

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MARCH 12, 1970.

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The meeting was called to order by the presiding officer, Mayor Pro-Tem Lila Cockrell, with the following members present: COCKRELL, NIELSEN, TREVINO, HILL, CALDERON, TORRES, BURKE; Absent: McALLISTER, JAMES.

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70-11 The invocation was given by Rev. Eugene Nee, St. Peter, Prince of the Apostles Catholic Church.
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The minutes of the meeting of March 5, 1970 were approved.
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70-11 Consideration of Item 19 on the Agenda, being a Resolution approving the submission of a report on progress under the Workable Program to the Department of Housing and Urban Development, was postponed for one week to March 19.

Mr. M. Winston Martin, Executive Director of the Urban Renewal Agency, stated that they have had 23 proposals presented for housing in the Rosa Verde Urban Renewal Project and presented pictures of same for the Council's review.
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70-11 HEMISFAIR PLAZA

Mr. Alfred Rohde, representing the HemisFair Plaza Advisory Committee, asked the Council to approve an art contest for selection of a new HemisFair Plaza symbol and to approve the contest rules, copies of which have been presented to the Council.

On motion of Mr. Hill, seconded by Mr. Trevino, the Council authorized the holding of a contest for the selection of an official HemisFair Plaza symbol by the following vote: AYES: Cockrell, Nielsen, Trevino, Hill, Calderon, Burke; NAYS: Torres; ABSENT: McAllister, James.

Mr. Rohde then stated that the official grand opening day not be scheduled in April or early May. He suggested that the grand opening be held after all work is completed by the City and suggested the last weekend in May or the first weekend in June for this observance.

The City Manager concurred that the grand opening should be as suggested by the Committee, although HemisFair Plaza will be ready by the 18th of April to coincide with the opening of Fiesta Week.

After consideration, the Council was in agreement that the grand opening should be in the latter part of May or the first week in June.

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Mrs. Cockrell asked that when the Committee is prepared to recommend a definite opening date, the Council will act on it.

70-11 The Clerk read the following Ordinances, which were explained by Purchasing Agent, John Brooks, and after consideration on motion made and duly seconded were each passed and approved by the following vote: AYES: Cockrell, Calderon, Burke, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, James.

AN ORDINANCE 38,345

APPROVING THE ASSIGNMENT OF AN ANNUAL CONTRACT HELD BY CAPITOL SAND AND GRAVEL COMPANY TO McDONOUGH BROTHERS INCORPORATED FOR FURNISHING THE CITY WITH CERTAIN CONCRETE AGGREGATE AND SAND FOR THE BALANCE OF THE FISCAL YEAR.

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AN ORDINANCE 38,346

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF BRO-DART, INC. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH CERTAIN PLASTIC RECORD CASES FOR A TOTAL OF \$1,460.00.

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AN ORDINANCE 38,347

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF EQUIPMENT SERVICE COMPANY OF SAN ANTONIO TO FURNISH THE CITY OF SAN ANTONIO WITH FOUR AIR OPERATED JACKS FOR A TOTAL OF \$2,076.00.

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AN ORDINANCE 38,348

ACCEPTING THE ATTACHED QUALIFIED BID OF M. JACKS FIRE & SAFETY EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH FIVE SELF CONTAINED BREATHING APPARATUS FOR A NET TOTAL OF \$1,499.00.

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AN ORDINANCE 38,349

ACCEPTING THE ATTACHED LOW QUALIFIED
BID OF HALL SIGNS, INC. TO FURNISH THE
CITY OF SAN ANTONIO DEPARTMENT OF TRAFFIC
AND TRANSPORTATION WITH CERTAIN ALUMINUM
SIGN BLANKS FOR A NET TOTAL OF \$4,072.50.

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AN ORDINANCE 38,350

ACCEPTING THE ATTACHED LOW QUALIFIED
BIDS OF MCKESSON CHEMICAL COMPANY AND
THOMPSON HAYWARD CHEMICAL COMPANY TO
FURNISH THE CITY OF SAN ANTONIO WITH
CERTAIN SWIMMING POOL CHEMICALS FOR
A TOTAL OF \$3,822.00.

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70-11 Consideration of Item 7 on the Agenda, being an Ordinance
for employee hospitalization insurance, was withdrawn at the request
of the City Manager.

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70-11 The following Ordinances were explained by Mr. Tom Raffety,
Director of Aviation, and after consideration on motion made and
duly seconded were each passed and approved by the following vote:
AYES: Cockrell, Calderon, Burke, Nielsen, Trevino, Hill, Torres;
NAYS: None; ABSENT: McAllister, James.

AN ORDINANCE 38,351

AUTHORIZING THE CITY MANAGER TO EXECUTE
A LEASE AGREEMENT WITH ALCOR AVIATION,
INC., FOR LEASE OF SPACE AT STINSON
MUNICIPAL AIRPORT FOR A FIVE YEAR TERM.

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AN ORDINANCE 38,352

AUTHORIZING THE CITY MANAGER TO EXECUTE
A LEASE AGREEMENT WITH SAN ANTONIO AVIATION,
INC., FOR LEASE OF SPACE AT STINSON
MUNICIPAL AIRPORT FOR A FIVE YEAR TERM.

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AN ORDINANCE 38,353

AUTHORIZING PAYMENT OF \$2,823.63 TO
AIRPORT OPERATORS COUNCIL INTERNATIONAL,
INC. CONSTITUTING THE ANNUAL MEMBERSHIP
FEE FOR THE DEPARTMENT OF AVIATION.

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AN ORDINANCE 38,354

APPROVING THE EXECUTION OF A DEED OF TRUST OF A LEASEHOLD AT STINSON MUNICIPAL AIRPORT, BY ALCOR AVIATION, INC., TO BROADWAY NATIONAL BANK, AS SECURITY FOR FINANCING TO CONSTRUCT IMPROVEMENTS ON THE LEASED PREMISES.

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AN ORDINANCE 38,355

MANIFESTING AN AGREEMENT WITH COMMUTER AIRLINES OF TEXAS, INC., D/B/A AIR TEXAS TO EXTEND THE PRESENT AGREEMENT FOR LEASE OF SPACE IN THE BAGGAGE WING OF THE INTERNATIONAL AIRPORT MAIN TERMINAL BUILDING FOR AN ADDITIONAL SIX MONTHS PERIOD, UPON THE SAME TERMS AND CONDITIONS.

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70-11 The Clerk read the following Ordinance:

AN ORDINANCE 38,356

MAKING AND MANIFESTING A CONTRACT WITH GLENN ADVERTISING INCORPORATED TO FURNISH CERTAIN ADVERTISING AND PROMOTIONAL SERVICES FOR THE CITY'S CONVENTION AND VISITORS BUREAU DEPARTMENT FOR A TOTAL COST NOT TO EXCEED \$83,000.00.

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Mr. Wally Hall, Director of the Convention Bureau, stated that this Ordinance authorizes the expenditure of funds previously transferred to this department for the purpose of advertising. This provides for the expenditure of funds through Glenn Advertising, Inc. for the purpose of advertising conventions and visitors, as recommended by the Convention Bureau Advisory Committee and the Staff.

Mr. Hall then advised the Council that the Convention Bureau has received an Award of Excellence presented by the Advertising Association of San Antonio for direct mail advertising, single entry, by Glenn Advertising, Inc. A second Award of Excellence was presented for business publications award, corporate campaign, "Forget the Alamo," by Glenn Advertising, Inc. The third award was presented to the Visitor Department, under the supervision of Mr. Walt Warner, for the best consumer magazine ad campaign in any size for the poster "One of America's Four Unique Cities."

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

70-11 The Clerk read the following Ordinance, which was explained by Mr. Bob Frazer, Director of Parks and Recreation, and after consideration on motion of Mr. Hill, seconded by Mr. Trevino, was passed and approved by the following vote: AYES: Cockrell, Calderon, Burke, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, James.

AN ORDINANCE 38,357

AUTHORIZING THE CITY PUBLIC SERVICE BOARD TO INSTALL AND MAINTAIN AN ELECTRIC TRANSMISSION LINE WITHIN THE EAST (15') FEET OF CITY PARK PROPERTY LOCATED IN NEW CITY BLOCK 12766.

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70-11 UNDERGROUND UTILITIES

In connection with the foregoing Ordinance, Mayor Pro-Tem Cockrell inquired as to what the City Public Service Board is doing in relation to installing underground utilities and what they plan to do along these lines.

City Manager Henckel advised that he was working with the City Public Service Board and the homebuilders on this matter and hoped to have a report on underground utilities in the near future.

70-11 Item 15 on the Agenda, being a Resolution naming the tennis courts in San Pedro Park, as John McFarlin Tennis Center, was withdrawn from consideration at the request of the City Manager.

70-11 The following Ordinances were explained by Mr. W. S. Clark, Land Division Chief, and after consideration on motion made and duly seconded were each passed and approved by the following vote: AYES: Cockrell, Calderon, Burke, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, James.

AN ORDINANCE 38,358

AUTHORIZING A TRANSFER OF FUNDS AND APPROPRIATING \$4,620.00 OUT OF GENERAL FUND SURPLUS FOR ACQUISITION OF CERTAIN PROPERTY IN CONNECTION WITH THE SAYERS AVENUE PROJECT; APPROPRIATING \$5,830.00 OUT OF SEWER REVENUE BONDS FOR PURCHASE OF EASEMENTS PERTAINING TO THE SALADO CREEK SEWER OUTFALL PROJECT; ACCEPTING

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TWO EASEMENTS IN CONNECTION WITH THE
SAME PROJECT; AND APPROPRIATING
\$13,664.40 OUT OF NORTH EXPRESSWAY
BONDS FOR PURCHASE OF RIGHT-OF-WAY.

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AN ORDINANCE 38,359

ACCEPTING HIGH BIDS FOR SALE OF CERTAIN
CITY-OWNED IMPROVEMENTS WITHIN THE
INTERNATIONAL AIRPORT SURPLUS TO THE
AVIATION DEPARTMENT'S NEEDS, MAKING
AND MANIFESTING BILLS OF SALE THERETO
AND REJECTING ALL OTHER BIDS; (WILBERT
VAULT COMPANY, \$1,733.00, BUILDING #56;
D. STEVENS, \$55.00, BUILDING #57; W. M.
WENTWORTH, \$210.00, BUILDING #65).

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70-11 Item 18 on the Agenda, being an Ordinance closing and abandoning certain streets and alleys in an Urban Renewal Project, Rosa Verde Tex. R-78; authorizing the City Manager to execute a quitclaim deed to said streets and alleys to the Urban Renewal Agency of the City of San Antonio; retaining certain temporary easements for streets and utilities pending the completion of the project, was withdrawn from consideration at the request of the City Manager.

70-11 The following Ordinance was explained by Mr. Clayton Fowler, Public Utilities Supervisor, and after consideration on motion of Mr. Trevino, seconded by Mr. Hill, was passed and approved by the following vote: AYES: Cockrell, Calderon, Burke, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, James.

AN ORDINANCE 38,360

EXTENDING THE CURRENT AGREEMENT WITH
THE BEXAR METROPOLITAN WATER DISTRICT
PERTAINING TO THE COLLECTION OF CITY
SEWER CHARGES FOR AN ADDITIONAL TEN
YEAR PERIOD COMMENCING THE 25TH DAY
OF APRIL, 1970.

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70-11 The Clerk read the following Ordinance:

AN ORDINANCE 38,361

DETERMINING THAT THE PREMISES LOCATED AT 3938 BUNCHE ROAD 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.

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Mr. George D. Vann, Director of Housing and Inspections, explained that the owner, Mr. Sam H. Schaefer, was sent written notice by certified mail notifying him of the hearing today.

Mr. Vann then reviewed the efforts to have the property demolished or repaired and presented a picture of the property showing its condition for consideration by the Council. He asked that the Council find the property to be a nuisance under the dangerous premises ordinance.

Neither Mr. Schaefer nor a representative was present at the hearing.

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

70-11 The following Ordinance was explained by Mr. Raymond Weber, Condemnation Attorney, and after consideration on motion of Mr. Hill, seconded by Dr. Nielsen, was passed and approved by the following vote: AYES: Cockrell, Calderon, Burke, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, James.

AN ORDINANCE 38,362

APPROPRIATING \$385.00 OUT OF STREET IMPROVEMENT BONDS, 1964, FUND NO. 489-01 PAYABLE TO THE COUNTY CLERK OF BEXAR COUNTY SUBJECT TO THE ORDER OF R. O. MONSALVO, ET UX, SAID AMOUNT BEING IN SATISFACTION OF BALANCE DUE ON FINAL JUDGMENT IN CONDEMNATION CASE NO. C-488 FOR ACQUISITION OF 0.8781 OF AN ACRE STRIP OF LAND RUNNING DIAGONALLY ACROSS DEFENDANTS' LOT NEEDED FOR STREET PURPOSES AND DAMAGES TO REMAINDER OF SAID TRACT, BEING OUT OF LOT 16, BLOCK A, N.C.B. 11,531, WOODLAWN HILLS SUBDIVISION IN SAN ANTONIO, BEXAR COUNTY, TEXAS.

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70-11 The following Ordinance was explained by Mr. Bill Lindquist, Assistant Director of Municipal Facilities, and after consideration on motion of Mr. Hill, seconded by Mr. Torres, was passed and approved by the following vote: AYES: Cockrell, Calderon, Burke, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, James.

AN ORDINANCE 38,363

MANIFESTING AN AGREEMENT BETWEEN THE CITY AND RAYWAY CORPORATION, LESSEE, TO AMEND THE PRESENT AGREEMENT WHEREBY LESSEE LEASES 144 SQUARE FEET OF OFFICE SPACE IN THE HEMISFAIR PLAZA PRESS CENTER FOR \$50.00 PER MONTH, BY INCREASING THE SPACE LEASED TO 294 SQUARE FEET, AND INCREASING RENTAL TO \$100.00 PER MONTH.

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70-11 The Clerk read the following Ordinance:

AN ORDINANCE 38,364

ACCEPTING THE HIGH BID IN THE AMOUNT OF \$1,113.37 SUBMITTED BY M. J. WELCH FOR THE SALE OF A CITY-OWNED LOT, IMPROVED WITH A FIVE FOOT CHAIN LINK FENCE, THAT WAS SURPLUS TO THE NEEDS OF THE CITY WATER BOARD AND AUTHORIZING THE EXECUTION OF A DEED THERETO AND REJECTING THE OTHER BID RECEIVED.

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Mr. W. S. Clark, Land Division Chief, explained that the sale of this surplus property was requested by the City Water Board. The property was previously advertised and a high bid of \$600.00 was received. This was rejected and readvertisement was made. Two (2) bids have been received; one for \$602.00 and the high bid of \$1,113.37, by Mr. M. J. Welch. The City Water Board has recommended that the bid of M. J. Welch be accepted.

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

70-11 The Clerk read an Ordinance authorizing the Transit Board of Trustees to sell certain equipment and declaring an emergency.

Mr. Tom Fuller, representing the Transit System, stated that the property consists of six (6) 5,000 gallon steel, vertically mounted tanks for propane storage and dispensing facilities; two (2) supply pumps and five (5) registering dispensers and hoses, etc., acquired in May of 1952. The Transit System now uses diesel fuel and this equipment cannot be utilized for this purpose and is not necessary to the operation of the System and asked that the City Council authorize the Transit Board to sell said equipment.

Discussion brought out that there is no particular emergency in connection with the sale of this property. The emergency clause was then deleted from the Ordinance and on motion of Mr. Hill, seconded by Dr. Calderon, the following ordinance was passed and approved by the following vote: AYES: Cockrell, Calderon, Burke, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, James.

AN ORDINANCE 38,365

AUTHORIZING THE TRANSIT BOARD OF TRUSTEES
TO SELL CERTAIN EQUIPMENT.

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70-11 The following Ordinance was explained by Mr. Mel Sueltenfuss, Assistant Director of Public Works, and after consideration on motion of Mr. Hill, seconded by Mr. Trevino, was passed and approved by the following vote: AYES: Cockrell, Calderon, Burke, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, James.

AN ORDINANCE 38,366

AMENDING THE CURRENT BUDGET BY
AUTHORIZING 20 ADDITIONAL TEMPORARY
POSITIONS WITHIN THE DEPARTMENT OF
PUBLIC WORKS IN ORDER TO PROVIDE A
LABOR FORCE IN CONNECTION WITH THE
CITY'S 1970 SIDEWALK PROGRAM.

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70-11 Mr. Torres stated that the news media had stated that there is a problem in removing debris left after remodeling of a building. Specifically discussed, however, was a complaint of some animal carcasses, which are allegedly behind the Apache Packing Company.

The matter was referred to Mr. Mel Sueltenfuss, Assistant Director of Public Works, and asked that he take steps to eliminate the problem of the animal carcasses.

The Council then discussed with Mr. Sueltenfuss the Environmental Sanitation Program in the Model Neighborhood Area, which has been approved by the Council.

Mr. Sueltenfuss reported that the purchase of two (2) trucks were provided in this program and he expected delivery of the trucks in a few weeks.

70-11 The Clerk read the following Ordinance:

AN ORDINANCE 38,367

ACCEPTING THE BID OF LESLIE S. HUTTON CONSTRUCTION COMPANY FOR THE REMODELING OF TRINIDAD LUTHERAN CHURCH BUILDING LOCATED AT 3102 BUENA VISTA STREET, TO BE OCCUPIED BY PERSONNEL IN THE MODEL CITIES PROGRAM; AUTHORIZING EXECUTION OF A CONTRACT FOR SAID WORK; AUTHORIZING PAYMENT OF \$7,127.00 TO SAID CONTRACTOR AND \$350.00 TO BE USED AS A MISCELLANEOUS CONTINGENCY ACCOUNT.

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Dr. William Ross, Director of the Metropolitan Health District, explained that they have a five (5) year lease with the church to use this building for office space in connection with Model Cities Programs. The remodeling is necessary in order to use it. He stated nine (9) bids were received, ranging from a low of \$7,127.00 to a high of \$17,968.00 and recommended that the low bid of Leslie Hutton be accepted.

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

70-11 Consideration of Item 28, being an Ordinance adopting revised wage rates for the City of San Antonio to be used in connection with all City Public Works contracts involving heavy construction trades was withdrawn at the request of the City Manager.

Mr. Henckel advised that parties concerned with this Ordinance would be notified, so that they may be present when it is considered.

70-11 The following Ordinances were explained by Mr. Bob Frazer, Director of Parks and Recreation, and after consideration on motion made and duly seconded were each passed and approved by the following vote: AYES: Cockrell, Calderon, Burke, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: McAllister, James.

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AN ORDINANCE 38,368

ACCEPTING THE BID OF RICHIE & GALLAWAY ELECTRIC COMPANY FOR INSTALLATION OF UNDERWATER LIGHTS IN THE SAN PEDRO SWIMMING POOL; AUTHORIZING EXECUTION OF A CONTRACT FOR SAID WORK; AUTHORIZING PAYMENT OF \$7,808.00 TO RICHIE & GALLAWAY ELECTRIC COMPANY, AND \$350.00 TO BE USED AS A CONSTRUCTION CONTINGENCY ACCOUNT.

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AN ORDINANCE 38,369

ACCEPTING THE BID OF LESLIE S. HUTTON FOR THE CONSTRUCTION OF CONCRETE BLOCK PARTITIONS IN SAN PEDRO SWIMMING POOL BATH HOUSE; AUTHORIZING EXECUTION OF A CONTRACT FOR SAID WORK; AUTHORIZING PAYMENT OUT OF THE GENERAL FUND OF \$1,580.00 TO LESLIE S. HUTTON AND \$100.00 TO BE USED AS A CONSTRUCTION CONTINGENCY ACCOUNT.

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70-11 The Clerk read an Ordinance awarding a contract for the demolition of the building located at 504 Matamoras (Old Boys Club Building) and appropriating funds for same.

Mr. Bob Frazer, Director of Parks and Recreation, explained that five (5) bids had been received, ranging from \$4,500.00 to \$22,928.00 and recommended acceptance of the low bid of Forgy Construction Company.

Discussion brought out that a Mr. Robert Ramon had come to City Hall to turn in his bid, but did not know where to turn in his bid and went to the Public Works Department to ask where to turn in his bid. Someone from that department called the Clerk's office and asked where the bids were to be opened and was advised that the opening would be in the Council Chamber. He then went to the Council Chamber and waited and attempted to turn his bid in after the deadline of 2:00 P. M. for doing so.

The bid was not accepted by the City Clerk and Mr. Ramon has filed a letter asking that his bid be considered.

After hearing from the City Manager, the City Clerk and Mr. Ross Clem, on motion of Dr. Calderon, seconded by Mr. Trevino, the bids received for this project were rejected and the City Clerk was instructed to readvertise for bids. The motion prevailed by the following vote: AYES: Cockrell, Calderon, Nielsen, Torres, Trevino; NAYS: Burke, Hill; ABSENT: McAllister, James.

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70-11 The Clerk read an Ordinance repealing Section 36-14(c) of the City Code relating to requirements as to septic tanks in subdivisions located outside the Corporate Limits of the City.

City Manager Henckel explained that the Texas Quality Water Control Board will adopt certain regulations concerning septic tanks and the City Administrative Staff will enforce the proposed regulations in the Edwards Underground District. Under the proposed regulations, septic tanks will be allowed provided that they meet certain criteria.

After discussion, by common consent of the Council, action on the Ordinance was postponed for one week.

The City Manager was asked to make available to members of the Council, copies of the proposed regulations of the Texas Quality Water Control Board, which would be of help in reaching a decision on the matter.

Mr. Fred Pfeiffer, Director of the San Antonio River Authority, asked the Council to study the proposed regulations and if they felt they should be stronger than the Texas Quality Water Control Board be advised of what the City thinks they should be. He added that the Edwards Underground District had compromised on the regulations and City Manager Henckel has commented that the proposed regulations are not as strong as they should be. The San Antonio River Authority has not taken a specific position on this matter, but urged that the Council review the regulations carefully.

70-11 LEASE OF ABRAZO CLUB AT HEMISFAIR PLAZA

City Manager Henckel advised that he has received two (2) proposals for leasing of the Abrazo Club. Both are qualified operators and he asked the Council if they wished to hear from both firms and advise the Manager on their thinking as to who should receive the lease or that the Manager proceed to consider the proposals and make a recommendation that the Council adopt one of them.

After consideration, City Manager Henckel was asked to consider the proposals and make a definite recommendation to the Council as to who should be awarded the lease.

70-11 REDUCED BUS FARES FOR SENIOR CITIZENS

Mayor Pro-Tem Cockrell asked the City Manager and the City Attorney to comment on the proposed bus fares.

City Manager Henckel stated that he had met with Transit System officials and senior citizens and they did not have a meeting of minds.

City Attorney, Howard Walker, advised the Council that the City Charter does not give the right and the Legislature has not given the right to do anything not authorized specifically. In this case, the Indenture provides that all transportation services and facilities furnished by the System will be charged for the usual rate to all persons, firms and corporations. The Transit System could not reduce fares if it wanted to. The State law, which authorized the Indenture in the first place, provides no obligation of the System shall ever be a debt of the City, but solely a charge upon the properties, including the pledged revenues. He interpreted this to mean that there will be no subsidization. He then read from Article 11, Section 5 of the Texas Constitution. He felt that to reduce fares for certain class of citizens would be discriminatory under the Constitution. In the case of reduced fares for school children, at least the City has authority granted by the Legislature to do so.

Mr. Walker reported that the only case that they have found in point was the City of New York, which passed an ordinance appropriating funds to subsidize the New York Transit Authority. The Supreme Court ruled this to be illegal.

The Council Members then discussed, pro and con, the proposal for reduced bus fares for senior citizens.

Mr. Torres then made a motion that the Council adopt a ten cent (10¢) bus fare for senior citizens on a three months trial basis, during non-peak hours and on Sundays and holidays, beginning April 1, 1970; and that the Transit System seek any source of funds that will legally permit supplementing fiscally the Transit System. The motion was seconded by Dr. Nielsen.

Mrs. Joe Kenny, representing the senior citizens, discussed the proposed reduced fares and pointed out that they had not asked the City to subsidize the Transit System.

After further discussion, on roll call, Mr. Torres' motion failed by the following vote: AYES: Nielsen, Torres; NAYS: Burke, Calderon, Cockrell, Trevino, Hill; ABSENT: McAllister, James.

Mrs. Joe Kenny stated that the City of Dallas is in the process of promoting reduced bus fares for senior citizens and is going to the Legislature to get such authority. After this has been determined, she will again come back to the City Council for further consideration of the request.

A verbatim transcript of the proceedings concerning reduced bus fares for senior citizens is filed with the papers of this meeting.

Mr. Raul Rodriguez complained he had not received permission from the City Manager to visit the County Jail.

Assistant City Manager Douthit advised that he had explained to Mr. Rodriguez the jail is operated by the County and the City has no authority to give a letter authorizing him to visit the jail at any time.

Mrs. Rena McCaleb, President of the Cassiano Homes Resident Association, submitted a petition requesting a hatch sign at Merida Street and Missouri Pacific Railroad crossing.

The City Manager was asked to investigate the request and make a report to the Council.

Mr. Stephen Harvasty spoke concerning an agreement between the San Antonio Independent School District and the Catholic Archdiocese concerning the Free Lunch Program in the Model Neighborhood Area and asked the Council to take steps to abrogate the agreement.

Mr. Harvasty's complaint was referred to the City Manager for review and report to the Council.

Mr. Jose Olivares, Jr. spoke concerning reduced fares for senior citizens and asked the Council to take action in conflict with the Transit System Indenture and then let the bondholders file suit.

Mrs. Willie Williams concurred in statements made by Mrs. Joe Kenny in favor of reduced fares for senior citizens.

Mr. Sam V. Snell complained that a prominent citizen had sent out a crude mailing piece which contained a joke which reflected upon Italian and Mexican Citizens. He asked that the mailing piece be forwarded to Community Relations Commission.

The Council agreed to do so.

Mr. Clemente Saenz, President of the Edgewood School Board, asked the Council to have the City Manager set up a meeting with the School Board. The moratorium concerning multiple housing in the Edgewood District was in force, but this did not preclude them from meeting. He felt that what the Courts will do on the Loper Project has no bearing on what they will do on other projects.

City Manager Henckel reported that all parties are made a party to the class action lawsuit, consequently the parties cannot meet and make a decision. He has instructed the Director of Housing and Inspections not to issue any such building permits in the Edgewood School District. He understood an attorney will mandamus the City to issue permits.

The City Attorney, in view of the lawsuit, advised the Council not to take any action whatsoever on multiple housing until it is resolved.

Mrs. Peggy Parker, representing Youth for God and Country and citizens for the prevention of drug abuse, advised they were interested in getting something done for young people. She asked the Council to support them in a program to help young people become involved in helping and solving this problem.

The matter was referred to the Director of the Metropolitan Health District for study and to advise Mrs. Parker what the City is doing along this line.

Mr. Clayton Russell stated a Legislative Committee for the Aged met last week and discussed transportation problems in San Antonio and the Nation. He also spoke of the bond issue passed in Houston recently.

Mayor Pro-Tem Cockrell suggested instructing the Bond Steering Committee to continue its deliberations and make a report to the Council possibly about June 1.

After discussion, the Council agreed to consider this at the March 19 meeting.

Councilman Torres presented each member of the Council a draft of a proposed resolution requesting the State Legislature to consider amending Article 1269m, RCS to authorize an appeal by policemen and firemen in the case of any suspension. He asked that this be considered at the March 19 meeting.

70-11

WITTE MUSEUM AUDIT

City Manager Henckel reported that the Audit has been sent to the Museum officers and executive committee. In conference with some of the members of the executive committee, he suggested they study the Audit and the recommendation made by the City and advise as soon as possible as to what actions they will take regarding those recommendations.

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70-11TUESDAY MUSICAL CLUB BUILDING

City Manager Henckel stated a report has been sent to Council giving background data on the building.

Mr. Bob Frazer will meet with this group and ask that they pay rent for the facility. After this meeting, a further report will be made to Council.

70-11AIRPORT PLANNING PROPOSAL - BY
RESEARCH AND PLANNING COUNCIL

The City Manager advised he has asked Mr. Tom Raffety, Airport Director, to make an analysis of it. When completed, a report will be made to Council.

70-11TOUR OF COUNTY JAIL

The scheduled tour of the jail was postponed, because of the length of the meeting.

After discussion on rescheduling the tour, Mayor Pro-Tem Cockrell asked that each member of the Council who wished to make the tour advise the City Manager.

70-11EISENHAUER ROAD RAILROAD CROSSING

The City Manager advised he is still waiting on a letter from the railroad as to their participation on the cost.

He advised that a Resolution has been prepared to officially request the Texas Highway Department to expedite the TOPICS program for signals at railroad crossings.

The Clerk read the Resolution, as follows:

A RESOLUTION

EXPRESSING THE INTEREST OF THE CITY COUNCIL IN A TOPICS PROJECT TO PROVIDE SIGNALS TO BE LOCATED AT RAILROAD CROSSINGS AND REQUESTING THE TEXAS HIGHWAY DEPARTMENT TO EXPEDITE SUCH A PROGRAM.

* * * *

WHEREAS, members of the City Council of the City of San Antonio have heretofore considered and approved a project under the Traffic Operations Program to Improve Capacity and Safety (TOPICS) to provide improved protection at a number of street-railroad grade crossings, and

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WHEREAS, since considering the above project several more automobile-railroad collisions have occurred, and

WHEREAS, the City of San Antonio does not presently have the financial resources to pay for the much needed signal improvements.

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

That the City Council considers the above project to be of vital concern and importance to the safety of the citizens of San Antonio and the Texas Highway Department is hereby requested to expedite its approval of subject program.

* * * *

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

70-11 POLICY RE: DAMAGE TO CITY VEHICLES

City Manager Henckel advised that the Staff is reviewing its policy of compensation by police officers and other City employees for damages to City vehicles, because of negligence. The policy is not the same in all departments.

The new policy will apply to all employees and will provide for an appellate board over and above the board which is studying the accident in a particular department.

70-11 FOOD STAMP COMMITTEE REPORT

In the absence of Dr. Nielsen, the Committee Chairman, Dr. Calderon, made the following report:

The current food stamp program serves approximately 8,600 households representing 42,000 individuals, more than three times the participation since its inception in July, 1968. Estimates of increased utilization during the coming year suggest as many as 20,000 households benefitting by December, 1970.

Based on current problems with the program, the request of the State Department of Public Welfare in both December, 1968, and December, 1969, for more operating funds, and current projections of sharply rising applications of recipients throughout the coming year the committee recommends the following:

I Short-range recommendations

- A. Development of an expanded central offices and continued use of satellite offices as outlined in the Department of Public Welfare letter dated February 25, 1970. Staff is to select suitable facilities for such an office.

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- B. Authorization for up to an additional \$108,000 to support the above program.
- C. Additional City Welfare Department Staff as needed to meet current increases.

II Long-range recommendations

In order to effect a more realistic, long-range solution to our local problem, we ask the City Manager to secure from the Texas Department of Welfare and United States Department of Agriculture permission to contract with the City of San Antonio for operation of the food stamp program. In order to effectively develop the operation (which contributes over 5 million dollars annually to our economy and will double this year) in an efficient and economical manner, it is necessary to unite management responsibility with major funding which continues to come from the City of San Antonio. It is our belief that such action will greatly improve the program.

III State Legislative Action

We further recognize the fact that the State of Texas is responsible for over-all direction of the food stamp program, and recommend, prior to convening of the Legislature next January, a meeting with the Bexar Legislative delegation and the Governor to urge their support of an improved program and adequate funding to implement it. Appropriate resolutions from this Council should follow up such meetings.

* * * *

Mayor Pro-Tem Cockrell stated the Council can study the report and consider it at the March 19 meeting.

70-11 The Clerk read the following letter:

March 6, 1970

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

Gentlemen and Madam:

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

2/27/70

Petition of Mr. John Evans, 116
Thelma Drive, requesting permission
to erect an eight (8) foot wall at
the rear of his property.

3/2/70

Petition signed by some 49 residents in
the 2800 to 3300 block of Tillie Drive
regarding a drainage problem in the area.

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3/3/70

Petition of Alexander Fraser to deannex
94.206 acres east of IH 35 & south of
Rittiman Rd.

3/4/70

Petition of Douglas Reichenau, Principal,
E. Central High School, concerning
narrow bridges on a section of Sulphur
Springs Road.

3/4/70

Petition of Ernest T. Eastwood, Jr.
requesting permission to install an
eight (8) foot wooden fence along the
rear property line at 817 Firefly which
is located in Harmony Hills.

J. H. INSELMANN,
City Clerk

* * * *

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

A P P R O V E D

Lila Cockrell

M A Y O R P R O T E M

ATTEST:

G. V. Jackson Jr.
City Clerk

TRANSCRIPT OF DISCUSSION

REDUCED BUS FARES FOR SENIOR CITIZENS

CITY COUNCIL MEETING - MARCH 12, 1970

CITY MANAGER HENCKEL: Briefly, we did have a meeting with the Transit System officials and the officials of the Senior Citizens in which we did not have a meeting of the minds. We discussed the various aspects and the various reports and statements, both by the Transit System and the Senior Citizens. The question was raised, at the meeting, as to the legality of the City to subsidize the Transit System out of the General Fund. I advised I had a legal opinion and I stated that the City could not directly subsidize.

The Transit Company stated that under their indentures, they didn't feel that they could grant this reduced fare to senior citizens. Various modes of operations were discussed.

I stated at the time that if the Council desired to instruct the Transit Company to grant a reduced fare, that I felt that the City could participate by preparing the identification card that senior citizens would use - that we could legally do that, which would be some help. I want to make it clear to the Council that we've had some analysis by our Finance Department and we're of the opinion that there's not any way that you can definitely forecast the amount of loss, if any, there will be to the Transit Company, as a result of a reduction in fare. There are just too many negligible factors that you can't bend down.

COCKRELL: Now, with this week's Agenda, the Councilmen received a copy of the legal opinion back in December, relative to whether or not the City could subsidize the Transit Company to avoid a rate increase. Now, this morning, I would like to ask specifically how this relates to the present situation?

CITY ATTORNEY WALKER: Madam Chairman, I would preface my remarks by pointing out to the City Council that it receives its powers from two sources - - the Charter and from the State Legislature. Now, the Charter does not give you the right. The State Legislature hasn't given you the right. Now, that's where you get your source of power. That's the preface of my remarks. I point out first of all where you get your authority to do anything. Now, with reference to the indenture.

MR. TORRES: Doesn't give you the right to do what, Mr. Walker?

THIS DOCUMENT IS A PART OF THE
OFFICIAL MINUTES OF A MEETING OF THE
CITY COUNCIL HELD MAR 12 1970

CITY ATTORNEY WALKER: It does not give you the right to do something that is not authorized, I don't care what it is. Now, in this case, the indenture specifically provides that all transportation services and facilities furnished by the System will be charged for the usual rates to all persons, firms and corporations. Under the indenture, the Transit Company can't do it, even if it wants to. Otherwise, it could be subjected to a suit by a bondholder, because the indenture says so. Now, there's a State law which authorized the indenture in the first place, otherwise you couldn't have bought this System. That State law says no obligation of the System shall ever be a debt of the City, but solely a charge upon the property, including the pledge revenues. Obviously, this can only mean no subsidization.

Going still further - this is the one that appeals to me. This is the Texas Constitution I'm reading from. The question is whether or not you went to the Legislature and asked the Legislature to give you power to do this, whether or not the Legislature could give you power to do this. Here's what the Constitution says. "The Legislature shall have no power to authorize any County, City, Town or other political subdivision of the State to lend its credit or to grant public money or anything of value in the aid of any individual firm or corporation. Now, obviously, if you attempt to use City funds for the purpose of subsidizing the Transit System, you are in effect, discriminating in favor of one class of citizens at the expense of all other classes of citizens. Folks, you are not authorized to do it. It's just that simple. Now, this Council can, this morning, if it wants to, pass an ordinance granting this and appropriating money out of our General Fund and transfer it to the Transit System coffers, but you can't do it legally.

DR. NIELSEN: But the Transit System is not an individual, firm or corporation. I think it falls into the category of City-owned utility or whatever you call it. Now, what does the Constitution have to say about that?

CITY ATTORNEY WALKER: I'm not talking about the Constitution, I just read you the State law, which says that the City's funds shall not be used for that purpose.

MR. TORRES: But the State Constitution provision that you read is Article 11, Section 5, I believe, which would prohibit the City from donating its funds to a private corporation. I believe that provision has been interpreted to prohibit a City from providing or lending its funds or its credit to a private corporation, if I might get a dig in, like the HemisFair, you know. But in this case, we're talking about the Transit System, a publicly-owned utility owned by the City of San Antonio. Would that same Constitutional provision provide the inhibition which you state?

CITY ATTORNEY WALKER: No, I am not raising the Constitutional inhibition with regards to that point. I'm raising the Constitutional inhibition with reference to the fact that in order to subsidize the Transit System, you are doing so to provide a gratuity to a certain class of citizens.

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DR. NIELSEN: But the precedent has already been set. We're doing it legally, we're doing it already in the case of the high school students.

CITY ATTORNEY WALKER: In the case of the high school students, you've got a State statute on it.

DR. NIELSEN: Well, you're saying it's illegal.

CITY ATTORNEY WALKER: No, I'm not saying it's illegal. I'm saying that that statute might violate the State Constitution. It has never been tested. But in that case, you have a statute on it. That's my point.

DR. NIELSEN: Okay. Okay.

CITY ATTORNEY WALKER: You don't have a statute on this and it's not in your Charter. Where's your authority for it?

COCKRELL: Mr. Walker, then in order to enable the City Council to grant or participate in this type of thing, we would have to ask the Legislature if they wish to enact another special category fare possibility, such as they are already doing for the school children. They would have to pass enabling Legislation to empower the City under the State law. Can they do this?

CITY ATTORNEY WALKER: That is my belief. Now, the only case that we have been able to find in which this question was raised in Court was the City of New York.

(Changing of tape)

CITY ATTORNEY WALKER: In the absence of appropriate Legislative authorization, the City of New York has no legal right or power to cash subsidize its Transit System. That's the only case we have and it's an out-of-state case. It points out our legal thinking. It is part of the basis of our legal opinion.

MR. TORRES: Of course, I'm just going to differ with you, although I recognize that you're learned in these matters and that you researched this particular subject. I think, Mr. Walker, that you are obscuring the fact, first of all, that the City is authorized to operate this Transit System and when you say that we lack the authority either from the Charter or from the State Legislature to involve ourselves in this particular matter. The matter of setting the rates is given to the Council under the indenture, isn't that true?

CITY ATTORNEY WALKER: Yes. It must be uniform. The indenture says so.

MR. TORRES: The rate setting function is a City Council function and when we're talking about uniformity, Mr. Walker, I am sure that you realize that there is uniformity within classifications. You have classifications in the bus riding public. When we set aside a rate for senior citizens, we

have, I think, a reasonable classification for a group of members of the bus riding public, which, because of the reasonable classification, you do not fall within the inhibition of the provision you cited.

I want to convey to the Council my own opinion on the matter, because we do have the rate setting power under the Charter, because we are authorized to operate the Transit System and make rules and regulations incidental to the operation of that Transit System. We do have a classification of citizens who, if in our judgment would be entitled to a half fare or to a ten cent fare, that we would be authorized to establish that ten cent fare and in my own personal judgment, as a member of the City Council, I think that we should adopt an ordinance establishing a ten cent fare for our senior citizens during the non-rush hours on a three month trial basis, as suggested by Mr. Bolen in his report sent to the Council on March 3, 1970.

DR. NIELSEN: Does it say anything directly about subsidization or anything else?

COCKRELL: I just want to point out for clarification - on the recommendation which you are now making, do you propose, in other words, any operating loss be incurred by the Transit Company and there be no subsidy during the three month period by the City?

MR. TORRES: I am not suggesting a subsidy. I don't think that we would be empowered to subsidize. I'm saying that the Transit System ought to establish a ten cent rate for senior citizens during non-rush hours and at this rate ought to be on the matter of the loss, I don't think that I'd agree with Mr. DeLaney that there would not be a loss. That the only way we are going to know is if we try it for a three month period.

COCKRELL: If it is tried for a three month period and there is a loss, then what do you recommend?

DR. NIELSEN: How is the loss going to be made up?

MR. TORRES: As I understand it, the Transit System, at this time, in the last report that was sent to the City Council, had a \$23,000 loss for January. The Transit System is going to come back to the City Council, I feel certain, in the next few weeks, with the matter of making up the loss. I should hope that the bus passengers would increase to such an extent that there would not be a loss, Madam Mayor. This is a contention I'm making. I just don't see any reason why, in view of this additional service, that we are providing for the bus riding public, where there would be a loss. The System is already suffering a loss. One means of seeking a solution to this has been, say, the meeting you went to last week, which is going to come up with some revenue to assist the Transit System. I should hope that this would be one means of coming about with a solution to the general problem, which the Transit System has.

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I want to make another point at this time, Madam Chairman. Mr. DeLaney, in his letter to the members of Council, pointed that he did not feel - he said, "Can we keep from being made scapegoat of all other losses incurred by them," that is, the Transit System, from loss of revenue.

I sent a letter to the Transit Board on March 4 and to Mr. Hill, where I suggested to Mr. Hill that I felt that there were certain things that should be done to promote the use or promote bus ridership. I think that the Transit System has been lacking in this regard and I should think that there are a number of things that the Transit System could undertake. I don't think that we are accomplishing any good in promoting employer-employee relations in, say, in relating everything back to the strike of last September. This is one of the things Mr. Hill did in his testimony before Congress earlier this week. I was taken aback by it. I was somewhat disappointed in Mr. Hill's testimony. I appreciate his effort in seeking assistance from the Federal Mass Transit Act - something that Dr. Nielsen and I have been suggesting for several months. In any event, I should hope that the problems of the Transit System could be alleviated with assistance from the Federal Mass Transit Act, Madam Mayor.

Now, I also want to relate to the memorandum, which you sent to the members of the Council, in which you advise that Federal Mass Transit Funds relate to Capital Expenditures, grants and loans, not funds, for operating expenses for a transit system. I think that when you take \$800,000, which was spent for buses last year, and you keep these within the operating budget, of course, this is going to overcome loss in the operating budget and these funds remain in the operating budget, and therefore eliminate a loss.

COCKRELL: It certainly is correct. That whatever funds are not needed for capital expenditures for at least that year can be utilized in the general budget. It's not a budget item though, that you can count on year after year. It's sort of a one time only kind of a thing.

But to get back to this. We have a situation here where the Transit Company has furnished us with their figures of what they anticipate and I gather, the figures are the maximum loss anticipated, it would be up to that amount, which has been clarified at subsequent discussions. Mrs. Kenny has furnished us with figures, which we have studied of other figures, which may prove to be correct and applicable. The City Attorney has stated, in his legal judgment, that the City cannot subsidize the Transit Company. It seems to sum up that the problem before us is whether or not the City wishes to urge the Transit Board to embark upon some sort of a trial program, even though we are not legally able to reimburse them for any loss that they might suffer during this period.

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DR. NIELSEN: Madam Mayor, several factors. One being, we're clearly at a time that the transportation system doesn't have to go multi-funding. We need a metropolitan transportation district in Bexar County, to include the City, certainly maybe, even the whole County, that where we have to go to the State Legislature. These sort of things have got to be planned now for the next five-ten years.

The second thing, relating to this, is we do have a cushion everybody is aware of. That's the payment in lieu of taxes. I don't think there's anything illegal, if that payment is not made to the City. It is not a subsidy, not a reimbursement or anything else. It's simply the last item that the indenture spells out that must be paid and if it's not paid, I don't think that there's any legal recourse on either party....

MR. TORRES: In the last two years that has been about \$200,000.

DR. NIELSEN: There is enough cushion there in the event and I think, certainly though, just as important, us looking at the profit making aspect of it. We've got to look at it from the aspect of breaking even; that's all that the System was empowered to do anyway. That's why - with good promotion - I'm convinced that on a 90-day trial basis or even a six-month trial basis, there will be very little offset. Maybe in the first month or so. Then it just catches on. I think it will pay for itself.

MR. TORRES: Mr. Bolen suggested a 90-day trial basis.

MR. HILL: Do we know today what the current deficit of the Transit System is? What the current figure is?

COCKRELL: You have an estimate.

CITY MANAGER HENCKEL: We receive their monthly financial statements, which show what their loss would be.

MR. TORRES: The last one, Jerry, was sent to us on March 2. Now, I don't understand budgets very well, but I saw that \$23,000 item for January, which was the last computation they had, but I don't know what the loss for this fiscal year would amount to.

CITY MANAGER HENCKEL: One of the items that we discussed, at the meeting, was the possible deficit operation of the Transit System for the fiscal year. I stated at that time from the City Manager's viewpoint, that we were more interested in the total operation picture of the Transit System at the end of the fiscal year, than any one particular phase of the operation. It would run up administrative costs to such an extent to try to keep accurate records on whether the loss is going to be attributed to the senior citizens or to the riders that quit, because of the strike, that it would more or less defeat the purpose for which we're doing it. After all,

the City owns the Transit Company for one purpose and that's to give service to our citizens at the cheapest possible point. The advantage of being municipally owned is that they do not pay taxes. If it was a private company, the City would receive additional revenue that we're now not receiving.

I think, really, that you're basically boiling down to a decision whether or not you want this service to the citizens. Again pointing out, even though we say the Transit Company officially is municipally owned, we have no control other than what is in the indentures. It's just like owning a car. Until your mortgage is paid off, the mortgagor owns your car. The bondholders own the Transit Company until the bonds are paid off. And only at that time will the City have more say so in the administration, than the way the Transit Company is being run now. You're limited strictly by the indentures and by State law.

MR. TORRES: But at this point, we still have the rate setting function. I may point out that in a letter from Mr. Tapp, dated March 10, 1970, he concludes, "We are still hopeful that patronage will take an upturn soon." The January report indicates that in January there were 1,626,380 reported riders, compared with 1,961,000 for January of the previous year, so they have had a decline in bus riders, very definitely. I should think that this type of an approach coming up with a ten cent fare for senior citizens is one of the promotional types of things that is going to increase bus ridership, which is going to result not in a loss of revenue, but in an increase in revenue. With that in mind, Madam Mayor, I have a motion. I'd like to move at this time that the City Council adopt a ten cent fare for senior citizens on a three month basis during non-rush hours, on Sundays and holidays. I make that motion at this time.

COCKRELL: When would the trial period begin, Mr. Torres?

MR. TORRES: Well, I would think at the beginning of April, the first day of April.

COCKRELL: It would run April, May and June.

MRS. KENNY: Mrs. Cockrell, please, if you notice in the political column of one of our leading newspapers, it says, it's wondrous why the San Antonio Transit System, in its statistical manner, has assumed that every proposed senior citizen reduced fare given would create a financial deficit for the System. One would think the especially reduced price would increase the number of persons riding the bus and thus, bring in some additional revenue. Chances are the additional passengers might help offset loss of revenue, because of lower bus rates to those who have been riders previously.

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I wish briefly, before you take the vote on this, to point out that we did not, at any time, ask the City to subsidize the Transit Company. What we did do was to point out that the buses were traveling their regular runs empty and that the senior citizens could not afford the high cost of public transportation on their small fixed retirement income, which shrinks each day more as the spiraling cost of living has long since caught up. Briefly, again, we spent a long grueling two weeks collecting exact, accurate and precise figures and data to disprove the Transit Company's presentation of their estimated losses, the number of senior citizens riding the bus and we showed that it would probably boost the sagging numbers riding the bus and improve their financial loss.

We were told, at the meeting with Mr. Henckel and the Transit Board, that he had not even looked at our figures and presentation (we understood this fact, because he had just got back in town and it was his first day in) and that, as far as the City is concerned, the Transit Company was the authority on the subject and the official expert. The Staff did not make any studies nor did they intend to and that he felt that as far as he was personally concerned, that it did not make any difference whether the loss was \$1,000 or \$10,000. If the City was going to subsidize the Transit, it did not matter how much.

As you are all aware, we completely disagree. We said we would not have the senior citizens getting the blame for any and all losses that the City Transit Company might incur. And we would insist, now, this is the important thing, because this is the only way you can tell, we would insist on an accurate count before it started being publicized. Again, we showed you that it could be done very simply, with just your transfer tag saying "senior citizen" that would give you an account for one week. Mr. Gerhardt flatly stated to you that no one week count could be made or even considered accurate, as the numbers riding at different times were variable. Yet, I hold here in my hand, their figures submitted to you as an accurate one-week count, which we proved were a fallacy and a joke. We can't personally, I can't personally believe that Mr. Hill, Mr. Tapp and Mr. Gerhardt, and I'm not being disrespectful when I say that they are a Holy Trinity and that Mr. Hill is a Supreme Being that is infallible.

COCKRELL: Mrs. Kenny....

MRS. KENNY: I'm sorry, but listen, we disproved adequately and accurately the figures that they gave you on their report and with that in mind, I believe that we shall not show a loss, Mrs. Cockrell. I believe that the people that are riding, we showed you that one and one half times would cancel your loss. I'm sorry, but I felt that it had to be said before the vote, because this was a lot of work and we did work hard on it.

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COCKRELL: We understand. Thank you. May I ask this question of you, Mrs. Kenny? I don't know what the vote would be, but should the Council vote to enter in this three month trial period and then get a report back from the Transit Company that the losses were material, what would be your reaction? Because the Council would then be in the position where it could not ask the Transit Company to go on indefinitely, if there were substantial losses.

MRS. KENNY: We feel that that is better advertising for your Transit Company than the money that they do pay in advertising or that the City Public Service Board pays in advertising and I'm sure they have indentures too. Now, Mr. Hill stated to Mr. Henckel, at the meeting, that there was no Federal subsidy granted to the cities that he was aware of to subsidize any loss of fare by senior citizens and I produced both the telegram, the letter from Olympia, Washington, and their little folder. Now, Mr. Hill was referring to 1968, when he said that he had inquired then and that no Federal subsidies were granted to reimburse the City on transit fares. And it says that during the first year, which closed March 31, 1968, the government grant was 75% of the approved budget. At the current year, they then subsidized the private bus company and it was kept afloat with a \$1,000 monthly subsidy to a private bus company subsidized from the Federal Administration on Aging. So, I feel that if a loss is definitely shown, that we can go to the Governor's Office on Aging. These funds are available or we wouldn't have had this return on our correspondence.

COCKRELL: Thank you, Mrs. Kenny.

MR. TORRES: As a matter of fact, Mrs. Kenny, it might be a good idea to go at the time that, if we adopt this proposal, it might be a good idea to make application now.

DR. NIELSEN: Would you include in your motion that the Transit Authority, as they are in the case of Federal Mass Transit Act, seek any such source of funding that legally permits fiscal - - you know as long as it is in their responsibility to fiscally do so, that will supplement the budget.

MR. TORRES: I so amend my motion at this time.

MR. HILL: Madam Mayor, I'd like to ask the City Manager or the City Attorney to comment on this in lieu of taxes.

COCKRELL: Would you comment on the payment in lieu of taxes to the City.

CITY MANAGER HENCKEL: The payment to the City in lieu of taxes is set in the indentures. We have run a financial analysis a number of years ago showing what the City would receive from a Transit operation. We would receive ad valorem taxes on the equipment, franchise tax for the operation and, in our opinion and our report

at that time, showed that it would be in excess of what we are receiving for the payment in lieu of taxes.

COCKRELL: Mrs. Kenny, I think several of the Councilmen had some statements they wanted to make and we do appreciate your....

MRS. KENNY: May I ask one more thing. There were many, many senior citizens that were too shy to be heard and knew they'd take, I'll be facetious and say, would like you to have them stand up....

COCKRELL: Yes, would all the senior citizens who are here and interested in this item register by standing. Thank you very much.

CITY MANAGER HENCKEL: I might point out to Mrs. Kenny, I did read your report. I don't know where you drew that conclusion. I'm still of the same opinion that I stated to you. I don't think we're going to prove anything by the figures, because you can get any set of figures to prove a point you want and I assure you that, in my opinion, at the end of the 90-day period, I think I know what the results will be.

MRS. KENNY: Mr. Henckel, didn't Mr. Hill say that he couldn't accept less than six months?

CITY MANAGER HENCKEL: That was his opinion. Correct.

MRS. KENNY: That's what I think would take to say, because we are coming into Fiesta and we're coming into Easter shopping, so I think that six months would be more equitable for both sides to prove their point.

COCKRELL: Thank you, Mrs. Kenny. Now, are there any comments by Council members? Mr. Olivares, if you don't mind.... I do have you registered under "Citizens To Be Heard"....

MR. OLIVARES: I would like to speak on behalf of senior citizens.

COCKRELL: Mr. Olivares, we had a public hearing on this, really, last week. The only reason we recognized Mrs. Kenny is that she was the official spokeswoman and....

MR. OLIVARES: There were many senior citizens who couldn't be here today....

COCKRELL: Yes, we did hear a number last week. So, if you don't mind, Sir, I would like to hold your recognition.

MR. OLIVARES: My words are immaterial....

COCKRELL: What is the pleasure of the Council?

DR. CALDERON: I personally am against him in this matter. Mr. Olivares has the habit of interjecting himself with every discussion we have before this Council. There must be order, we have a procedure to follow. We cannot continually entertain any of his interventions in every item that comes before this Council.

COCKRELL: Well, without relating to a personality, but is it the Council's desire to hear from other citizens at this time or to wind up the comments with the Council?

MR. HILL: I think we should hold the comments to the members of the Council.

COCKRELL: Mr. Olivares, I'm sorry, but this does appear to be the Council's sentiment. Now, then, the Council members may wish to make additional comments prior to the Council vote. Does any Councilman desire recognition?

DR. CALDERON: Mayor, I would like to speak against the motion on four counts. (1) The City cannot subsidize the Transit operation. It is obvious to me that if we undertake this experiment, it would undoubtedly be a costly one. The System will look upon the City for help. (2) I think that the System is suffering a deficit already. They cannot afford the honor of getting involved in an experiment. The time is not right for them to entertain a proposal of this kind. My third objection is based on the fact that if we grant this request, there will be many other requests coming our way. I would like to read for you a list of several requests that have been made before the Board over the past several years.

1. May 13, 1959 - Sister Mary Vincent, Administrator, Santa Rosa Hospital, request for free bus fares for certain student group transportation in parochial schools.
2. December, 1959 - Junior Chamber of Commerce request for free charter service for Orphans Christmas Shopping Tour.
3. 1960 - Incarnate Word College - Student Council request for reduced student rate fare.
4. 1960 - Jefferson High School Band Students request for reduced rate of fare for summer band practice.
5. June 14, 1965 - Mr. Gonder, Assistant Superintendent, Harlandale, request for reduced student rate fare with School ID cards for Manpower development and Training Act trainees. Vocational training ages 16-21.
6. April 13, 1966 - Mr. David Garrett, Administrator, Baptist Hospital, request for reduced rates for 215 Candy Strippers, ages 15 to 18, and 50 boys called medistats, ages 15 to 18. Referred to Transit Board by Dr. Calderon.

7. April 15, 1966 - Mr. W. B. Forster, Administrator, Robert B. Green Hospital, request for reduced rates of fares for Volunteer workers at Robert B. Green Hospital during summer months using regular school ID cards, also in conjunction with request of Sister Mary Vincent. Referred to Transit Board by Dr. Calderon.
8. May 10, 1966 - Sister Mary Vincent, Administrator, Santa Rosa Hospital, request for "Volunteer Discount Card" for two junior volunteer groups known as "Rosettes" and "Maizies."
9. June 11, 1966 - Request for reduced student rates of fare by Mr. L. A. Spencer, Vice President, Adult Education Center for students attending Adult Education Center's driver's education course.
10. June 23, 1966 - Rev. R. A. Wallace - 1523 Lombrano, request for reduced rate of fare to be even change to include cost of transfer, 25¢ would be OK.
11. May 29, 1967 - Mr. Porter, Coordinating Supervisor for reading programs conducted at Cooper, Dunbar, Emerson and Douglas schools requested use of student ID cards so as to enjoy student rates of fare allowed students taking regular academic credit work for the summer months for 1,000 students taking a non-academic credit reading program May 30 through July 14.
12. June 2, 1967 - Mrs. McCarty demand that student ID cards and student rates of fare be allowed persons taking remedial reading course...refused, very angry upon explanation student rates of fare under State Statute are allowed for students enrolled in regular approved school curriculum programs... Mrs. McCarty proceeded to make threats.
13. 1967 - Good Will Industries request for student rate fare for educable retarded.
14. May, 1968 - Senior Citizens request for reduced fares.
15. June 1, 1969 - St. Mary's University requested student ID cards for students enrolled in the driver's education course. This request has been made each summer for the past several years.
16. June 4, 1969 - Mr. Ross Cherry, Safety Coordinator, S. A. Independent School District, request for school ID cards for students enrolled in the driver's education course at Brackenridge and Edison during the summer months.
17. June 5, 1969 - Father Yantis requested reduced rate fares for SANYO program.
18. August, 1969 - Senior Citizens request for reduced fares.

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19. November 1, 1969 - San Antonio College, student request that SAC students be granted Student ID cards. Also expressed interest in outcome of Senior Citizen request for reduced rates.
20. February 25, 1970 - Mrs. Newton requested bus cards for 15 girls in SANYO program school. They call school "Instructional Services."
21. March 2, 1970 - CEP Adult Education - Mrs. Cervantes located in Gibbs Building request for School ID cards.
22. Lighthouse for the Blind request for reduced rates of fare for the blind.

So, my point is this. If we grant this request, what will be our position with regards to these other equally legitimate requests? The final basis for my opposition is the fact that there is no such thing as a 90-day trial period. Once you're in it, you're stuck with it. The Council basically has two choices to make, I think, at this time. Either to refuse perhaps 100 senior citizens with regards to the request or find themselves three months from now having the guts to refuse several thousand of them, who have taken advantage of the reduced fare during this period of time. So, for these four reasons, I am against this particular action.

COCKRELL: Thank you. Does any other Councilman desire recognition?

MR. HILL: Yes. Madam Mayor. My opinion on this (1) I'm certainly sympathetic with the senior citizens, but be it the Transit Company, the Water Board or the City Public Service Board, or any other operation, from a sound business standpoint, I don't think we should do anything or take any action that would subject any of these facilities to run into deficit. To me, you have only about four alternatives and that's to get assistance from the Federal Government or to increase the basic fare again and put this burden upon your regular bus riders. You cannot legally subsidize, by the City, or you have to have a tax increase or something else in order to make up this deficit. I agree with Dr. Calderon, a 90-day period is not going to prove anything. It's going to be costly and I'm not so sure that the Transit people could get the identification and the cards in the hands of the senior citizens by 1 April. If you did, 1 April would be a high point, because of Fiesta, and then it will drop down. I think the real valid period of time, if you're going to do this, would be one year, because you would get your low and your high peaks all through the year. To me, I think, we're looking at it from a dollar standpoint or an operational standpoint, as to whether the Transit Company can possibly operate at a much larger deficit than they're operating today. So, I'm against the 90 days and I'm against any subsidy without looking into further avenues of Federal grants.

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COCKRELL: Does any other member wish to make a statement?

MR. TORRES: Yes, Madam Mayor. (1) That on the matter, raised by Dr. Calderon, on subsidizing the System. I mentioned a long time ago, we subsidized a garbage operation - garbage pickup; we subsidized police activities; these are subsidized for our protection. We pay for these things, because they are necessary government expenditures. I think that this would fall into the same category.

As a matter of fact, there are a number of major Cities in the Country, like Philadelphia and New York, which have undertaken transit operations and the subsidy of the transit operation was in the form of a direct grant or in the form of a waiver on collections of monies from the systems. These expenses have been undertaken by major Cities. I just mentioned Philadelphia and New York, because these are two Cities that come to mind of having spent millions of dollars and they are spending millions of dollars every year to assist their transit operations. As a matter of fact, the City of Philadelphia made a direct grant to a privately-owned transportation system.

I noticed that just this morning, we took another step to subsidize the Downtown Business Community with one million dollars for HemisFair Plaza, being the amount that is going to be spent on HemisFair Plaza this year. This is why I voted against this particular motion, because of the need to put priorities in their proper perspective. I certainly think that the need to provide a service to senior citizens would have a greater priority in the spending of one million dollars, which we are spending on HemisFair Plaza this year.

The 90-day trial period is the period that was suggested by Mr. Bolen as a time in which we could establish some criteria and come up with some figures, which we could use in really evaluating this ten cent fare for senior citizens.

Now, Dr. Calderon enumerated a number of requests, which I'm certain that Mr. Norman Hill was very generous in turning over to Dr. Calderon. The one thing about those various requests is that you don't have general categories of citizens in those requests that you enumerated, Dr. Calderon. What we have here is a general category. I feel a reasonable classification of members of the bus riding public, which I think are entitled to this ten cent fare and I'm sure that Mr. Burke, having brought this up or having resurrected this issue two to three months ago, would agree with me in this that there is a need for senior citizens to be given this waiver and I would insist on my motion-of the adoption of the motion-at this time, Madam Mayor.

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DR. NIELSEN: Very briefly, Madam Mayor. As far as the suggestion that this would open the door to other groups, Dr. Calderon, if we vote this down, there are still going to be lots of other groups that are going to come to the Transit Authority. The perimeters have changed greatly. They're going to continue to change in terms of what it means for public transportation in San Antonio and this Nation. We're just going to have a great deal of trouble with it, I'm sure you're well aware of it - this whole deal of transportation. And if you vote it down, that's not going to change anything. You're still going to have lots of other groups coming.

One other thing, we do have a responsibility in terms of "Business Operations," but the old concept that you have to make money is just invalid in this day and time. It is my opinion, if it's a sound operation and if it is going to break even, that's all we could look for. I think that's all the indentures call for. To keep operating under the imperative that you've got to make a profit is just ridiculous.

COCKRELL: Any other member of the Council?

MR. BURKE: Madam Chairman, when I resurrected this issue, as Mr. Torres stated a few minutes ago, I was under the impression that a reduced fare would increase the ridership activity, the business of the downtown merchants and the economic values and actually result in a return of any subsidy that might be necessarily expended in this operation. After listening to the issue for a couple of months, there has been no convincing proof that this premise is correct. We have not been shown that ridership would increase and I do not think that any of the other cities that have been investigated in this issue have outright stated that their ridership has increased or that the revenue to their transit system has increased. I do not feel that we should subsidize a particular group of citizens. Now, when Mr. Torres speaks about police protection and fire protection, those are items that are available to all classes of citizens in the City. When we speak of a subsidy, there should be some hope of increasing the economic values in the City by use of that subsidy to such an extent that there would be a fare change of increasing the tax base and thereby having a return of the subsidy back to the City. But, nevertheless, and in spite of those reasons, I must be bound by the opinion of the City Attorney in this matter.

MR. TORRES: May I ask a question?

COCKRELL: Let me just call Mr. Hill, because he has been awaiting recognition.

MR. TORRES: All right, I'm sorry.

MR. HILL: Madam Chairman, what I wanted to go back to is (1) I believe in Mr. Walker backing the Chamber, I just want to be sure I'm clear on this. Mr. Torres mentioned about the Charter, when he was speaking or talking about the police and the fire and whatnot. There is a particular

provision in the Charter or in the indenture in the Transit Company that differs from the others. The fact that the Transit, through its revenue, will operate, let's say, on a "pay-as-you-go" basis from their revenue, is that not right?

CITY ATTORNEY WALKER: Yes, that is correct.

MR. HILL: I just want to make sure I'm clear on this, and the other comment that Mr. Torres made on HemisFair Plaza. I personally feel that any action that we have taken on HemisFair Plaza is for the good of all the citizens of the City of San Antonio and not for any one particular group.

CITY ATTORNEY WALKER: With reference to the advertising that was mentioned, that is specified specifically as an authority of Council in the Charter. I'm concerned about the authority that you have only.

COCKRELL: All right, let me get that restated. You are stating that not only does the City not have the power to subsidize, but you are stating that it does not have the power to set up a special category of ridership at a different fare.

CITY ATTORNEY WALKER: Let me restate the thing. I'm stating that as far as going into the City's budget, that was what we assumed was going to be the ultimate result of this thing, assuming that money was lost, we would go into the City budget and we would reimburse the Transit Company, before it gets losses, assuming it had losses. That is known as a subsidization. The City is not authorized to do that. With reference to setting of the fares, the indenture states if the Transit Company wants to do it, it's okay with me, I don't care. It's their operation, we don't have anything to do with it anyway. But their indenture says their rates shall be their usual rates to all and the only departure they have from that is under a State Statute, which was adopted in 1903, and it may not be legal today, which permits this reduced school fare to the school children. Now, there is not another place in the Charter or in the indenture or in the State law, which permits any other reduced fare, except that school children thing. That's my point. You don't find the authority for it.

DR. NIELSEN: But it does not, on the other hand, specifically prohibit, as Mr. Torres interpreted, from studying the rates, right?

CITY ATTORNEY WALKER: The City sets the rates on a uniform basis and

DR. NIELSEN: Nobody has ever termed what uniform means.

CITY ATTORNEY WALKER: Yes, they have. The indenture says based on zoning. It doesn't say that you can give this group of people a set fare.

MR. TORRES: We called for the question. I've given my reasons why I disagree with my learned colleague and fellow member of the Bar. Lawyers disagree with each other all the time and that's why you have so damn many lawyers anyway.

COCKRELL: The question has been called. Call the roll.

NIELSEN, TORRES - Aye

BURKE, CALDERON, TREVINO, HILL - Nay

COCKRELL: Reluctantly, I'm going to have to vote no. I will state my position at this time. I would like very much to do this. I'm not as worried by the question of subsidization, because I do not think, at this point, the question has been proved that there would be a loss, until it had been tried. The legal point, which I think has influenced me is the inability, under the Transit Authority indenture, to legally set off a special category. Now, if it is possible to go to the Legislature and to get this amended, I will state my willingness to work with the senior citizens to go and see if that can be amended. In that case, I would feel legally free to go forth, so I'm sorry. I certainly commend your efforts, because you have made a very fine case.

MRS. KENNY: Mrs. Cockrell, we still have high hopes. The City of Dallas is just going through this. They are City-owned. They would have to get the Constitutional amendment also in order to set special rates for their senior citizens. So, with your permission, after Dallas has gone through with this period, we'll come back before you again. I want to thank you for your courtesy and kindness on this and your patience in listening to us and we won't delay you going to jail.

FOOD STAMP COMMITTEE REPORT

March 12, 1970

The current food stamp program serves approximately 8,600 households representing 42,000 individuals, more than three times the participation since its inception in July, 1968. Estimates of increased utilization during the coming year suggest as many as 20,000 households benefitting by December 1970.

Based on current problems with the program, the request of the State Department of Public Welfare in both December 1968 and December 1969 for more operating funds, and current projections of sharply rising applications of recipients throughout the coming year the committee recommends the following:

I Short-range recommendations

- A. Development of an expanded central offices and continued use of satellite offices as outlined in the Department of Public Welfare letter dated February 25, 1970. Staff is to select suitable facilities for such an office.
- B. Authorization for up to an additional \$108,000 to support the above program.
- C. Additional city welfare department staff as needed to meet current increases.

II Long-range recommendations

In order to effect a more realistic, long-range solution to our local problem, we ask the City Manager to secure from the Texas Department of Welfare and United States Department of Agriculture permission to contract with the City of San Antonio for operation of the food stamp program. In order to effectively develop the operation (which contributes over 5 million dollars annually to our economy and will double this year) in an efficient and economical manner, it is necessary to unite management responsibility with major funding which continues to come from the City of San Antonio. It is our belief that such action will greatly improve the program.

III. State Legislative Action-

We further recognize the fact that the State of Texas is responsible for over-all direction of the food stamp program, and recommend prior to convening of the Legislature next January a meeting with the Bexar Legislative delegation and the Governor to urge their support of an improved program and adequate funding to implement it. Appropriate resolutions from this Council should follow up such meetings.

/S/ D. Ford Nielsen
/S/ Herbert Calderon
/S/ Felix Trevino