

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, JANUARY 25, 1968 AT 8:30 A.M.

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

68-51 The invocation was given by Reverend Raymond DeLaughter, Faith United Methodist Church.

The minutes of the Regular Meetings held on January 4, and January 11, 1968, and the Special Meeting of January 5, 1968 were approved.

68-52 Mr. Raymond Weber, Chief Condemnation Attorney, explained the following ordinance, and on motion of Dr. Calderon, seconded by Mr. James, was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Torres; NAYS: None; ABSENT: Cockrell, Parker.

AN ORDINANCE 36,140

APPROPRIATING \$83,300.00 OUT OF NORTH EXPRESSWAY BONDS, 1961, FUND NO. 479-19 PAYABLE IN FIVE SEPARATE CHECKS TO THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, SUBJECT TO THE ORDER OF THE PAYEES SPECIFIED IN THE AWARDS OF SPECIAL COMMISSIONERS IN CONDEMNATION CASES NOS. C-589, C-591, C-594, C-598, AND C-600 FOR THE TRACTS AND PARCELS OF LAND, INCLUDING CERTAIN IMPROVEMENTS AND DAMAGES, AS SPECIFIED, IN SAN ANTONIO, TEXAS, NEEDED FOR U.S. 281 NORTH EXPRESSWAY.

\* \* \* \*

The Mayor stated that Item 2 on the agenda would be heard later in the meeting.

Mr. W. S. Clark, Land Division Chief, explained 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; ABSTAINING: Torres; ABSENT: Cockrell, Parker.

68-53

AN ORDINANCE 36,141

APPROPRIATING CERTAIN SUMS IN PAYMENT FOR EXPENSES INCURRED IN CONNECTION WITH THE ACQUISITION OF PROPERTIES FOR U.S. 281 NORTH EXPRESSWAY PROJECT; HILLCREST PAVING PROJECT; PERRIN-BEITEL INTERCEPTOR SEWER LINE; MISSION PARKWAY PROJECT; UNSEWERED AREA NO. 15 (DREAMHILL ESTATES); AND SPECIAL PROJECT # 118, LAS PALMAS LIBRARY SITE.

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*see corrections next page*

68-54

AN ORDINANCE 36,142

CLOSING AND ABANDONING PORTIONS OF CERTAIN STREETS AND ALLEYS; AUTHORIZING A QUITCLAIM OF THE SAME, TOGETHER WITH A PORTION OF THE OLD SAN ANTONIO RIVER CHANNEL, TO THE PEARL BREWING COMPANY FOR A CONSIDERATION OF \$23,855.00.

\* \* \* \*

68-55

AN ORDINANCE 36,143

APPROPRIATING \$28,278.00 OUT OF VARIOUS FUNDS FOR THE ACQUISITION OF RIGHT OF WAY AND EASEMENTS PERTAINING TO SALADO CREEK OUTFALL SEWER PROJECT, SAN PEDRO AVENUE IMPROVEMENT, U. S. 281 NORTH EXPRESSWAY, UNSEWERED AREA # 15, AND WIDENING OF BLANCO ROAD, SOUTH OF LOOP 410.

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Correction to January 25, 1968 Minutes  
Page 2, Ordinances 36141, 36142, 36143

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

AN ORDINANCE 36,141

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\* \* \* \*

Mr. W. S. Clark, Land Division Chief, explained 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 and Parker.

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\* \* \* \*

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Members of the Administrative Staff explained the following resolutions, 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.

68-56

A RESOLUTION

DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO TO COOPERATE WITH THE UNITED STATES OF AMERICA AND THE UNITED SERVICES ORGANIZATION OF METROPOLITAN SAN ANTONIO FOR THE EXCHANGE OF CERTAIN CITY-OWNED PROPERTY FOR PROPERTY OWNED BY THE UNITED STATES.

\* \* \*

66-831

A RESOLUTION

DIRECTING THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO TO PROCEED WITH THE ACQUISITION OF NEW CITY BLOCK 901, BEING THE PROPERTIES SOUTH OF ARCINIEGA STREET IN CIVIC CENTER PROJECT, TEX R-83, FOR THE PURPOSE OF FUTURE ACQUISITION OF SAME FROM THE AGENCY BY THE CITY IN CONNECTION WITH THE EXPANSION OF LA VILLITA.

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— — —  
Mayor McAllister was obliged to leave the meeting and Mayor Pro-Tem Gatti presided.

— — —  
Mr. Thomas Raffety, Director of Aviation, explained the following ordinances, and on motion made and duly seconded were each passed and approved by the following vote: AYES: Calderon, Jones, James, Gatti, Trevino, Torres; NAYS: None; ABSENT: McAllister, Cockrell, Parker.

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68-57

## AN ORDINANCE 36,144

AUTHORIZING EXECUTION OF A CONTRACT WITH  
 LODAL & ASSOC. INC. FOR ENGINEERING SER-  
 VICES IN CONNECTION WITH CERTAIN AIRPORT  
 CONSTRUCTION PROJECTS.

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68-58

## AN ORDINANCE 36,145

AUTHORIZING EXECUTION OF AN AGREEMENT WITH  
 THE UNITED STATES OF AMERICA PROVIDING FOR  
 THE PAYMENT TO THE CITY OF THE SUM OF  
 \$1,387.58 FOR REMODELING WORK IN THE POST  
 OFFICE FACILITY AT INTERNATIONAL AIRPORT.

\* \* \* \*

— — —  
 The Mayor returned to the meeting and presided.  
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68-59

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

## AN ORDINANCE 36,146

MANIFESTING AN AGREEMENT EXTENDING THE  
 TERM OF A LEASE OF SPACE AT INTERNATIONAL  
 AIRPORT TO AMERICAN AERIAL SURVEY, INC.

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— — —  
 Mr. Torres asked Mr. Raffety to comment on the  
 editorial being run on KONO and KITY-FM radio stations which  
 goes into detail on the deplorable situation at the International  
 Airport due to construction of the new parking facilities and the  
 terminal arcade.  
 — — —

Mr. Raffety stated that the projects were a little  
 behind schedule due to the recent extremely heavy rains. He  
 said he receives a written report from the contractors every four  
 hours regarding the status of the project. He stated the contrac-  
 tors have furnished portable walks from the parking lot to the  
 terminal building. He explained the walks had to be portable in  
 order for construction progress. He said that the plumbing pro-  
 blem has been eliminated as a result of the installation of a  
 800' sewer line.

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As for the parking problem at the entrance of the terminal building, he said he has instructed airport guards to enforce a five minute parking limit at this location and he is also hiring one additional guard in order to have guards present at the entrance at all times during the peak hours.

Mr. Gatti stated that conditions existing at the airport cannot be helped due to progress.

Councilman James stated that he was in St. Louis this past week and the airport there was in a much worse condition than our own airport presently is.

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

68-60

AN ORDINANCE 36,147

AUTHORIZING PAYMENT OF THE SUM OF \$950.00 TO MR. & MRS. LESTER HEINEN IN PAYMENT OF SEWER BACK UP CLAIM.

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68-61

AN ORDINANCE 36,148

AUTHORIZING THE EXECUTION OF CERTAIN INSURANCE CONTRACTS BY THE CITY OF SAN ANTONIO WITH THE AMERICAN AND FOREIGN INSURANCE COMPANY, THE COMMERCIAL UNION INSURANCE COMPANY, AND THE GLOBE INDEMNITY COMPANY, AND AUTHORIZING THE PAYMENT OF INSURANCE PREMIUMS IN THE AGGREGATE SUM

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66-577

AN ORDINANCE 36,149

AMENDING ALLIGATOR GARDEN CONTRACT WITH G. W. KINBRELL TO PERMIT INCREASE IN ADMISSION PRICES.

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66-999 Mr. Frances Vickers, Convention Center Facilities Director, explained the following ordinance, and on motion of Dr. Calderon, seconded by Mr. Trevino, was passed and approved by the following vote: AYES: McAllister, Calderon, James, Gatti, Trevino, Torres; NAYS: None; ABSTAINED: Jones; ABSENT: Cockrell, Parker.

AN ORDINANCE 36,150

ESTABLISHING ADMISSION CHARGES TO THE  
TOWER OF THE AMERICAS AND DESIGNATING  
THE HOURS OF OPERATION.

\* \* \* \*

68-62 Mr. Frances Vickers, Convention Center Facilities Director, explained the following ordinance, and on motion of Mr. Trevino, seconded by Mr. Jones, was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Torres; NAYS: None; ABSENT: Cockrell, Parker.

AN ORDINANCE 36,151

AUTHORIZING EXECUTION OF A CONTRACT WITH  
GREYHOUND HIGHWAY TOURS, INC. PROVIDING  
FOR THE USE OF TOUR COUPON TICKETS FOR  
ADMISSION TO THE TOWER OF THE AMERICAS,  
AND AUTHORIZING SIMILAR CONTRACTS WITH  
OTHERS.

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The Mayor asked Mr. Vickers to study the proposed moat to be constructed around the Tower of the Americas and to give the Council his opinion and observations on the proposal.

Members of the Administrative Staff explained 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.

68-63

AN ORDINANCE 36,152

AMENDING SECTION 38-95.1 OF THE CITY CODE TO PROHIBIT PARKING AT CERTAIN TIMES BY UNAUTHORIZED VEHICLES IN CITY-OWNED PARKING LOTS; AND PROVIDING A FINE NOT TO EXCEED \$200.00 FOR VIOLATION THEREOF.

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68-64

AN ORDINANCE 36,153

ACCEPTING STATE HIGHWAY COMMISSION MINUTE ORDER NO. 60317 PERTAINING TO U. S. 281 NORTH EXPRESSWAY ILLUMINATION SYSTEM.

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68-65

AN ORDINANCE 36,154

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE SOUTHERN PACIFIC COMPANY PROVIDING FOR THE INTERCONNECTION OF A TRAFFIC SYSTEM TO BE INSTALLED AT EAST COMMERCE AND HOEFGEN STREETS WITH THE RAILROAD'S FLASHER LIGHTS AT ITS EAST COMMERCE STREET CROSSING.

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68-66

AN ORDINANCE 36,155

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE TEXAS HIGHWAY DEPARTMENT PROVIDING FOR USE BY THE CITY OF STATE-OWNED RIGHT OF WAY FOR INTERSTATE HIGHWAY 37 AS A TEMPORARY PUBLIC PARKING AREA.

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65-380

AN ORDINANCE 36,156

AUTHORIZING EXECUTION OF A CONTRACT WITH SAN ANTONIO FAIR, INC. ASSIGNING THE CITY'S RIGHT TO USE CERTAIN INTERSTATE HIGHWAY 37 RIGHT OF WAY FOR TEMPORARY PUBLIC PARKING PURPOSES.

\* \* \* \*

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Councilman Torres asked City Manager Henckel if the study on railroad crossings has been completed.

Mr. Henckel stated that he has met with railroad officials and felt that progress is being made. He explained that Texas A & M University has also been working on a state wide basis gathering information for IBM Cards which, when completed, will show what type of signals are used, what crossings do not have signals and the type of construction of each railroad crossing. He stated the report will be completed very shortly. The City can use the Bexar County portion of their report.

Mr. Gatti asked Mr. Stewart Fischer, Director of Traffic and Transportation, to brief the Council on the first meeting of the Traffic Committee.

Mr. Fischer stated that the attendance was exceptional for the first meeting. He felt the Committee recognized that the City traffic plans are developing properly and that they will, in his opinion, make substantial contributions to the traffic situation in the downtown area.

City Manager Gerald Henckel explained 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.

67-474

AN ORDINANCE 36,157

AMENDING THE PAY SCHEDULE CONTAINED IN THE 1967-68 CITY BUDGET APPROVED BY ORDINANCE 35638 OF JULY 27, 1967.

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68-67

AN ORDINANCE 36,158

AMENDING THE CURRENT BUDGET BY ESTABLISHING A MODEL CITIES PROGRAM; AUTHORIZING THREE ADDITIONAL EMPLOYEE POSITIONS AND PROVIDING FUNDS FOR THE BALANCE OF 1967-68 FISCAL YEAR.

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68-68 City Manager Gerald Henckel explained the following ordinance and on motion of Mr. Jones, seconded by Mr. Trevino, was passed and approved by the following vote: AYES: McAllister, Calderon, Jones, James, Gatti, Trevino, Torres; NAYS: None; ABSENT: Cockrell, Parker.

AN ORDINANCE 36,159

APPROVING A REVISED AGREEMENT WITH THE ALAMO AREA COUNCIL OF GOVERNMENTS AND AUTHORIZING PAYMENT OF 1968 CITY DUES IN THE AMOUNT OF \$20,405.97; ALSO AUTHORIZING A TRANSFER OF FUNDS.

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Councilman Torres asked Councilman Jones, a member of the Alamo Area Council, what the functions of the organization are.

Mr. Jones explained that their function is to approve all requests for funds from the various governmental agencies to determine if there are any overlapping requests. He stated that the executive committee meets the first Tuesday of every month in the Three A Life Building and invited Mr. Torres to attend the next meeting.

Members of the Administrative Staff explained 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.

68-69

AN ORDINANCE 36,160

ACCEPTING THE OFFER OF MAIN LINCOLN MERCURY, INC. FOR A 1969 LINCOLN CONTINENTAL FOUR-DOOR SEDAN, WHEN AVAILABLE.

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68-70

AN ORDINANCE 36,161

AUTHORIZING THE TRANSFER OF \$17,498.05 FROM THE GENERAL FUND CONTINGENCY ACCOUNT TO THE CITY CLERK'S ACCOUNT IN ORDER TO PROVIDE FUNDS FOR PAYMENT OF EXPENSES INCURRED IN CONNECTION WITH THE RECENT SALES TAX ELECTION.

\* \* \* \*

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68-71

AN ORDINANCE 36,162

ACCEPTING THE ATTACHED LOW QUALIFIED  
 BID OF VULCAN SIGNS & STAMPLINGS, INC.  
 TO FURNISH THE CITY OF SAN ANTONIO  
 DEPARTMENT OF TRAFFIC AND TRANSPORTATION  
 WITH CERTAIN ALUMINUM SIGN BLANKS FOR A  
 NET TOTAL OF \$7,859.50.

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65-1329

AN ORDINANCE 36,163

EXTENDING FOR A ONE-YEAR PERIOD CERTAIN  
 BUILDING RESTRICTIONS PERTAINING TO THE  
 RIGHT-OF-WAY AREA FOR THE SOUTHEAST EX-  
 PRESSWAY (I. H. 37).

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65-1327

AN ORDINANCE 36,164

EXTENDING FOR A ONE-YEAR PERIOD CERTAIN  
 PROVISIONS AND RESTRICTIONS CONCERNING  
 THE RIGHT-OF-WAY FOR THE NORTH EXPRESSWAY.  
 (U. S. 281 NORTH)

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67-834

first time.

The Clerk read the following ordinance for the

AN ORDINANCE 36,165

PROVIDING FOR THE EXTENSION OF CERTAIN  
 BOUNDARY LINES OF THE CITY OF SAN ANTONIO,  
 TEXAS AND THE ANNEXATION OF CERTAIN TERRI-  
 TORY CONSISTING OF 36.608 ACRES OF LAND,  
 WHICH SAID TERRITORY LIES ADJACENT TO AND  
 ADJOINS THE PRESENT BOUNDARY LIMITS OF THE  
 CITY OF SAN ANTONIO.

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Mr. Steve Taylor, Planning Director, explained  
 that the proposed annexation is at the request of the owner,  
 Denton Development Company, and is known as Whispering Oaks,  
 Units 1 and 2.

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No one spoke in opposition.

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

After discussion of the status of various annexations adjacent to the City Limits of San Antonio, the City Manager was directed by the Council to make a report on the possibility of future annexation of such areas as Meadow Cliff, Via Coronado, Valley Hi and others.

Mr. Torres asked the City Manager to explain the City's policy of dispatching fire equipment outside the city limits.

Mr. Henckel stated that the City dispatches all fire equipment in Bexar County, as well as cities around the City of San Antonio. When the City dispatcher receives an alarm he contacts the responsible fire department. Mr. Henckel then stated that he has no intentions of entering into any kind of agreement with any of these areas to use the City's equipment for fires outside of the San Antonio City Limits. However, sometimes it is hard to determine just where the city limits ends and as a result our fire equipment occasionally is dispatched through error to fires outside the city limits.

The petition of Mr. O. C. Mackey to temporarily rezone a ten acre tract of land located on Callaghan Road, Block E, NCB 11556, from residential to commercial zoning in order to provide over-night camping facilities for visitors during the HemisFair period was postponed for one week.

At this time Item 2 on the agenda was considered by the Council.

Mr. Steve Taylor, Planning Director, at the City Manager's instructions, presented to the City Council a general preliminary re-use plan for the Convention Center-HemisFair area. ( A copy of which is on file in the Office of the Planning Department)

He pointed out structures and uses in which commitments, by ordinance had been made by the Council. Emphasis was placed on after-Fair parking needs for the major use, the City's Convention Center, Performing Arts Complex.

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A multi-level parking structure was indicated south of the Arena, with a desired minimum capacity of 600 vehicles. It was recommended that access to the structure be provided both from Alamo Street and from the east, via Market and Commerce Streets.

Mr. Taylor pointed out the need for separation of vehicles and pedestrian traffic which would be accomplished by an underground and/or depressed section on a part of the vehicular access south of the Arena.

By conversion of the HemisFair Lake Pavilion, a second (five or six level) parking structure would be provided after the Fair.

Other points mentioned included:

- (a) 60 - 70 car "ticket purchase" parking area;
- (b) Local transit and charter access from the east to the major Arena entrance and to Tower-Restaurant complex;
- (c) Retention of as much waterway and mini-rail as feasible, for possible use after-Fair;
- (d) Provision of expansion area for the Exhibit Hall;
- (e) Need for 2800 - 3000 total vehicle parking for known uses on site.
- (f) Requests of San Antonio Independent School District and Inter-American Educational Agency for use of the Federal Pavilion, the Women's Pavilion, RCA Building and adjacent structures, after-Fair.

Mr. Henckel then requested that the Council appoint a committee of citizens to meet with the Staff to determine possible uses for the HemisFair area after the Fair.

After discussion by the Council, the Mayor stated that he would appoint a committee immediately.

Mr. B. M. Copeland requested the Council's permission to operate an ACA' Tour Train under an exclusive franchise in the City of San Antonio on a designated route.

After discussion by the Council, Mr. Copeland was directed to submit a formal petition with the City Clerk giving the details of the operation for the Council's consideration.

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The Mayor recognized Mr. Oscar Hakala, Director of the Federal Program for the San Antonio Independent School District.

Mr. Hakala stated that he is speaking to the Council, on behalf of 150,000 students in Bexar County. He explained that the different school boards have started working with the Inter-American Education Center in the HemisFair area. He pointed out the possible uses of the Inter-American Education Building as well as the U. S. Pavilion and felt that more buildings in the government section which lie to the northwest of the Federal Pavilion should be dedicated for the use of the students in the post Fair period.

He stated these buildings would create a center for creative expression, a theatre for the performing arts, a laboratory for creative arts such as painting, sculpture, and drama; a music center for the San Antonio Youth Symphony and a student center for social development. In addition to these, there could be vocational and technical training centers for the students attending high schools in this area who could be bused to the center for two or three hours a day for instruction. Also a teacher training center could be set up with such features as closed circuit television and video tape recordings.

He stated that there are many more uses for the Inter-American Education Center, as well as the other buildings, if permission is given by the Council.

Councilman Torres stated he had heard about the work of Mr. Hakala with the students of this area and said his wife had been one of his students. He complimented Mr. Hakala for his work with school administrators and wished he and Mr. Miller good luck in the forthcoming school bond election.

Councilman Jones also stated that he was familiar with Mr. Hakala's fine work as he is one of the staunch members of the EODC Board and has had many interesting experiences over the past year in this field.

Mayor McAllister thanked Mr. Hakala for his presentation and stated he thought there are great possibilities for the Schools of Tomorrow.

Mrs. Frances Levenson thanked Mayor McAllister for his personal reception to the Premier of Israel who arrived in San Antonio during the recent bad weather.

She said that she also is in favor of Mr. Hakala's presentation and felt that some action should be taken to operate the school system on a twelve month basis.

Mayor McAllister thanked Mrs. Levenson for her remarks and suggested that she appear before the school board with her recommendations.

Councilman Torres stated that he has several questions for the City Manager at this time.

He asked for a report on the status of what the City is doing to advertise for personnel in the veterinarian position which was recently put on a contract basis and given to a retired employee due to the City's inability to hire anyone for this position at that time.

City Manager Henckel stated he was not familiar with the steps being taken, but would check into it and report back to the Council.

Councilman Torres stated that it had been called to his attention on three or four occasions that there are a large number of accidents occurring on the major thoroughfares adjacent to our shopping centers. He said he had seen two accidents himself on Fredericksburg Road in front of the Northwest Shopping Center.

He asked Mr. Henckel and the Staff to study the possibility of installing amber lights on the approaches to these areas.

Councilman Torres asked if the Staff could prepare an estimate of the flood damage that occurred last week and also what could be done to correct the situation, including the Six Mile Creek. He stated he was upset by the loss of life during the flood.

Mr. Henckel stated that while they have a rough estimate at the present, he would see that a full report is prepared for the Council.

Councilman Torres stated that he attended a Police Officers Association Meeting two days ago and is concerned about a letter received by the Council this morning which contains the following requests from the Police Officers Association:

1. That we be given a 25% pay raise, no less, which would still be under other cities such as Houston and Dallas. We are suffering a disgraceful manpower shortage and more pay would attract more and better men. This would also keep the men who have contemplated resigning.
2. That payroll deduction be placed into effect, whereby police officers can deduct their dues to any of the three police organizations which we now have. Insurance and credit union payments are under payroll deductions. Why can't we also have this privilege?

3. In order to discourage officers from taking sick leave during and after HemisFair, allow accumulated sick leave without limit. It would actually save the City money, and afford more manpower for HemisFair.

4. Increase pension benefits. The ceiling was taken off of the the retirement for other City employees. Many trained and valuable policemen are leaving the City employment to seek government jobs, because of better pay and better retirement. Many of the officers have given up five to ten years in our retirement system, because of better retirement offered by other employers. We are not covered by social security.

Mr. Henckel stated he had not received this letter, but will study the request and make a report.

Mr. Torres suggested that Members of the Council should attend the Texas University Board of Regents meeting to be held tomorrow (Friday, January 26, 1968) in regards to the use of HemisFair land for a four year college. He stated that Mr. Frank Lombardino, State Representative, has pushed hard for this project and it is now almost reality. He felt the Council should make known to the Board of Regents their support and the community's desire to obtain a four year college here.

After discussion, the Mayor directed the City Clerk to prepare a resolution expressing the Council's support in obtaining a four year college. The resolution to be presented to the Board of Regents at their meeting Friday.

66-1175 Councilman Torres asked the City Manager if the Staff has had time to study the proposed amendments to the Minimum Wage Ordinance which he had submitted two weeks ago.

Mr. Henckel stated he has not received a report from the Legal Staff as yet, but hoped to have a report ready by next week.

In answer to a question from Mr. Torres, Mr. Howard Walker, City Attorney, stated that the oral arguments on the present Minimum Wage Ordinance will be heard in court on February 7, 1968 and there is no doubt that some of the points will become moot and further explained that the Legal Department now has two separate proposals for amending the ordinance. One that Councilman Torres submitted and one from the Minimum Wage Director, which consists of approximately thirty-five pages.

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Both are being studied at this time. He stated that it was the original thinking that the City would be in a better position to make a determination with reference to a proposed amendment if the Court has ruled on the case before it in regards to whether the City has the rights it claims.

He explained that it is a matter of policy whether any consideration should be given to the proposed amendments or whether to wait until the Court has been given a chance to rule on the matter.

Councilman Torres then asked if the ordinance is not amended, as it stands at its present state, wouldn't it be possible that the Court could entirely skirt around the present issue of whether or not the City does have the authority to have a Minimum Wage Ordinance? In other words, what we actually need to assist in this determination is the necessary amendments to the ordinance before the Court hears it. He felt this would put the City Legal Staff in a better position.

Mr. Walker stated that he agreed with Mr. Torres to the extent that it being a civil court, it will rule only on the point directly before it and may not even get to the constitutional question which we would hope it might do. The present ordinance, as written, does little or nothing from a legal standpoint. It is a delineation of deportment. He explained the proposed ordinances are penal in nature, and when they are tested in court, the civil courts will have nothing to say about it. They will then go and eventually land in the court of criminal appeals, and to that extent, it is the feeling of the Legal Staff that we should be extremely careful how they are drawn up because of the degree of proof required. Even the attitude of the Court of Criminal Appeals will be entirely different with reference to constitutional questions than the opinion of the civil court. We hope the civil court will give a decision and comment on the constitutionality and to that extent it would be beneficial. He added that whether or not the criminal court would follow that line of thinking when they interpret the criminal aspect, he does not know.

After further discussion by the Council, Mr. Walker stated the civil court which now has the case may not rule on the constitutionality or the right of the City to have adopted the ordinance in the first place. They may only at this point, rule on: does the plaintiff have a right to be in court, was he injured, and if they stop at that point, they will merely say we do not grant an injunction; we do not grant anything; and the case will lie at that point. He stated in reference to the question of the constitutionality of the rights of the City to subpoena an employer's business records, as set out in the proposed amendment, it would be necessary to file a criminal complaint of some kind under the ordinance.

At which point the man who has been arrested because he either won't show you his records or he won't open up his books to you, or he won't do whatever it is that you are asking him to do in this ordinance, will test this out in criminal court at which time the rules of criminal law and criminal procedure are going to apply. In this regard, Mr. Walker stated he didnt think there was any doubt that the constitutionality of the ordinance will be a question the Court will have to rule on and felt it would go all the way to the Court of Appeals. But this is provided for in either or both of the proposed amendments and they carry penal provisions which require the employer to do certain things. If the employer does these things, the penal provision does not apply. If an employer decides he doesnt like this, he will undoubtedly fight it and the constutional question becomes an issue and will have to be settled by a criminal court rather than a civil court.

After lengthy discussion, City Manager Henckel stated he would furnish the Council copies of the proposed amendments suggested by the Minimum Wage Director.

68-51

The Clerk read the following letter.

January 23, 1968

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

Gentlemen and Madam:

The following petitions were received in my office and forwarded to the City Manager for investigation and report to the City Council.

- 1-16-68            Petition of Morman & Mok requesting a variance for the construction and operation of a camper park during HemisFair on property known as Lot 19, NCB 10626 located at the northeast corner of East Houston Street and Interstate Highway 10 consisting of 3.906 acres. (Construction will be in accordance with General Plan)
- 1-18-68            Petition of Columbia Heights Civic Action Council and Citizens of Columbia Heights requesting that dressing room facilities be constructed at the Southcross Swimming Pool.
- 1-22-68            Petition of Mr. Howard B. Dye, 660 Thompson Pl., requesting the City to abate the noise nuisance created by Fisher's Garage, located on the corner of Walton Avenue and South Zarzamora because the petitioner claims the property is zoned residential.

/s/ J. H. INSELMANN  
City Clerk

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

A P P R O V E D:

*Walter W. Rucker*  
M A Y O R

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