

# TEXAS HISTORICAL COMMISSION

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## MINUTES

Videoconference Meeting

September 22, 2020

9 a.m.

### 1. Call to Order and Introductions

Chairman John Nau called the meeting of the Texas Historical Commission (THC) to order at 9:01 a.m. on September 22, 2020. He announced the joint meeting with the Antiquities Advisory Board (AAB) was posted to the *Texas Register*, was being held in conformance with the Texas Open Meetings Act, Texas Government Code (TGC), Chapter 551, and that notice had been properly posted with the Secretary of State's office as required. He further announced that, pursuant to the Governor's March 13, 2020 proclamation of a state of disaster declaration due to the Coronavirus (COVID-19) and March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act, the joint meeting was being held by videoconference as authorized under Texas Government Code section 551.127.

#### 1.1 Welcome

Chairman John L. Nau, III welcomed the attendees to the meeting.

#### 1.2 Pledge of Allegiance

Vice-Chairman John Crain led the group in reciting the U.S. pledge of allegiance and Chairman Nau led the group in reciting the Texas pledge of allegiance.

#### 1.3 Commissioner roll call

All commissioners were present as follows:

Earl Broussard	Renee Dutia	Laurie Limbacher
Jim Bruseth	Lilia Garcia	Catherine McKnight (arrived at 10:08 a.m.)
Monica Burdette	David Gravelle	Tom Perini
John Crain	John Nau	Pete Peterson
Garrett Donnelly	Wallace Jefferson	Daisy White

#### 1.4 Establish quorum

Chairman Nau reported a quorum was present and declared the meeting open.

#### 1.5 Recognize and/or excuse absences

No absences were recorded.

### 2. Consider approval of easement renewal with Equistar Chemicals, LP at San Jacinto Battleground State Historic Site, Harris County

Deputy Executive Director of Historic Sites Joseph Bell reported an existing easement between the Texas Parks and Wildlife Department (TPWD) and Equistar Chemical, LP, (Equistar) expired March 7, 2020 and had been extended month to month until the renewal could be approved by the THC. He explained that the TPWD had transferred the real property at San Jacinto Battleground State Historic Site, Harris County, to the THC and THC had negotiated a 10-year renewal of the easement for an 8-inch OD pipeline for the purpose of transporting Ethyl Tertiary Butyl Ether (ETBE). Bell noted the term of the agreement was April 1, 2020 to March 31, 2030 with annual payments of \$3,000. He also stated that THC's draft easement developed by the Office of the Attorney General had been forwarded to Equistar Chemical for review and approval.

Commissioner John Crain moved, Commissioner David Gravelle seconded, and the commission voted

unanimously to approve the renewal of an easement grant and authorize the Executive Director to sign the finalized easement for the pipeline with Equistar Chemical, LP.

**3. Consider approval of easement renewal for underground facilities with Southwestern Bell Telephone Company at San Jacinto Battleground State Historic Site, Harris County**

Bell reported an existing easement between TPWD and Southwestern Bell Telephone Company expired April 30, 2020 and had been extended month to month until renewal could be approved by the THC. He also noted that TPWD had transferred the real property at San Jacinto Battleground State Historic Site located in Harris County to the THC and the THC, in turn, negotiated a 10-year renewal of the easement for underground utilities for a one-time payment of \$10,000. He explained that the term of the agreement would begin on the date signed by both parties and terminate after a period of 10 years. Bell further noted that THC's draft easement, developed by the Office of the Attorney General, had been forwarded to Southwestern Bell Telephone Company for review and approval. Commissioner Pete Peterson moved, Commissioner Jim Bruseth seconded, and the commission voted unanimously to approve the renewal of the easement grant and authorized the Executive Director to sign the finalized easement for underground facilities with Southwestern Bell Telephone Company.

**4. Ratification of action approved by the Executive Committee on August 17, 2020:**

**A. Contract amendment (808-19-00360 with Phoenix 1 Restoration and Construction, Ltd. – increase up to \$75,000 and extend contract through November 30, 2020**

**B. Contract amendment (808-18-0652) with Hutson Gallagher, Inc. – extend contract through November 30, 2020**

THC Executive Director Mark Wolfe reported that several action items that would typically be acted upon by the full commission were instead acted upon by the Executive Committee in a meeting that took place on August 17, 2020 due to timing issues with the contracts. He explained that the contract amendments were being presented to the full Commission for ratification as provided in the Texas Administrative Code Title 13, Part 2, Chapter 11, Subchapter A, section 11.5. Commissioner Peterson moved, Commissioner Tom Perini seconded, and the commission voted unanimously to ratify the Executive Committee's decision to approve the amendments for contract #808-19-00360 with Phoenix 1 Restoration and Construction, Ltd. and contract #808-18-0652 with Hutson Gallagher, Inc. as noted above.

At 9:14 a.m., Chairman Nau yielded the floor to the Antiquities Advisory Board (AAB) Chairman Jim Bruseth. Chairman Bruseth called roll and noted a quorum was present with all AAB members in attendance. He convened the AAB meeting, welcomed the group, and thanked them for their participation. Chairman Bruseth yielded the floor back to Chairman Nau and the AAB subsequently met concurrently with the THC for a presentation on the Antiquities Permit application regarding the Alamo.

**5. Public comment**

Comments were provided in opposition to the relocation of the Cenotaph from Alamo Plaza by the following legislators:

- Lieutenant Governor Dan Patrick
- Senator Robert (Bob) Hall
- Senator Brandon Creighton
- Representative Steve Toth
- Representative Mayes Middleton
- Representative Kyle Biedermann

Additional comments were subsequently provided by approximately 200 public citizens both in favor of and against the relocation of the Cenotaph from the Alamo Plaza.

## **6. Discussion and possible action regarding the Historic Buildings and Structures Permit Application #1033 for The Alamo Plan – Phase 1, including restoration and possible relocation of the Cenotaph, Alamo Plaza, San Antonio, Bexar County**

Chairman Nau called on Executive Director Wolfe to provide a brief background on permit application #1033 for The Alamo Plan – Phase 1. Wolfe reported the THC had been issuing permits for work on and around the Alamo complex for decades. He noted that, most recently, the agency had processed and approved several permits in support of the General Land Office’s (GLO) efforts at the Alamo for both architectural and archeological work with no fewer than 10 permits issued since 2017. Wolfe stated that the approval of all permits during that period demonstrated the agency’s support for the project. Additionally, he noted the agency had also approved the GLO’s recent application for historic cemetery status for the Alamo Chapel after several discoveries of human remains. Wolfe reported that the application under consideration was submitted by the City of San Antonio and encompassed the restoration and relocation of the “Spirit of Sacrifice” (aka the Cenotaph) from its current location to outside the historic walls of the compound. He explained that the permit application had been previously presented to the commission, but a vote had been postponed due to a request for further information and a different option for relocation was identified. Wolfe stated that, in the interim, the COVID-19 pandemic had intervened and further delayed consideration of the permit application. He noted that commissioners had received hundreds of emails, letters, and phone calls regarding this topic; heard public comments over several commission meetings; and would be hearing a report from the applicants on the changes to the permit. Wolfe noted that commissioners had a complete application in their meeting packets and had been provided with three possible options; however, the third option, to repair the Cenotaph in its current location, was deemed by the City of San Antonio to not be an option they would consider, therefore, there were only two choices for the permit application—to deny or approve it. In closing, Wolfe clarified that the AAB’s role was to provide a recommendation to the commission on the permit application.

San Antonio City Councilman Roberto Trevino, San Antonio Assistant City Manager Lori Houston, and Congressman Will Hurd, presented various aspects of The Alamo Plan – Phase I in support of the permit application. They stated the project’s goal was to create a period neutral place, re-envision the plaza to tell the entire story of the Alamo, restore the church and long barracks, restore the 1836 footprint, and create a world-class visitors center. The group asserted that the Cenotaph, dedicated in 1940, dominated the sense of place and detracted from the original 1836 Alamo footprint. Additionally, Houston reported that expert recommendations were to start with a stronger foundation for the Cenotaph and abandon the current one. Houston also noted that renovation of the Cenotaph in its current location could potentially cause damage to the nearby long barracks. Trevino noted the proposed new location for the Cenotaph would ensure the structure would maintain a place of honor and reverence. Houston reviewed the guiding principles of the project, provided a history of the public meetings held, polls, surveys, extensive public engagement, and coordination with the THC. She also reviewed the basic plan elements including the restoration of the church and long barracks; delineation of the footprint; recapture of the Plaza from four to 10 acres; creation of a sense of arrival; and building a world-class visitors center and museum. She noted that the relocation of the Cenotaph was necessary to effectively implement those basic plan elements and would provide an unobstructed view of both the church and the long barracks and foster a sense of arrival outside the main gates. Houston provided a summary of necessary repairs to the roof, walls, and the exterior wall foundations of the Alamo chapel and long barracks. She also noted that a new location for the Cenotaph had been identified in response to Commissioners’ concerns in previous meetings. Congressman Hurd noted the plan would create an open-air museum, an economic boost, a “sense of arrival,” and, with the completion of the visitors center, a world-class experience. He stressed the importance of keeping the momentum moving forward and provided a review of public polls/surveys. Congressman Hurd explained that the objective was to complete the project by 2024 in four phases with many more batches of permit requests to be submitted. In closing, the group affirmed that failure to approve the permit under consideration would put the entire project in jeopardy.

Questions from commissioners and AAB members regarding the loss of the State Antiquities Landmark designation should the Cenotaph be relocated outside the SAL boundary were met with assurances that the Cenotaph would be re-designated or the current SAL boundary would be extended to include the Cenotaph in its new location if moved. In response to questions about the possible degradation of the materials used to build the Cenotaph, the consultants conceded that they had not confirmed that aluminum had been used as was indicated in the original drawings. Additional concerns were raised regarding the fact that the plan was developed under the assumption that the Cenotaph would be moved with no contingency plans in place in the event that the permit to relocate the structure was not granted.

Further questions and discussion ensued regarding possible vibration damage to the long barracks and the Menger Hotel; plans for the current foundation if the structure was relocated; the depth of a new foundation; timeline, design, and fundraising plans for a visitors center; and the implications of moving a historic structure simply because it did not fit into a contemporary plan.

Chairman Nau thanked everyone who took the time to provide comment and noted the interest was a testament to the importance the Alamo and the Cenotaph have in the hearts of all Texans. He commented on the number of times he heard that a visit to the Alamo was an underwhelming experience and noted the consensus regarding the importance of creating a stellar visitors center. Chairman Nau noted that the Cenotaph honored a group of individuals with a strong commitment to the independence and dedication of a fledgling republic, ideals that led them to give their lives in its defense. He agreed with previous comments that the city grew up around the Alamo and that the plaza, along with the Cenotaph, church, and long barracks had deteriorated, needed repair, and should be protected. Chairman Nau expressed his opinion that the Alamo Plan was far too important to this commission, the state, and the City of San Antonio to suggest that the entire project depended upon granting a single permit request. Additionally, he stated that a monument to the fallen should be placed where they fell/where the blood flowed. In closing, he stated the THC remained committed and enthusiastic about working alongside the Alamo Trust to create a visitor experience worthy of the state's most symbolic and revered landmark. Chairman Nau called on Wolfe to explain the results of an online poll for those citizens who wanted to express their opinion but did not necessarily want to address the commission. Wolfe stated the results of the online poll were as follows:

- 1,625 in favor of moving the Cenotaph
- 29,003 opposed to moving the Cenotaph

Chairman Nau yielded the floor to AAB Chairman Bruseth who read the proposed motions. AAB member Jon Lohse moved that the AAB send forward to the Commission and recommend authorizing the Executive Director to issue Historic Buildings and Structures Antiquities Permit #1033 for The Alamo Plan – Phase 1, including Cenotaph relocation and restoration, as modified in Revision 2 to the permit application as proposed by the City of San Antonio and require the City of San Antonio to nominate the Cenotaph as a State Antiquities Landmark at its relocation site prior to staff acceptance of the permit completion report. Member Dan Utley seconded the motion and AAB deliberations ensued. Various members expressed their opinions including the fact that there was no compelling reason to move the Cenotaph; no need to change the history of the Alamo; the situation offered a wonderful opportunity to expand on the cultural, religious, immigration, and women's history; concern over losing the history that occurred after the battle; and the fact that the Cenotaph, in its current location, was a contributing historical element according to the Secretary of the Interior's Standards. Chairman Bruseth called for a vote and the motion carried with six in favor (Lohse, Boyd, Troell, Lewis, Utley, Ward), three against (Garcia, Limbacher, Alston), and one abstention (Bruseth). On the motion of the chair, and without objection, the meeting was adjourned at 6:22 p.m. Chairman Bruseth yielded the floor to Chairman Nau.

Chairman Nau called on Vice-Chair Crain to read the motion. Vice-Chair Crain moved to authorize the Executive Director to issue Historic Buildings and Structures Antiquities Permit #1033 for The Alamo Plan – Phase 1, including Cenotaph relocation and restoration, as modified in Revision 2 to the permit application as proposed by the City of San Antonio and require the City of San Antonio to nominate the Cenotaph as a State Antiquities Landmark at its relocation site prior to staff acceptance of the permit completion report. Commissioner Wallace Jefferson seconded the motion. Commissioner Jefferson commented on the enormous amount of civic engagement; the agency’s responsibility to ensure the monument was repaired; evidence that the monument could not be repaired in its current location; the domination of the Cenotaph; the detraction from the Alamo; and expressed his support for the motion. Commissioner Gravelle expressed his opinion that the size and scale of the monument was an exaltation of the sacrifice of the men who died there; that the relocation of the monument out of its place of honor would be a diminution of that sacrifice; and noted his opposition to the motion. Commissioner Broussard thanked all parties involved for their efforts; assured the commission that any restoration would adhere to the guidelines set by the National Historic Preservation Act; noted that, in 1936, the Daughters of the Republic of Texas were not in favor of the current placement of the monument but preferred the proposed site; and stated his support for the motion. Chairman Nau noted the consensus that there was a definite need for restoring and repairing the Cenotaph; his observation that large monuments across the nation had been restored in place as well as offsite but not restored and then relocated; that monuments to the fallen were placed where they fell; his dismay that the permit application was not submitted in two separate requests, one to repair and one to relocate the Cenotaph; and his concern that the relocation was outside of the battle walls. With no other comments received, Chairman Nau called for a vote. The motion failed with two in favor (Broussard and Jefferson), 12 against (Bruseth, Burdette, Donnelly, Dutia, Garcia, Gravelle, Limbacher, McKnight, Nau, Perini, Peterson, and White) and one abstention (Crain). Comments were made thanking the commissioners and the public for their participation; expressing eagerness to move forward in working with the City of San Antonio, the GLO, and the Alamo Trust; and articulating confidence that a world-class experience would be achieved.

## **7. Chairman’s Report**

Chairman Nau thanked the commissioners for their attendance, THC Digital Engagement Coordinator Isabel Ray for her excellent job moderating the videoconference, and the representatives from the City of San Antonio for their work. He urged the City of San Antonio, the GLO, and the Alamo Trust to offer an alternative to moving the Cenotaph, perhaps recommending it be repaired on its present site.

## **8. Adjourn**

On the motion of the chair, and without objection, the meeting was adjourned at 6:50 p.m.

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Gilbert “Pete” Peterson, Secretary

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Date