

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, OCTOBER 24, 1968 AT 8:30 A.M.

* * * *

The meeting was called to order by the presiding officer, Mayor W. W. McAllister, with the following members present: McALLISTER, CALDERON, JONES, JAMES, GATTI, TREVINO, PARKER, TORRES; Absent: COCKRELL.

68-407 The invocation was given by Reverend Vernon F. Perry, Los Angeles Heights Methodist Church.

68-407 The minutes of the October 17, 1968 City Council meeting were approved.

CITIZENS TO BE HEARD:

68-407 Mr. Joe Amberson, Jr. requested that the Council grant a rehearing on zoning case 3402 which the Council had denied at the October 17, 1968 meeting. He felt that since there was just a bare quorum of five members only, there was some confusion in the plans. He now has additional information such as much more detailed layout of the proposed construction and proper setbacks outlined and the people who opposed the rezoning had been recontacted and are now satisfied.

The Mayor asked the City Attorney whether since having a bare majority at the meeting would not itself be a reason for granting a rehearing.

Mr. Howard Walker, City Attorney stated that a bare quorum could not be consideration for a rehearing. However, the Council could, as a matter of policy, grant a rehearing on the basis of additional evidence and he would advise the Council if they grant the rehearing, to notify again all the people within the two hundred feet of the property.

After further discussion Mr. Torres made a motion to grant the rehearing provided that the opponents were given fifteen days notice by mail, seconded by Dr. Calderon, the motion prevailed and a rehearing was granted and set for November 21, 1968 Council Meeting.

The vote on the motion is as follows: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Torres, NAYS: NONE: ABSENT: Cockrell, Parker.

68-407

Mr. John Brooks, Purchasing Agent, briefed the Council on the following ordinances and on motion made and duly seconded were each passed and approved by the following vote:
AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Torres;
NAYS: None; ABSENT: Cockrell, Parker.

AN ORDINANCE 36,959

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF MOORE BUSINESS FORMS, INC. TO FURNISH THE CITY OF SAN ANTONIO FINANCE DEPARTMENT, CORPORATION COURT WITH CERTAIN MOVING VIOLATION TICKETS FOR A NET TOTAL OF \$1,455.00.

* * * *

AN ORDINANCE 36,960

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF GOLDTHWAITE'S OF TEXAS TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF AVIATION (SAN ANTONIO INTERNATIONAL AIRPORT) WITH ONE AGITATOR SPRAYER, TRAILER MOUNTED FOR A NET TOTAL OF \$2,425.00.

* * * *

68-407

Mr. John Brooks, Purchasing Agent, briefed the Council on the following ordinance and on motion of Dr. Calderon seconded by Mr. Gatti, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Trevino, Torres; NAYS: None; ABSTAIN: Parker; ABSENT: Cockrell, Gatti.

AN ORDINANCE 36,961

ACCEPTING THE BID OF VELMA AWALT FOR THE FOOD AND BEVERAGE CONCESSION-OLMOS BASIN, WILLOW SPRINGS AND RIVERSIDE GOLF COURSES FOR THE PERIOD BEGINNING NOVEMBER 14, 1968 AND TERMINATING NOVEMBER 13, 1971.

* * * *

68-407

Mr. John Brooks, Purchasing Agent, briefed the Council on the following ordinance and on motion of Mr. Trevino, seconded by Mr. Jones, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Trevino, Parker, Torres; NAYS: None; ABSENT: Cockrell, Parker.

AN ORDINANCE 36,962

ACCEPTING THE OFFER OF MAIN LINCOLN MERCURY, INC. FOR A 1970 LINCOLN CONTINENTAL FOUR-DOOR SEDAN, WHEN AVAILABLE.

* * * *

68-407 Mr. Tom Raffety, Aviation Director, briefed the Council on the following ordinances and on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Parker, Torres; Nays: None; ABSENT: Cockrell.

AN ORDINANCE 36,963

AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT ON BEHALF OF THE CITY WITH W. R. CAMPBELL D/B/A CAMPBELL'S DELIVERY SERVICE FOR LEASE OF SPACE IN BUILDING NO. 52 AT THE INTERNATIONAL AIRPORT.

* * * *

AN ORDINANCE 36,964

AUTHORIZING PAYMENT TO THE AIRPORT OPERATORS COUNCIL INTERNATIONAL, INC. FOR ANNUAL MEMBERSHIP SERVICE FEE FOR THE SAN ANTONIO INTERNATIONAL AIRPORT IN THE AMOUNT OF \$2,139.80.

* * * *

68-407 Mr. Gatti stated that he arrived at the airport parking lot at 7:00 p.m. Sunday night and could not move his car because there were cars parked where they shouldn't be. In fact, he had to wait forty-five minutes before one of the owners of the cars, after being paged at the Terminal Building, arrived and moved his car.

Mr. Torres stated that last Tuesday evening he entered the parking lot at the International Airport and couldn't find a parking space; however, on leaving the parking lot, he had to pay twenty-five cents. In addition, he has had several phone calls from people who had the same experience Tuesday night.

Mr. Raffety stated that he will talk to the parking lot manager; however, he feels that a bumper strip in various areas of the parking lot would alleviate the condition that Mr. Gatti found.

He further explained that on Tuesday night there was a large turnout for the arrival of Vice-President Hubert Humphrey which caused the situation Mr. Torres found.

Mayor McAllister at this time asked Mr. Raffety to prepare a profit and loss statement on the operation of the airport for the next meeting, as a number of people questioned the projects under construction at the airport and did not realize that the airport was self-supporting.

68-407 Mr. Tom Raffety briefed the Council on the following ordinances and on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Parker, Torres; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 36,965

AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT ON BEHALF OF THE CITY WITH NAYAK AVIATION CORPORATION, FOR LEASE OF AN AREA IN HANGER NO. 2 AND ADJACENT APRON AND PARKING SPACE, AT INTERNATIONAL AIRPORT.

* * * *

AN ORDINANCE 36,966

AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH GULF OIL CORPORATION FOR LEASE OF SPACE AT STINSON MUNICIPAL AIRPORT.

* * * *

AN ORDINANCE 36,967

MANIFESTING AN AGREEMENT WITH FRED RELYEA, D/B/A CRASH RESCUE EQUIPMENT SERVICE, TO PROVIDE NECESSARY LABOR TO PERFORM PERIODIC MAINTENANCE SERVICE AND INSPECTIONS IN CONNECTION WITH CITY-OWNED FIRE AND RESCUE EQUIPMENT LOCATED AT INTERNATIONAL AIRPORT.

* * * *

AN ORDINANCE 36,968

MANIFESTING AN AGREEMENT WITH SWEARINGEN AIRCRAFT, INC.; SWEARINGEN CORPORATION; TEX-COL CORPORATION; SWEARINGEN AIRCRAFT, INC., AS SUCCESSOR TO URSCHER CORPORATION; SWEARINGEN AIRCRAFT (A PARTNERSHIP); AND MR. E. J. SWEARINGEN D/B/A SWEARINGEN COMPANY, TO AMEND VARIOUS INTERNATIONAL AIRPORT LEASES TO PROVIDE FOR NOTICE TO BE GIVEN LESSEES IN CASE OF A CONDEMNATION ACTION, AND PROVIDING PROCEDURES IN THE EVENT OF A TAKING BY THE CITY OF ANY OF THE LEASED AREAS.

* * * *

The Mayor asked Mr. Raffety how much space Swearingen Aircraft occupied at the airport and if the City was doing everything in its power to make sure that Swearingen Aircraft would stay as a tenant at the airport.

He stated that Swearingen would certainly grow in size in the future and they are now and will be a definite asset to the City and the citizens of San Antonio as a large employer.

Mr. Raffety explained that different leases with Swearingen Aircraft totaled approximately twelve acres and that he has met with Mr. Swearingen numerous times and feels that Swearingen will remain at the airport and that there will be additional space available for enlarged operations that Swearingen could lease in keeping with future airport master plans.

68-407 Mr. Bob Frazer, Parks and Recreation Director, briefed the Council on the following ordinance and on motion of Mr. Jones, seconded by Mr. Trevino, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, Gatti, Trevino, Parker, Torres; NAYS: None; ABSENT: James, Cockrell.

AN ORDINANCE 36,969

AUTHORIZING THE CITY MANAGER TO EXECUTE LEASE AGREEMENTS WITH VARIOUS YOUTH BASEBALL ORGANIZATIONS FOR THE USE OF CITY REALTY AND FACILITIES FOR A PERIOD OF TWO YEARS.

* * * *

October 24, 1968

-5-

68-407 Mayor McAllister was obliged to leave the meeting and Mayor Pro-Tem John Gatti presided.

68-407 Mr. Bob Frazer, Director of Parks and Recreation, briefed the Council on the following ordinance and on motion of Dr. Parker, seconded by Dr. Calderon, the ordinance was passed and approved by the following vote: AYES: Calderon, Jones, Gatti, Trevino, Parker, Torres; NAYS: None; ABSENT: McAllister, James, Cockrell.

AN ORDINANCE 36,970

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY WITH JOYCE OWEN, FOR THE FOOD AND DRINK CONCESSION AT THE BRACKENRIDGE GOLF COURSE CLUBHOUSE.

* * * *

68-407 Mr. W. S. Clark, Land Division Chief, briefed the Council on the following ordinance and on motion of Dr. Calderon, seconded by Mr. Trevino, the ordinance was passed and approved by the following vote: AYES: Calderon, Gatti, Trevino, Parker, Torres; NAYS: None; ABSENT: McAllister, Jones, ABSTAIN: James.

AN ORDINANCE 36,971

APPROPRIATING \$750.00 OUT OF SEWER REVENUE FUND NO. 204-02 FOR ACQUISITION OF A QUITCLAIM DEED PERTAINING TO RILLING ROAD SEWAGE PLANT ADDITION AND ACCEPTING CERTAIN EASEMENTS AND DEDICATIONS, IN CONNECTION WITH THE BOYER STREET EXTENSION, SAN PEDRO HILLS SUBDIVISION SANITARY SEWER OUTFALL PROJECT, GLENOAK ROAD SANITARY SEWER PROJECT, STONEGATE SUBDIVISION SANITARY SEWER PROJECT, STONEGATE SUBDIVISION SANITARY SEWER PROJECT AND THE WIDENING OF BANDERA ROAD.

* * * *

68-407 Members of the Administrative Staff briefed the Council on the following ordinances and on motion made and duly seconded, were each passed and approved by the following vote: AYES: Calderon, James, Gatti, Trevino, Parker, Torres; NAYS: None; Absent: McAllister, Jones, Cockrell.

AN ORDINANCE 36,972

AUTHORIZING EXECUTION OF A DEED WITHOUT WARRANTY TO THE STATE OF TEXAS COVERING CERTAIN CITY-OWNED PROPERTY. (0.7628 ACRES, PORTION OF DEDICATED DRAIN BY GILBERT KINDER IN ALAMO HTS., GARDENS.)

* * * *

AN ORDINANCE 36,973

APPROPRIATING FROM VARIOUS FUNDS CERTAIN SUMS IN THE TOTAL SUM OF \$2,664.75 IN PAYMENT FOR EXPENSES INCURRED IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR U. S. 281 NORTH EXPRESSWAY PROJECT; STEVES AVENUE PAVING PROJECT; LEON CREEK SEWAGE PLANT SITE; STORM DRAINAGE PROJECT 61-B; AND PACIFIC AVENUE PAVING PROJECT.

* * * *

AN ORDINANCE 36,974

GRANTING A PERMANENT EASEMENT FOR HIGHWAY PURPOSES ON 0.1873 ACRE IN N.C.B. 13037. (CPSB PROPERTY TO STATE OF TEXAS FOR U.S. HIGHWAY 281 NORTH.)

* * * *

AN ORDINANCE 36,975

AUTHORIZING A ONE YEAR LEASE OF APPROXIMATELY 422.5 ACRES OF CITY-OWNED LAND TO W. B. MARTIN, JR., FOR FARMING AND GRAZING PURPOSES FOR A CONSIDERATION OF \$1,267.50.

* * * *

AN ORDINANCE 36,976

APPROPRIATING \$16,200 OUT OF STREET IMPROVEMENT BONDS, FUND NO. 489-01, PAYABLE TO THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, SUBJECT TO THE ORDER OF HERBERT J. WERNER ET UX, IN SATISFACTION OF THE AWARD OF SPECIAL COMMISSIONERS IN CONDEMNATION CASE NO.C-709, FOR THE ACQUISITION OF A TRACT OF LAND OUT OF LOTS 15 THROUGH 18, BLOCK 12, N.C.B. 3807, IN SAN ANTONIO, TEXAS, REQUIRED FOR STREET PURPOSES IN THE STEVES AVENUE PAVING PROJECT.

* * * *

In answer to a question by Mr. Gatti, Mr. Weber, Condemnation Attorney, explained that all but four parcels have been acquired for the second leg of the North Expressway (Hildebrand to Loop 410). One of these is being negotiated and three are in condemnation.

68-407 The Mayor returned to the meeting and presided.

68-407 The Clerk read the following ordinance and on motion of Mr. Gatti, seconded by Mr. James, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Torres; NAYS: None; ABSENT: Cockrell, Parker.

AN ORDINANCE 36,977

GRANTING TAX EXEMPTION OF CERTAIN PROPERTIES OWNED BY VARIOUS RELIGIOUS, SCHOOL AND CHARITABLE ORGANIZATIONS.

* * * *

68-407 Mr. Carl White, Assistant, Finance Director, briefed the Council on the following ordinances and on motion made and duly seconded were each passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino; NAYS: None; ABSENT: Cockrell, Parker, Torres.

AN ORDINANCE 36,978

AUTHORIZING THREE ADDITIONAL ACCOUNTANT POSITIONS IN THE FINANCE DEPARTMENT AND APPROVING A TRANSFER OF \$18,240.00 FROM THE OPERATING CONTINGENCY ACCOUNT 70-01-01 TO PROVIDE THE NECESSARY FUNDS.

* * * *

AN ORDINANCE 36,979

AMENDING THE 1968-69 BUDGET BY APPROVING FIVE (5) ADDITIONAL EMPLOYEE POSITIONS WITHIN THE MUNICIPAL FACILITIES DEPARTMENT AND AUTHORIZING A TRANSFER OF \$6,005.00 FROM THE OPERATING CONTINGENCY ACCOUNT 70-01-01 TO MUNICIPAL FACILITIES ACCOUNT 26-01-01.

* * * *

October 24, 1968

-8-

AN ORDINANCE 36,980

AMENDING THE 1968-69 BUDGET BY ABOLISHING
THE POSITION OF FIRE ALARM OPERATOR III
AND INCREASING THE NUMBER OF DISTRICT FIRE
CHIEF POSITIONS FROM 13 TO 14.

* * * *

68-407 Mr. Francis W. Vickers, Convention Center Director, briefed the Council on the following ordinance and on motion of Dr. Calderon, seconded by Mr. Jones, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Trevino, NAYS: None; ABSTAINING: Torres; ABSENT: Cockrell, Gatti, Parker.

AN ORDINANCE 36,981

ESTABLISHING A RENTAL RATE SCHEDULE FOR
USE OF THE MUNICIPAL AUDITORIUM.

* * * *

68-407 Mr. Stewart Fischer, Traffic Director, briefed the Council on the following ordinance and on motion of Mr. Trevino, seconded by Dr. Calderon, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Trevino, Torres; NAYS: None; ABSENT: Cockrell, Gatti, Parker.

AN ORDINANCE 36,982

AUTHORIZING THE CITY MANAGER TO ENTER
INTO AN AGREEMENT WITH THE STATE OF TEXAS
FOR THE ESTABLISHMENT OF A PARKING FACILITY
BY THE CITY ON THE INTERSTATE HIGHWAY 35
EXPRESSWAY RIGHT OF WAY, UNDER THE RAISED
PORTIONS OF SUCH HIGHWAY FROM TRAVIS STREET
TO MATAMORAS STREET AND FROM SAN FERNANDO
STREET TO GUADALUPE STREET, SAID AGREEMENT
SUPERSEDING THE PREVIOUS AGREEMENT COVERING
THIS SUBJECT.

* * * *

68-407

The Clerk read the following ordinance:

AN ORDINANCE 36,983

DETERMINING THAT THE PREMISES LOCATED AT 342 FERRIS, 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 D. Vann, Director of Housing and Inspections, stated that the property is owned by Mr. and Mrs. Jason McGarity, 342 Ferris. They have been advised by certified mail, of the hearing this morning. Mr. Vann stated that this is a vacant, one-story wooden structure in a run-down, decayed and damaged condition. He presented pictures of the structure for the Council's consideration. He then reviewed the efforts to have the hazard alleviated and recommended that the Council find the property to be a nuisance, a fire hazard and a hazard to the public health and safety in accordance with the Dangerous Premises Ordinance.

Neither the owners or their representatives were present.

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

68-407

The Clerk read the following ordinance:

AN ORDINANCE 36,984

DETERMINING THAT THE PREMISES LOCATED AT 1718 RIGSBY 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.

* * * *

October 24, 1968

-10-

Mr. George Vann, Director of Housing and Inspections stated that the property is owned by Mrs. Florence Gillespie and she has been advised by certified mail of the hearing this morning.

He stated this is a vacant, one-story wooden structure in a rundown, decayed and damaged condition and is deteriorated more than fifty percent (50%) of its value by reason of its condition. He presented a picture of the structure for the Council's consideration. He then reviewed the efforts to have the hazard alleviated and recommended that the Council find the property to be a nuisance, a fire hazard and a hazard to the public health and safety in accordance with the Dangerous Premises ordinance.

Neither the owners or their representatives were present.

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

68-407

The Clerk read the following ordinance:

AN ORDINANCE 36,985

DETERMINING THAT THE PREMISES LOCATED AT 734 S. HACKBERRY 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, stated that the property is owned by Essie P. Whitfield's Estate and the Estate has been notified by certified mail of the hearing this morning.

He explained that this is a vacant, one-story wooden structure in a rundown, decayed and damaged condition and deteriorated more than fifty percent (50%) of its value by reason of its condition. He presented a picture of the structure for the Council's consideration. He then reviewed the efforts to have the hazard alleviated and recommended that the Council find the property to be a nuisance, a fire hazard

and a hazard to the public health and safety in accordance with the Dangerous Premises Ordinance.

No representative of the Estate of Essie P. Whitfield was present.

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

68-407

The Clerk read the following ordinance:

AN ORDINANCE 36,986

DETERMINING THAT THE PREMISES LOCATED AT 1722 RIGSBY 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 D. Vann, Director of Housing and Inspections, stated that the property is owned by Mrs. Florence Gillespie, who has been notified by certified mail of the hearing this morning. He explained this is a vacant one-story wooden structure in a rundown, decayed and damaged condition. He presented pictures of the structure for the Council's consideration. He then reviewed the efforts to have the hazard alleviated and recommended that the Council find the property to be a nuisance, a fire hazard and a hazard to the public health and safety in accordance with the Dangerous Premises ordinance.

Neither the owner or her representative was present.

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

October 24, 1968

-12-

68-407

The Clerk read the following ordinance:

AN ORDINANCE 36,987

DETERMINING THAT THE PREMISES LOCATED AT 821 S. W. 19TH STREET 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 D. Vann, Director of Housing and Inspections, stated that this property is owned by Mr. Sabas Cortez, Jr., who has been notified by certified mail of the hearing this morning. He stated that this is a vacant one-story residence structure in a rundown, decayed and damaged condition. He presented a picture of the structure to the Council. He then reviewed the efforts to have the hazard alleviated and recommended that the Council find the property to be a nuisance, a fire hazard and a hazard to the public health and safety in accordance with the Dangerous Premises ordinance.

Neither the owner or his representative was present.

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

68-407

The Clerk read the following ordinance:

AN ORDINANCE 36,988

DETERMINING THAT THE PREMISES LOCATED AT 425 "K" STREET 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.

* * * *

October 24, 1968

-13-

Mr. George D. Vann, Director of Housing and Inspections, stated that the property is owned by Mr. and Mrs. Jose L. Garcia, who has been notified by certified mail, of the hearing this morning. He stated this is a one-story residence structure in a rundown, decayed and damaged condition. He presented a picture of the structure for the Council's consideration. He then reviewed the efforts to have the hazard alleviated and recommended that the Council find the property to be a nuisance, a fire hazard and a hazard to the public health and safety in accordance with the Dangerous Premises ordinance.

Mr. Vann stated that while the owners were not present this morning, they had notified him that they did not have the means to improve the property or demolish it and would be happy to give a release to the City so that the City could clear the property.

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

68-407

The Clerk read the following ordinance:

AN ORDINANCE 36,989

DETERMINING THAT THE PREMISES LOCATED AT 604 ELVIRA STREET 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 D. Vann, Director of Housing and Inspections, stated that the property is owned by Mr. Juan Q. Luna, who has been notified by certified mail of the hearing this morning. He stated that this is a vacant one-story wooden residence structure in a rundown, decayed and damaged condition. He presented a picture of the structure for the Council's consideration. He then reviewed the efforts to have the hazard alleviated and recommended that the Council find the property to be a nuisance, a fire hazard and a hazard to the public health and safety in accordance with the Dangerous Premises ordinance.

October 24, 1968

-14-

Mr. Vann explained that the owner had contacted him and stated he would proceed immediately to demolish the structure.

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

68-407

The Clerk read the following ordinance:

AN ORDINANCE 36,990

MANIFESTING AN AMENDMENT TO THE MUNICIPAL CODE CORPORATION CONTRACT FOR AN INCREASE IN PRICE OF THE LOOSELEAF SUPPLEMENT SERVICE FURNISHED THE CITY OF SAN ANTONIO.

* * * *

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

68-407

The Clerk read the following ordinance for the second and final time.

AN ORDINANCE 36,860

PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LINES OF THE CITY OF SAN ANTONIO, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 11.20 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO.

* * * *

Mr. Steve Taylor, Director of Planning, explained that this property is located in Shenandoah Subdivision and the annexation is at the request of the owner, Community Properties, Inc.

No one spoke in opposition.

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

68-407 The Clerk read the following ordinance for the second and final time.

AN ORDINANCE 36,861

PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LINES OF THE CITY OF SAN ANTONIO, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 11.50 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF SAN ANTONIO.

* * * *

Mr. Steve Taylor, Director of Planning, explained that this property is located in Shenandoah Subdivision and the annexation is at the request of the owner, Community Properties, Inc.

No one spoke in opposition.

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

68-407 PRESENTATION BY TRINITY UNIVERSITY RE: TAX EXEMPTION:

"Honorable Mayor and Members of the City Council, my name is Luther Coulter, Attorney on the Administrative Staff at Trinity University.

Before you is a map showing in red and green all of the property owned by Trinity University in Bexar County. Property in red is either vacant property held for resale or property on which we derive some income. No application has been made for tax exemption on property shown in red and taxes are paid in full up to date.

For property marked in green, we have filed with your tax assessor-collector, applications for tax exemption. Most of the property is already exempt; the large green area, except for areas on the lower extremities, some of which were acquired only recently. So our application for exemption for this large area is simply for the sake of clarity regarding the lower part of the campus and changes in legal descriptions as new maps have been prepared.

Now the 12 pieces of property for which we specifically apply for tax exemption are the following occupied by principle administrators, deans, and faculty of Trinity University which buildings are also used for school purposes as Dr. Laurie, our President, will clarify for you in a moment.

(Here Mr. Coulter points out the 12 pieces of property on the map)

Most of these are connected to utilities of the University and others will be as soon as rights-of-way are obtained and all of them are maintained by the University. No income is derived from this property by the University.

Persons living in these buildings are required to live there because of their duties and responsibilities to the University.

345 E. Summit is a manse used by the Minister-in-Charge of the Margarite B. Parker Chapel and should be exempt from taxation as a manse under different sections of our constitution and statutes than the sections under which we apply for exemption of the other property.

I have submitted a detailed, comprehensive legal brief to your City Attorney. I am not here today to argue the legal aspects because time does not permit and I believe it unnecessary as I believe we have agreed with your City Attorney that the Supreme Court of Texas has not ruled on the exact point in question, but attorneys have also agreed that when we go outside the state, there is law on both sides, i.e., some states exempt such properties, some do not.

Now I believe I can anticipate your decision in favor of tax exemption because there is clear precedent for such exemption by one Texas Court of Civil Appeals case, Carter vs. Patterson and Supreme Court decisions of other states. I believe further that I can anticipate your favorable decision because administrators and faculty of other colleges and universities in San Antonio are living in buildings which are tax exempt and have been for many years.

I believe these buildings of other universities should be exempt, as they are, by both the County and the City, and I believe you will readily agree, with facts clearly before you that our applications for exemption on property in green should be approved and that these should be exempt from the time that they were acquired by Trinity University as set out in our applications. For your information, Bexar County has exempted from taxation the same property back to the time it was acquired by Trinity University. For the convenience and consideration of your City Attorney and his staff, I prepared a proposed ordinance which, if approved, will grant the exemption for which we have applied. I furnished them copies some time ago.

(He passed out copies of the proposed ordinance to Council Members.)

Dr. James W. Laurie, President of Trinity University, will now discuss with you briefly the manner in which the property in question is used for school purposes."

"Dr. James W. Laurie, President of Trinity University:

I am very glad to speak for just a moment with you on this matter both from the standpoint of law and particularly of public policy which is your concern particularly today.

As you know, if I may make a little regression of which you are familiar, public policy is concerned with all higher education, not just that directly supported by tax funds, but that which is supported also by free enterprise, that is by gifts and endowments, through contributions by the primary beneficiary which is the student. There was a time in Texas and in all states, as far as that is concerned, when there were no institutions of higher education except those supported by private sources. But Trinity was founded 100 years ago, this is true, then came the land grant colleges, tax supported junior and senior colleges and so now instead of 100% being done by private schools, by privately supported schools, only about 20% are educated in schools like Trinity, St. Mary's and Incarnate Word and others. There is a great feeling that this is a very important 20% for many reasons which I need not go into for you who are acquainted with the educational world. But also it is true that if the 70,000 young people who are in these colleges were dumped tomorrow on the tax system it would cost a great deal more than some of the things you may be doing for us and other colleges and there may still be a warrant for contract work and other support to these institutions in accordance with the master plan of the state.

But so far as our own contribution is concerned, of which I know you are well aware, we take care of about 2,000 under graduates, 400 students in the graduate level. I don't think I need to rehearse to anyone of you the contribution this makes to the community for which we ask no tax support. The point at issue is really a matter of giving, we think, equitably and properly on a question of exemption of certain portions of our property and which as I have pointed out, we are using for educational purposes, but which has never been resolved except in one instance, their tax exempt status.

As has been pointed out to you there are about 30 pieces of property which the University owns on which we do pay taxes because we get some revenue or we are holding them in annuity or something of this sort. All of the property we are talking about today in this ordinance is used constantly to build the educational program of Trinity University.

It is used for meetings, for conferences and in some cases for classes and seminars and in other instances to bring close our academic building of those who are on 24 hour call, our Dean of Students, we have had no problems on the campus out there of which I am sure we are all grateful; the Dean of Engineering who has delicate experiments going on at all times and needs to be on call; the Director of our Physical Plant and others.

October 24, 1968

-18-

174

To put it another way, these pieces of property are essential to the educational program which marks Trinity University and makes it an institution of excellence. We could not carry the program forward in the way we are trying to do without this kind of property being available. I would call the attention of this honorable body to the fact that as mentioned this is consistent with what is being done in other institutions across the state, and other states and insofar as this city. These people who live in these houses are all administrators and are required to live there and use this property for the benefit of the educational program of the university.

I may say that the vast majority of our faculty do not live on property that we are asking exemption for. They pay their taxes, they own their homes. These are our top administrators. The Dean of the University is here with us today. We have developed at Trinity a plan of curriculum which came out of a series of meetings week by week in the Scott House, which was given to us by a lovely lady and which is right by the campus here where the students met with the Dean and discussed educational purposes over a two or three year period. There was also a course taught there at the Sunshine Cottage and the teachers of the deaf. In my home we bring in about 1100 people every September from all over the country, they are students, for a refreshment reception and it is used every day every week for this purpose. I could go down the line.

You know something of our Hospital Administration program. Education is not carried forward just in the class room. We think it is carried forward in small groups coming together for discussion in the Graduate Dean's home, they come together as graduate students in the Hospital Administrators home and discuss problems that are going to be more and more important to us as a community.

Mayor and friends, I will be glad to answer questions and go down each of these homes and indicate why they are essential to the educational program of the university. We feel very strongly that, while you are not a legal body, that the law permits you to do this and it is a matter of your option, and a matter of equity that these be tax exempt. I might say to you that with me this morning is not only the Dean of the university, but the Business Manager and the Chairman of our Board of Trustees, Mr. Forrest Smith and Mr. Harold Herndon, who is on our Finance Committee and we shall be glad to answer any questions. We plead before you to adopt this ordinance and that this matter be settled for the good of the community for the education of our young people.

Mayor McAllister: I would like to ask Mr. Walker to give us a statement on this.

October 24, 1968

-19-

City Attorney Walker: I take issue with the good Doctor on one point that this Council has the authority to take the action requested since the State of Texas has not made a determination in this matter, whether or not a piece of property is exempt under the constitution is a judicial determination and cannot be made by a legislative body. You are a legislative body, that's my first point.

When I was discussing this matter with Trinity University, I suggested to them let's do this thing the right way, let's have a friendly law suit and submit this thing, we will agree to the facts and submit this to the courts and get a judicial determination. Now the constitution does not say that simply because you use a piece of property for school purposes, that makes it exempt. The constitution says it must be used exclusively for school purposes and that has been the hang up in all the various states which have ruled on this thing.

The Supreme Court of the State of New York, for example, which is a rather liberal court, it has held that this type of use constitutes within the meaning of exclusive school purposes a school purpose. The more conservative Supreme Court of the State of Ohio says absolutely not, that this use is incidental and secondary and is not an exclusive use. So you have almost an even division with the outside authority with reference to whether or not it is an exclusive school use.

Now it is the feeling of the Legal Division that the Supreme Court of the State of Texas, which falls somewhere between the liberal New York Supreme Court and the more conservative Ohio Supreme Court will probably find that this is not an exclusive school use. We feel that that would be the decision of the Supreme Court. We don't know actually. But if this Council should now say that we are going to determine that by the law in the State of Texas this is an exclusive school use, I do not believe you have the authority to do it, and if you do it, legislatively speaking, I think you would be usurping the authority of this Council.

Mr. Gatti: What would happen if these units were on the campus?

Mr. Walker: Some of them are, are they not?

Dr. Laurie: All of this we consider to be part of the campus of Trinity University. These are all, with the exception of the manse, in the Oakmount Addition. They are there, this is not the point of issue, but they are contiguous. I might say that this honorable body did exempt one piece of property in 1954 and somehow it got put back on in the melee and it sets the precedent for this.

I would agree with Mr. Walker that a legislative body is not a court. But we are not asking it be a court. We are simply making the contention before you as a legislative body that there is no law that prevents you doing this, that the law, is perhaps at best unclear. But this is a matter which this Council has the right to grant exemption and has done it by precedent and is in fact doing it, de facto, in the tax exemption of other institutions which may be differently housed where there are professors living on campus to perform a particular purpose and we think they should be exempt.

October 24, 1968

-20-

Mr. Gatti: How did we determine that these 29 or 30 that we just passed on a little while ago were exclusive use and so on?

Mr. Walker: In all of those cases the Supreme Court had spoken out years ago. There is no question about that. It just happens to be a rather single situation in which the Supreme Court or the Texas Court has not had an opportunity to rule on.

Dr. Parker: Mr. Walker, I understand the County has exempted this property. Now what authority do they have?

Mr. Walker: It is our viewpoint that they have no authority and that they usurp their authority and that is shared by the District Attorney and Judge Reeves.

Dr. Laurie: We appeared before the County twice Mr. Mayor and both times they granted us exemption on this property.

Mayor McAllister: I am filled with mixed emotions. My personal inclination is to grant your exemption. On the other hand, as I hear the City Attorney make his statement, I question whether or not I should vote to grant these exemptions or welcome a friendly suit without any question at all.

Dr. Laurie: We have many things to do with the education of young people and a friendly suit is costly in time and in money. We would hope that you would not ask an institution that has been a part of the City of San Antonio to do this for the State of Texas. By charter we are exempt of our property. The word exclusive is there, we do not contest that. We have been briefed by our legal counsel, John Wheeler, we believe that you would not be violating any law, you might not be acting as a judicial body and should not. But we think this is in the course of equity and is the proper thing to do and this is part of our educational apparatus by which we serve the young people of this community.

Mr. Gatti: Do you know of any other institutions through out the state that have a similar situation?

Dr. Laurie: Yes, resident homes are always exempt when on the campus. When our home was purchased from the Mayor of this City some time ago, we had planned to build on the campus. I think there would have been no questions raised about this. All we did was to move a door off, and now we own this property. It's all connected with our utility and it is maintained by the university and is properly part of our campus and while there has been no specific contest at this point. This has been in most states as Mr. Walker points out, though not in all of them. I think in Ohio, I can give you an example where this is perfectly proper for you to do. It is our contention that this is not an equitable thing to do to make us bear a law suit when we think you are within your rights, if you will do so to grant this tax exemption.

Dr. Parker: Mr. Walker, if these folks lived on the campus, what you call the campus, I don't know what the campus is, how you identify the campus, but if they lived on what you would define as the campus, would they be properly tax exempt?

Mr. Walker: In our opinion, no. We believe the viewpoint expressed by the higher supreme court is a proper viewpoint under our constitution. It says it doesn't make any difference where the property is located, that if the occupancy of the premises is purely for residential purposes, that the residential purpose, the primary purpose of the premises is residential and the fact that students and others may use those premises at certain hours of the day for conferences, meetings and so forth, constitutes an incidental and secondary use.

Mr. Jones: What do you do with dormitories then, when it is necessary for them to be used in the process of education for the student's sake? Should that not be on the tax rolls too?

Mr. Walker: That has been held to be an exclusive school use. You have got a situation here which the courts have never determined. Texas courts have never determined that a piece of land used for residential purposes is an exclusive school use. Now, as I say, some states have held that it is a part, a necessary part of the school system and therefore falls within the exclusive definition of a school use, others say no, it is a secondary or incidental use. Therefore it is obviously not an exclusive school use.

Dr. Parker: Doesn't it boil down to an opinion of what is an exclusive school use and what isn't?

Mr. Walker: It boils down to what will the courts say.

Dr. Parker: Some courts will rule both ways and it still becomes a matter of personal opinion.

Mr. Torres: Wouldn't you say though, Mr. Walker, that where the courts have ruled, that a home for a professor is exempt under certain statutes of facts that they don't have the constitutional inhibitions that we have in our Texas Constitution when using the term exclusive. I mean all states' constitutions and legislative enactments do not provide and give an exception that it has to be for an exclusive use, would this be correct?

Mr. Walker: I do not know. I am not too familiar with all the states constitutional regulations. I do know that in the states of New York and Ohio and others that we reviewed, theirs was an exclusive, and they used the language that Texas uses in its constitution for exclusive use. Now, going back to the question, where you have dormitories for example, in which the students are housed. That is an entirely different situation than where you have a professor who has his family living there. It's not the same thing by any means, it's not the same use. In this case, these professors are housing their families there, or am I wrong?

378

Dr. Laurie: This is correct. We do have families. But I might point out that there are institutions that have people teaching that don't have families but these are housed, and I think properly so, on school property, and exempt property. I do not think you want to get into the discussion of virtue or nonvirtue, but all of these people are required to live here and to perform a function for the university. I know that you, Mr. Mayor, and I think several of the others have been to the property at 106 Oakmount Court where the living of the man there is purely incidental from our standpoint to the fact that it is used as the International Relations Club. It is used by the students almost daily, it is there, while it is used by the Assistant Dean and his wife, primarily for an educational purpose and part of our program, part of our development, part of the functioning of our total institution. What we are saying here is that with this property you must look at the total institution which is by charter and by law tax exempt and we believe this falls under the total picture of educational purposes.

Mr. Torres: You don't charge the professors who use one of these homes, you don't charge him rent, is that correct?

Dr. Laurie: Property where we do charge rent, we are not asking it be tax exempt. We have several pieces of property where we do charge rent and we pay our taxes, they are paid.

Mr. Torres: And there are professors who teach at Trinity who own homes off campus? Is that right, and in these cases they pay property taxes on their residences, is that right?

Dr. Laurie: That's right.

Dr. Parker: I want to ask a question on these people who live in these houses, is the furnishing of a home part of their remuneration for their job or is the fact that they live in this house extra activity that they keep the house up and provide classrooms?

Dr. Laurie: It is both. In the case of 106, it is the latter. In the case of the others, we require that they live there and charge them no rent and get no income. Now if they live there, they are getting a benefit but it is not considered that they are getting a remuneration. Let me just point out the kinds of people. The Dean of the University, the Dean of Students, the one at 106 is an Assistant Dean and we use it for different purposes. He is more or less a person who is there and an informed person who can do this sort of thing. There is the Dean of the Graduate School, his home was given to us for this very purpose and is used as an adjunct to the Chaplain Graduate Center which has brought about 30 million dollars into San Antonio as a result. The head of the Hospital Administration Program who must meet with these students and Bexar County owes us a great debt by providing us an Administrator who once in a while gets them out of the classroom. The manse of course, is a different situation and the Dean of Physical Plant.

October 24, 1968

-23-

Dr. Parker: I can see where this would cause problems down the line where you might just say, you will buy houses and this will be part of the remuneration and you will have, first thing before you know it, you will have instead of 13, 30 or 40. Which, in my opinion, would be wrong.

Dr. Laurie: I think he has a good point, Mr. Mayor, I want to point out that Trinity University is part of this community, contributes to it, we are not asking for that kind of an exemption. We own 31 other pieces of property on which we might could make that plea and on which you would have good reason to argue with us. These 12 pieces of property are used by the top administrators and are used as part of our educational function and we could not carry on the educational function without this kind of property.

Dr. Parker: I'm willing to go along with this, but I think you should have some criteria on the use of the property.

Mr. Torres: Do you have at 345 E. Summit, is that included in the ordinance?

Dr. Laurie: I think that would be exempt under a different statute, we didn't discuss that with Mr. Walker, but I believe as a manse that would be exempt.

Mr. Torres: That's why I asked. It would be under a different theory.

Dr. Laurie: There is a question of organization. We are not secretarian.

Mr. Torres: What is the description on the ordinance, the legal description? That's alright.

Dr. Laurie: Let me illustrate very briefly what has happened. I think it will answer Dr. Parker's question. We have used the property only as other universities in the city have been doing and we think it should be tax exempt. Now who is to prove that, if it didn't come before you as a petition to the tax assessor for approval of tax exemption. Now had we come here on campus and built homes, if we had space and funds, I don't think we would have ever been put on the tax rolls. But now, instead of doing that we have added more to our campus and done the same thing. Now if you do what we ask you are simply putting us in the same position of other universities and colleges right here in our town.

Mr. Gatti: I move we exempt these properties.

Mr. Jones: I second the motion.

Dr. Parker: Is this ordinance approved as to form?

City Manager Henckel: Mr. Walker has stated he does not think the ordinance is legal, so therefore he will not pass on it. Therefore, if the Council cares to approve it, that is your prerogative.

Dr. Calderon: How about approval of form?

Mayor McAllister: I don't think that is Mr. Walker's point. Mr. Walker, I raise one question. Does the Council, if it grants this, and I am sympathetic with what is evidently the view of the Council in connection with it, who has the right to challenge the action of the Council?

Mr. Walker: Any citizen. Any taxpayer. In fact, I understand that Judge Reeves has urged the taxpayers to come in and challenge theirs. I don't think you will get any challenges, however. Taxpayers are not interested in spending their own money because it does not effect them so much.

The Clerk read the following ordinance.

AN ORDINANCE 36,991

GRANTING THE APPLICATIONS OF THE BOARD OF TRUSTEES OF TRINITY UNIVERSITY EXEMPTION FROM CITY TAXES ON: NCB A53 EXCEPT THAT PORTION NORTH OF HILDEBRAND AVENUE; THAT PORTION OF NCB A52 WEST OF STADIUM DRIVE AND EAST OF SHOOK AVENUE; LOT 18, BLK. 12, NCB 3096; LOTS 6, 13, 14, BLK. 4, NCB 6817; LOT 5, BLK. 3, NCB 6816; LOTS 2, 5, 6 AND 7, BLK. 2, NCB 6581; LOTS 8-13, BLK. 1, NCB 6580; E. 1/2 OF LOT 30 AND ALL OF LOTS 31 AND 32, NCB 6882; S. IRR. 145.4' OF LOT 8, BLK. 9 AND ALL OF LOT 9, BLK. 9, NCB 3093.

* * * *

Mr. Gatti: On Section 2, 3, and 4, is there some problem on this going back?

Dr. Parker: Do you all owe any money on this property?

Dr. Laurie: This was exempted by ordinance when we acquired it, then we discovered it had been put back on at some point. We are asking from the point of acquisition, the petitions have been filed and we are asking that these be cleared. They haven't been cleared. You won't be giving us any money back. Just clearing this.

Mr. Gatti: Can we do that?

Mr. Walker: You are doing this, aren't you?

Mr. Henckel: I think Mr. Walker's position is that if you are going to pass the ordinance, there is no reason why you shouldn't go ahead and remove them from the back tax rolls. If you so desire.

On roll call, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Parker; NAYS: Trevino, Torres; ABSENT: Cockrell.

During the roll call, Mr. Torres explained his vote as follows:

"I am going to concur with 345 W. Summit, Mr. Mayor, because that property is used for a religious purpose and it comes specifically within the statute, and will vote no in view of Mr. Walker's opinion and my own attitude that this use would not be exclusively for college purposes."

68-407 The meeting was then recessed and the Council went into executive session to consider an appointment to fill the vacancy which will occur at the end of this month due to Councilman Dr. Gerald Parker's resignation.

The meeting reconvened and the Clerk read the following ordinance.

AN ORDINANCE 36992

ACCEPTING THE RESIGNATION OF DR. GERALD PARKER AS COUNCILMAN PLACE NO. 8 EFFECTIVE MIDNIGHT, OCTOBER 31, 1968 AND APPOINTING EDWARD H. HILL AS COUNCILMAN PLACE NO. 8 EFFECTIVE NOVEMBER 1, 1968.

* * * *

Mr. Jones made a motion that the ordinance be adopted. Mr. James seconded the motion and the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino; NAYS: Torres; ABSTAINING: Parker; ABSENT: Cockrell.

During roll call, Dr. Parker stated he would abstain since the charter calls for the remaining members of the Council to appoint his successor. He stated, however, that he felt Mr. Hill will make a fine contribution to the City of San Antonio.

At the time of voting, Councilman Torres stated that in executive session, the Mayor had commented that the replacement for Dr. Parker had been endorsed by the Good Government League. He said he knew nothing of any endorsement or any discussion leading to a replacement for Dr. Parker until this morning. He felt that when a private organization makes a recommendation, then because of that recommendation it autocratically follows that the function of the Council as a legislative body is being usurped. He added that he would vote no for the simple reason he could not vote for an appointment selected by the Good Government League.

Mayor McAllister commented that Mr. Torres' statement was incorrect insofar as the statement goes that the gentleman was selected by the Good Government League. He said that Mr. Hill had been checked by the Good Government League and endorsed by that organization, but the selection was made by the City Council.

68-407 Assistant City Manager Ancil Douthit asked Mr. Dick Balmos to make a presentation of the proposed plan for opening day ceremonies at the HemisFair grounds on November 9.

Mr. Dick Balmos, Public Information Officer, stated that the ceremonies will be held at 10:30 A.M., Saturday, November 9 in front of the U. S. Pavilion. A proclamation will be issued by the Mayor declaring the weekend of November 9, 10 and 11 as "Armed Forces & Veterans Days" in San Antonio. The proclamation will commemorate the site to military who have served in San Antonio in the past, present and future. During these three days, all military personnel in uniform will be admitted free to the grounds. Special citations of appreciation are to be presented to each of the local military installations for their contribution to the City. There will be a military parade from the Alamo to Gate 1, then to the U. S. Pavilion for the ceremony.

Assistant City Manager Ancil Douthit asked that a member of the Council be appointed to represent the City Council on Saturday, November 9.

Mayor McAllister appointed Dr. Herber Calderon to do the honors as both the Mayor and Mayor Pro-Tem will be out of town on that date.

After discussion, there were no objections to the proposed observance and City Manager Henckel stated they will proceed with the plans as presented.

68-407 Mr. Jim Stewart spoke to the Council regarding the development that he has on Bandera Road and Leon Valley and the sewer service problem. He asked what the status of his request is.

City Manager Henckel stated that the matter had been referred to the City Attorney who has been involved in a law suit and has not completed his study of the matter.

Mr. Henckel stated that he felt the City Attorney's report will be completed within the next few days and forwarded to the Council so the matter will be resolved at next week's meeting.

68-407

Mr. Frank Soliz, Vice President of the local organization of the National Association of Letter Carriers, thanked the Mayor for the proclamation he issued earlier in the morning designating October 28 through November 2, 1968 as "Letter Carrier's Week" in San Antonio. He stated the letter carriers are sponsoring a dance at the Convention Center on November 2 and invited the Mayor and Members of the City Council to attend.

68-407

Mrs. Peggy Darley thanked the Mayor for proclaiming October 23, 1968 as "United States Day" in San Antonio. She read the proclamation and stated this inspires the young people with whom they are working to strive for better citizenship. She then presented the Mayor with a brooch in the form of a United States Flag to be given to Mrs. McAllister.

After a short recess to consider an appointment to the Board of Adjustment, the Mayor stated that no action will be taken as they were not able to contact the prospective appointees.

68-407

City Manager Henckel made the following statement regarding property owned by Mrs. Frances Levenson:

"Mrs. Levenson has been involved in a rezoning matter on some property bordering Kelly Field that her father owned and that she now has owned for approximately seven years. Last year it was rezoned by the Council without any restrictions, however in the replatting which is a procedure, certain easements are required. One of them in particular being a drainage easement which would put an undue hardship on the property because any water that flows on the property is coming on from Kelly Field. We have held up the deed, which is a quitclaim from the City for the streets in the old subdivision on the new plat and I am merely requesting the Council to instruct me to deliver the deed to her which will resolve the matter. I do want to retain any utility easements that are necessary, but no drainage easements."

There being no objection by the Council, a vote was taken authorizing the City Manager to take the necessary steps to resolve the matter. The vote is as follows: AYES: McAllister, Calderon, James, Gatti, Trevino, Parker; NAYS: None; ABSENT: Jones, Cockrell, Torres.

October 24, 1968

-28-

