

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
WEDNESDAY, NOVEMBER 26, 1969 AT 8:30 A.M.

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

69-52 The invocation was given by Councilman S. H. James.

The minutes of the Council meeting of November 20, 1969 were approved.

69-52 The Clerk read the following Ordinance:

AN ORDINANCE 38,099

AUTHORIZING THE FINANCE DIRECTOR TO PURCHASE CERTAIN TRAFFIC CONTROL SIGNAL EQUIPMENT FROM AUTOMATIC SIGNAL, A DIVISION OF LABORATORY FOR ELECTRONICS, INC. FOR THE DEPARTMENT OF TRAFFIC AND TRANSPORTATION FOR A NET TOTAL OF \$46,400.00.

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Mr. John Brooks, Purchasing Agent, explained that these parts are available from this company. The parts are to be used in the downtown signal system.

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

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69-52 The Clerk read the following Ordinance which was explained by Mr. John Brooks, Purchasing Agent. After consideration on motion of Mr. Hill, seconded by Mr. Trevino, the ordinance was passed and approved by the following vote: AYES: McAllister, Cockrell, Burke, James, Nielsen, Trevino Hill, Torres; NAYS: None; ABSENT: Calderon.

AN ORDINANCE 38,100

ACCEPTING THE ATTACHED LOW QUALIFIED BIDS OF PAUL ANDERSON COMPANY AND EUGENE DIETZGEN COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH CERTAIN SURVEYOR'S EQUIPMENT FOR A TOTAL OF \$3,542.86.

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69-52 The Clerk read the following Ordinance which was explained by Purchasing Agent John Brooks. After consideration on motion of Mr. Trevino seconded by Mrs. Cockrell, the ordinance was passed and approved by the following vote: AYES: McAllister, Cockrell, Burke, James, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSTAIN: Calderon.

AN ORDINANCE 38,101

ACCEPTING THE ATTACHED LOW QUALIFIED BID OF JESS MCNEEL MACHINERY CORPORATION TO FURNISH THE CITY OF SAN ANTONIO WITH ONE MOTOR GRADER FOR A NET TOTAL \$9,112.00.

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69-52 The Clerk read the following Ordinance:

AN ORDINANCE 38,102

ACCEPTING THE ATTACHED LOW QUALIFIED BIDS AS LISTED BELOW TO FURNISH THE CITY OF SAN ANTONIO VARIOUS DEPARTMENTS WITH CERTAIN TRUCKS FOR A NET TOTAL OF \$369,966.52.

* * * *

Tom Benson Chev.	
Items #1, 2, 3, 4, 6, 17 & 18	\$ 87,313.00
Grande Ford Trucks	
Items # 13, 16 & 19	21,630.97

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Jordan Ford Item # 5	\$ 7,324.92
International Harvester Items #8, 9, 10, 11 & 12	134,012.61
Mission Chevrolet Item #14	2,205.92
O, R, Mitchell Motors Item #7	10,703.10
Motor Truck Sales Item #14	106,776.00
	<u>369,966.52</u>

Mr. John Brooks, Purchasing Agent, explained that this purchase covers 99 trucks which were budgeted for this fiscal year. He stated that nine bids were received and all met specifications with the exception of Gillespie Ford. This firm has written a letter asking that their bid be withdrawn because it did not meet specifications.

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

69-52 The Clerk read the following Ordinance:

AN ORDINANCE 38,103

AUTHORIZING EXECUTION OF LEASE EXTENSION
AGREEMENT WITH THE UNITED STATES OF
AMERICA COVERING POST OFFICE SPACE FOR
THE LAPHAM STATION AND TRANSFER OFFICE
AT INTERNATIONAL AIRPORT.

* * * *

Mr. Thomas Raffety, Director of Aviation explained that this post office has been located in the Terminal Annex building since 1967. The extension is for one year and has two 6 months options which in effect makes it a two-year lease.

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

69-52 The Clerk read the following Ordinance:

AN ORDINANCE 38,104

MANIFESTING AN AGREEMENT WITH FRED RELYEA,
d/b/a CRASH RESCUE EQUIPMENT SERVICE TO
EXTEND SERVICE CONTRACT FOR FY 1969-1970.

* * * *

Mr. John Brooks, Purchasing Agent, explained that this truck is the major piece of Fire & Rescue equipment at the airport and requires specialized preventive maintenance and inspection. It is the only equipment of its kind in the City. This firm is the only one in this area who can do this type of maintenance and service.

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

69-52 Mayor McAllister was obliged to leave the meeting and Mayor Pro-Tem Mrs. Cockrell presided.

69-52 The Clerk read the following Ordinance:

AN ORDINANCE 38,105

APPROPRIATING \$21,707.22 OUT OF THE
UNAPPROPRIATED SURPLUS OF STINSON AIRPORT
FUND AND AUTHORIZING TRANSFER OF THE
SAME TO THE GENERAL FUND AS REIMBURSEMENT
TO PUBLIC WORKS FOR THE COST OF ASPHALTIC
MATERIALS USED IN OVERLAY OF RUNWAY 9-27.

* * * *

69-52 Aviation Director Thomas Raffety explained that Runway 9-27 at Stinson Airport was overlaid in order to give it a good surface. The work was done by the Department of Public Works and this reimburses the Public Works Department for the materials used.

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

69-52 The Clerk read the following Ordinance:

AN ORDINANCE 38,106

ACCEPTING THE LOW BID OF H. B. ZACHRY COMPANY FOR RECONSTRUCTION OF A PORTION OF TAXIWAY "G" AT INTERNATIONAL AIRPORT AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR SAID WORK; AUTHORIZING PAYMENT OF \$258,779.00 TO H. B. ZACHRY COMPANY OUT OF AIRPORT REVENUE FUND 8-01; AUTHORIZING PAYMENT OF \$13,000.00 OUT OF THE SAME FUND TO LODEL AND BAIN ENGINEERS, INC. FOR PROFESSIONAL SERVICES, AND AUTHORIZING \$10,400.00 TO BE USED AS A CONSTRUCTION CONTINGENCY ACCOUNT AND \$6,650.00 TO BE USED AS A MISCELLANEOUS CONTINGENCY ACCOUNT.

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Mr. Tom Raffety, Director of Aviation, explained that Taxiway "G" is in poor condition has poor strength. This job is for reconstruction of a portion of it. Five bids were received from a lot bid of \$258,779.00 to a high of \$335,360.00. The contract calls for completion in 85 working days.

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

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69-52 The Clerk read the following Ordinance:

AN ORDINANCE 38,107

DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF SAN ANTONIO SEWER SYSTEM REVENUE BONDS, SERIES 1970, DATED FEBRUARY 1, 1970, IN THE PRINCIPAL AMOUNT OF \$8,000.00.

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Mr. Carl White, Assistant Finance Director, explained the requirements needed to give legal notice of the sale which is scheduled for January 22, 1970.

Mr. Sam Granata, Director of Public Works, explained the improvements that will be made from the bond funds.

City Manager Henckel explained there is no money left from the last sewer revenue bond issue. What money is in the fund is committed to the Salado Creek Outfall line. The City has not been able to sell bonds for one year in order to get experience on the new sewer service rates which were adopted last year. He anticipated that funds from this issue will last five years.

Mr. Sam Granata then explained the present sewer extension policy specially with regard to the City requiring developers to put in oversized mains.

Mr. Carl White then explained that the sewer service charge is bringing in about 3,300,000 dollars per year. The operation and maintenance of the sewer system is \$2,800,000.00. The sewer revenue will pay for the bonds and the maintenance and operation of the sewer system under the present rate structure.

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

Councilman Torres stated that he was voting aye but wanted to explain that this is with the clear understanding that as the staff has explained there would be no need based on present projections to increase the sewer service charge.

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69-52 The Clerk read the following Ordinance:

AN ORDINANCE 38,108

DIRECTING PUBLICATION OF NOTICE OF BOND
SALE.

Mr. Carl White, Assistant Finance Director, explained that this is also a legal requirement for the sale of the bonds which will be advertised in The Bond Buyer in addition to the Commercial Recorder, the City's official publication.

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

69-52 The Clerk read the following Ordinance:

AN ORDINANCE 38,109

ACCEPTING THE PROPOSAL OF MCCALL, PARKHURST,
& HORTON TO ACT AS BOND COUNSEL IN CONNECTION
WITH THE ISSUANCE AND SALE OF SEWER SYSTEM
REVENUE BONDS, SERIES 1970, IN THE AMOUNT OF
\$8,000,000.00.

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Mr. Carl White, Assistant Finance Director, explained that this firm has been the City's bond attorney for many years. They have done an outstanding job and he recommended that they be employed for this revenue bond issue as in the past.

Councilman Torres stated that the last time the City had a bond issue, he thought that he had a committment from City Manager Shelley that he would consider local bond attorneys to handle future issues. He added that he would like to feel that a time will come when the City would consider local bond attorneys for this work.

City Manager Henckel stated that he was not familiar with any commitment made by Mr. Shelley. City Manager Henckel advised that the policy is for the staff to recommend a firm who they think is the most qualified. In this case, they recommended this firm because it has had experience with San Antonio and other cities with bonds of this type. He added that the attorneys handling the bond issue very definitely affects the salability of the bonds. These attorneys are recognized and accepted by the bond buyers for their legal opinion which goes on the bonds.

Councilman Torres stated that the San Antonio firm of Dobbins & Howard is nationally recognized and asked that the Council put off action for one week to see if proposals can be obtained from local firms.

After further discussion of the matter, Mrs. Cockrell made a motion that the ordinance be adopted. Seconded by Mr. Hill, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Hill, Trevino; NAYS: Nielsen, Torres; ABSENT: None.

69-52 The Clerk read the following Ordinance:

AN ORDINANCE 38,110

ACCEPTING THE PROPOSAL OF RAUSCHER PIERCE & CO., INC., TO ACT AS FINANCIAL ADVISORS FOR THE CITY OF SAN ANTONIO IN CONNECTION WITH THE PROPOSED CITY OF SAN ANTONIO SEWER REVENUE BOND ISSUE.

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Mr. Carl White, Assistant Finance Director, explained that this firm has served as fiscal agents on the City's revenue bond issues and recommended adoption of the ordinance.

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

The Clerk read the following Ordinance:

AN ORDINANCE 38,111

REQUESTING THAT THE PROJECT DESCRIPTION AND THE PROJECT BUDGET OF THE SITES AND BUILDING DEVELOPMENT PROJECT BE INCLUDED IN THE GRANT BUDGET OF THE GRANT AGREEMENT UNDER WHICH THE CITY OF SAN ANTONIO COMPREHENSIVE CITY DEMONSTRATION PROGRAM WILL BE CARRIED OUT.

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Mr. Roy Montez, Model Cities Administrator, explained that this provides \$1, 100,000.00 to the San Antonio Independent School District for the construction of an elementary school. One million six hundred three thousand dollars is for the Edgewood Independent School District for the construction of an elementary school and one junior high school as well as the repair of twelve schools including one junior high school. He stated that this has been approved by the Citizens Participation Policy Committee.

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

69-52 The Clerk read an Ordinance requesting that the project description and the project budget of the Gangwork activities project be included in the Grant Budget of the Grant agreement under which the City of San Antonio comprehensive City demonstration program will be carried out.

Mr. Roy Montez, Model Cities Administrator, stated that this project will be sponsored by the Guadalupe Community Center. It originated out of the Crime Reduction Component Review Committee and has been approved by it as well as the CPPC and the Model Cities Staff and recommended that the Council approve the project. The project is designed to work with existing gang members to redirect their energies into constructive endeavors.

In answer to a question by the Mayor, the City Manager stated that if the project is approved by the Council, it still has to be approved by HUD. Objections by the Police Department will be worked out after approval of the Federal Government. The Police Chief's objection was to programs. He would like to see specific programs worked out. If the project is approved by HUD, the Council will have to approve the contract at a later date.

To a question by Dr. Calderon, Mr. Montez advised that the project needed a sponsor in this case, the Guadalupe Community Center. HUD guidelines state that the sponsor must have experience in this type of work and in record keeping. The sponsor meets all the requirements. It will permit MANCO to work out an arrangement with Guadalupe Community Center for carrying out the project. It was brought out that this is the only project in which the City contracts with an agency which in turn subcontracts to another agency. After discussion pro and con, Councilman Nielsen made a motion that the ordinance be adopted. The motion was seconded by Mr. Torres. On roll call, the motion failed by the following vote: AYES: Nielsen, Torres; NAYS: McAllister, Calderon, Burke, James, Hill, Cockrell, Trevino; ABSENT: None.

The Mayor then asked that the City Manager furnish the Council more information about the project which they may consider before taking action on the ordinance.

69-52 The Clerk read the following Ordinance:

AN ORDINANCE 38,112

AMENDING THE CURRENT BUDGET BY CREATING
NINE (9) ADDITIONAL EMPLOYEE POSITIONS
WITHIN THE METROPOLITAN HEALTH DISTRICT
AND AUTHORIZING TRANSFER OF \$24,205.00
FROM THE OPERATING CONTINGENCY ACCOUNT
TO HEALTH DEPARTMENT ACCOUNTS.

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Dr. W. R. Ross, Director of the Metropolitan Health District, advised that the federal government has discontinued the funding of the TB project effective November 30, 1969. The project is considered to be of vital importance to the health and welfare of the citizens and the City feels that the project should be continued on a City funded basis.

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The State Department of Welfare will back up the program with \$67,000. The money being appropriated today is for the City's share.

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

69-52 The following Ordinance was read by the Clerk and explained by Mr. Bob Frazer, Director of Parks and Recreation. After consideration on motion of Mr. Trevino seconded by Dr. Calderon, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Nielsen, Trevino, Hill; NAYS: None; ABSENT: Cockrell, Torres.

AN ORDINANCE 38,113

MANIFESTING AN AGREEMENT WITH ALFRED F. BEYER AND JOHNSON W. SMITH, A PARTNERSHIP D/B/A CASA RIO MEXICAN FOODS, TO EXTEND THE PRESENT CONTRACT FOR USE OF A PORTION OF THE BEAUTIFIED SECTION OF THE SAN ANTONIO RIVER IN CONJUNCTION WITH A RESTAURANT OPERATION, FOR AN ADDITIONAL ONE-YEAR PERIOD, ENDING DECEMBER 31, 1970.

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69-52 The Clerk read the following Ordinance:

AN ORDINANCE 38,114

AMENDING THE PREVAILING WAGE RATES OF THE CITY OF SAN ANTONIO TO BE USED IN CONNECTION WITH CITY PUBLIC WORKS CONTRACTS AS THE SAME PERTAINS TO ROOFERS.

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Mr. Sam Granata, Director of Public Works, explained that the current prevailing wage rates were adopted in December of 1968. The roofers had reached a new agreement with contractors and have requested that the new wage rates be included in the City's schedule. On motion of Mr. Trevino seconded by Dr. Calderon, the ordinance was passed and approved by the following vote: AYES: McAllister, Burke, Calderon, James, Cockrell, Trevino, Hill; NAYS: None; ABSENT: Torres, Nielsen.

69-52 The Clerk read the following Ordinance which was explained by Mr. Francis Vickers, Director of Municipal Facilities and after consideration on motion of Mr. Burke seconded by Mr. Hill, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Trevino, Hill; NAYS: None; ABSENT: Nielsen, Torres.

AN ORDINANCE 38,115

AMENDING ORDINANCE 36,981 WHICH ESTABLISHED A RENTAL RATE SCHEDULE FOR MUNICIPAL AUDITORIUM, SO AS TO REDUCE THE MINIMUM GUARANTEE FOR COMMERCIAL NIGHT TIME USE OF THE FACILITY FROM \$250.00 to \$200.00 PER NIGHT FOR LESSEES WHO RENT THE PREMISES AT LEAST 48 NIGHTS PER YEAR.

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69-52 The Clerk read the following Ordinance:

AN ORDINANCE 38,116

CLOSING AND ABANDONING A 50' PORTION OF NIKA STREET ADJACENT TO NEW CITY BLOCK 6300 AND AUTHORIZING A QUITCLAIM DEED OF THE SAME TO PLAYLAND PARK PROPERTY CORPORATION FOR THE SUM OF \$1.00 AND OTHER VALUABLE CONSIDERATION.

Mr. W. S. Clark, Land Division Chief, explained that by a previous ordinance, the City closed a portion of Nika Street, adjacent to Playland Park and conveyed a quitclaim deed to Playland Park Property Corporation. Through oversight, an additional 50 feet which was intended to be conveyed was

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left out of the quitclaim deed. This ordinance corrects the previous transaction. The consideration is \$1.00 plus certain underground electrical facilities in Hemisfair Plaza which have been previously conveyed to the City.

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

69-52 The following ordinance was read by the Clerk and explained by Mr. W. S. Clark, Land Division Chief. After consideration on motion of Dr. Calderon seconded by Mr. Hill, the ordinance was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Hill, Cockrell, Trevino; NAYS: None; ABSENT: Nielsen, Torres.

AN ORDINANCE 38,117

APPROPRIATING \$700.00 OUT OF SEWER REVENUE FUND #404 TO SECURE EASEMENTS IN CONNECTION WITH THE SALADO CREEK OUTFALL SEWER PROJECT; APPROPRIATING \$11,815.00 OUT OF NORTH EXPRESSWAY BONDS FOR PURCHASE OF RIGHT-OF-WAY AND AUTHORIZING EXECUTION OF A QUITCLAIM DEED OF CERTAIN PROPERTY TO THE STATE OF TEXAS PERTAINING TO SAID PROJECT, ALSO ACCEPTING AN EASEMENT IN CONNECTION WITH THE EL DORADO HILLS SANITARY SEWER OUTFALL LINE PROJECT.

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69-52 The Clerk read the following Ordinance which was explained by City Manager Henckel and after consideration on motion of Mr. Burke seconded by Mr. Hill, was passed and approved by the following vote: AYES: McAllister, Burke, James, Cockrell, Trevino, Hill; NAYS: Calderon; ABSTAIN: Torres; ABSENT: Nielsen.

AN ORDINANCE 38,118

AUTHORIZING TRANSFER OF THE SUM OF \$1,598.00 FROM THE OPERATING CONTINGENCY ACCOUNT 70-01-01 TO SPECIAL PROJECTS ACCOUNT 99-11-08 (SAN PEDRO PLAYHOUSE REPAIRS), AND AUTHORIZING PAYMENT OF SAID SUM FROM THE LATTER ACCOUNT TO SAN ANTONIO LITTLE THEATER.

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69-52 The Clerk read the following Ordinance which was explained by the City Manager and on motion of Dr. Calderon and seconded by Mr. Burke was passed and approved by the following vote: AYES: McAllister, Calderon, Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres; NAYS: None; ABSENT: None.

AN ORDINANCE 38,119

MANIFESTING AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE CITY WATER BOARD EXTENDING THE TERM OF THE LEASE OF SPACE IN THE CITY HALL ANNEX FOR A ONE YEAR PERIOD BEGINNING JANUARY 1, 1970, AND THEREAFTER ON A MONTH TO MONTH BASIS UNTIL DECEMBER 31, 1971.

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69-52

SEPTIC TANKS IN SUBDIVISIONS
OUTSIDE THE CITY LIMITS

The Clerk read the 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.

Mr. William H. Spice, Jr., Director and Chairman for Bexar County, Edwards Underground Water District, made the following statement: "The Edwards Underground Water District is greatly concerned about the possible pollution of the Edwards limestone aquifer by the construction of waste disposal facilities on or into the surface outcrop of the Edwards formation. The Board of Directors at EUWD at a meeting held on October 17, 1969 unanimously adopted a statement which was presented to the Texas Water Quality Board at a public hearing held in San Antonio at 1:30 p.m. on October 17, 1969 in the Gunter Hotel. The Bexar County Directors of EUWD have asked me to appear before the City Council and request that the City Council postpone action on an Ordinance repealing Section 36-14 (c) of the City Code relating to requirements as to septic tanks in subdivisions located outside the city limits of the City of San Antonio until the Texas Water Quality Board has held another public hearing at which a possible order made be adopted by the TWOB concerning restrictions on waste discharges in the Edwards recharge area. Such action by the City Council is requested so that there will be no hiatus or gap in the restrictions against septic tanks to be constructed in subdivisions outside the San Antonio City limits.

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Mr. Spice then read a statement presented to the Texas Water Quality Board by Edwards Underground Water District at a public hearing held in San Antonio, Texas on October 17, 1969 as follows: "The Edwards Underground Water District Recommends: 1. That a Critical Zone be designated throughout the Edwards Underground Water District area, being that area in which water directly enters the Edwards limestone formation on the surface and in stream beds, being more specifically defined in Attachments 1 and 2, attached hereto. 2. That no waste disposal facility shall be constructed in the Critical Zone without first obtaining a permit from the County Health Authority of the County in which the facility is located. 'Waste disposal facility' means and includes both (1) any facility, method, or system designated for the disposal of sewage (2) any facility, location, or operation, the use of which produces deposit of solid or liquid waste material on or into the earth, excepting sanitary fills which are permitted by the State Department of Health. 3. That the Edwards Underground Water District be designated as the agent of the Texas Water Quality Board for the sole purpose of advising County Health Authorities as to whether a facility lies within the Critical Zone.

Following the statement, there was a general discussion of the matter between Mr. Spice, the Council and the City Manager. It was brought out during the discussion that the Texas Water Quality Board is expected to meet within the next 60-90 days and take action concerning the EUWD. Mr. Spice asked the Council to delay action on the proposed ordinance until the Water Quality Board could act. Mr. Trevino made a motion that the ordinance be adopted repealing Section 36-14 (c) of the City Code. The motion was seconded by Mr. Torres.

Dr. Calderon then made a substitute motion that action be delayed for 90 days. The motion was seconded by Mrs. Cockrell. On roll call, Dr. Calderon's substitute motion prevailed and action was postponed for 90 days by the following vote: AYES: McAllister, Calderon, James, Cockrell, Hill; NAYS: Burke, Nielsen, Trevino, Torres; ABSENT: None.

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"BOND RATING BY MOODY'S"

City Manager Henckel announced that he had just received word that Moody's had rated San Antonio "AA", the highest rating that it gives cities.

69-52 Mr. Lynn Spears appeared before the City Council to make a statement in behalf of the San Antonio Transit System. Mr. Spears said that the Transit System had had an emergency meeting earlier this morning and, in view of the current financial status and projection, had decided to request the City Council to authorize a fare increase of five cents on the base rate.

There was a discussion between Mr. Spears and members of the Council regarding Texas Open Meeting laws and whether they had been complied with by the Transit System. Mr. John McDonald read from the Texas statutes regarding the posting of notices for regular or special meetings.

After full discussion, Mayor McAllister suggested that the Transit System have another meeting after having posted proper notice and come back to the City Council at its meeting to be held December 5, 1969.

69-52 The Clerk read the following Ordinance:

AN ORDINANCE

DECLARING CERTAIN PROPERTY OWNED BY THE BOARD OF TRUSTEES OF TRINITY UNIVERSITY TO BE SUBJECT TO AD VALOREM TAXATION BY THE CITY OF SAN ANTONIO.

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MR. LUTHER COULTER, Attorney on Administrative Staff at Trinity University: This is my third appearance before you in this matter and if we can communicate clearly all of the facts relating to the property involved, I am confident that the position we have taken in this matter, and which you must approve, is correct. Let's look briefly at the law. It is not a violation of our constitutional statutes for you to have exempted from taxation the property covered by your ordinance of October, 1968. There is no Texas Supreme Court Case clearly in point, but our Courts of Civil Appeal, including the Carter versus Patterson Case, favor exemption of property in question, and Supreme Court cases of other states with constitutions and statutes similar to ours clearly exempt all the property covered by ordinance. With the aid and assistance and guidance of the late John Wheeler, I have thoroughly briefed the law relating to the subject matter and it is my firm opinion that the law supports your ordinance of October, 1968.

Now let's look briefly, but clearly and concisely at the total facts concerning the buildings in question. Here is a photograph from one of last Sunday's local newspapers, perhaps you all saw it in the paper. The top picture is a photo of the building at 106 Oakmont, with the headlines, "Educational Institution's Question Mark."

Doubt with these brief facts, and certainly doubt might be raised in your mind as to whether or not the house should be exempt, but let's go inside the house now and look at the total facts. Here is the floor plan of that house indicated in red that is occupied by the host and hostess, Mr. & Mrs. Russell Gossage, who stay there in order to administer this house. On the second floor, which they occupy, there is a bedroom, living room, dressing room and bath. On the first floor they use the kitchen and utility room which is also shared, much like a church kitchen, for all the other activities which go on in this house. So on the first floor then, it is not used by the people who administer the house at all, but used for school purposes throughout the week and the year are eight rooms on the first floor, eight more on the second floor and then the entire third floor that they don't use at all.

So looking at the overall picture, I think, gives a different picture than just a glance at the outside as we saw in the newspaper.

COUNCILMAN PETE TORRES: Are there any living quarters in the house at all? I didn't catch that. What part of the house are they in?

MR. COULTER: Mr. Gossage and his wife occupy a bedroom on the second floor, with a living room, dressing room and a bath. They use the kitchen on the first floor, but that kitchen is also shared for all the other activities in the house. In other words the things that occur in that house, which we will speak of in a moment. Right now I wanted to simply illustrate the small portion of the house that they occupy as far as living there. The other house shown in the newspaper article we will refer to in a moment, 151 Oakmont, administered by the Dean of the University, Dr. Bruce Thomas.

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DR. JAMES W. LAURIE, PRESIDENT, Trinity University: I think I have been down here before you once before and I want to commend you for the action taken then and I hope you will let it remain. I will be pleased to review with you any portion of this or answer any questions that I can. I think Mr. Coulter has given you a thumbnail presentation. We would not like to take your time so if there are questions that we have not gone into fully enough please don't hesitate to ask them.

We have mentioned these two houses because they apparently seemed to be singled out in the newspaper article and was not of our origin. I assume that the houses that are really being reviewed today are the seven on which after exempting them twice by a split vote, the Commissioner's Court restored to the tax rolls subject to some conferences which we have not been able to arrange with them.

Mr. Coulter has mentioned the utilization of 106 (Oakmont) and I believe that you Mayor and the Mayor Pro-Tem and perhaps others have been in that house for meetings with the generals, the foreign language school people, for the international relations group. It is used, in answer to Mr. Torres' question, for housing of alumni, student lecturers, college guests, scientists who have come here. It will eventually find a larger use as we move into the utilization of the third floor area there, which is like a ballroom, if we can work it out, could be worked into an art studio which we badly need on the campus.

I would point out that all the property we are talking about today, at least that I am, and you may ask about it if you wish, is part of the campus. It is served by campus utilities, it is considered part of the property. It is contiguous, but continuity is not a relevant factor one way or the other as to whether it is a college piece of property or not.

So the first house is used for educational purposes in the sense of that word as we understand it.

COUNCILMAN TORRES: Exclusively, Dr. Laurie?

DR. LAURIE: Exclusively yes. I would say under the terms of the word exclusively, yes. I don't know how you would define that. For example, if you came out and talked to me in my office and this is politics, does this invalidate the exclusive use of my office for education purposes?

COUNCILMAN TORRES: But if I live in my home and incidental if I have a few political meetings in my home, is my home used for politics, or is it used for living purposes or is it used exclusively for politics or exclusively for living. I don't think you can say either one.

DR. LAURIE: I'm very glad you raised that question because I think this is a very important question. We have about 250 or 260 faculty members who live in the City of San Antonio. Some of them live in housing which is owned by the university and for which they pay rent and for which we pay taxes and our taxes are paid up to date.

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As a matter of fact we have more houses on the tax rolls for which we are paying taxes than for which we are asking for exemption. We are not claiming exemption because a man is a faculty member. We claim exemption because the property is part of the university complex. Let me say that when we come to utilization, we have been doing utilization studies of space as you know as all institutions of higher education, public and private. How you form a norm is difficult. But if you assume a forty hour week, which is a building or an office, you get a utilization of our class rooms, our laboratories, our offices, our facilities of about 37 to 50%. Using that same criteria on an hourly basis, each of these pieces of property or all taken together come at the high end of that, the 50 rather than the 37%. The Dean of the university is here and can speak for himself. Dean Bruce Thomas. One of the houses pictured here, 151 Oakmont Court, known as the Scott House, is contiguous to the campus, is part of our campus, is part of the utility system of our campus, is maintained by our university and contains an office for the Dean. He also has an office elsewhere, but if he wants to do any work, write a speech, do a curriculum, that is the office he uses. It was in that piece of university property that we had the conferences with the students over a period of two or three years that evolved the Trinity plan of curriculum which is now being widely adopted by other institutions. It is used daily for various school purposes. I can go into any detail you like. This is a most important university property. The fact that he lives there is incidental. If we, sometime down the line and we may very well because we have classes there now, utilize this as a classroom. We have had schools for the teaching of the deaf, which we now take care of in Sunshine Cottage. We had one of its seminars there all last year. This is university property and it is not residential property. I would like to make this clear. I would like to come back to this in a moment in another category.

Without labeling the other houses, although I will if you wish me to, for example let me go on and say three things which I think the Council may not be wholly aware of. The first is this utilization program. These are used for university purposes at about the same rate of space utilization of any other of the academic property of the university. We can document that if you wish, but that is a statement of fact.

Secondly, I'd like to mention to this honorable body something to do with finances. We are an independent university. We are not sectarian, we are non-discriminatory. Public universities have all their property exempt by law, by right and it costs somebody, usually the taxpayer, \$1200.00 for every student in a senior college. This is paid by taxes, local taxes, or various other ways. According to the Chamber of Commerce and the public press the taxpayer will put 30 million dollars over two or three years into the equipment and starting of the University of Texas at San Antonio. This will be tax money and this is money we will contribute where ever we do pay taxes. The independent university does not receive tax aid. It does not come to the taxpayer and ask for support, but we do take about 7 to 8 million dollars of the load off the tax payer by finding the money in other ways. By independent gifts and from the students direct. More important, 48% of the students who receive aid at Trinity University are Bexar County students. Last year the University invested in the students of Bexar County, administered all kinds of aid in the amount of \$434,000.00. \$231,000 of this was direct Trinity funds which we promoted. \$203,000 were government funds.

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Dr. Laurie...continued...

This is the investment we make as an educational institution through these facilities, part of which you are raising questions about today. I'll go a step further. One hundred fifty-two of our undergraduate students receive economic opportunity grants. I want to state here that we are not a rich school. To be eligible for an economic opportunity grant you must receive the low end of status assistance or less income in the family. Half of those students come from San Antonio. They make an investment of a great many thousands of dollars directly and particularly into the areas in San Antonio where we have very brilliant students but can't, by any stretch of the imagination, pay their own way. We could go on to say that this does not include any of the athletic grants, it's purely scholarship and other kinds of aid. This is where the money would have to come from if you drain it off into taxation which we ought not have to pay. This is the kind of contribution we think we make as an educational institution. I could mention in the graduate level the urban studies program where we have almost equal Spanish surnames, black, white. But these are supported fully by a grant from the local foundation plus what we put in, about a third of it from our own funds. We think probably this kind of service from an educational institution is more important than quibbling over amounts of tax money that we don't think are quite proper. Let me say one further thing in that, we don't want to be in a position, and we're sure you don't as an honorable body here, of being guilty in anyway of discrimination. In an action by another body, we were not supposed to be put on the rolls for any of these things unless we were done jointly with another institution. Unfortunately, the man who in good faith made that statement was not able to carry his colleagues with him so we were on these seven pieces of property restored to the tax rolls unilaterally and it is still a matter of discussion.

Let me just say this. Of our 250 faculty, as I mentioned to Mr. Torres, we do not claim tax exemption on their homes because they are faculty members because as they do, they have students in. This is campus property. These people are required to live here to do their duties. This is within the limits of what is done in other institutions. There are about 12 of our senior staff members, Business Manager, President, Vice President, Dean and so on living in these houses and utilizing them for educational purposes and we could not operate the university without them. Incidentally I think you will realize that Trinity University is very proud of the way its students have behaved and part of this is because they come to my home and the Dean's home in informal meetings almost every week and discuss matters and we talk about them and this is much better than some other ways to do it. In another institution there are 68 faculty members living in quarters on campus in property you have ruled to be tax exempt and that you have ruled be used exclusively for educational purposes and I believe you were correct and they were properly exempt.

COUNCILMAN TORRES: Where is this that you are talking about?

DR. LAURIE: In San Antonio.

COUNCILMAN TORRES: What school are you talking about?

DR. LAURIE: In this case I am talking about St. Mary's.

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COUNCILMAN TORRES: The professors you're talking about live on campus in a home with their families?

DR. LAURIE: Mr. Torres, as you know, better than I, there are those that believe in celibacy and those who don't. These particular people in our case have wives. In the other case they do not. I don't think I want to get into a debate, and I'm sure this honorable body doesn't as to the virtues or draw backs of celibacy. The fact of the matter is that the family has little to do with this except in the case or instance I know where the wife is a very valuable partner in the educating process we go on, which is the building of homes, I hope, and the development of the total person. All I'm saying is that I do not think we want to be involved in anything that is discrimination and we would feel that we were being singled out as the single institution in which this kind of action is being taken. Again, may I say that you can talk about any that you want, but we have very carefully placed upon the tax rolls rendered, Bushnell Apartments for example, and about 19 other pieces of property, and we have paid our taxes because we did not feel they should be tax exempt. They are not used for educational purposes. This is part of our campus as you will see by the little chart. Five of them I believe are not under question by anyone, the seven that are we consider a part of the total university program and come under the law and think that we would be discriminated against if we were placed back on the tax rolls. We think you did well before and hope you stick by your guns.

COUNCILMAN TORRES: One more question. Are those seven homes in the same situation as 151 Oakmont and 106 Oakmont where you have families living in all seven of them, is that correct?

DR. LAURIE: Number 52 on the map you have there is the Cole's house built for an adjutant to the graduate program, the chaplain graduate center. It is occupied and administered by the graduate dean. It is used for our very important graduate program and some of you may have been there for our hospital administration and so on. Number 51 is administered by Mr. Hawthorne, our Business Manager, who is here somewhere and who is very essential to the operation of the university. That house is used almost daily for groups of students and activities for the university and for conferences. Going up to the top, Number 44, which is contiguous to the campus and used by the graduate school and is occupied by Dr. Earl Lewis and is the Director of our Urban Studies Program and it is very important that Dr. Lewis, under the circumstances this program is going, have this place where he can talk with, meet with and entertain and have seminars as he does in this urban studies program. I want to thank Mr. Henckel concerning this for helping get us some funds to help the graduate students as they come in or perhaps to the city government and other places. Black and Latin American particularly who are furnished leadership which I think we all realize we must develop. Dr. Lewis is there and he does have a wife who also does alot of work with the university. He does have two children and this is university property which he administers for us and for the purpose for which you can do many things in a relaxed atmosphere of a home that you can't have in a stark office. This is part of the function of the university. We have saved Bexar County a great deal of money through our hospitalization program in the early days, which perhaps you may or may not know, when we provided them with the first scale of a master thesis of charges for those who were not interested and dropped them for a few months anyway into solvency. This is the kind of contribution an educational institution makes.

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Dr. Laurie...continued...

We are insisting that this is part of our educational facility. If you took this away from us, because we couldn't afford to keep it, you would be depriving the City and the County and the education world of something that we can do. We do not ask for anything we do not think we are not entitled to under the law and the good council here.

MAYOR McALLISTER: Do you want to continue about 45 and 46?

DR. CALDERON: I have one question, Mr. Mayor. I think it is pertinent. How many instructors are presently living on the university on which you are paying taxes?

DR. LAURIE: Five. We own all of those, pay taxes, the professors live in them and pay the rent. We also own others that are not in this area.

DR. CALDERON: Of course my question was how many instructors. The number of instructors residing in structures on which you are now paying taxes?

DR. LAURIE: About eight or ten. The rest of them own their own homes and they pay the taxes.

DR. CALDERON: You're talking about ten instructors, not ten pieces of property.

MAYOR McALLISTER: No, Dr. Calderon, Dr. Laurie understood you to ask how many properties does the university own on which they pay taxes that are occupied by instructors.

DR. CALDERON: I'm asking how many instructors live on these properties. The properties on which you are paying taxes.

DR. LAURIE: About ten, but this has nothing to do with the case because the apartments we own are being paid taxes on.

DR. CALDERON: He was talking in the terms of 12 instructors living in these 7 properties.

MR. TORRES: He mentioned the homes off campus owned by Trinity in which the professors live. He said about 10.

DR. LAURIES: In addition to that there are about 200 or 250 who own their own homes or pay rent. What I may have said that threw you off is that in this block that is included in the campus, I think there are about 10 or 12 and I was bringing that up against the 68 or 70 of another institution and I was not bringing that up because I think they ought to be taxed, but I was simply saying we don't want to get into a position of being discriminatory.

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COUNCILMAN TORRES: These seven Dr. Laurie, is the fact that the house is provided for the professor by the university those 7 properties on Oakmont, Rosewood and Hildebrand, do you take that into consideration when you are hiring the professor, or is that part of stipend that he is receiving from the university?

DR. LAURIE: Let's put it another way. If he were living in a residence hall or another building we built for the faculty this would be a factor, would it not? You say you live here for \$10.00 and here for \$20.00, there is a \$10.00 differential and also Dr. Lewis could not do the work we ask him to do if he were parked over in the east side somewhere or downtown. He must be there in order to fulfill the function that we have. The same thing would be true of the Dean of the University so that the two things work together. The Scott House for example, Number 49, was given to the university by a San Antonio citizen for the university's purposes and we are using it for university purposes through the instrumentality of the Dean. The same thing would be true of hospital administration, Mr. Edwards, Number 46 and the third and fourth man on the totem pole out there in 45 and Dr. Lewis and Mr. Halter, those are the seven. Each of those perform a function. Now not involved here today, because it has been exempted and been through the wringer two or three times, is the Dean of Student life who is called on at any time of night.

COUNCILMAN TORRES: I understand that, but the question was this. When you hire a professor, one of the people who lives in one of these homes and you consider he is saving his annual salary and let's say the rental value on one of these homes is an arbitrary figure like \$200.00 per month, which would amount to \$2400.00 per year, are you considering that \$2400.00 a year rental salary as part of an incentive for him coming to the university?

MAYOR McALLISTER: I want to ask a question that you haven't answered yet Dr. Laurie and that is this. Do you happen to know if the professors that live in these seven properties, have to, in reporting their income tax, report a return equivalent to what they might pay for rent. The answer is 'no'? Then the Bureau of Internal Revenue does not regard that as income for the professors?

DR. LAURIE: No sir. In other words they are required to live there. The Dean of the University came back from Austin and had a home in Alamo Heights temporarily and we required that he live in the Scott home in order to do his job. I am required to live there and so is the business manager. This is the requirement. Now it would be foolish to say it is not also a fringe benefit, obviously it is. Another thing is that when we bring in Dean Andrews, whose house, again, is not under question, who is dealing with very delicate experiments just across the street there. He runs back and forth all the time. It is very important and we require him to live there all the time. At the same time it made it possible for him to come to San Antonio and work for us at a less salary than he was getting where he was.

MR. TORRES: What is the average salary of the professors who live in those seven homes.

DR. LAURIE: Well, they are not professors.

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MR. TORRES: Well, of the seven people who live in those homes, the average annual income.

DR. LAURIE: About \$14,000 or \$15,000.

MR. TORRES: I see, and you mentioned courses in the home of the school's business manager. Now is this part of the rooms set aside for an educational purpose or does he himself conduct classes and discussions.

DR. LAURIE: He himself is involved in the educational process and the entire home is used for university purposes. May I present the business manager and then we have two of our trustees here with us.

COUNCILMAN HILL: Dr. Laurie, I assume, from what you have said, that the administrators living in these properties maintain an office to conduct the educational processes they are in as well as having an office in the administration building?

DR. LAURIE: (Speaking to one of the faculty in the Chamber) Where do you get your work done when you have to write a talk or write a curriculum?

DEAN THOMAS : I work in the office of my home if there is time, but I meet with the faculty there, we have faculty meetings there, classes there. Mr. Torres, I think you have rightly dealt with the word exclusively. I think this is a word that is difficult to interpret and if you really got completely legalistic there isn't a building on a college campus in North America that is exclusively used for educational purposes. We have buildings on our campus where local civic groups meet, where we have clubs that ask us for a room to have a meeting and we have all kinds of dormitories in which students live and where we serve food. You could say this is not used exclusively for educational purposes. I believe that these pieces of property, including my own house at 151 Oakmont, are used as much for strictly educational purposes as a class room building, a laboratory or anything else we have.

MR. TORRES: Of course what I was driving at sir, is that under the statutes on the subject you have, for example, a reference to the exclusive use and you have exemptions that are mentioned where you have a dwelling place use and the exemption is extended to this dwelling place in certain instances. These are specifically referred to in the statutory provisions. For example, in the case of a religious society, where you have the exclusive use of the dwelling place of the ministers of such church or religious society. Then you have references to the latest amendment to that act, in the case of public charities, to the parking lot where there are no revenues or the revenues go back into the charity. So in the case where there is a question under the statute the Legislature seems to have broadened its scope in naming the particular use which would not come in under the term exclusively. It must be used exclusively of course for this educational or religious purposes, and they have some provisions in there as in the case of a minister who uses a house as a dwelling place. It doesn't refer to the home of a professor.

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Mr. Torres...continued...

I am wondering, Dr. Laurie, what the reason was that the Commissioners Court, when they took these seven homes off the tax exemption rolls and then placed them on the tax rolls? There was no open discussion?

DR. LAURIE: I don't know what the reason was. We were supposed to have a day in court to discuss this and we did not. I was not there. We were not notified of that particular meeting. We had been through the mill twice with them and in both instances had been exempted. Once on a 3 to 1 and once on a 3 to 2 vote. The last one, where they reduced it on seven houses, we were supposed to be able to discuss and were not able to. I am not criticizing the Court. But let me say, Mr. Torres, that the law in Texas, as Mr. Coulter has said, is not very clear, but when you adduce the laws of other states where the word exclusively is used, we are well within the scope of that law. It is a very tricky word. But I think it is used exclusively for education purposes.

Now to answer Mr. Hill's question. I do the writing of many of my speeches, as most of us do, at home. I have my dictating equipment there and so does the Dean. I can verify that this is what he has had to do. These are very essential to the total impact of this institution upon this community and I think we are carrying our full responsibility in minority groups, ethnic groups, whatever you want to say and making a contribution. We feel that the least we can ask by way of cooperation from our City, be the way which brought us here and which has been very good to us and we have no complaints at all. As we said before we will be glad to give you any information we can. We think we have gone as far as we can in view of this law, by putting every thing we can on the tax rolls as should be.

MR. TORRES: What is the total value of those homes that you have under the county assessment?

DR. LAURIE: Of the seven, it doesn't amount to much about \$6700. Annually.

MR. TORRES: One point I would like to pass along in regard to the statement you made concerning the educational function performed by Trinity University. You know I think a lot of Trinity University and I plan to send my children to Trinity. In any event my concern of course is the interpretation of the statute. The point you made is that you are performing this educational service and you have got to recognize that in our City, the national per capita average spent on Parks and Recreation for example is something like \$10.00 and we spend \$3.30 per capita on Parks and Recreation here in San Antonio. We have needs, and we are crying out for revenues to come from somewhere and I should think you are performing this educational function but under the statute, and it is my impression and the Staff's impression, based on their recommendation, that the property should be placed on the tax rolls. This is where the money comes from that we must perform the function we are here to perform. Today, we are considering a bond issue because we have these needs crying in the community. Of course you have needs, but we have needs to and this is why I insisted on bringing this thing up, sir.

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DR. LAURIE: I appreciate your doing it. I am perfectly glad to do it. I want to say that the \$6700 that you may or may not be getting, we think is being more than returned to you in ways only a university can, you see. Because there are things that only a university can do for a community that not even a City Council can. We believe that we are within the law, Mr. Torres, because we teach honor to our students, or try to, and we would not be asking for this exemption if we did not feel we were entitled to it under the law and under the constitution.

MR. COULTER: Let me make one statement and I believe it will have real meaning to you Mr. Torres. The educational process goes on beyond the classroom. Not just in the classroom and laboratory and it goes on by dialogue outside the classroom between students and professors and administrators. It would be, I think, a very, very definite step forward in the educational process to Trinity University and other universities if our whole staff of 200 could be so related closely to the campus or on the campus so there could be more opportunity for dialogue. So what we are simply saying is that we must use these for school purposes because we can not have 200 there like we'd like to that would serve the educational process, but we have been able to have this limited number. It is not just a matter of how much space or how much office time is used there. It is the whole interplay of students and this limited number of our whole staff is there, is constantly available there for this educational process that goes on. I think that when we take just a limited number that it brings it within the school purpose because we need that dialogue between students, administrators and faculty.

REV. JAMES: Mr. Mayor, I think the evidence presented here this morning, along with studies we have been making on our own, overwhelmingly suggest that these properties should be tax exempt and so I would like to move that we uphold and reaffirm our position of tax exemption for these properties.

MR. HILL: I second it.

DR. NIELSEN: May I ask Mr. Walker one question? As far as determining campus, as Dr. Laurie has referred to several times, how or by what legal constraints is that determined?

MR. WALKER: Whether or not any piece of property is eligible for tax exemption is a question of law. Now there are jurisdictions that hold that this use is not exempt. There are jurisdictions that hold it is. Texas has not decided it. It is a question of law and is disputed. Why not go into court and let the courts decide it? That is what I offered them the last time they came in here.

DR. NIELSEN: Has any further consideration been given in a friendly suit or whatever?

DR. LAURIE: It was our understanding with another taxing body that they were going to initiate this and the man who gave me that in good faith was not able to secure a vote in his own body, so it has not.

DR. NIELSEN: You had agreed then to a suit?

DR. LAURIE: Well it wasn't agreed but when a person sues you, you defend yourself against the suit. I do not think that under any reasonable construction and with the difference of opinion that there is and which we have researched with Mr. Wheeler very meticulously for a number of years and I think you have seen copies of a brief. We would hope that would not have to go that direction. There is hardly enough here at stake and it would have to go to the Supreme Court and it would have to involve all the colleges in Texas at a time when education is at a premium. Also when staff time, or administrators time is particularly at a premium. If the City feels it must bring suit we would do nothing but try to defend it and we would hope you would not do that, although we would not be fearful of the result. As I said, in any suit half the lawyers are going to be wrong.

DR. NIELSEN: This has not been determined, at least not in the State of Texas.

DR. LAURIE: In the brief I think you will discover that there are cases that go one way and cases that go the other, but it is not clarified in the State of Texas as I understand it. In the interest of total education and in the interest of the youth of this country we would have to go to court and defend it. Because in this case it is a discriminatory attack against independent education which I think is unwise and unpolitic because this is saving the tax payer a lot of money.

DR. NIELSEN: That is not what I determined. What it finally came down to is determining what is on the campus and what is not on the campus because if it were what is generally determined on the campus, I don't think Mr. Walker would have brought this up a few weeks ago. If a building is on the campus and is used for residential purposes, it is still exempt.

DR. LAURIE: It is on the campus, we furnish the utilities.

DR. NIELSEN: Are you maintaining the streets and providing garbage pickup? You do maintain your own protection and streets on the regularly designated campus, is that right? The map from Mr. Coulter does not show this as part of the campus.

DR. LAURIE: The campus is defined as what you use it for and we consider this to be part of the Trinity Campus. If we could persuade the other members of the City who own these other houses, it would be very definitely and we would put a fence around it. We do assume the responsibility of maintenance on the properties.

MR. TORRES: Are these homes, one or more that have been given to Trinity with a life estate to any one, or either a life estate to Trinity or somebody else. You have all the homes in fee simple, is that right?

DR. LAURIE: We have mortgages.

MR. TORRES: You did receive some of these homes as gifts, is that correct?

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DR. LAURIE: We got them the cheapest possible way, Mr. Torres. If could get them given to us we did, if we had to pay a little bit we did, if we had to pay a little bit of annuity we did and I assure you we did the best we could.

MR. TORRES: Are any of them a part of an endowment of some kind?

DR. LAURIE: No. Where they were given to us fee simple we went down and borrowed some on them so we could carry them on scholarship and other things. Other than that they belong to Trinity University.

REV. JAMES: Mr. Mayor, I think we have values here that are beyond the pure limitation of dollar and cents. So I move the question.

MR. TORRES: I have a substitute motion to make. It being that the Council rescind Ordinance No. 36991 which granted this exemption and I would support it.

DR. LAURIE: But Mr. Torres, that is the whole campus.

MR. TORRES: This is the seven properties.

DR. LAURIE: No, the ordinance you are talking about dealt with the whole Trinity campus.

MAYOR McALLISTER: Is there a second to the substitute motion?

DR. NIELSEN: Do you recall, Mr. Walker, if it's the whole campus property?

MR. TORRES: I am talking about rescinding that part of Ordinance No. 36991 which places on the tax rolls the two properties on Hildebrand being that No. 44; the property on Rosewood being No. 45 and 46; the property on Oakmont being No. 45, as well as the properties on Oakmont Court being on the map being No. 51, 52 and 53. Of course my motion is that we rescind that part of the ordinance that granted tax exemption.

DR. NIELSEN: Can you, in an ordinance, legally delete those seven items in there. Is that at all possible, Mr. Walker?

MR. WALKER: Well, it can be done in that way. You directed that ordinances be prepared and they are in the hands of the Clerk. They placed certain properties back on the rolls.

MR. TORRES: Does this ordinance take in these things we are talking about?

MR. WALKER: This ordinance places back on the tax rolls every piece of property we believe is taxable.

MR. TORRES: And that is based on the staff recommendation, is that right? So then, if I may, my substitute motion is that we adopt the ordinance which follows the staff recommendation and which places the seven Trinity University properties on the tax rolls.

MR. WALKER: There is more than seven.

MAYOR McALLISTER: Is there a second to the substitute motion?

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DR. NIELSEN: Well, I'll second it with the clarification that it contain no more than those seven properties.

MAYOR McALLISTER: We have a motion before us a motion that those properties be placed on the tax rolls.

MR. TORRES: Now that my motion has been seconded, I would like to speak in favor of the motion. If there have been any studies made by the Council as intimated by Rev. James, I have not seen those studies. We have discussed this in open Council session on numerous occasions. The constitution of course refers to exemption when the property is used exclusively for educational purposes. We have a staff study and a memo from Mr. Baker to Mr. Bolen dated Sept. 18, 1969, copies of which were sent to Council members. In the memo it is stated that it is a staff recommendation that those properties be placed on the tax rolls and this has always been the opinion of our staff in this matter. The statute in question, Article 7150 gives an exemption for dwelling places in some instances. It does not include homes of the university staff. I feel, Mr. Mayor, that it is our function to provide for the need of the citizens of San Antonio. Certainly Trinity University performs a real vital function in the community, but in this respect I think we are bound to follow the law. I would submit to the Council that the law in this case does not provide for exemptions. They have a need to keep their costs down. Ours is one of obtaining the revenues to provide for our parks program, our recreation program, to provide for our police activities, to provide for the health activities we are supposed to perform and I understand that Trinity does charge its students per semester hours, something like \$40.00 to \$45.00. Is that correct?

DR. LAURIE: Yes.

MR. TORRES: I am sure it is justified, but the majority of the young people in San Antonio can not afford that charge and I am suggesting to the Council that we should raise this above the specter of politics. I recognize that there was a letter that was put out last April 4, in the height of our last City election where the statement was made that 'now it is time to protect our investment' and it was made on a Good Government League Letter and I was saddened to see Dr. Laurie's name on that letterhead as well as Mr. Herndon's. I hope this is not the investment these gentlemen were talking about. I should think we could rise above politics and we could place these properties on the tax rolls where they should be Mr. Mayor.

REV. JAMES: I want to rise to the defense of my motion. What I had in mind relative to the tax exempt status of these pieces of properties has nothing to do with politics. In my mind, beyond a shadow of a doubt, they come within the framework of the law, they are justified in the use they have for educational purposes and has nothing to do with politics.

MRS. COCKRELL: I would like to speak against the motion. Yesterday I spent about four hours studying the brief that was prepared by the attorney for Trinity University reading all the cases across the United States, including one at the Court of Civil Appeals level in Texas, but primarily cases very similar and in some virtually identical circumstances and what they have decided across the United States.

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Mrs. Cockrell...continued...

With particular reference to the term exclusive use may be defined in the sense of a residential use going on at the same time as other uses and certainly in the bulk of all these cases, it has been the understanding by the court has been to grant tax exemption. Now the brief concludes with the fact that the Texas Supreme Court has not ruled in this matter, however, the research and evidence across the United States is such that it would be in favor of exemption. I do not feel myself, that we should force the burden of taking the case to the Supreme Court upon Trinity University. I think that this Council, in its discretion, has the ability to make a determination and I am in favor of the tax exemption and will therefore vote against the substitute motion.

MR. HILL: I don't consider this a study. To me it is an opinion. The staff report.

MR. TORRES: Well, let's ask the staff how they came to their conclusion. The staff report has been attacked and I think the staff should have an opportunity to defend the conclusions they have come to.

MR. HILL: They don't make any statement about the law or anything else. To me it is just a flat opinion.

MR. TORRES: Incidentally, Mrs. Cockrell, where did that brief come from that you say you studied yesterday?

MRS. COCKRELL: Mr. Luther Coulter, Attorney.

MR. TORRES: Attorney for Trinity University. You see, Mrs. Cockrell, when you are studying these legal matters, I don't think you should rely on the brief of one side to a particular question. Of course Mr. Coulter wants to point out the legal propositions that are in favor of the tax exemption and I think that is what he has raised in his brief. Of course he is an advocate and he is paid by Trinity University to do this kind of thing. So do we have our own staff studies and staff reports that come to our own conclusion and that the property should be on the tax rolls.

MRS. COCKRELL: I also read the staff report. But I think it comes down to the fact that there are issues on which we will concur with the judgement of our staff and there are issues where we exercise independent judgement and do not concur.

DR. NIELSEN: In this particular case, the issue seems to be very clear that they both agree. In that, Dr. Laurie and Mr. Walker both say there has not been a final clarification by the Supreme Court of Texas as to what we are to exclude. You and I can't decide that. It is going to be the court, someday.

MR. TORRES: Of course if you are going to put the onus on the school then of course the feeling seems to be that the school should incur the burden. What are we saying then? You are saying that a citizen of this community who feels that we have been unjustified by our actions should incur the burden of bringing a citizen's law suit which certainly he would have no interest in, but here is the attitude we are taking, 'put the burden on someone who has nothing to do with it other than just being a general taxpayer.'

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Mr. Torres...continued...

I think the general burden should be on Trinity University and of course be on the tax rolls.

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

DR. NIELSEN: (While voting) I vote yes with the clarification that it is a legal matter that will sometime have to be satisfied finally in the courts and I had hoped there would be some way that a friendly suit could be agreed to. That may not be the case, but then again it may.

VOTE ON ORIGINAL MOTION OF REV. JAMES: AYES: McAllister, Calderon, Burke, James, Cockrell, Trevino, Hill; NAYS: Torres; ABSTAINING: Nielsen; ABSENT: None.

MR. HILL: (While voting) I vote aye and would like to say that the City Council should, in their action, reaffirm to Trinity University that we appreciate the job they are doing for education and what the Trinity University means to San Antonio.

MR. TORRES: (While voting) I vote no and I would, as Mr. Hill, like to commend Dr. Laurie on the work Trinity University is doing in San Antonio, but I don't think that is relevant to the discussion.

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69-52 TAX EXEMPTION - MORNINGSIDE MANOR

MR. LEONARD DAVIS, Attorney and General Counsel for Morningside Manor: I have appeared before you on previous occasions. We can go into a very detailed presentation of the nature and work of Morningside Manor, but I am sure the Council has had a long session and would like for me to brief.

MAYOR McALLISTER: Point out the manner in which Morningside Manor operates differently from the one in Kerrville that was placed on the tax rolls.

MR. DAVIS: I might point out that I represent that home also, which is known as Hilltop Village. The home in Kerrville is not now on the tax rolls of most of the taxing authorities. It is in court with the school district again, but it has made an amendment of its charter and an amendment of its bylaws as the court provided it should in order to be exempt. So the only thing in the case we are referring to, the Hilltop Village Supreme Court opinion, would deal with would be the charter as it existed prior to that corporation's amendment and I might say that Morningside Manor, here in San Antonio, has adopted, per se, also the language the Supreme Court said any home, hospital or any other charitable institution that might consider itself subject to attack, on the extent to which its corporate assets were dedicated for charitable purposes. If it felt itself the least bit vulnerable it could adopt the following language and the court provided us with the exact wording.

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Mr. Davis...continued...

Morningside Manor did modify its bylaws and its charter to exactly trace verbatim the language the court said. So looking at the current situation, I don't believe there would be any basis that the Hilltop Village case or opinion would in anyway place a cloud on the tax exemption of Morningside Manor.

Now to give you a brief thumbnail sketch, Morningside Manor is a nursing home in which the highest level of nursing care, which for all practical purposes, would appear to be hospital care. The highest level of care, many of you will be familiar with the terminology here, of an extended care facility. The entire home, all of its beds, are licensed as nursing home beds and the majority of these are at the highest level of nursing care utilizing a full staff of nurses, hospital equipment and all the things that you are familiar with seeing in an ordinary hospital. Now the home does have 260 beds, all of which are licensed as nursing home beds. It has 178 of these in the high level nursing category and it has various amounts scaling on down so that only about 82 of the beds are referred to as custodial, which means the level of nursing care is intermediate, so to speak. It is not a residence, as such. It is a nursing home.

Now the home has been in operation since it opened in 1961. It is a project jointly sponsored by the United Methodist Church on a regional basis, the Southwest Texas Conference. It is sponsored also by the Episcopal Diocese. It is also sponsored by the Presbyterian Church. In other words, it is an ecumenical effort, jointly sponsored by three denominational groups. It is an independent organization in that these three elect directors to the Board and that Board then makes all the determinations as to how the home is operated.

The home is a non-profit, charitable organization and it cares for all people without regard for race, color, creed or their ability to pay. In other words a person who does not have the ability to pay is received in the home and given care as they need, without regard to their ability to pay. This is an absolute prerequisite for any institution that would claim to be a charitable institution. This would apply to all of the hospitals in this community, all of the homes for unwed mothers, all of the orphanages, all of the institutions that would claim their exemption as a charitable institution and certainly Morningside Manor has this in its charter, its bylaws and its admission policy. It is further reflected by the fact that they have a reasonable patient load to show that this is the policy. Of the total beds, 60 are occupied at the present time by medically indigent people. People who are unable to pay for the cost of their care. So out of the total number of 260 beds, 60 are occupied by people who are on charity.

Last year, from our financial records, our administrator has advised me that the amount contributed in service to people who are recipient to charity was a total of \$84,287.00. Now the home operates at a loss. It has been in operation since 1961 and taking that entire period of operation it still has a deficit of \$171,551.00. So this is not a profit home exclusively for those who can pay it. It has no bearers as to those who come in and all who need the kind of service the home is able to provide are able to apply and be dealt with by the same criteria that all charitable institutions are required to set.

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Mr. Davis...continued...

Beyond this I don't know what objections there might be from any source. If anyone here can pinpoint what the objection might be, then possibly we can speak to that.

DR. CALDERON: There is a point that was raised in one of the memorandums regarding a \$100,000 loan to some similar facility in Kerrville.

MR. DAVIS: I have been furnished with a copy of this report and have read it with great interest. I will turn to that portion in case some of you do not have your report with you, which talks about Morningside Manor, the part you refer to says: 'This organization was able to lend \$100,000 to Hilltop Nursing Home in Kerrville Texas for their construction.' I am able to report to this Council with out any equivocation that that statement is absolutely false in its entirety. I have no idea what the force of it might be.

DR. NIELSEN: You did, in fact some way, support economically, if not directly through a loan in terms of some kind of underwriting. This may be a matter of interpretation.

MR. DAVIS: I can see this. There are funds that the home holds that have been deposited by the residents that is called a contingency fee and for which they will be paid back at the termination of their residence. This is only these people who are not charity, those people who can afford to make such a deposit. These are placed in the hands of a bank as a trustee and the trustee is told to invest those funds so that they will raise interest. At one time some bonds were bought that were indenture bonds from the Hilltop Village Home in Kerrville.

MR. TORRES: How much were those?

MR. DAVIS: I believe the figure at that time was \$25,000.

MR. TORRES: It wasn't \$100,000?

MR. DAVIS: No. I don't think the account is even that large.

MR. TORRES: Where did the staff get its information, Ancil?

MR. DOUTHIT: As far as I know, that came from Mr. Baker. I would have to check to be sure.

MR. TORRES: Mr. Baker is not here.

MR. HILL: I think I can clear this up. I talked to the Bishop who has been right on top of this all the time and he said the participation was to join with Hilltop in their campaign to raise \$100,000, but at no time did they loan anybody any money because they haven't had the money to loan.

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MR. TORRES: What about this statement? From the staff report here: 'an elderly woman is charged \$350 per month and is in a room with three other elderly women'. Is this correct?

MR. DAVIS: I have no idea if it is correct. It sounds approximately correct. This is an institution that has a very high level of cost for every bed. As you well know, the cost per day in a hospital is very substantial and you take a month's worth of service in a hospital, even in an open ward, if they had such, would run more than this per month. Cost of furnishing this intensive care and extended care facility is very substantial. I don't know where this figure came from. I am not prepared to cite figures to you this morning, but I would say to you that this does not sound out of sorts with the kind of cost it takes to operate this kind of facility.

MR. TORRES: You wouldn't be prepared to tell us what the average fee per person per month is, is that right?

MR. DAVIS: We were not asked to bring this. I have done some homework, but any kind of information like that you need we would have to take your questions and get the answers.

DR. CALDERON: Are you familiar with the intensive care charges at the Santa Rosa imposed on those patients who are able to pay. It would be interesting to find out. You see we are talking in terms of hospitals that are charitable and I have reference to the Santa Rosa, Baptist and others, that have a mixed clientele, those that can not afford the service and yet those that can and are picking up the tab for those that can't. Of course those that can pay are paying a good price for the service the Santa Rosa is rendering. Which is what you are doing in this regard. I think that we need to look at this from a total perspective. Those that can pay should pay the right amount. It is a basic point of so much a month and to be looked at in the right perspective must be compared to other hospitals and what they charge for the same service and are likewise labeled charitable.

MR. TORRES: On Babcock Road, the Four Seasons, is that a nursing home or an old age home?

MR. DAVIS: There is a chain of proprietary nursing homes that have various facilities across the nation which are known as Four Seasons and their stock is traded on the Stock Market just like AT&T or any other organization.

MR. TORRES: Is that the one at 1974 Babcock Road?

MR. DAVIS: There is one in the Medical Center out by Methodist Hospital where Louis Pasteur Road intersects Babcock Road. They are on the northeastern corner. They are a profit making venture.

MR. TORRES: What would the function of your Morningside Manor and the Golden Manor Home for the Jewish Aged functions vary?

MR. DAVIS: Their primary motivation for getting into the business is to make a profit from providing this service for anyone who can afford to pay. Anyone who could not pay the full cost of their care would not be able to enter. On the contrary, Morningside Manor takes all comers.

Mr. Davis...continued...

They are a non-profit organization and irrespective of race, color, religion or ability to pay and all other factors, and even if it did make a surplus, not anybody would be able to draw off those funds and use them for any other purpose than the work the corporation is chartered to perform.

DR. NIELSEN: Are you talking about Golden Manor or Four Seasons?

MR. TORRES: I was asking about Golden Manor.

MR. DAVIS: Oh, I'm sorry I did not hear that. I am not prepared to tell you what their operation is. I have done a nominal investigation of their situation. I understand they have been put on the tax rolls and I understand from them that they consider themselves exempt.

DR. NIELSEN: Not to refute this, Mr. Walker, but do you have any indication from them that there is a request coming from them to change their tax status or not?

MR. WALKER: I am not sure about that. We received a letter from their attorney asking what they should submit to seek an exemption. I think it is probably pending.

DR. NIELSEN: How do you basically interpret Article 7150 of the constitution where this question came up?

MR. WALKER: The one in Kerrville, Hilltop Village, is it still in court?

MR. DAVIS: A new suit has been filed based on the new year. The previous litigation terminated with the opinion of the Supreme Court.

MR. WALKER: And the opinion of the Supreme Court was that you were not eligible for tax exemption.

MR. DAVIS: No, the opinion of the Court of Civil Appeals here as that case went up, if you administer to the needy and infirmed, aid was not to help that segment of society that were proper recipients of a charitable effort. This shocked the conscience of the whole state and when the case went up on hearing to the Supreme Court there were some twenty-five amicus curia (friendly) briefs filed in behalf of the exemption from various homes and some ten or fifteen briefs filed by various cities and counties from across the state. The Supreme Court completely rescinded that theory and stated that homes for the aged absolutely are subject to being exempt if they comply with the long established law of all charitable institutions, hospitals and all others that fall under this category. Then they turned their attention to the specific home in question and said that we find a flaw in their charter and their by laws which we are going to have to say makes them not meet those long established standards. Then they proceeded to say, however if this home wants to cure that defect they may amend its charter and by laws by adopting the following language which they set forth and which has now been done.

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DR. NIELSEN: The present litigation which you spoke of, does that mean the school district has put them on the tax rolls and now Hilltop is in court to get exemption.

MR. DAVIS: That is correct. The school district has refused to accept that as being exempt at the present time, however, the State Comptroller has exempted them based on that for their corporate franchise tax, sales tax and other purposes as ruled on by the State. The City of Kerrville has accepted and granted the exemption based on this. The Supreme Court said in face of this change that it completely complies. The school has declined to do so and a suit has been instituted by Hilltop Village and since that time the County has decided to join forces with the school.

MR. TORRES: Your comments concerning the holding of the Court of Civil Appeals, I believe, left something out. I believe the Court of Civil Appeals did rely on the fact that a number of the tenants had to pay up to \$215 per month and as a matter of fact that holding that the home was run on a non-profit basis, but which charged all tenants able to pay \$150 to \$215 per month and which was paid in full by 67 of 86 tenants and paid in part by the remaining 19 tenants was not an institution of purely public charity. So their conclusion was based on what was and what was not an institution of purely public charity.

MR. DAVIS: I have the Court of Civil Appeals opinion here and I can read this to you and you will find it to be correct. "The furnishing of homes to old adults is not in itself a charitable purpose." The Court did not go beyond that and that was step number one. In other words it is irrelevant what kind of operations, what kind of percentages, what kind of admission policy, because you don't deal with people who are the proper recipients of charity. The Court did not concern itself with the facts once it decided that homes for the aged was not a charitable purpose. That point the Supreme Court unanimously wiped out and established that home for the aged are proper recipients and in the same basket as all other charitable institutions and that they all rise and fall by the same criteria.

DR. NIELSEN: Is that the way you interpret it, Mr. Walker?

MR. WALKER: I remember that decision. I haven't reviewed that for some time. The Supreme Court has ruled that this type of operation may qualify for tax exemption, but I believe the criteria which was stated that might be followed was the criteria stated by the minority opinion, not by the majority opinion. So at this point, you have still not had a Supreme Court majority opinion on that point.

MR. DAVIS: I would defer with that interpretation because we have a state constitution which says that charitable institutions shall be exempt; we then have the enabling statute Article 7150 in which there are several sub-sections. Sub-section 7 is the one that deals with purely public charity. Every institution, unless it is educational and that would be a different category, if you got into the YMCA and YWCA they are a different category, but when you get to looking at everything on this report almost everything on this report is under the same law and this is what I would say the Supreme Court did make clear in the Hilltop Case.

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Mr. Davis...continued...

That all would take exemption as a charitable institution, take it under the same established law including all your hospitals, nursing homes, all retirement homes, orphanages, homes for unwed mothers, homes for the blind, for the handicapped; but if its teaching the handicapped it comes under educational and if its just charitable assistance its under this. All your medical clinics in the deprived area, all of these are subject to the identical same law.

MR. TORRES: I would like Mr. Walker to furnish us with his written comments concerning the latest Supreme Court opinion for research.

DR. NIELSEN: Could we withhold final opinion on this?

MAYOR McALLISTER: I think the Council would like to have an opinion on this matter from Mr. Walker before acting. Mr. Walker, as soon as you prepare it, make a copy available to Mr. Davis also.

MR. DAVIS: I would like to invite all members of the Council to come on tour of Morningside Manor, if you would like to do that. We'd like for you to know what fine facilities we have and the work the home is doing.

DR. CALDERON: Also, Mr. Mayor, I would like to suggest inclusion in the report, not only the legal opinion, but also a comparison of fees charged at Santa Rosa, Baptist and so on. It seems to me that it is important to determine this question of fee. The point has been raised that Morningside Manor is charging some \$300.00 per month for intensive care and by itself it seems to be a large amount. It seems to me that by looking at the total picture we can see it is really not a large amount. Also the question of charitable and non-charitable is a very important factor for us to be able to reach a determination. For instance Santa Rosa is tax exempt, why are they?

DR. NIELSEN: For instance, where does charity begin and end? I'm not sure if that is a valid legal question and I would like to get some opinion from Mr. Walker.

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69-52 Mrs. Cockrell presented the following resolution for consideration:

RESOLUTION

WHEREAS, this year marks the First Anniversary of the founding of the Club Social Los Conquistadores, a cultural, social and charitable organization and

WHEREAS, the First Anniversary Ball will be held at the Municipal Auditorium on Sunday, November 30, 1969, and

WHEREAS, this gala event has been dedicated to the City Council and those affiliated with the City Administration as an expression of appreciation for their contributions to the community;
NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Mayor and Members of the City Council, on behalf of the Administration and all City Employees, do hereby express thanks and appreciation to the Club Social Los Conquistadores for the generous gesture in dedicating their First Anniversary Ball to the City of San Antonio and extend to this new organization best wishes for success.

PASSED AND APPROVED THIS 26 day of November, 1969.

/s/ W. W. McAllister

M A Y O R

ATTEST: /s/ J. H. Inselmann
C i t y C l e r k

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Upon motion by Mr. Hill, seconded by Mr. Trevino, the resolution was adopted by the following vote: AYES: Burke, James, Cockrell, Nielsen, Trevino, Hill, Torres, McAllister, Calderon; NAYS: None; ABSENT: None.

69-52 Mr. Torres said he wished to remind Council of a few items:

1. The quarterly report of the Chamber of Commerce for the period ending September 30 is overdue.
2. The matter of a tax re-evaluation is due.

Mr. Torres offered the following resolution for consideration by the Council:

RESOLUTION

WHEREAS, the Missouri Pacific Railroad Company and Texas & Pacific Railway Company have filed application with the Railroad Commission of Texas to discontinue operation of their passenger trains Nos. 1 and 2 between Texarkana and Laredo, Texas; and

WHEREAS, these are the last remaining passenger trains serving the City of San Antonio; and

WHEREAS, the City Council of San Antonio, Texas, feels that discontinuance of this train service would not be in the public interest as it would deprive the City of a vital rail passenger service; THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council is strongly opposed to the discontinuance of railroad passenger train service between Texarkana and Laredo, Texas; and

SECTION 2. A staff member is hereby directed to testify in opposition to such discontinuance at any hearing or hearings before the Railroad Commission of Texas on the application of the Missouri Pacific Railroad and the Texas & Pacific Railway to discontinue the passenger trains that serve this city.

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Upon motion by Mr. Torres, seconded by Dr. Nielsen, the resolution was adopted by the following vote: AYES: Burke, James, Cockrell, Nielsen, Hill, Torres, McAllister, Calderon; NAYS: None; ABSENT: Trevino.

69-52 The Mayor stated that the members of Council were aware of the differences between the Fiesta Association and the San Antonio Conservation Society and that with the Council's approval, he wished to appoint a committee to meet with the two organizations to see if they could help the two organizations resolve their problems. He appointed Mayor Pro-Tem Cockrell, and Councilmen Burke and Torres to serve on the Committee.

* * * *

69-52 Assistant City Manager Ancil Douthit advised the Council of a joint meeting between the Council and EODC to be held Wednesday, December 10th at 7:30 p.m. in the Council Chambers.

* * * *

69-52 The Clerk read the following letter:

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.

- 11/18/69 Petition of Miss Bernadine Rice, et al, requesting that a cut be made in the concrete median at the intersection of Durango Blvd. and South Presa St. and make a four-way stop intersection so that traffic can flow across Durango Boulevard.
- 11/20/69 Petition of Mrs. Elvira R. Vazquez, 204 N. W. 26th Street, requesting the City to take action to have the vacant lot across from 204 N. W. 26th Street cleaned for the reasons stated in the petition.

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11/24/69

Petition of A. P. Muckle, 1414 W. Rosewood,
requesting a street light be installed at
the intersection of W. Rosewood and Neer
Avenues.

11/24/69

Petition of Thurman Barrett, Jr., re-
questing permission be granted to extend
the cemetery use in Tract 11, NCB 11175,
containing 116 acres to Tracts 12 and
33, containing 80 acres.

J. H. Inselmann
City Clerk

* * *

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

A P P R O V E D:


M A Y O R

ATTEST:


C i t y C l e r k

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