

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, NOVEMBER 13, 1969 AT 8:30 A.M.

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

69-50 The invocation was given by Reverend William Sharp, St. Paul's Episcopal Church.

The minutes of the Council Meetings of October 30, and November 6, 1969, were approved.

69-50 Mayor McAllister stated that this is the day which the Youth will participate in government activities, an observance which is sponsored each year by the Optimist Clubs.

Mr. Bill Roten, representing the Alamo Heights Optimist Club and other clubs in the San Antonio District, advised that there are forty students from twenty San Antonio Schools who were invited to participate in the day's activities.

Kerry Michael O'Connel, a senior at Antonian High School, would act as Mayor. Donna and Monna Stephens, John Jay High School students, who are twins, will serve jointly as Mayor Pro-Tem. Other students would serve as counterparts of the various City officials. The students will observe the Council meeting and then tour Police Headquarters after which they will all attend a luncheon sponsored by the Optimist Clubs.

The students participating were selected on the basis of their interest and involvement in the field of government.

Mayor McAllister then stated that in recognition of this day he had issued a proclamation designating today as Youth Appreciation Day, which he presented to Kerry Michael O'Connel.

Participating in Youth In Government Day were the following:

Elizabeth Reddix	Mary Alice Garza	Scotty Price
Mark W. Lenneville	Tom Taylor	Brad Ward
Patricia Kuntz	Donald Rauschuber	Carl Gustafson
Candelario Sanchez, Jr.	David S. Martinez	Jose Segura
Robert J. Lewis, Jr.	Pamela A. Holmes	Monita Fontaine
Stephen Austin Hasam	Evangeline Velez	Cathy Lothringer

Alicia Ann Almaguer
 Patricia Clothier
 Linda Knight
 Catherine Ann Box

Richard Osborne
 Steven Hilbig
 Quincy Ollison
 Jeanette Coy

Banks Smith
 Laura Rios
 Yolanda Guerra
 Laurie Levit

69-50

ALAMO AREA COUNCIL OF GOVERNMENTS REPORT

Mr. Bob Jamison, Executive Director of the Alamo Area Council of Governments, reviewed the original request to the State Criminal Justice Council for funding and the current year's program as authorized by the Safe Streets Act. He reviewed the revised requests submitted since the helicopter had been denied.

Mr. Jamison and Police Chief George Bichsel then answered various questions from the Council regarding programs recommended to AACOG by the City.

Mr. Jamison then introduced Judge Joe Frazer Brown who is Executive Director of the State Criminal Justice Council.

Judge Brown gave a detailed outline of the organization's program for the current year and reported on various projects funded throughout the State. He named the 23 members of the Justice Council to show the cross section of total population and geography represented.

In connection with the presentation, each member of the Council was given a list of projects submitted to the State Criminal Justice Council for funding under the fiscal year 1969 which outlined the original requests as well as the revised ones. Also submitted was a memorandum from Frank W. Allen of the Governor's Executive Department, Criminal Justice Council, dated June 6, 1969 which gives the criteria for grants showing proposed distribution of funds.

This information is filed with the papers of this meeting.

The following ordinances were explained by Purchasing Agent John Brooks and after consideration on motion made and duly seconded were each passed and approved by the following vote:
 AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

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AN ORDINANCE 38,066

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF MOORE BUSINESS FORMS, INC. TO FURNISH THE CITY OF SAN ANTONIO MUNICIPAL COURT WITH CERTAIN PARKING TICKETS FOR A NET TOTAL OF \$6,675.20.

* * *

AN ORDINANCE 38,067

ACCEPTING THE ATTACHED QUALIFIED BID OF EASTMAN KODAK COMPANY TO FURNISH THE CITY OF SAN ANTONIO, FINANCE DEPARTMENT, PROPERTY RECORDS DIVISION WITH ONE MICROFILMER FOR A NET TOTAL OF \$4,225.00.

* * *

AN ORDINANCE 38,068

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF INTERNATIONAL HARVESTER COMPANY TO FURNISH THE CITY OF SAN ANTONIO, DEPARTMENT OF PARKS AND RECREATION WITH ONE INDUSTRIAL TRACTOR FOR A NET TOTAL OF \$1,838.40.

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AN ORDINANCE 38,069

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF THE TORGERSON COMPANY TO FURNISH THE CITY OF SAN ANTONIO INTERNATIONAL AIRPORT WITH ONE DIESEL POWERED TRACTOR FOR A NET TOTAL OF \$4,916.90.

* * *

The Clerk read the following ordinance.

AN ORDINANCE 38,070

AUTHORIZING EXECUTION OF SAN ANTONIO INTERNATIONAL AIRPORT LEASE NO. 37-A WITH EASTERN AIRLINES, INC., LESSEE FOR A TERM OF ONE YEAR WITH A ONE YEAR OPTION.

* * *

Mr. Thomas Raffety, Director of Aviation, explained that this is a lease of a building with 3,680 square feet at an annual rate of \$2.00 per square foot. Ground rental for 15,715 feet is 4¢ per square foot. The premises will be used for cargo maintenance operations by the lessee.

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

69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,071

APPROVING REALIGNMENT OF THE CITY ROAD FORMING A COMMON BOUNDARY BETWEEN SAN JOSE CEMETARY AND STINSON MUNICIPAL AIRPORT UPON CERTAIN STATED CONDITIONS.

* * *

Mr. Thomas Raffety, Director of Aviation, explained that it is necessary to realign the City road that forms the common boundary of the cemetery and the airport, both of which are City owned. This will permit more effective use of the runways at Stinson Airport. Any cemetery land needed in the realignment would be restored with an equal amount of airport land and the land area of the cemetery will remain the same. According to present information it will not be necessary to remove any grave sites. In view of provisions of the City, County, and State Law, he recommended the Council approve the realignment although the matter appears to be one of internal bookkeeping.

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, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,072

MANIFESTING AN AGREEMENT WITH ALL AMERICAN MAINTENANCE, INC. TO AMEND SAN ANTONIO INTERNATIONAL AIRPORT LEASE NUMBER 101-A AS AMENDED TO EXTEND SAID LEASE ONE YEAR WITH A TWO-YEAR OPTION.

* * *

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Mr. Thomas Raffety, Aviation Director, explained that this is a lease of a hangar, two storage buildings and 149,000 square feet of ground space. The ordinance extends the lease for one year with a two year option. The option is being given as All American Maintenance anticipates receiving a government contract which will require the additional period.

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

69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,073

DETERMINING THAT THE PREMISES LOCATED AT 415 W. BAETZ CONTAINS OR CONSTITUTES A CONDITION WHICH IS DEEMED A NUISANCE, A FIRE, HEALTH AND SAFETY HAZARD, AND DIRECTING THE CITY ATTORNEY TO FILE SUIT IN A COURT OF COMPETENT JURISDICTION TO HAVE THE NUISANCE ON SAID PREMISES ABATED AND TO HAVE THE COST OF SUCH PROCEEDINGS AND ABATEMENT ASSESSED AGAINST THE OWNERS OF SAID PREMISES.

* * * *

Mr. George Vann, Director of Housing and Inspections, explained that the premises are owned by Lucy E. Hill aka Lucy E. Porter, who was notified of the hearing this morning by certified mail. He stated this is a one-story wooden structure in a run-down, damaged and decayed condition and is deteriorated constituting a fire, health and safety hazard. He recommended that the nuisance be abated under the Dangerous Premises Ordinance.

Neither the owner nor representative were present for the hearing.

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

69-50

The Clerk read the following ordinance.

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AN ORDINANCE 38,074

DETERMINING THAT THE PREMISES LOCATED AT 534 N. SAN JOAQUIN CONTAINS OR CONSTITUTES A CONDITION WHICH IS DEEMED A NUISANCE, A FIRE, HEALTH AND SAFETY HAZARD, AND DIRECTING THE CITY ATTORNEY TO FILE SUIT IN A COURT OF COMPETENT JURISDICTION TO HAVE THE NUISANCE ON SAID PREMISES ABATED AND TO HAVE THE COST OF SUCH PROCEEDINGS AND ABATEMENT ASSESSED AGAINST THE OWNERS OF SAID PREMISES.

* * *

Mr. George Vann, Director of Housing and Inspections, explained that the premises are owned by Refugio and Louisa Espinoza who were notified of the hearing this morning by certified mail. He stated this is a one-story wooden structure in a run-down, damaged and decayed condition constituting a fire, health and safety hazard. He recommended that the nuisance be abated under the Dangerous Premises Ordinance.

Neither the owners nor their representative were present for the hearing.

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

69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,075

DETERMINING THAT THE PREMISES LOCATED AT 725 BIGFOOT CONTAINS OR CONSTITUTES A CONDITION WHICH IS DEEMED A NUISANCE, A FIRE, HEALTH AND SAFETY HAZARD, AND DIRECTING THE CITY ATTORNEY TO FILE SUIT IN A COURT OF COMPETENT JURISDICTION TO HAVE THE NUISANCE ON SAID PREMISES ABATED AND TO HAVE THE COST OF SUCH PROCEEDINGS AND ABATEMENT ASSESSED AGAINST THE OWNERS OF SAID PREMISES.

* * *

Mr. George Vann, Director of Housing and Inspections, explained that the owner of the premises is Mariano Mora, who was notified of the hearing this morning by certified mail. He stated this is a vacant one-story wooden structure in a run-down, damaged and decayed condition constituting a fire, health and safety hazard. He recommended the nuisance be abated under the Dangerous Premises Ordinance.

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Neither the owner nor representative were present at the hearing.

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

69-50

REPORT ON ABANDONED HOUSES

After passage of the above ordinances, Mr. Vann answered questions as follows. The ordinances provide that the owners of the buildings demolish them. If they fail to do so and the Public Works Department does the work, the cost is estimated to be \$700.00 per building. He reported that since 1957 the City, through city action, have demolished 4500 abandoned buildings. Many others have been removed by the persons buying the property and building new structures. He estimated that there are 400 more cases being processed. It is estimated that there are 300 other buildings on which action is needed but they have not been able to find them and no complaint has been made.

There are 3,000 to 3,500 in a dilapidated condition, but people are living in them. This of course would require relocation and quite a number are in the Model Cities area. In the last few months the City has demolished in the neighborhood of 50 to 60 structures in the Model Cities area.

69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,076

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TRINIDAD LUTHERAN CHURCH PROVIDING FOR LEASE BY THE CITY OF THE BUILDING LOCATED AT 3102 BUENA VISTA STREET, FREE OF RENTAL, TO BE USED IN CONNECTION WITH THE MODEL CITIES HEALTH AND NUTRITIONAL EDUCATION PROJECTS.

* * *

Mr. Kenneth Crane, representing Dr. William R. Ross, Director of the Metropolitan Health District, stated the Health Department was looking for a place to lease in connection with the Model Cities health and nutritional education program. Trinidad Lutheran Church has agreed to lease the City space in one of its buildings for this purpose at no rent for a five year period.

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The City will pay for maintenance and utilities as well as provide reasonable fire and extended coverage insurance. The City will also carry sufficient liability insurance on the building.

It was pointed out that there would be some remodeling costs which will be recovered by the City through a rental charge to the Model Cities Project.

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

69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,077

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BEXAR COUNTY FOR CARRYING OUT THE MODEL CITIES JUVENILE PROBATION PROJECT, APPROPRIATING \$46,086.00 PAYABLE TO BEXAR COUNTY FOR THE SERVICES TO BE RENDERED, AND AUTHORIZING A TRANSFER OF FUNDS.

* * *

Mr. Roy Montez, Model Cities Administrator, advised this particular ordinance is a part of the Crime Reduction Component of the Model Cities Program. The sponsor is the Bexar County Juvenile Probation Department. It is an expansion of a present project in the Model Cities area. It calls for the employment of one case work supervisor, four probation officers and one clerical worker. The purpose of the project will be to supplement the present four probation officers assigned to the west part of the City. The program has been approved by the CRC, CPPC, the Model Cities staff, and the City Manager.

Mayor McAllister commented that the City is by this ordinance making a contract in which it will pay Bexar County some funds for this project and inquired of the City Manager if the County has made any cash contributions to the budget of the Economic Opportunity Development Corporation which it is supposed to do.

City Manager Henckel advised the County has not made any cash contributions to the E.O.D.C. Program.

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

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69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,078

AUTHORIZING THE CITY POLICE DEPARTMENT TO CHARGE A FEE OF \$.75 FOR EACH TRAFFIC ACCIDENT REPORT SEARCH, EFFECTIVE ON AND AFTER DECEMBER 1, 1969, AND PROVIDING FOR CERTAIN EXCEPTIONS.

* * *

Chief of Police George Bichsel explained the problem they are having in furnishing information to individuals who are making a business of looking up accident report information and then selling it to other persons. He recommended the ordinance be adopted which provides there will be no search fee charged to governmental agencies or individuals personally involved in traffic accidents, and further, that no search fee will be charged in those instances where a copy of the accident report is purchased.

After consideration, Mr. Torres made a motion that the ordinance be adopted provided that individuals involved in accidents not be charged the search fee. The motion was seconded by Mr. Hill, and on roll call the motion prevailed and the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,079

EVIDENCING AN AGREEMENT WITH GILBERT M. DENMAN, JR., FOR A ONE-YEAR EXTENSION OF THE PRESENT LEASE OF SPACE ON THE BEAUTIFIED SECTION OF THE SAN ANTONIO RIVER TO BE USED IN CONJUNCTION WITH A RESTAURANT OPERATION.

* * *

Mr. Robert Frazer, Director of Parks and Recreation, explained that this is a renewal of a lease of space in the beautified section of the river. Rental charge is \$.50 a square foot or \$300.00 per year, whichever is greater.

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

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69-50LA VILLITA EXPANSION PROGRAM

In answer to a question by Mrs. Cockrell, Mr. Frazer reported that his department is preparing data for restudy of the La Villita improvement and expansion program. It will be submitted to the City Council after study by the citizens' committee.

69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,080

REQUESTING THE TEXAS HIGHWAY COMMISSION TO INCLUDE PORTIONS OF EAST COMMERCE AND MONTANA STREETS IN ITS TRAFFIC IMPROVEMENT PROGRAM.

* * *

Mr. Stewart Fischer, Director of Traffic and Transportation, explained that this matter was considered by the City Council last week and this ordinance requests that East Commerce and Montana Streets, between Bowie and Rio Grande Streets be designated as a TOPICS project in accordance with the provisions of the Texas Highway Commission Minute Order No. 62136. If approved by the State then engineering work will follow plus acquisition of right of way. It is estimated it will be a year or two before construction will get underway.

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, Cockrell, Nielsen, Hill, Torres; NAYS: None; ABSENT: Trevino.

69-50

The Clerk read the following ordinance which was explained by Mr. Raymond Weber, Condemnation Attorney, and after consideration, on motion of Dr. Calderon, seconded by Dr. Nielsen, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Hill, Torres; NAYS: None; ABSENT: Trevino.

AN ORDINANCE 38,081

APPROPRIATING \$7,716.88 OUT OF NORTH EXPRESSWAY BONDS, 1961, FUND NO. 479-19, PAYABLE TO THE COUNTY CLERK OF BEXAR COUNTY SUBJECT TO THE ORDER OF ISABELLE N. GRAF, ET AL, IN SATISFACTION OF FINAL JUDGMENT IN CONDEMNATION CASE NO. C-576 FOR A TRACT OF LAND IN N.C.B. 11,953 ALSO KNOWN AS PARCEL 49-6449 IN U.S. 281 NORTH EXPRESSWAY PROJECT.

* * *

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The Clerk read the following Ordinance:

AN ORDINANCE 38,082

GRANTING TAX EXEMPTION OF CERTAIN PROPERTIES
OWNED BY VARIOUS RELIGIOUS ORGANIZATIONS.

* * * *

MR. LEONARD BAKER: There are seven properties involved in this ordinance, all of which have been checked out by the Tax Office. They have met all the requirements for exemption, and we recommend the adoption of this ordinance.

COUNCILMAN TORRES: I would move, Mr. Mayor, for the adoption of the ordinance with this amendment, that this wording be added to the caption, "and to rescind tax exemptions of certain Trinity University properties and that of Morningside Manor," and that the body of the ordinance be so amended, providing for the rescission of Ordinance No. 36,991. I may point out in support thereof, Mr. Mayor, I have a memo I'd like to pass to the members of the Council, that this tax exemption, Mr. Mayor, was granted in the case of Trinity University on October 24, 1968 by Ordinance No. 36,991. This granted to Trinity University a tax exempt status on certain properties used for residential purposes or as residences, and not exclusively for school purposes. The homes, in fact, were used as private residences by members of the Trinity faculty. The Council by that ordinance exempted the property from ad valorem taxation and made the exemption retroactive to the date of acquisition going as far back as 1960 and exempting or waiving the collection of taxes in the amount of something like \$61,000.00. The reasoning of the Council, as I understood it at that time, granting the tax exemptions, was ostensibly based on the Commissioners' Court action in granting tax exempt status. The Commissioners' Court, however, on February 19, 1969, placed the properties on the tax roles, reversing their prior action. Subsequently I brought the matter before the Council again with the intent of re-determining whether these homes used for private residential purposes were entitled to tax exempt status. I also proposes a similar re-determination as to the Morningside Manor Home for the Elderly. At that time the Council rejected my suggestion that the properties be placed on the tax rolls based on a pending study of various tax exempt properties by our Tax Department.

Now, that study has been completed in a memorandum, and we have notice of that study and the results of that study in a memorandum dated September 18, 1969 from Leonard Baker, Jr., our Assessor-Collector of Taxes to Mr. Bennett Bolen, our Director of Finance, and copies of which were sent to members of the City of Council. I presume that the members of the Council have received these copies and in both instances Mr. Baker recommends that the properties be placed on the tax rolls and that they are not entitled to tax exempt status, particularly with reference to Trinity University. Mr. Baker states in that memorandum it is recommended that the status of these houses and occupants be reviewed and that they be restored to the tax rolls. It is the opinion now, and always has been the opinion, of the Tax Assessor that these houses are not entitled to tax exemption. In the case of Morningside Manor, he comments this property is used for residences for elderly people.

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Councilman Torres...continued...

In one instance he cites an elderly woman is paying \$350 per month and is in a room with three other elderly women. I certainly don't think that under these circumstances, and this is just one example, that the institution meets the criteria of an institution devoted purely to public charity. The organization he cites was able to lend \$100,000.00 to Hilltop Nursing Home in Kerrville, Texas for their construction. The Hilltop Nursing Home is on the tax rolls in Kerrville. He says, "It is the opinion of your Assessor-Collector now and always has been the opinion of the Assessor-Collector that this property is not entitled to tax exemption. It is recommended that Morningside Manor be restored to the tax rolls retroactive to the 1968 tax year.

These are the only two properties in the entire survey, Mr. Mayor, where it is recommended that the properties be placed on the tax rolls except some properties which have already been placed on the tax rolls by virtue of having been sold to private agencies. In view of the latest advice from the staff, I'm recommending that we follow the dictates of the staff, or the recommendation of the staff, and that the properties in question be restored to the tax rolls, Mr. Mayor. I think that to continue to grant tax exemptions certainly amounts to favoritism to a select few and is clearly contrary to the legal mandate which you are bound to follow. In the case of Trinity University homes, a tax exemption is contrary to the dictates of Article 8, Section 2 of the State Constitution, which provides tax exemptions for buildings used exclusively for school purposes, and if buildings are used for residences for college professors, this does meet the criteria of a use exclusively for school purposes. The buildings in this case are used for residential purposes, and finally, the Morningside Manor exemption, in my opinion, is violating the dictates of Article 2524-1 and 7150 of our Civil Statutes, as well as the Constitutional provision I previously cited. These provisions were interpreted in the Hilltop Village case, a case similar to the Morningside Manor situation in which the Texas Supreme Court has denied the exemption in question. I'm urging the Mayor and the Council to restore the properties to the tax rolls and to terminate the favorable status enjoyed by those presently benefitting from those exemptions, and I therefore move for the adoption of the ordinance with the amendment to provide for the rescission of Ordinance No. 36,991 and restore the Trinity University properties given a tax exemption in that ordinance to the tax rolls, and by the same token, Mr. Mayor, as part of the same motion, to restore Morningside Manor to the tax rolls, Mr. Mayor.

COUNCILMAN NIELSEN: I second the motion.

COUNCILMAN JAMES: Mr. Mayor, let me comment on this. As I recall, when Dr. Laurie came down in the interest of the Trinity University situation, it was not only a matter of Trinity, but it was a matter of St. Mary's and some other schools involved that had this same tax exemption. My point is that if we're going to move in this area, not only should we apprise Dr. Laurie of our intention, and not only consider Trinity but St. Mary's and all these other schools that they brought to our attention.

COUNCILMAN TORRES: Of course, Mr. Mayor, Dr. Laurie and his lawyer have made their views known to us. I don't think that the Council is confused as to what Dr. Laurie's views would be. The last discussion before the Council on this subject centered on the forthcoming staff study. That study has been completed, we have the benefits of that study, and in accordance with the wishes expressed by the Council the last time we discussed this matter, I am making this motion, because I think it would be a timely motion in view of the staff study which has been completed. Now, if we are to consider other schools and institutions that are in a similar position, then, of course, Rev. James, I think it would be incumbent upon you to bring before the Council evidence of situations where the Constitutional mandate to give a tax exemption in the case of educational institutions only in situations where the property is used exclusively for educational purposes, and in no other. As far as I know, in the case of Trinity University you have private residences used as private residences and not connected with the school program whatsoever, which are exempt from taxation, and I think here is where the gravamen of the situation is. Here is where the problem is that we have to correct, and to be fair to the other taxpayers in the City of San Antonio who have to bear their burden of taxation, I think that we ought to have these people equally bear their burden of taxation. In the case of Morningside Manor, if you feel, Rev. James, that an institution that charges \$350.00 to an elderly woman to share a room with three other women, if you feel that this is an institution devoted purely to public charity, I would follow your advice in the matter and I would withdraw Morningside Manor from the motion I have made.

COUNCILMAN JAMES: I'm not discussing Morningside Manor and this is not my point. I'm referring to the remarks made by Dr. Laurie, under the end that these residences were used at times for educational purposes. The student forum group they have, there were student assemblies held from time to time, and he made the very strong point that they were not entirely used for residential purposes, but there was educational pursuit going on in these areas. I mean, I'm just quoting him. I'm not interested in Morningside Manor. I'm willing to go along with that. But I think we do have a fine line here as far as Trinity University is concerned.

MAYOR PRO-TEM COCKRELL: Mr. Mayor, my feeling is I am in favor of both these situations being reviewed, but to do it today without any notification to the two institutions I think would be unfair. We previously heard them and they are in the position where, I feel that if we change or reverse a decision made by the Council, they should at least have notification, and I think that we are going to do it. Now, in the case of Morningside Manor, I voted in favor of removing it from the tax rolls at the time and stated at the time, as I recall, that it was because I felt that they had been singled out as the only institution of their type which was placed on the tax rolls. But I think since then that the Tax Department has reviewed the whole area, and I certainly would be in

Mayor Pro-Tem Cockrell...continued...

favor of re-considering that particular case. In view of the comments on Trinity University, I think we should re-consider that one, too. However, I don't think that we should do it today and tack it on as an amendment without any notification of the institutions and to have the opportunity again to hear from them. So therefore, I speak against the amendment at this time.

COUNCILMAN NIELSEN: Notifying them through the regular channels-- it's not as if, you know, they're going to be brought down here to some kind of an Inquisition to have to pay taxes tomorrow, or anything like that, so as far as any kind of a courtesy, I think that the routine channels that the Tax Office goes through is courtesy enough in the situation.

COUNCILMAN JAMES: Yes, but the damage has already been done, though. I mean we have passed an amendment today.

COUNCILMAN NIELSEN: Taxes are harsh, yes, there's no question about that.

COUNCILMAN TREVINO: Well, now, I must play ignorant because I only heard part of the discussion, but if we're talking about taxes, as I understand it there's a problem, for example, with the Granada Homes. I understand that there's also a problem with whether they're on the tax rolls or not, or whether they're paying taxes or not. Is this true?

CITY MANAGER HENCKEL: I'd have to refer to Mr. Baker.

MR. BAKER: That's true, Mr. Trevino, they are in arrears for two years now, but they are on the tax rolls and they are in the process of negotiating those.

COUNCILMAN TORRES: So the problem there is an administrative one of collecting the taxes, and as far as your legal recourse to go to court and file suit, I mean all this is open to you, right?

MR. BAKER: Right.

COUNCILMAN TORRES: I think you're clouding the issue, Mr. Trevino.

COUNCILMAN TREVINO: I'd like to clear this "negotiating"; do you negotiate taxes?

MR. BAKER: Well, perhaps that was not the proper term.

COUNCILMAN TREVINO: I see.

MR. BAKER: We have reviewed the Granada Homes and we feel like the assessment is a little high. We have made the change for 1969.

COUNCILMAN CALDERON: Let me ask this question. These two properties in question, Trinity University and Morningside Manor, are they in the ordinance that we are to act on this morning?

CITY MANAGER HENCKEL: No, sir.

COUNCILMAN CALDERON: All right. I would tend to agree with Mrs. Cockrell, that all along we really have been looking to the staff study that we in fact requested I think over a year ago, and we finally got it, and I think that certainly based on that study that we do need to take a new look at these two properties with the possibility, as far as I'm concerned, of ending up placing these properties on the tax rolls. But in view of the fact that both of these matters came directly to our attention and we gave audience to them and we responded accordingly, for us to deviate from this plan, having given audience to them and then having taken action subsequent to the direct dialogue with them, it just seems to me it should be a matter of courtesy to apprise them of the Council's position in terms of re-considering our action. This is not to say that the Council will hold to its action of a year or so ago. I certainly am not committing myself to that in asking that we invite a dialogue with these people, but simply that from the point of view of courtesy, I personally would go along with the idea of inviting a reaction from these two groups, prior to our action. I would move the adoption of this ordinance as it is.

MAYOR McALLISTER: Unless the amendment is withdrawn, in the light of the discussion the Council will have to vote on the amended ordinance, which means that it will include the properties of Trinity University and Morningside Manor. Are you ready for the question?

COUNCILMAN TORRES: Of course, I think it's incumbent on us, Mr. Mayor, if I may speak to the point, to follow the law in taxing as well as in other matters, and of course I feel that we already know what the position of Trinity University is and what the position of Morningside Manor is. They have appeared before the Council. At the time that they appeared we apprised them of the fact that we were going to continue to look into the matter. There have been a number of newspaper articles in which they have been apprised of the Council's continuing interest in the situation, and in particular with reference to Morningside Manor, when Rev. Smart from Morningside Manor was at the Council meeting at that time he was advised that the Council was going to grant the exemption in question, however, that we were going to be waiting for a staff study on the matter. We've received the staff study. I think any further dilatory action would be strictly in the nature of a delay when we already know what the problem is. It's the very same point I tried to make last week when we were discussing the matter of appointing a committee on a minimal problem requiring Council consideration, and I think that we are, from Dr. Calderon's reaction and statement, I think that he is seeking the same type of delay in this situation.

MAYOR McALLISTER: Mr. Walker, I should like to direct a question to you. Mr. Torres makes the point that Morningside Manor collects a compensation from people whom it serves. I have a school, let's say, and charge a certain fee for instruction. I build a dormitory. I charge a larger fee for the services of providing housing and

Mayor McAllister...continued...

perhaps meals to the students that come. Following the line of reasoning that's been presented, would not the dormitory itself be subject to taxation?

MR. WALKER: If the dormitory is used specifically by students, I understand?

MAYOR McALLISTER: Yes, sir.

MR. WALKER: The courts have held that that is an exempt operation. That is not the same as providing, for example, rent-free residences to instructors and professors. There's a distinction there. Yes, very definitely. And one other point while we're on this subject.

MAYOR McALLISTER: Well, did I understand you to say that the dormitory would be exempt?

MR. WALKER: The dormitory would be exempt under those circumstances, that is correct. In other words, colleges that rent out their dormitories to students as part of the overall expense of the education, this is considered a legitimate educational expense and they are entitled to legal exemption, which is not true, the same rule does not apply with reference to houses which are being furnished rent-free to professors. That's the big fight that we had here between Trinity and the legal thinking of the City.

MAYOR McALLISTER: Then the dormitories occupied by professors of a school would be subject to taxation.

MR. WALKER: To prove my point, it could well be. Yes, that question precisely has not been determined, that specific question. I would think so.

COUNCILMAN JAMES: Of course, the point, Mr. Mayor, is that these dormitories, these residences that the faculty are using, are not exclusively used for residences. There is education going on in these residences. Now that's what Dr. Laurie said.

COUNCILMAN TORRES: At page 18 of the October 24, 1968 Council meeting, and I'm reading from those minutes, Rev. James, after saying that the professors lived in these homes, he sought to justify his position by saying the homes are used for "meetings, for conferences, and in some cases for classes and seminars, and in other instances to bring close our academic buildings of those who are on 24-hour call", so that, and I quoted from page 18 of those Council minutes, so that under the statement that Dr. Laurie himself made, you do not meet the criteria that would justify the tax exemption, which is, under the Constitution, that an educational institution to be entitled to the tax exemption, must be used exclusively for school purposes.

COUNCILMAN NIELSEN: Well, our staff and the County have both apparently investigated this and discussed it. The County has already put those properties on the tax rolls and our staff has recommended that it be done. I can't see, other than the courtesy question being raised, but I can't think of anything else, how much more courteous can you be?

MAYOR McALLISTER: Well, all right. I'm going to say that as far as I'm concerned, I'm going to vote against the amendment of the motion as amended, and in so doing I shall not preclude or express an objection, in fact I will want to have, other owners or managers of properties that the Tax Department has recommended as being placed upon the rolls, invited to come before, or notified that an ordinance to place their property on the rolls will be presented at the next meeting.

COUNCILMAN JAMES: This is fine.

MAYOR McALLISTER: O.K., no further discussion.

COUNCILMAN TREVINO: None of those are included in this motion?

MAYOR McALLISTER: None of those are included in this motion.

COUNCILMAN NIELSEN: Unless we decide to do it, you see.

MAYOR McALLISTER: All, right, you're voting on the amendment first. No further discussion. Call the roll.

AYES: Torres, Nielsen; NAYS: McAllister, Calderon, Burke, James, Cockrell, Trevino, Hill; ABSENT: None.

MAYOR McALLISTER: The amendment loses. The question is now on the motion as originally presented. No further discussion, call the roll.

COUNCILMAN TORRES: Nobody has made a motion, Mr. Mayor.

COUNCILMAN TREVINO: Could there be a motion, and amendment to a motion....

MAYOR McALLISTER: How could there be an amendment unless the original motion has been made?

COUNCILMAN TORRES: The motion was with the amendment, Mr. Mayor.

COUNCILMAN NIELSEN: Yes, it was.

MAYOR PRO-TEM COCKRELL: I move the adoption of the motion.

MAYOR McALLISTER: The motion has been made. Is there a second?

COUNCILMAN HILL: Second.

MAYOR McALLISTER: O.K. No further discussion. Call the roll.

AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

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MAYOR McALLISTER: Now, with the consent of the Council, I shall advise Mr. Henckel to notify the owners of these respective properties and have the necessary ordinance prepared for submission.

CITY MANAGER HENCKEL: Yes, sir, we will so do.

COUNCILMAN TORRES: By next week, is that what you said?

COUNCILMAN NIELSEN: Can you do it in one week?

CITY MANAGER HENCKEL: Yes, sir.

At a point a few minutes later in the meeting, City Manager Henckel suggested that the matter of tax exemptions be delayed for two weeks rather than one week, to assure that there would be ample time to give full consideration to the matter. It was pointed out that at the Council meeting to be held next week there was a rather full agenda of zoning matters to be discussed. In view of this, it was agreed by all members of the Council that the subject of tax exemptions would be brought up in two weeks.

69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,083

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF CERTAIN PERMANENT AND TEMPORARY EASEMENTS IN PRIVATELY OWNED REAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN ANTONIO AS RIGHT OF WAY FOR SANITARY SEWER OUTFALL MAIN PURPOSES AND MORE SPECIFICALLY FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION AND MAINTENANCE OF A SANITARY SEWER FACILITY KNOWN AS THE SALADO CREEK OUTFALL SANITARY SEWER MAIN, SECTION CHARLOTTE, PHASE II, BETWEEN GEMBLER ROAD AND MISSOURI-KANSAS-TEXAS RAILROAD IN FORT SAM HOUSTON FOLLOWING GENERALLY THE COURSE OF THE SALADO CREEK, AND AUTHORIZING THE ACQUISITION OF THE RIGHT OF WAY NECESSARY FOR SAID PROJECT BY PURCHASE OR DEDICATION AND DIRECTING THE CITY ATTORNEY TO INSTITUTE AND PROSECUTE CONDEMNATION PROCEEDINGS AGAINST SO MUCH THEREOF AS CANNOT BE ACQUIRED BY PURCHASE OR DEDICATION.

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Mr. W. S. Clark, Land Division Chief, explained that this ordinance provides evidence to any court action that this is an authorized city project and that the City Council authorizes the condemnation of property if necessary. This particular project is one of several in connection with the Salado Creek Outfall Sanitary Sewer main. They anticipate there will be two or three parcels which will go into condemnation and this will give the City authority to condemn if necessary.

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

69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,084

ACCEPTING THE BID OF MEADER CONSTRUCTION COMPANY, INC. FOR THE CONSTRUCTION OF SEGMENT CHARLOTTE OF THE SALADO CREEK SANITARY SEWER PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR SAID WORK; APPROPRIATING THE SUM OF \$769,747.15 OUT OF SEWER REVENUE BONDS PAYABLE TO MEADER CONSTRUCTION COMPANY, INC.; APPROPRIATING THE SUM OF \$30,000.00 OF THE SAME FUND TO BE USED AS A CONSTRUCTION CONTINGENCY ACCOUNT AND THE SUM OF \$5,000.00 TO BE USED AS A MISCELLANEOUS EXPENSES ACCOUNT AND \$13,487.35 PAYABLE TO W. F. CASTELLA AND ASSOCIATES FOR ADDITIONAL ENGINEERING SERVICES.

* * *

Mr. Carl Norris, Sewer Engineer, advised that construction of this project provides for approximately three miles of the entire five and a half miles of the third phase of this project. It begins around Commanche Park and goes to about 300 feet north of Gemblor Road. The low bid is about \$50,000.000 under the estimate. It provides that the project shall be completed in 180 days. Upon its completion, the City can start operating the Salado Creek Treatment Plant which will give the City an additional six million gallons capacity per day. The City has provided for a fifty ft. right of way in which they will place a 54 inch sewer line. It is planned that this line will be sufficient to take care of a twenty year growth period. The line will be placed on the side of the right of way so that an additional line can be installed in the same right of way at a later date.

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, Cockrell, Nielsen, Trevino, Hill; NAYS: None; ABSENT: James, Torres.

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69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,085

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE UNITED SERVICES ORGANIZATION WHEREBY THE CITY WILL MAKE ADDITIONS AND RENOVATIONS TO CERTAIN BUILDINGS IN HEMISFAIR PLAZA, USO WILL REIMBURSE CITY FOR ITS EXPENSES, AND WILL LEASE THE AREA, CONSISTING OF APPROXIMATELY 31,168 SQUARE FEET OF SPACE, FOR TWENTY YEARS, RENT FREE.

* * *

City Manager Henckel advised that this concerns the lease agreement with the USO which was discussed last week at the informal session. The ordinance contains the basic provisions which will go into the lease for seven buildings at HemisFair Plaza. The term of the lease will be for twenty years together with grounds and plazas totaling approximately 31,168 square feet of space. It provides that the City will be responsible for construction of additions and renovations to the existing structures. The USO will reimburse the City its full cost for accomplishing the construction work by paying \$50,000.00 on or before entrance upon the premises. The balance is to be paid in yearly payments at 6% interest on the unpaid balance. The total reimbursement to the City shall not exceed \$146,004.00. All improvements made to the leased premises shall remain the property of the City. The USO will be responsible for all maintenance and utility cost and will carry public liability insurance in limits to be mutually agreed upon.

The City Manager stated that the basic provisions of the agreement have been agreed to in negotiations between himself and the members of the Executive Board of the USO.

City Attorney Walker stated he had prepared a rough draft of the lease with the basic conditions. This was submitted to Mr. Troilo, attorney for the USO, for review and to make any additions and corrections. It would then come back to the City Attorney for further study. He did not know if Mr. Troilo has seen the contract as their only contact has been by telephone.

General Dunn, Vice President of the USO Council, stated that he was under the impression that the USO would have to make the \$50,000.00 payment immediately rather than upon occupancy of the building on completion of the work.

City Manager Henckel advised that the ordinance provides for the payment when they occupy the premises.

General Dunn then urged the Council to adopt the ordinance so they may continue with their fund raising campaign.

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Councilman Torres, who had asked earlier who the attorney was representing the USO, stated that he raised the question of the adviseability of having an attorney who represents the Urban Renewal Agency, a City department, representing a private organization in its dealings with a City contract.

After further discussion, on motion of Mrs. Cockrell, seconded by Mr. Hill, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Trevino, Hill; NAYS: None; ABSTAINING: Nielsen; ABSENT: Torres.

69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,086

ACCEPTING THE BID OF SKYLINE CONSTRUCTION COMPANY FOR CONSTRUCTION OF ADDITIONS AND REVISIONS TO CERTAIN BUILDINGS IN HEMISFAIR PLAZA TO PROVIDE U.S.O. FACILITIES; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR SAID WORK; AUTHORIZING PAYMENT OF \$139,104.00 OUT OF THE GENERAL FUND TO SAID CONTRACTOR; \$5,900.00 TO BE USED AS A CONSTRUCTION CONTINGENCY ACCOUNT AND \$1,000.00 AS A MISCELLANEOUS EXPENSES ACCOUNT; ALSO AUTHORIZING THE TRANSFER OF FUNDS.

* * *

Mr. Mel Sueltenfuss, Assistant Director of Public Works, stated that eight bids were received for the work on the proposed USO facilities ranging from the low bid of \$139,104.00 to a high of \$169,292.00. He recommended the bid of Skyline Construction Company be accepted.

On motion of Rev. James, seconded by Mr. Hill, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

69-50

The Clerk read the following ordinance.

AN ORDINANCE 38,087

AUTHORIZING PAYMENT OF CLAIMS AND REFUNDS IN AMOUNTS NOT EXCEEDING \$2,000.00 UPON THE WRITTEN APPROVAL OF THE CITY MANAGER AND THE CITY ATTORNEY AND REPEALING ORDINANCE 36207.

* * *

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City Manager Henckel stated this raises the maximum amount for which the City is authorized to settle small claims. The previous ordinance authorized a \$1,000 maximum. Labor costs have gone up and he felt it was in order that the maximum be raised.

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, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

69-50 The Clerk read an ordinance repealing Section 36-14 of the City Code relating to the requirements as to septic tanks in subdivisions located outside the corporate limits of the City.

City Manager Henckel advised that this matter was discussed with the Planning Commission at the informal session last week and that he recommended the Council adopt the ordinance.

Mr. Fred Pheiffer, Executive Director of the San Antonio River Authority, stated that he had just received notice of the proposed change and had contacted members of the Authority by phone and they are against the change. Also he had discussed it with the City Water Board who is also opposed to the repeal of this provision. The Edwards Underground Water District are also concerned about this as they are interested in preserving the quality of the water supply. He asked the Council not to take action on this ordinance until they have had time to study it and make a reply of their objections.

After consideration, Mr. Torres made a motion that action on the ordinance be postponed two weeks. Seconded by Dr. Nielsen, the motion prevailed by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

69-50 NORTH EXPRESSWAY RELIEF LINE

Mayor McAllister stated that about thirty days ago, while driving on a road one block south of Loop 410 and east of McCullough Avenue, he found the odor of sewage very obnoxious. Two days ago he drove the same street and found the condition was still the same.

Mr. Mel Sueltenfuss, Assistant Director of Public Works, advised that the North Expressway Sanitary Sewer relief line is under construction and hoped that it would be completed within thirty days which will solve the problem. In the meantime they have been putting nitrates in the water to help, but it will not completely kill the odors.

CITIZENS TO BE HEARD:

Youth Conference for Community Progress, 1211 Artesia Street.

Mrs. Corinne Duncan made the following statement to the Council:

"Honorable Mayor and Respectful members of our City Council. Today we the sponsors of the Youth Conference for Community Progress humbly appear before you in behalf of the welfare of our City Council and the city in which it presides over.

Especially do we reverently stand today requesting Mrs. Cockrell to reconsider profoundly the idea of resigning from our City Council.

Because of your illustrated concept humanity, you are a credit to the womanhood of our city in the arena of city government. We feel you can best serve us in the days ahead because of your demonstrated concern and care for the basic needs of our communities within our city.

As you know the job of community improvement and community determination is a tedious and difficult task that requires material and spiritual encouragement from all of the people for its completion."

Rev. R. A. Callies, also representing this organization, presented to the City Council a list of needs for the community on the East Side of town. The following discussion then took place:

REV. R. A. CALLIES, SR: In addition to this statement, certainly my sympathy goes along as expressed, but I would like to also call the Mayor and members of the Council's attention to Item VI on the second page. Most of us this morning are familiar with the other items because I've been here, we have been here, and I won't spend any unnecessary time talking about that, but Item VI is dealing with some of the conditions around the St. Phillip's Junior College. I'd like to call the Mayor's and also members of the Council's attention to them. May I say that we made a survey recently and may I leave with you this information, that at St. Phillip's College, which is a growing college, there are approximately 1,000 students there, day students, and the same number at night. The streets are narrow and there aren't sufficient places for students to park their cars. In fact, the college is in need of a parking lot in addition to traffic control signals at the intersections, along with the need of more courtesy lights for those students going to and from their cars and to the bus stops. Certainly we would like to you to follow through on this matter as soon as possible, for it is urgent and it has been needed for a number of years. Now, lastly, if there are any questions to what I've said, lastly I want to pass these statements out for the members so that each member of the Council will have one, and this will conclude our appearance.

Now, we are also concerned, as sponsors of the Youth Conference for Community Progress, we are also concerned with November 13, 1969

Rev. Callies...continued...

other parts of our city and expressly as we come this morning, we are concerned about the George Washington Brackenridge statue. I would like to go on record this morning as sponsors of this conference as being for the statue, for we are for the meritorious ideas it symbolizes in education and humanitarianism within our City and State. We feel the statue is worthy of public contributions. It can be free of cost and we so recommend. Now should public contributions become insufficient to defray the full cost of this statue, then we feel that the City should, after proper negotiation, pick up the tab. Now, we have not only considered the statue and the man that it represents, but we also thought in terms of trying to put into concrete an expression of our deep concerns. We brought with us what I would like to call a mustard seed, a financial contribution of \$55.00. This will be deposited in one of our City banks in order that the fund will be set aside. We will in turn, if the Council goes along with our intention and our desire we will intensify our actions in this direction in order that we might come forth at a later date with a substantial public contribution from public concerns to defray the expense.

Now you have the copy of the statement and I need not go into who Mr. Brackenridge was and that sort of thing. I'm just going to just simply pause and if there are any questions as to our intent and what we are doing, I certainly will try to answer your questions.

COUNCILMAN NIELSEN: I'm very pleased by your actions on behalf of the statue. However, let me just ask real quick, what would you say is the number one priority item in this area VI around St. Phillip's College? Is it street improvements, the lights, or a parking lot, or just what is the number one pressing item?

REV. CALLIES: I would say street widening is the number one priority.

COUNCILMAN TORRES: What would you say as far as human needs are concerned, is the number one priority in San Antonio?

REV. CALLIES: Yes, this is very true.

COUNCILMAN TORRES: I say, in terms of human needs, what would you say is the number one priority in San Antonio?

REV. CALLIES: Well, I'd say the problem is different races of people, different classes of people, coming together over a given problem and being competent enough and mature enough, in spite of their national origins and cultural backgrounds to agree harmoniously for a goal in terms of the welfare of each one of those races.

COUNCILMAN TORRES: I agree with you. What I was driving at was in terms of, say, economic needs, Rev. Callies. I've always admired....

REV. CALLIES: The economic needs, I feel, for our City would be to put into circulation more money. I'm going to say money for, let's say, the underprivileged. Now I could say more education, for at one point certainly this is vital. But there comes a time

Rev. Callies...continued...

in the daily activities or going to and fro of man's life when education does not suffice. In other words, I can drive in a service station and ask for car service or gasoline, and to defray the cost of gasoline, it doesn't need education, but money. Economically, we've got to, maybe not nickels and dimes, but we've got to raise the living conditions of those persons where it's needed. And when I say a line of logic must follow, I don't go on record as building a \$24,000.00 home for the poor, for the sake of getting a man into a 100% environment, where you have, let's say, school teachers who can hardly own a home that costs \$12,000 or \$15,000, and just meet their mediocre extent of budget. I think we have to follow a line of reasoning in whatever we do, I certainly think that. I'm not explaining this either way, but I certainly believe in fairness, I certainly believe in moderation, I certainly believe in helping a man when he's down, and this sort of thing. I have compassion and I have mercy and that sort of thing, but to try to answer your question, I think that's it.

COUNCILMAN TORRES: Well, I have always admired your efforts and your hard work. I kind of think that you're deviating here when the needs that you have among underprivileged people that patronize the Ella Austin Community Center and many of the public agencies on the East Side are what they are. As hard a time as they have for funds, I think that \$55.00 would go a long way towards helping a person who is in need rather than the statue of a banker of this community. I of course am not seeking to minimize your work or your efforts, but I would think, Rev. Callies, that when we're talking about the needs of this community as compared to providing money for a statue of this individual, I can't go along with you.

REV. CALLIES: Yes, I certainly disagree with your disagreeing in this light. I want to talk to Mr. Torres a few minutes. Now, Mr. Brackenridge did not have to make a contribution to the black people by giving them a college in Seguin, for he was a great economist. He didn't have to do that. Now, out of respect--to me, this is me--out of respect to the Mayor, his contribution which is a worthy cause not only to me and to others, to hear statements that his statue will deteriorate in a crate until it's properly....

COUNCILMAN TORRES: I think that was Dr. Calderon. In fact, I'm the one who suggested it. I felt sorry about it.

REV. CALLIES: To me, that arouses me to the call of action. Now I don't come here today talking in terms of under-the-table negotiations, negotiations by a certain member of the Council who is unfair to other members, but I come today talking in terms of erecting a statue, retaining it here in our city and not sending it back to Italy. Retaining it here with public contributions, why? Because the man's record is worthy of such. Now, not only would I speak out to Mr. Torres. I want you to know that I try to be for all the people in a sense of fairness. Now don't let anything defeat you. If you're down and out and I feel I can help you, I'm going to do that. I work for the blacks on the East Side for a just cause, and I'm going to also work for the whites on the North Side for a just cause. You see, there's such a way as getting this thing one sided and nobody straightens it out.

Rev. Callies...continued...

Now there are some rich people who are justified in their richness, and there are some poor people who are justified in their poorness, and there's no point in a man's getting lost out there with a lot of ignorance about the matter. So I say to you, and I feel justified and I think the record will bear me up. Sure, I could give this to those folks out there, but you know yourself I've been here time in and time out in their interest, and I want to work for some of the other people, too.

MAYOR McALLISTER: Rev. Callies, I want to commend you for your comments, and I also want to commend your friends and supporters for the fact that you recognize the satisfaction that you get in making a contribution toward recognizing a man who has done so much for San Antonio.

REV. CALLIES: Let us leave with this, Mayor, let us not forget that Christianity is for all.

COUNCILMAN HILL: I think you are to be highly commended, you and your people.

MAYOR McALLISTER: If it will be a satisfaction to you to build that \$55.00 up, go ahead and do so.

MAYOR PRO-TEM COCKRELL: And let me express my appreciation to this group for their very kind remarks. I thank you so much.

MAYOR McALLISTER: Anyone else care to be heard?

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69-50 Mr. Foster Young, 2616 N. Flores Street, presented a resolution.

MR. FOSTER YOUNG: Mr. Mayor, Councilmen, I come here this morning not to champion a cause, but as yourselves, a concerned citizen. As Councilmen you represent the interests of all citizens of San Antonio, not just a slight few. As City officials you create public opinion by your actions. Often you have taken a second look at things when public opinion warrants it. In the recent case of Turnkey III, when concerned groups of residents gathered together and pointed out the immediate feasibility or unfeasibility in creating new homes, you listened to them. These people were able to speak freely here and throughout the City of San Antonio. Eventually, through their legitimate action, the Turnkey question was resolved. Tomorrow and Saturday yet another group of concerned Americans seek to exercise the right that has been considered the cornerstone of American democracy, the right is guaranteed by our Constitution to assemble and to express themselves, just as groups did here before Turnkey and other issues. Our form of government, a Constitutional democracy, has recognized this right for almost as long as two centuries, and to show our never-ending faith in our system, I ask you, the leaders of San Antonio, as a non-partisan gesture to formally support this resolution, and I'll read it.

Mr. Foster Young...continued...

A RESOLUTION

WE, THE CITY COUNCIL OF SAN ANTONIO, SUPPORT THE RIGHT OF ALL PEOPLE TO PEACEFULLY ASSEMBLE, TO SPEAK OPENLY AND FREELY, AND TO PETITION THEIR GOVERNMENT. AND, WE HEREBY RECOGNIZE THE MORATORIUM OF NOVEMBER 14TH AND 15TH AS A CONSTITUTIONAL EXERCISE OF THIS RIGHT.

* * *

MAYOR McALLISTER: Mr. Young, speaking in response to your resolution, I would be willing to endorse the resolution as far as the first sentence is concerned. I would strike therefrom the remainder of it because I don't know what Moratorium means, or what you are going to do during the Moratorium. The question of peaceful right of assembly we don't challenge at all.

COUNCILMAN NIELSEN: Might I suggest, Mr. Mayor, that Moratorium means a pause. There is nothing implicit or hidden in that word to alarm anyone at all. I think as evidence that the last Moratorium was a very peaceful demonstration, but the heart of this is the co-relationship. The Moratorium is not a cause, Mayor. I think he made that very clear. It's just an opportunity to express yourself, and it says up here "to express themselves openly and freely" and responsibly, and I can't see that that detracts from the meaning.

COUNCILMAN TREVINO: Mr. Mayor, may I ask that he leave out the words, "And, we hereby recognize the Moratorium" demonstrations, an unbiased Moratorium, both sides, not only one side. In other words, we're sponsoring, he said non-partisan, right? So we're sponsoring one side only if we pass this. If we are going to accept freedom of speech, in principle we have to allow everyone to assemble regardless of whether they're for Moratorium or against the Moratorium.

COUNCILMAN TORRES: Moratorium is a neutral term, Mr. Mayor.

COUNCILMAN TREVINO: Well, not necessarily, because there are groups on both sides.

COUNCILMAN NIELSEN: Some people assign a cause to it. That's not what this is intended to do at all.

COUNCILMAN TORRES: I think all the resolution says, Mr. Mayor....

MAYOR McALLISTER: Will you please all address the Chair if you want to talk. We can't talk all at once. Go ahead, Mr. Torres.

COUNCILMAN TORRES: I think all the resolution says, Mr. Mayor, is that there is a recognition that we are respecting the rights of anyone to organize and petition the Government, that this is

Councilman Torres...continued...

the basis of our democracy and that we sometimes learn not by squelching or deterring those who disagree, but listening to them and then coming to a conclusion which we can all live with. I appreciate the resolution that is presented here today. We passed a similar resolution that was presented by an individual who works with L. E. Sheppard of the Republican Party, and he presented a non-partisan type of resolution, and I respect your non-partisan resolution. I like these non-partisan efforts, and I am going to move for the adoption of this resolution at this time.

COUNCILMAN NIELSEN: I will second it.

COUNCILMAN CALDERON: I would like to suggest changing the wording. In regard to the last sentence, to read: "And we hereby recognize that the concept of the Moratorium is a constitutional exercise of this right."

COUNCILMAN TREVINO: Well, but here we are, and some of us have taken part in this Moratorium before, the last time, and some of us have different opinions. So if we're going to sponsor one, I have nothing against the gentleman expressing his opinions, but I am saying that I will not sponsor only his opinion, but everyone else's opinion.

MR. YOUNG: I agree with you, Mr. Trevino. I'm just saying as a free exercise, as we're all here to uphold the Constitution. I've studied law for three years, and have been a government major for four years, and I'm asking just as a non-partisan gesture, for this and an anti-Moratorium, if you want to say....

COUNCILMAN TREVINO: Well, that's what I would like to say, everybody wants to express himself either for or against, O.K., this is fine, but to say only for one side, I would feel that we are taking sides, and I don't want to take sides.

COUNCILMAN TORRES: Well, I don't want the resolution watered down into a meaningless piece of paper. I can see what you're talking about, Felix, but we adopted such a resolution last week, and by the same token...

COUNCILMAN TREVINO: Which one?

COUNCILMAN TORRES: Two weeks ago we adopted a resolution presented by the young gentleman from the Republican Party and I think that we could extend the same courtesy to this young man in adopting this resolution, with of course Dr. Calderon--I started to say Rev. Calderon--Dr. Calderon's inclusion of his statement in this.

COUNCILMAN CALDERON: I think that the main point is that Moratorium in the eyes of the public has a negative connotation.

COUNCILMAN TREVINO: Well, it depends on which side you're on.

MR. YOUNG: I didn't come here to take sides.

COUNCILMAN TREVINO: But you're here for Moratorium, right?

COUNCILMAN NIELSEN: No, he's not.

MR. YOUNG: I'm here expressing that we are all here to uphold the Constitution. The First Amendment to the Constitution recognizes that right and these people, whoever they are, are exercising this right as given to us by the Constitution and upheld by the Supreme Court in many cases.

COUNCILMAN TREVINO: O.K., you are here to ask them for the passage of the resolution. But what about the people that are not being represented on the other side? With regards to one you talked about before here, I'm sorry but I must have been out of the Council, but I wasn't here when another resolution was accepted. So I must still insist that if we are going to, I'll say that we have both sides, and I think he has agreed, or at least he says that there is merit to it. Otherwise, we'll just stop at the end of the first sentence.

COUNCILMAN NIELSEN: Well, but if, excuse me, Mr. Mayor, may I address Mr. Trevino? If in fact you do recognize Moratorium, that implies that you recognize non- or anti-Moratorium.

COUNCILMAN TREVINO: Well, mention it, then. Why leave it out?

COUNCILMAN NIELSEN: Well, he said he'd accept that.

MAYOR McALLISTER: In my mind the word "Moratorium" applies to an activity on the part of certain people who are opposed to the Viet Nam war.

COUNCILMAN NIELSEN: Moratorium as such means a pause.

MAYOR McALLISTER: You know the Russians have taught us, the Communists have taught us, how to twist words.

MAYOR PRO-TEM COCKRELL: Mr. Mayor, I'd like to ask a question, for clarification, of the City Manager. Now, then, the group which is having the Moratorium tomorrow and Saturday, have they applied to the City for permits of assembly.

CITY MANAGER HENCKEL: Yes, I can answer that. I discussed it with Chief Bichsel. They have applied for a permit, they have been granted a permit. We have agreed on it and everything has been acceptable.

MAYOR PRO-TEM COCKRELL: All right, it's my feeling that the position of the City, and this just simply bears it out, is that we do uphold the right to peaceful assembly on the part of all groups and the fact that they do have the opportunity to make their viewpoints known. I am questioning whether we could single out any particular manifestation of the right of individuals to express their opinion for particular comment, because I think our basic policy is in support of the right of individuals to speak and to peaceably assemble in support of their cause. In other words, each time there is some sort of a manifestation

Mayor Pro-Tem Cockrell...continued...

on the part of some group of our citizens in response to their right to express themselves as citizens, must we then respond to it with a resolution by the Council? I think it's just a basic policy that we do support this idea as American citizens.

COUNCILMAN TORRES: Well, we do respond to certain situations by resolutions, and I think a response to Moratorium activities is implicit in this resolution and I see nothing, in view of our history and our past experiences--in view of this Viet Nam situation, I certainly think that even a resolution in support of the Moratorium would certainly not be out of order.

MAYOR McALLISTER: If this is a constitutional right, and no one is challenging the constitutional right, why the resolution at all?

COUNCILMAN TREVINO: Mr. Mayor, there is a motion before us, and I'd like to amend that motion to add these words only. Where it says that we recognize the Moratorium, "and any anti-Moratorium peaceful assembly."

COUNCILMAN CALDERON: I would like to offer a substitute motion.

COUNCILMAN TREVINO: That's what that was.

COUNCILMAN TORRES: But that's what this was.

COUNCILMAN CALDERON: But there was no second. To read this way: "That we the City Council of San Antonio support the right of all people to peacefully assemble, to speak openly and freely, and to petition their government, and we recognize it as a constitutional right."

COUNCILMAN TREVINO: Is that a substitute motion?

COUNCILMAN CALDERON: Yes.

COUNCILMAN TREVINO: I'll go along with that.

MAYOR McALLISTER: You've heard the motion and the substitute. No further discussion.

COUNCILMAN NIELSEN: Mr. Mayor, I'd like to amend that to also include the words, "And we recognize the Moratorium of November 14th and 15th and a peaceful anti-Moratorium as a constitutional exercise of this right."

COUNCILMAN CALDERON: I don't accept that at all. Question.

MAYOR McALLISTER: O.K., the motion is on the amendment. Call the roll.

AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

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COUNCILMAN TORRES: Mr. Mayor, I want to move for the adoption of the resolution to provide that "We, the City Council of San Antonio support the right of all people to peacefully assemble, to speak openly and freely, and to petition their government. And we hereby recognize Moratorium of November 14th and 15th as a constitutional exercise of this right." I so move.

COUNCILMAN NIELSEN: I second the motion.

MAYOR McALLISTER: No further discussion? Call the roll.

AYES: Nielsen, Torres; NAYS: McAllister, Calderon, Burke, James, Cockrell, Trevino, Hill; ABSENT: None.

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ACTIVITIES AT SUNKEN GARDEN THEATER

Mrs. Cockrell stated that she had a matter to discuss with the Council regarding recent complaints she had received concerning the sale and use of dangerous drugs at the Sunken Garden Theater. She explained that following her memorandum of October 29 to the City Manager in which she asked if he had knowledge of such activity, she got a prompt reply saying he had been unable through the use of undercover agents to verify this as being a fact.

Then on November 6 in a telephone conversation with the District Attorney's office, she learned that during the last three months there had been numerous cases at Sunken Gardens and that a week ago a conviction had been obtained. Mrs. Cockrell also quoted from items in the current San Antonio Express regarding additional cases.

She explained that she felt concerned about the apparent lack of communication between the District Attorney's Office and the City Manager's Office and that the Council should have an explanation from the City Manager.

Mr. Henckel said that his reply to Mrs. Cockrell was based on information supplied by the Chief of Police. Following her second memo he received more detailed information from the Chief explaining that an undercover agent does not report on his activities even to his superiors, unless it is time for action. Mr. Henckel explained further how these agents operate and how the Miranda case was finalized.

Mr. Henckel apologized to Mrs. Cockrell and other members of the Council for having unintentionally misinformed them. He also said that Mr. Ted Butler, the District Attorney, had also apologized to him.

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There was a general discussion between members of the Council and the City Manager regarding the activities at Sunken Gardens and the policing effort being made. The discussion also revolved around the persons or organizations who rent the theater and Mr. Robert Frazer was asked to furnish the Council with such a list as soon as possible.

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

A P P R O V E D:

M. McCarter
M A Y O R

ATTEST:

J. H. Inelmann
C i t y C l e r k

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