hand knowledge of whether it is satire, whether it is anti-American, or anti-religious or just what.

MR. TORRES: Do you think, Rev. Kemble, that we as a community are so insecure that if there is a challenge to any basic precepts which we maintain that our constitution is going to crumble? Our foundation is going to crumble?

REV. KEMBLE: I don't know if it's a question of insecurity or not, Mr. Torres, because the foundations are slowly crumbling, we have more promiscuity and the allowance of things in our nation today than we ever had before and you may not have read Edward Gibbons' book, "The Decline and the Fall of the Roman Empire" but that empire was so strong that it could not crumble from without but it crumbled from within from moral decay. I say that Christians that spoke out in the past and that we should speak out at this point. Our movie industry in the City is already a debauchery to mankind and human nature. It is not the insecure feelings of human nature that I'm afraid of, but it is at the point of standing and taking a stand somewhere. If there is no stand to take then the Christian Church alone, including the Catholic Church and all churches, are just in the wrong business. If there is no stand to take on morality, I don't know. If you would talk with Bishop Flores, but I think he would concur in this, I was trying to get a hold of him myself to try to bring him with me this morning.

In respect to you Dr. Nielsen, so if we let the showing take place, so if I and my wife go with you on Tuesday night that is already two nights that we have allowed our public facilities to be used for this. If this was a showing in the Aztec Theater, and they're famous for the movies they show, or this was a showing in some other theater in town that is privately owned, there would probably be less concern this morning than there is. I'm not a spokesman for the public at large, but I think that it is time that someone take a stand. Now this Council cannot vote on this this morning that's a matter of legality, but if the Council can take some kind of stand whether it be that they preview the showing of HAIR before the public is permitted to see it Monday night. If you have a preview showing Monday afternoon and then come to a decision in an executive committee meeting - make some decision that is an alternative suggestion. Or at the showing Monday night that this Council be all represented there if other agreements or appointments do not conflict and then make some kind of judgement. I cannot see us allowing San Antonio to be used as a place where those people of all around the City can come in to our City and say well we went to see San Antonio HAIR production at their Convention Theater. I think it will open doors that you will be afraid of in the future. We already had a closed circuit showing of the play "Oh, Calcutta" and it won't be long if we permit this to take place in our public facilities that there will be requests from other such people who will want to produce this hodge podge of debauchery.

REV. JAMES: How many of Texas cities have barred it? I know Houston has barred it and several others.

REV. KEMBLE: I've tried to get some type of reading on that, Brother James, and even the District Attorney's office was not sure of other cities that have barred it from being shown in the City. But I know that the public, I've got it right here, on their advertisements in last night's Light, Exclusive Texas Engagement, six nights only.

REV. JAMES: Well there's a great deal of concern on it, because I've had a number of telephone calls about it and I'm glad that you were here today to bring it up really,

MR. TORRES: You ask this Council to serve as a censorship board. You

indicated or that you point out your historical precedent to this, and I would just have to disagree with your analysis on the decline of empires of the past, Reverend, if you please. I feel that the declines have been due so often to the tyranny and the desires of some men to impose their wills on others creating a tyrannical situation. I see today, I do not see our foundation crumbling because there is a greater awareness. I think this greater awareness and this greater insight and this greater inquiry has resulted in us building greater foundations. I see that as Adali Stevenson said, in environment free inquiry that democracy can prevail. It is when we can respect the attitudes and the opinions and the desires and the (inaudible) of others that we are going to build a greater society. I do see a greater awareness today and I think it's great for our democracy, sir.

REV. KEMBLE: I can see so many contradictions in that statement. I think that the decline, just forget about the decline about the Roman Empire for a minute, but I think that it is documented and that it did corrupt itself and fall from within. If we are building stronger foundations, Dear Brother Torres, we have laid some very weak steel in the foundation. If we liberalize so many things that we have lived by standards, we're weakening the foundations. For instance, I want to give a one for instance, last year by the statement, and I clipped out the clipping but it was not pertinent I did not think so I didn't bring it, but last year there were 55,000 plus killed on United States Highways many of which were attributed to alcohol drinking in liquor-by-the-drink states or bottle states. The whole thing's thrown together - 10 billion dollars worth of damage and there have not been that many people killed yet in the Vietnam War and let's pray that there will not be. But that is one of the weakening foundations. We've liberalized that law, and we can see and excuse me you've have possibly not have to sit with families who have suffered from that weakened law, and from that abuse of law by human nature.

MR. TORRES: Now, Rev. Kemble, I don't think that the issue of liberalizing the DWI laws is the issue here.... It's a weak example because DWI laws or driving while intoxicated laws as other laws of the criminal nature have certainly not been liberalized. I think that we have liberalized the penal provisions, the application, the means given to the police to enforce the law.

REV. KEMBLE: Well, who..... the people. The people working through representative government, and if the people do not speak out the representative governments operate on their own knowledge of the matter. I am saying to you that this City Council is elected by the people and is to act on the entire interest of the citizens - not on the interest of partisan groups which I am not accusing anyone here today of doing. I am saying that each of you is elected by the citizens and need to take into consideration the entire citizenry in this matter.

DR. NIELSEN: Well, would you and your group be willing to, I can't offer anything, I don't have any tickets or anything before Tuesday night, but I'd like very much if at all possible if you and your wife come with us on Tuesday night and then let's sit down and see whether it is good for the community or not.

REV. KEMBLE: In response to that and another thing to Mr. Torres. I'm not saying that the City Council should be a censoring agency at all for everything. I am saying that in this case where citizen's property is being used someone, and it befalls I feel like, your responsibility because you have some priorities in conjunction with the City Manager over these properties which are of the people. In response to you, Dr. Nielsen, may I ask a question? Are these tickets complimentary tickets?

DR. NIELSEN: Yes, they happen to be, very honestly.

REV. KIMBLE: Thank you.

DR. CALDERON: I have already expressed myself. What are the wishes of the Council?

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MR. TREVINO: I admire the stand of the Reverend here. He seems to be alone but he is not alone. There is a lot of people with him, and I disagree with some of the statements made here that first, let's see it and then judge it because that means we first drink the poison and if it kills us it's bad, if it doesn't it's not bad. But, nevertheless, we find ourselves in the situation right now that I don't think that legally we can do anything at this point.

REV. KEMBLE: As far as taking the vote this morning? Is that what you are saying?

MR. TREVINO: Yes, Sir.

REV. KIMBLE: I had looked ahead at breach of contracts suit, you know, and I tried to weigh the matter. Would that be better settling that in some court procedure which might cost the City some money or would it be more embarrassing to the City if this thing is allowed to be produced and these people walk out with literally thousands and thousands of dollars from our people in the City?

MR. TREVINO: I don't think it is a matter of embarrassment, I think it is a matter whether we are doing justice, and we have to have more to go on. I just don't know what the answer should be at this point.

REV. KIMBLE: I'm not trying to be a pietistic snob. I'm trying to use some pragmatism, I'm trying to use some forethought which evidently we need to have as far as booking things of this nature in our city public facilities. As I said, we leave ourselves open now in the City for any other type of approaches made to the City.

DR. NIELSEN: No, perhaps not. If this is, in fact, as I sense you feel, a detriment. I think that there are enough of us here - I don't know if anybody else on the Council is going - I think that I'm sensitive enough as to what you know, without being too moralistic about it - what is the benefit or the detriment to the community but I want to see it first. I just don't see any other way to approach it.

REV. KIMBLE: Do you think that with your relationship with one of the authors, and evidently, some kind of relationship that promoted the free tickets. Could you arrange for a preshowing?

DR. NIELSEN: I don't know. I don't have any idea. I don't know PACE people, I don't. The author, I guess, is still in New York. He doesn't have anything to do with this.

DR. CALDERON: Reverend, I want to thank you for having brought this to our attention. There is no question that the consensus of the Council is that there is nothing that the Council can do because of the legal limitations.

DR. NIELSEN: There may be now, Dr. Calderon, are you going? Is anybody else going to see it?

DR. CALDERON: I'm not going.

DR. NIELSEN: If it's such an assault to the Community I'm sure going to speak up that it is. Now I don't know if that will make any great difference or not....

(GARLED EVERYBODY SPEAKING AT ONCE.)

DR. CALDERON: Gentlemen, please.

MR. TORRES: You've heard my position on it of course, and I would not be in favor of imposing any censorship unless it's eminent danger of creating disorder - outright harm to the community. This is a standard the Supreme Court has imposed, and I think that we should abide by the standard. Of course, if you've seeking redress from the Council, I

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did not want to see you stand alone without attaining redress that you know, he that giveth can taketh away. This thing was entered into administratively and being perfectly fair with you, if the Council majority, in speaking and saying, agree with you, but they want to cop out by saying we can't do it. The contract was entered into administratively. The contract can be on the Council's instructions the contract can be rescinded.

MR. TREVINO: We can vote on it, now, Torres?

MR. TORRES: I'm saying that the Council's majority, with whom I do not agree but to be perfectly fair with Rev. Kemble, if the Council majority should wish to instruct the staff in the same administrative procedure that was used to enter the contract that same administrative procedure can be used to rescind that contract if that is the desire of the Council majority. It is not my desire but I, of course, get upset when I hear people say that they favor - that they're against something and they don't want to do something about it. I just offer that as a word to the wise.

MR. TREVINO: You've just criticized the open meetings law. Now, if we're going to test it, I'd like to start a motion, I'd like to get this thing into motion. All right I so move that we instruct the staff to rescind that permit.

DR. CALDERON: Is there a second to that motion? That the contract be cancelled or voided, the contract entered into with PACE Productions Company.

MR. HILL: Mr. Mayor, let me say that I think this is serious enough that the City Manager and City Attorney get into it right away and look into all the ramifications and determine exactly the situation from a legal standpoint whatever action or alternatives that he might have. I, for one am not going to see it. I haven't read the book on it, and I don't intend to read it. (inaudible)

REV. JAMES: When does it begin?

REV. KEMBLE: Monday night, the 25th.

REV. JAMES: Monday night, the time is short.

MR. HILL: I'm at a loss because I'm not a movie goer or a play goer, and I didn't know what HAIR was.

DR. CALDERON: Now you know. There's no second to the motion so the motion dies but to follow through with Councilman Hill's recommendation perhaps, of course, for the balance of the morning we have "B" items to be considered downstairs. Perhaps we will still have time to have benefit of mor discussion obtained from the staff and if so we can always come up here to take any firm action we deem necessary.

MR. HILL: I would say if it's significant enough that you want to call it a special Council Meeting so we can discuss it.

REV. JAMES: We can call it special Council Meeting to comply with the open meetings law and make a decision.... if we lose some money on it, money isn't everything.....

(GARLED EVERYBODY SPEAKING AT ONCE.)

DR. CALDERON: Is there a time limit here as to when you want the staff to report on this?

REV. KEMBLE: I would say that the sooner the better and in respect to being fair with citizens and respect to being fair to that production company as well...

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DR. NIELSEN: Okay, thank you Rev. Kemble, and in all fairness I would hope that one way or another I'd still extend my offer that you and your family or your wife at least come see it.

MR. TORRES: You really want him to go with you you sure haven't invited the rest of us to go.

REV. KEMBLE: It might be a treat to go and sit there and watch his face.

DR. CALDERON: Reverend thank you very much. Rev. Kemble, I believe enough has been said, there'll be no further business.

REV. KEMBLE: Will will the special meeting be held?

DR. CALDERON: We don't know yet. It will be based on the information that the staff will provide us. Hopefully, before we adjourn the B Session, hopefully, we will at least be able to give some indication as to what course of action will evolve.

REV. KEMBLE: I understand your session this afternoon is closed.

DR. NIELSEN: No, no the B Session is open.

REV. KEMBLE: What time is that?

DR. NIELSEN: Well, we go into that right now, right now.

REV. KEMBLE: I apologize for taking so much time.