

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, FEBRUARY 12, 1981.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Lila Cockrell with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, CANAVAN, ARCHER, STEEN, COCKRELL; Absent: NONE.

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81-6 The invocation was given by Reverend James H. Ennis, Castle Hills First Baptist Church.

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81-6 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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81-6 The minutes of the meeting of February 5, 1981 were approved.

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81-6 Item 28, being a proposed ordinance setting a date, time and place for a public hearing on the proposed annexation of certain lands in the Helotes area was withdrawn from consideration pending a meeting with staff and the Helotes community residents.

- - -  
81-6 CONSENT AGENDA

Mr. Steen moved that items 4-20 constituting the consent agenda be approved with the exception of items 9, 19, 11, and 12 to be considered individually. Dr. Cisneros seconded the motion.

On roll call, the motion carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Webb, Eureste.

AN ORDINANCE 53,371

ACCEPTING THE LOW BID OF CAPITOL BEARING SERVICE TO FURNISH THE CITY OF SAN ANTONIO WITH A GEAR COUPLING FOR A TOTAL OF \$3,413.00, LESS 1% - 10 DAYS.

\* \* \* \*

AN ORDINANCE 53,372

ACCEPTING THE LOW BID OF CONSOLIDATED ELECTRIC DIST. CO. TO FURNISH THE CITY OF SAN ANTONIO WITH ELECTRICAL MATERIAL FOR A TOTAL OF \$3,751.47, LESS 2% - 10 DAYS.

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AN ORDINANCE 53,373

ACCEPTING THE PROPOSAL OF HAROLD KNAPE, INC., TO FURNISH THE PUBLIC WORKS DEPARTMENT OF THE CITY OF SAN ANTONIO WITH ELECTRIC MOTOR DRIVEN EXHAUST BLOWERS FOR A NET TOTAL OF \$4,456.00.

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AN ORDINANCE 53,374

ACCEPTING THE LOW BID OF THE EASTMAN KODAK COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH A MICROFILM READER/PRINTER FOR A TOTAL OF \$4,535.50.

\* \* \* \*

AN ORDINANCE 53,375

THE LOW BID OF ANDERSON MACHINERY COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH A DOZER OF AS RENTAL BASIS FOR A TOTAL OF \$4,600.00 PER MONTH.

\* \* \* \*

AN ORDINANCE 53,376

AUTHORIZING PAYMENT OF ADDITIONAL ENGINEERING FEES TO ESPEY, HUSTON AND ASSOCIATES IN CONNECTION WITH A STUDY AND REPORT ON THE 72" OUTFALL SEWER LINE FROM HART AVENUE TO THE RILLING ROAD WASTEWATER TREATMENT PLANT.

\* \* \* \*

AN ORDINANCE 53,377

AUTHORIZING THE CITY MANAGER TO EXECUTE A SPECIAL WARRANTY DEED CONVEYING A TRACT OF SURPLUS CITY OWNED PROPERTY TO FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF SAN ANTONIO, FOR A CONSIDERATION OF \$1,780.00.

\* \* \* \*

AN ORDINANCE 53,378

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SAN ANTONIO DEVELOPMENT AGENCY FOR RELOCATION SERVICES FOR DOWDY DRAINAGE PROJECT #255 AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 53,379

AUTHORIZING THE SETTLEMENT OF CLAIMS HELD BY THE CITY OF SAN ANTONIO AGAINST SELIGMANN & PYLE, INC., IN CONNECTION

WITH THE RILLING ROAD WASTEWATER  
TREATMENT PLANT, SECTION 9, PHASE C  
PROJECT.

\* \* \* \*

AN ORDINANCE 53,380

AUTHORIZING EXECUTION OF A LICENSE  
WITH THE DEPARTMENT OF TRANSPORTATION,  
FEDERAL AVIATION ADMINISTRATION, FOR  
INSTALLATION, OPERATION AND MAINTENANCE  
OF NAVIGATIONAL AIDS AT STINSON MUNICIPAL  
AIRPORT.

\* \* \* \*

AN ORDINANCE 53,381

ACCEPTING THE HIGH BID RECEIVED IN  
CONNECTION WITH \$2,000,000 IN CITY FUNDS  
AVAILABLE FOR DEPOSIT IN INTEREST-BEARING  
CERTIFICATES OF DEPOSIT.

\* \* \* \*

AN ORDINANCE 53,382

AUTHORIZING PAYMENT OF REFUNDS TO PERSONS  
MAKING OVERPAYMENTS OR DOUBLE PAYMENTS  
(37) TAX ACCOUNTS.

\* \* \* \*

81-6 The Clerk read the following Ordinance:

AN ORDINANCE 53,384

TO INSTALL A WATER LINE AT THE INTERNA-  
TIONAL AIRPORT FOR A TOTAL OF \$9,500.00.

\* \* \* \*

Mr. Steen moved to approve the Ordinance. Dr. Cisneros  
seconded the motion.

In response to a question by Mrs. Dutmer concerning the  
discrepancy between the two bidders, Mr. John Brooks, Director of  
Purchasing and Central Supply, explained that some bidders are too  
busy to take the job and turn in a ridiculous bid per chance that  
they will be awarded the bid.

After consideration, the motion carrying with it the passage  
of the Ordinance, prevailed by the following vote: AYES: Cisneros,  
Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer,  
Steen, Cockrell; NAYS: None; ABSENT: None.

81-6 The following Ordinance was read by the Clerk and after  
consideration, on motion of Dr. Cisneros, seconded by Mr. Steen, was  
passed and approved by the following vote: AYES: Cisneros, Webb,  
Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen,  
Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 53,385

ACCEPTING THE LOW BIDS OF VARIAN ASSOCIATES, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH LABORATORY EQUIPMENT AND ACCESSORIES FOR A TOTAL OF \$11,890.00.

\* \* \* \*

81-6 The Clerk read the following Ordinance:

AN ORDINANCE 53,386

ACCEPTING THE PROPOSAL OF THE CITY OF HIGH POINT, NORTH CAROLINA, TO FURNISH THE CITY OF SAN ANTONIO WITH PARKING METERS FOR A NET TOTAL OF \$18,600.00.

\* \* \* \*

Mr. Steen moved to approve the Ordinance. Mrs. Dutmer seconded the motion.

In response to a question by Mrs. Dutmer, Mr. John Brooks, Director of Purchasing and Central Supply gave background information regarding this item and explained how the granting of this ordinance would result in savings to the City.

Mr. Archer expressed concern regarding the City's raising of parking meters rates in order to pay for the feasibility study of the new parking garage. He also expressed concern that raising the parking meter rates will hinder the revitalization of the downtown area.

Mayor Cockrell directed staff to present the policy on parking meter rates to the Council.

Mr. Alderete commended Mr. Brooks for his efforts in savings to the City.

After discussion, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

81-6 The Clerk read the following Ordinance:

AN ORDINANCE 53,387

ACCEPTING THE LOW QUALIFIED BID OF AMERICAN LA FRANCE TO FURNISH THE FIRE DEPARTMENT OF THE CITY OF SAN ANTONIO WITH THREE 1000 GALLON PUMPER TRUCKS FOR A NET TOTAL OF \$284,601.00.

\* \* \* \*

Mr. Steen moved to approve the Ordinance. Dr. Cisneros seconded the motion.

In response to a question by Mrs. Dutmer, Mr. John Brooks, Director of Purchasing and Central Supply explained the background information and stated that out of the five bids submitted three had met the specifications and recommended that the low qualified bid of American La France be awarded the bid.

February 12, 1981

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After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

81-6      ZONING HEARINGS

22.      CASE 8361 - to rezone Lot 15, Block 4, NCB 15112, 1614 Wycombe Drive, from "B-3" Business District to "R-3" Multiple Family Residential District, located on the southwest side of Wycombe Drive, being 100' northwest of the intersection of Jones Maltzberger Road and Wycombe Drive, having 135.21' on Wycombe Drive and a maximum depth of 140.99'.

Mr. Andy Guerrero, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. He explained that nine affirmative votes would be needed to approve the change in zoning.

Mr. John Knox, 106 E. Sunset Road spoke regarding the business zoning in the surrounding locations. He stated that he has lived in the area for twelve years and desired to lease the property for commercial purposes.

Mr. Jack Sherrard, 123 Sunset Road, gave the background history regarding the subject property. He also explained the surrounding locations as being zoned commercial and stated that he desires to lease the property as a business district.

In response to a question by Mrs. Dutmer, Mr. Andy Guerrero, Planning Administrator explained the uses allowed under the "O-1" zoning classification.

Mr. Armand D. Venezia, Chairman of the Oak Park Northwood Neighborhood Association, spoke in opposition to the requested change in zoning and submitted a copy of the organization's bylaws (which is on file with the minutes of this meeting.)

Mr. W.E. Wallis, 251 E. Sunset Road, presented a petition of representing the homeowners in this area. He spoke in opposition to the rezoning request and expressed concern that their investment needs to be protected.

Ms. Virginia Cooper, outgoing Chairman of the Association, asked the Council to sustain the Association in their efforts.

Mr. C.W. Nobling, also spoke in opposition to the requested change in zoning. He spoke regarding the beautiful residential neighborhood and urged the Council to maintain its character and keep commercial zoning where it belongs.

Mrs. Roy Schiveers, 133 E. Sunset Road, also spoke in opposition to the requested change in zoning.

Mr. G.R. Barse, 123 E. Sunset Road, stated that he lives within the 200' radius of the proposed zoning change and further stated that the residents do not want commercial zoning in their neighborhood.

Mrs. Dan Hissner, Jr., 223 Sunset Road also spoke in opposition and urged the Council to maintain the character of the neighborhood.

Mrs. Eleanor Hunt, representing Mr. C.W. Nobling, stated that he has a half an acre that he wishes to keep as a residential home and urged the Council not to grant the rezoning change.

In rebuttal, Mr. Knox stated that he appreciated the remarks made by several of the homeowners, however he spoke regarding the surrounding business locations and stated that he is not asking for anything unreasonable. He stated that every corner in this area has been rezoned and stated that there are four commercial lots on Sunset Road that have been rezoned and also stated that there are few children in the neighborhood.

Mrs. Dutmer stated that the character of the residential neighborhood has been retained and stated that she would be voting "No" regarding the rezoning request.

After discussion, Mr. Archer moved that the recommendation of the Zoning Commission be approved provided that a six foot solid screen fence is erected and maintained along the east property line. Mr. Wing seconded the motion. On roll call, the motion to approve failed to carry by the following vote: AYES: None; NAYS: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Canavan, Archer, Steen, Cockrell; ABSENT: Thompson.

CASE 8289 was denied.

22. CASE 8361 - to rezone Lot 15, Block 4, NCB 15112, 1614 Wycombe Drive, from "B-3" Business District to "R-3" Multiple Family Residential District, located on the southwest side of Wycombe Drive, being 100' northwest of the intersection of Jones Maltzberger Road and Wycombe Drive, having 135.21' on Wycombe Drive and a maximum depth of 140.99'.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

No citizen appeared to speak in opposition.

After consideration, Mr. Canavan moved that the recommendation of the Zoning Commission be approved. Mr. Steen seconded the motion. On roll call, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Thompson.

AN ORDINANCE 53,388

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 15, BLOCK 4, NCB 15112, 1614 WYCOMBE DRIVE, FROM "B-3" BUSINESS DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT.

\* \* \* \*

23. CASE 8365 - to rezone Tracts D and E, NCB 14863, 10904 Fredericksburg Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located between Fredericksburg Road and I.H. 10 Expressway, being 310' north of the intersection of Huebner Road and Fredericksburg Road, having 322.19' on Fredericksburg Road and 300' on I.H. 10 Expressway.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

No citizen appeared to speak in opposition.

After consideration, Mr. Steen moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished. Mr. Canavan seconded the motion. On roll call, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Thompson.

AN ORDINANCE 53,389

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS TRACTS D AND E, NCB 14863, 10904 FREDERICKS-BURG ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

\* \* \* \*

24. CASE 8366 - to rezone Lot 11G, Block 8, NCB 8084, in the 1100 Block of S.W. 35th Street, from "B" Two Family Residential District to "I-1" Light Industry District, located on the west side of S.W. 35th Street, being 200' south of the intersection of U.S. 90 West Freeway and S.W. 35th Street, having 100' on S.W. 35th Street and a depth of 199'.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

Mr. Alfred Villarreal, representing the applicant, explained the proposed plans to store construction parts that are needed in the business. He stated that this area is weak for residential zoning.

Mr. Tommy Leifester spoke on behalf of some of the residents in the neighborhood and stated that this is a residential area that is trying to be taken over by junk yards. He spoke regarding the existing salvage yards that exist in the nearby property. He asked the Council to maintain the residential character of the neighborhood and felt that outside storage would be detrimental and could possibly become a health hazard.

Mrs. Dutmer stated that "I-1" zoning in between two residential homes is bad zoning; staff has recommended against it and therefore spoke in opposition to the requested change.

Mrs. Dutmer then made a motion to deny the requested change in zoning. Mr. Webb seconded the motion.

Mr. Thompson also spoke in opposition to the requested change.

After discussion, the motion to deny prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Canavan.

CASE 8366 was denied.

81-6 The Clerk read the following Ordinance:

AN ORDINANCE 53,390

GRANTING THE NATIONAL KIDNEY FOUNDATION OF SOUTH TEXAS A WAIVER FROM THE PROVISIONS OF ORDINANCE NO. 52865 OF OCTOBER 2, 1980 SO AS TO ALLOW COLLECTION OF DONATIONS AND CITY STREETS IN CONNECTION WITH A FUND RAISING CAMPAIGN.

\* \* \* \*

Mr. Webb moved to approve the Ordinance. Dr. Cisneros seconded the motion.

Mr. Ted Gross, Radiothon Chairman for the National Kidney Foundation of South Texas, Inc., explained their request.

Mrs. Dutmer stated that she would be voting "No," because she feels that if an Ordinance is going to be passed the Council should abide by it.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: Dutmer; ABSENT: Canavan.

81-6 The Clerk read the following Resolution:

A RESOLUTION  
NO. 81-06-08

SELECTING FEDERAL AID URBAN SYSTEM PROJECT AND RELATED PROJECTS AND REQUESTING STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION CONCURRENCE AND IMPLEMENTATION.

\* \* \* \*

Mrs. Dutmer moved to approve the Resolution. Mr. Steen seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Kiolbassa, Director of Public Works, explained that this Ordinance will not have any effect on the urban streets and roads.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: None; ABSTAIN: Canavan.

81-6 The Clerk read the following Ordinance:

AN ORDINANCE 53,391

AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH VICKREY & ASSOCIATES INC., CONSULTING ENGINEERS, TO PREPARE PLANS AND SPECIFICATIONS FOR THE RECONSTRUCTION OF DEZAVALA

811

ROAD FROM I.H. 10 WEST APPROXIMATELY 2560  
LINEAL FEET; APPROPRIATING FUNDS AND  
AUTHORIZING PAYMENT.

\* \* \* \*

Mr. Steen moved to approve the Ordinance. Mr. Wing seconded the motion.

In response to a question by Mr. Eureste, Mr. Frank Kiolbassa, Director of Public Works, explained that funding is being provided from interest earned on the 1970 Street Bond Fund Unappropriated Balance. He also stated that every project was completed from the 1970 bond program.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

81-6 The Clerk read the following Ordinance:

AN ORDINANCE 53,392

AUTHORIZING THE ESTABLISHMENT OF THE  
POSITION OF ENERGY UTILITY TECHNICIAN  
IN THE OFFICE OF SUPERVISOR OF  
PUBLIC UTILITIES.

\* \* \* \*

Mrs. Dutmer moved to approve the Ordinance. Mr. Steen seconded the motion.

In response to a question by Dr. Cisneros, Mr. Roger Ibarra, Public Utilities Supervisor, explained the duties of what this position entails and in regards to the concern expressed by Dr. Cisneros concerning the need for a solar program, he stated that as other opportunities are identified, solar may be one of them. He stated that his department is working with the planning department that addresses grants and opportunities through financing.

Dr. Cisneros then spoke to the need for a solar program. He stated that some cities are doing good things with solar and felt that federal grants should be sought; the City needs to show some leadership in this area. He urged that the City explore solar opportunities.

At this time, Mayor Cockrell asked for a staff report on the update of the Energy Management program and provision of the Energy Conservation Task Force Report.

Mr. Wing spoke to the effectiveness of an Energy Utility Technician which is employed by Kelly Air Force Base and spoke in support of the Ordinance.

Mr. Eureste concurred with Mr. Wing's remarks.

(At this time, Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Thompson presided.)

City Manager, Thomas E. Huebner spoke in support of the proposed Ordinance, stating that the expense of the new position would result in net savings to the City. He stated that the City's first priority would be the Convention Center, being this building is an enormous consumer of energy.

Mr. Wing again spoke in support of the Ordinance. He stressed the importance of the need for a full part-time technician for the purpose of monitoring all city-owned facilities.

In response to a question by Mrs. Dutmer, Staff was instructed to make a review of the commitment of retaining Mr. Howard Rogers as a retrofit consultant for City owned and operated facilities.

After discussion, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Steen; NAYS: None; ABSENT: Archer, Cockrell.

81-6 The following Resolutions were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen; NAYS: None; ABSENT: Cockrell.

A RESOLUTION  
NO. 81-06-09

REQUESTING VIA TO DESIGNATE A NON-VOTING  
HANDICAPPED REPRESENTATIVE ON THE BOARD.

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A RESOLUTION  
NO. 81-06-10

STATING CITY COUNCIL'S INTENTION TO HOST  
THE 1986 NATIONAL LEAGUE OF CITIES CONFERENCE.

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81-6 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mrs. Dutmer, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 53,393

APPROPRIATING AND AUTHORIZING THE TRANSFER  
OF FUNDS TO THE GENERAL FUND FOR CERTAIN SAN  
ANTONIO RIVER IMPROVEMENTS; ACCEPTING THE  
LOW QUALIFIED BID IN THE AMOUNT OF \$48,000.00  
FROM H.B. ZACHRY COMPANY TO PERFORM CLEANING  
OF THE RIVER; AUTHORIZING A CONTRACT; AND  
AUTHORIZING PAYMENT OF CONTRACT AND CONTINGENCY  
EXPENSES.

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813

Mayor Cockrell returned to the meeting and presided.

81-6

LEGISLATIVE PROGRAM

Mayor Cockrell asked that the Council members take note of the Legislative Program in their packets.

81-6 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Eureste, seconded by Mr. Steen, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

## AN ORDINANCE 53,394

APPOINTING MEMBERS TO THE ANIMAL CONTROL  
ADVISORY BOARD.

\* \* \* \*

The following person is hereby appointed as member to the Animal Control Advisory Board:

Daniel Costales                      District 5

81-6 The Clerk read a proposed ordinance authorizing contracts with Bexar County Mental Health/Mental Retardation under the Comprehensive Employment and Training Act (CETA) Grants Title IIBC and Administration; and revising program budgets.

In response to a question by Mr. Steen, Mr. Eddie Garcia, Assistant Director of CETA Management explained the background information regarding this item.

Mr. Steen expressed concern regarding the laying-off of three employees between settlement times under this program. He felt that this was the City's fault and that a situation like this should be corrected.

Mr. Eddie Garcia, explained what had transpired regarding Mr. Steen's concern. He explained that the proposed ordinance would authorize the City Manager to enter into a contract with Bexar County MH/MR for the operation of Project Detour II Program, under Title II-B of the Comprehensive Employment and Training Act.

At this time, Mr. Thompson spoke about the Alternate Sentencing Program and urged the Council to support its efforts. He then made a motion to deny the proposed ordinance. Mr. Alderete seconded the motion.

Mr. Alexander Briseno, Assistant City Manager clarified that the \$93,000.00 and \$131,000.00 amounts would be allocated to existing training agencies for first offender misdemeanants.

After discussion, the motion prevailed by the following vote:  
AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; DISQUALIFICATION: Canavan;  
ABSENT: None.

Item 36 was denied.

81-6

DISCUSSION ON THE COMMENT OF SAN  
ANTONIO ON EPA'S PROPOSED GROUNDWATER PROTECTION  
STRATEGY

City Attorney, Jane Macon advised the City Council that agenda item #37 dealt with the City's comment on EPA's proposed groundwater protection strategy.

A discussion then took place on the context of the seven page comment which will be signed by the Mayor and forwarded to the Environmental Protection Agency.

Ms. Macon stated that should Councilmembers have any material they wished to add to the comment, they should submit their information to the legal department.

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81-6      Travel Authorization -    Granted

Councilman Bernardo Eureste to travel to Houston on City business to attend the Toxicant Inhalant meeting with City officials and community representatives.

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81-6

DISCUSSION ON THE STATUS REPORT ON THE  
INCIDENT OF THE SHOOTING INCIDENT AT 2620 EL.  
PASO STREET REGARDING HECTOR SANTOSCOY

Mr. Louis J. Fox, Deputy City Manager, stated that Mr. George Noe, Labor Relations Coordinator would present a status report on the matter.

Mr. George Noe, Labor Relations Coordinator then preceded to distribute a memorandum outlining the policy and procedural issues arising from the investigation of the shooting of Hector Santoscoy on December 25, 1980.

A discussion then took place between the Council and City staff on the matter. (A complete transcription of this discussion is on file with the minutes of this meeting.)

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81-6

CITIZENS TO BE HEARD

REVEREND. S. CLIFTON BYRD

Reverend Byrd, representing the Texas Emancipation Day Commission, Inc., stated that there is a need for better understanding among the citizens in the City of San Antonio. He stated that 116 years ago, President Abraham Lincoln's Emancipation Order to abolish slavery took place. In 1979, June 19 was made a State holiday in Texas and Reverend Byrd urged that this date also be set aside as a City holiday. He stated that at least on this day all differences should be set aside and people be re-united.

Mayor Cockrell stated that there are dates set aside as holidays and voted on by Council. She then asked for a staff report on this request.

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February 12, 1981  
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MR. JAMES M. SWEENEY, SR.

Mr. Sweeney, 403 Roslyn Avenue asked about the status of his request which he brought forward several weeks ago.

Mr. Louis Garcia, Chief Prosecutor of Municipal Court, explained that Mr. Sweeney is complaining about a piece of property located on Saunders Avenue. He stated that the property in question was an estate matter and now ownership has been determined. He stated that the staff of the Metropolitan Health District has advised him that an effort is being made to clean up the property. He stated that a complaint in Municipal Court can be made.

Mayor Cockrell advised Mr. Sweeney of the circumstances which caused the delay and advised him to give the property owner time to clean up the property.

Ms. Karen Davis, Executive Assistant to the City Manager, stated that Mr. George Vann, Building Inspections Director had just advised her that there is a warrant out which will serve the proper parties.

In response to a question by Mr. Alderete as to an organization like the Boy Scouts cleaning up vacant lots, Mr. Garcia advised Mr. Alderete that it is strictly a matter between the property owner and the organization.

REVEREND BALTY JANACEK

Reverend Janacek spoke to the City Council about the work being done at the Little Church of La Villita to assist the poor. He expressed concern about any of these efforts being curtailed.

Dr. Cisneros stated that about two weeks ago an article appeared in the newspaper which implied that the City will do something to curtail the service at the Little Church of La Villita. He stated that he has no information that this service is going to be discontinued. He expressed concern about any discontinuance of the program. He stated that he wants the Church to be included in a redevelopment scheme.

Mayor Cockrell asked for a status report on this matter by staff.

City Manager, Thomas E. Huebner stated that a 1.7 million dollar grant was received to restore La Villita. He described the original purpose of La Villita and stated that he has had discussions with the architect about the schematic plan to be used. He stated that Centro 21's Executive Director also appointed a committee to study the uses of properties at La Villita.

Dr. Cisneros then made a motion that the Council concur in giving direction to staff and Centro 21 Committee to include Little Church of La Villita and its program in any re-development plan. Mr. Steen seconded the motion.

Mrs. Dutmer stated that she agrees with the program in concept, however, there are some problems with the crowding of other tenants by the people serviced by the Little Church of La Villita.

City Manager Huebner stated that the idea that the staff or Centro 21 would do away with Little Church of La Villita is preposterous. He expressed concern about where the program is being delivered.

REVEREND DAVID EDMUNDS

Mr. David Edmunds, Pastor of the Little Church of La Villita stated that he was told by Mr. Gil Barrera, tenant of the area, that he would be coming to the City Council to get the poor out of La Villita. He stated that he feels that the poor have a right to come to La Villita.

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MRS. MARGARET PUTNAM

Mrs. Putnam, 101 King Phillip Drive, stated that she operates an Art Gallery at La Villita and sees the poor walk back and forth to the Little Church of La Villita. She feels that this service is needed.

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After discussion, the motion made by Dr. Cisneros prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Canavan.

MR. DAVID RODGERS

Mr. Rodgers, 119 Woodland expressed concern on the manner in which the City Council handled Mr. Huebner's accident.

In response to Mayor Cockrell, Mr. Louis Garcia, Assistant City Attorney stated that the City Council has a right to set its own policies.

Mr. Rodgers continued to express his opinion on why he feels that Mr. Huebner is racially motivated. He feels that he was laid off because he joined a Public Employees Union.

Mr. Eureste stated that he has concerns about a police officer making statements and the City Manager making contrary remarks. He asked for the procedure used in the past on instances such as this case. He also stated that he had received calls that the EMT records were altered and stated that he feels the Council Committee who investigated the matter were short-sighted.

Mr. Steen stated that the people making the accusations should come forward and tell the entire Council.

In response to a question by Mr. Steen, Mr. Rodgers stated that he could not answer the question as to why he was laid-off.

81-6 The Clerk read the following Letter:

February 6, 1981

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

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

February 2, 1981

Petition submitted by Mr. Robert A. Copeland, requesting that the extension of Medical Drive across Babcock Road be named Medical Drive in lieu of "Rowley Road".

February 4, 1981

Petition submitted by Mrs. Mildred Pierce and residents in the 200 Block of Canton and the 1500 Block of East Crockett, requesting that no sidewalks be installed on these particular blocks.

\* \* \* \*

/s/ NORMA S. RODRIGUEZ  
City Clerk

- - -  
There being no further business to come before the Council,  
the meeting was adjourned at 6:30 P.M.  
- - -

A P P R O V E D

*Lila Cockrell*

M A Y O R

ATTEST:

*Norma S. Rodriguez*  
City Clerk

STATUS REPORT AND DISCUSSION ON THE  
HECTOR SANTOSCOY INVESTIGATION

MR. LOUIS J. FOX, DEPUTY CITY MANAGER: Madam Mayor and members of the Council, since the shooting of Hector Santoscoy on December 25th, the Police Chief and his staff have been working with the City Manager's office, specifically in this case, Mr. Skip Noe, on a day to day basis to discuss certain changes in procedure, police procedure that we are recommending and in most cases have been implemented since the December 25th incident. Today, we are presenting to the Council, an outline of the changes in policies and procedures. We will not discuss the merits of the case since you are aware, there are several investigative agencies involved to name, the Federal Bureau of Investigation, the U.S. Attorney's Office, now we have the State Attorney General involved, and as you know, our local District Attorney is still involved in the case.

MR. BERNARDO EURESTE: Point of information.

MAYOR COCKRELL: Yes, state your point.

MR. EURESTE: Yes, madam, I need to understand correctly what the object of this discussion is. Is this to, it says here, "and will discuss a status report on the investigation." And I would expect that that is all that will be discussed here. Any reference to procedure would be premature because you have not concluded the investigation.

MAYOR COCKRELL: All right, the Chair would ask the Assistant City Manager to again clarify the area on which he is planning to report.

MR. FOX: Well, the area that we would like to present would be those changes in procedure that have been initiated by the Police Department in response to some of the issues that have risen as a part of this incident and we felt that there was an interest on the part of the governing body to review certain changes and that we were implementing or trying to enact into policy and that was our general understanding of what was desired. There is also a continuing investigation conducted by our Internal Affairs Division which will speak to the incident itself and the officers and officer involved as well as the victim in this case and that investigation is still continuing.

MR. EURESTE: Another point of clarification.

MAYOR COCKRELL: Yes, sir, state your point.

MR. EURESTE: Internal Affairs investigations have not been available to the Council in the past and there's a State Statute and State Law that prohibits the Council from having access to IA investigations as has been quoted to me by the City Attorney. The investigation that we have ongoing now is above and beyond an IA investigation. It is being managed out of the office of the City Manager and that surely supercedes a police department investigation. It is not an IA investigation, per se, not when you've got Skip Noe leading in the inquiry with City Attorney's staff that is also involved in the interviewing of witnesses that are involved in this particular matter. This is an investigation that goes beyond an IA investigation and I have a problem with you making a presentation of procedure because some of the procedural changes get back to this case and I've got some questions that I could ask you that deal with this particular case and you're going to tell me that I cannot talk about the case and really you're going to cut me short in asking any kind of questions and what this becomes is nothing more than a City Manager office telling me what

February 12, 1981

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you've done to correct the deficiencies and we are short on information as to how we got there. I know alot about it, more than any other Councilmember here. But you're going to cut me short because I'm getting into the case. So you finish the investigation first, my advice would be, and then you come and talk to us about procedures.

MR. FOX: If I may . . . .

MAYOR COCKRELL: Let me just ask as a legal matter, you, in initiating the report to us, Mr. Fox, you mentioned the fact that there were investigative bodies that were ongoing in their work and had not completed their work. In view of that fact, at what point would the City Management feel that any kind of a report relevant to the specific facts in the case, could that be made to the Council in your judgement?

MR. FOX: I would recommend that that be made at the conclusion of the investigations conducted by those agencies outside the City of San Antonio.

MAYOR COCKRELL: I see. And then what you are bringing forward is just a policy and procedure things that you are working on within the City management and in the handling of the police department procedures.

MR. FOX: That is correct. It was our understanding that there was concern on the part of the Council that any errors or problems in our procedures should be corrected, and we think that it is proper at this time to identify those changes and report them to you. And certainly if that is not your desire today, we will adhere to that request.

MAYOR COCKRELL: All right, let's see, Dr. Cisneros.

DR. HENRY CISNEROS: Yes Madam, I have a question that deals not with procedures nor with the elements of the investigation, so much as with the timing of the investigation and the manner in which the investigation was initiated. I need to know first of all, what is normal procedure in terms of an internal affairs investigation. What is the existing procedure for any changes that would start an internal affairs investigation?

MR. FOX: Madam Mayor, may I suggest this process? If we could, if Mr. Noe could go through his memorandum briefly and then address Dr. Cisneros' questions possibly by the Chief of Police. I think that was the way we had preferred to handle it, if that would be agreeable to you and then all of the staff members would be available to answer questions as Dr. Cisneros posed.

MAYOR COCKRELL: All right. Let me just ask is there any Council objection to following that procedure? All right, then we'll call on Mr. Noe.

MR. JOHN STEEN: Madam Mayor, I know I'm out of turn, but . .

MAYOR COCKRELL: The Chair already asked if there were any objection and so, there being, having been none stated, we'll follow the procedure, Mr. Noe.

MR. GEORGE NOE, LABOR RELATIONS COORDINATOR: Yes, Mayor, before I begin going through the written report you received, there is some information that we have received just recently, that I would like to share with Council, relevant to this. We are trying to, one of the things that I asked early on was the question about the number of incidents in the City of San Antonio versus other cities where a police officer is involved in an incident where a citizen dies as a result of the incident. I was able to obtain some information through the FBI that compares the top ten cities or provides information on the number of such incidents in the top ten cities. It's interesting to note that the information is from the period, calendar 1978 and 1979. Of the top ten cities, we tie for last place, meaning the

fewest number of incidents of this sort, of the top ten cities, with the City of Baltimore. And they on a per capita basis, when you adjust that for population, they edge us out,

because they have about 32 more people in the last federal census than we do. We had the same number of incidents but they had a few more people, so they edged us out by a very small percentage. So out of the top ten, we rank number nine, on a per capita basis when you adjust those figures for a per capita difference. So, I thought that would be important to clarify the fact that these incidents do not happen frequently, In the last three years, there have been five such incidents in the City of San Antonio which is an extremely low number for a City of this size. I just wanted to clarify that this is not something that happens often but, and that we compare very favorably with other cities across the country in that regard. The first item that we addressed was the question of the command-structure at the scene of the incident. In this particular case, I think that everyone would acknowledge that perhaps in hind-sight, the decision to send the canine officer under the house was an error in judgement. The procedure has been changed from the past procedure where the Sergeant at the scene would make the decision in such a case to one where the situation would be held until the shift-commander who is a Lieutenant or a Captain could arrive at the scene, thus bringing in some additional experience, maturity, and the ability to call on all the resources of that particular shift. Second issue that is addressed in the report is the issue of the presence of the Deputy-Chief at the scene, after an incident such as this occurs. That particular evening, it was not felt this was necessary. The procedure has been changed so that the Deputy-Chief who is on duty, would be required to make the scene after such an incident to be able to review the steps taken to initiate the investigation. The third policy or procedural issue that is addressed in the report is the establishment of an administrative board; the composition at this point is still being discussed. This board would be used to review all the facts surrounding such incidents and also to critique whatever procedures or actions were taken afterwards. The fourth issue is one that Council is very aware of which is the change in the procedure which would require an officer involved in such an incident to be put on administrative duty pending the completion of whatever relevant investigations are on-going. The fifth item deals with the question of evacuation of the scene. Normally, the scene should be evacuated. In this particular case, we 've had residents that were required to stay inside the residence during the attempt to get the suspect from out underneath the house. That will be re-enforced through additional training and/or ongoing training, on the job training process. The sixth element deals with the area of psychological assistance for police officers, of some degree of concern about the psychological impact that this would have on any individual, particularly a police officer. We are currently exploring the feasibility of establishing an on-going psychological assistance program for police officers, and we would like to explore ways of providing this service particularly, in incidents such as this to make sure that an officer is psychologically ready to return to field duty as well as the appropriate investigations being complete. The seventh item that is covered in the report deals with the issue of an officer visiting the scene of such an incident after it occurs. And this particular case, that did happen and that certainly can lead, rightly or wrongly to the perception that there is some kind of wrong-doing going on. We certainly don't want to give that perception in any way, shape, or form and in the future, an officer will not be allowed to return to the scene even if he loses his property. We'll take whatever other steps are necessary to secure the property that may be lost in an incident like that, as opposed to an officer returning to the scene. The eighth and final issue that dealt with the report deals with the issue of operations of the canine function in the police department. In reviewing this, in meeting with members of the police department that are involved in the canine operation, we feel that some additional training is needed for field personnel in terms of how to assist the canine officer as well as in what the cases the canine officer may be used. In addition , I think that we all recognize that use of

a canine officer in this kind of situation presents a greater risk to the officer as well as the suspect and therefore, it should be kind of a last resort tactic after other less risky tactics have been reviewed and found to be unappropriate in that particular case. I might add that these are not the only procedures that have been reviewed, there are others that are in a more formative stage and as soon as we have a better handle on that, we'll be glad to present that along with our final report to the Council.

MAYOR COCKRELL: Thank you very much. All right, Dr. Cisneros.

DR. CISNEROS: Yes, thank you, Mayor. I have just a few questions, two questions that were raised as we went through this and then the one series of questions that I would like to go back to with the Chief. With respect to item 2, in this case, the duty officer was notified of the incident by the shift commander after it occurred and it was determined the Deputy Chief's presence was not required. In the future, the duty officer will be required to make the scene, whenever an officer is involved in an incident where a person is seriously injured. That suggests that he wouldn't come to the scene until after the fact, again, because it wasn't until after the fact that the person was injured, in other words, the fact of the injury happened first and . . . . . So it looks like number one and number two are sort of, are a little contradictory in the sense that number one requires that the shift commander come to the scene and then in this next case, the shift commander was notified of the incident after it occurred.

MR. NOE: No, the duty officer was notified after it occurred.

DR. CISNEROS: Notified by the shift commander.

MR. NOE: Yes, that's correct.

DR. CISNEROS: In other words, you're saying that the shift commander must be on the scene to help make the decision of the scene situation. Is that correct?

MR. NOE: That's correct.

DR. CISNEROS: And the duty officer is to come to the scene after someone has been hurt.

MR. NOE: Now the shift commander does have the alternative of contacting the duty officer or the deputy chief in charge of patrol if he feels that that is necessary in making a decision depending on the circumstances surrounding the incident he is dealing with.

DR. CISNEROS: What is the idea of the duty officer coming to the scene after the incident has occurred? Basically to make sure . . .

MR. NOE: to make sure that all the appropriate personnel are there as the investigation of the scene is conducted properly; to make whatever decisions are necessary from a management standpoint to follow up on the incident after it occurs.

DR. CISNEROS: Okay, I understand that. The second question that this raised, that this report raised, was the issue of who speaks for the department after an incident. I was very greatly disturbed by the report that I've mentioned several times to the Council where people said on the radio, two days after the incident, that the, that though an investigation would be done, it was very clear to this person, whoever it was that was speaking, that was really not necessary because the officer had acted justifiably. And it was not the Chief, it was someone else in the department and the question is who speaks for the department on matters of investigation?

MR. NOE: I would prefer to let the Chief address that, if you like . .

DR. CISNEROS: Okay, but that's a procedural issue, you know?

MR. NOE: Yes, sir.

DR. CISNEROS: Are you all studying that question?

MR. NOE: I would prefer that he address that question rather than I.

MAYOR COCKRELL: Dr. Cisneros, I might say occasionally I have that problem, too. According to the Charter, sometimes the Mayor is supposed to be the official spokesperson for the Council.

DR. CISNEROS: May I ask the Chief that question, Mayor?

MAYOR COCKRELL: Certainly, Chief.

DR. CISNEROS: Chief, is there any change in procedures contemplated, or perhaps the first question is who is it that presently speaks for the department with respect to questions like the status of an investigation?

POLICE CHIEF, ROBERT H. HEUCK: That can be handled by a number of people, keeping in mind that the news media wants information. Many times, they will contact the particular division or the particular bureau that is handling the investigation. In this case here, it's probability they spoke to somebody within the Homicide Bureau that was doing the investigation. I did not hear the radio conversation that you speak of, so I don't even know if I would recognize the voice.

DR. CISNEROS: Yes, well, it's not a problem, not after pinning blame, I'm more interested in preventing the reoccurrence of that kind of a situation because that's part of what has caused this problem, the whole problem is that we've gotten several different stories and it's not clear who is actually speaking for the department on the status of something as sensitive as an investigation.

CHIEF HEUCK: We can prevent that by only authorizing say, the top supervisor to make that statement, now he may not be available. When the news media arrives, and like yourself, I've talked to sometimes four or five different services in one afternoon or one day, and they want their information when they come now, they don't want to come back or they don't want to wait thirty minutes to an hour for somebody to show up. So, in the past, there's been a policy of whoever is in the particular office that they're going to make this inquiry that the supervisor or even the detective who is assigned to the case will give them that information.

DR. CISNEROS: Just a suggestion and obviously I can't delve into the procedural side of things, but perhaps you may study in this procedural study that you're doing the possibility of when a case is a certain kind of case such as these that are described where someone is killed or badly hurt that everyone below the level of Chief be instructed that the answers would be out of the Chief's office, and that you might assign a specific person to deal with that so we have one voice speaking for the Department. It's a little akin to the United States State Department in a crisis situation. You've got to have one policy position and in this case it's been a problem.

CHIEF HEUCK: I have no problem with that. The only drawback that you will find there is that if it's after the hours that I work, then the news media will not get any information until I return to work.

DR. CISNEROS: Of course there is a head of the Department, even when you're not there, and that would be what one of the Deputy Chiefs?

CHIEF HEUCK: Part of the time we have a Deputy Chief who works an eight hour shift coming on at four o'clock and works till midnight.

DR. CISNEROS: Well, I don't propose to have the answer. All I'm suggesting is that it needs to be studied along with these other procedural changes which I think are good. Chief, the real question I wanted to get to - the nature of how we start an investigation. Now, let me tell you why I'm asking you. I'm asking because some information was given to me by some folks associated with the

prosecution side of some of these matters, County, State, Federal. And the suggestion was that there was sort of a slip-up in the initiation of the investigation. That because it was Christmas Day, that there was only one or at least a lesser compliment than usual of Internal Affairs Investigative Staff, that basically the person assigned that day was busy on something else, so no initial investigation into this particular case occurred. Several days passed before it was discovered that no internal investigation work had been done, and at that point, the judgement decision, the judgement call was made that basically so much time had passed that it was not, that it could not be started that late, and so it was not started as is the normal course. Now, I don't know whether that's true or not, that's the story that I've gotten. I need to know what is the normal procedure and can you describe what happened in this case?

CHIEF HEUCK: We operate a 24 hour a day Internal Affairs Investigation consisting of the night crew, 3-11 dogwatch consisting of a Lieutenant and two Sergeants. Needless to say, they're not all three working the same day except one day a week. In this particular case, the IA Sergeant who is on duty at the time was in the office and he was taking a statement from a lady in another incident. He was not notified by phone that this shooting had taken place. Therefore, he completed the statement, he took her home because it was about 2:00 or 2:30 in the morning when he finished, and she had no transportation so he transported her home, checked in on the channel and he was never informed that the shooting had taken place. Now, normally, had he been available at that time, as he does as part of his duties, he'll cover any kind of a call that involves a police officer from a chase of a vehicle to an officer in trouble to a shooting and what have you. He handles any kind of a complaint against an officer that the citizen wants to make. So, in this case, it was a matter that he was not informed by the communications and when you've got a thing like this going down when you've got hectic communications over your radio network, they normally will call all channels two or three times for the IA man and if he doesn't answer, that's the end of it. That's not the best procedure in the world but that's the fact that we deal with because there are too many adjacent things to a shooting of this nature . . .

DR. CISNEROS: To worry about otherwise.

CHIEF HEUCK: The guy just forgets it. So in this case, this is what happened, now I have to correct that. Since that incident occurred I have drafted a memorandum which went out . . .

DR. CISNEROS: Let me, before you go on to how you corrected it, so the IA man didn't get on it at the beginning and then several days passed, is that correct before it was discovered?

CHIEF HEUCK: The shooting went down on the 25th of Christmas, the reports were gathered by the Homicide Bureau and on Monday morning, the 29th of December, the reports were delivered to the Internal Affairs Office and they were reviewed by the Sergeant that was assigned that day to IA. He went through all the reports, he found nothing that was structurally wrong, or there was no cover-up or any other type of illegal-looking information to him that necessitated him stepping in at that time.

DR. CISNEROS: Okay now, if he had been notified, if the communications system, if he hadn't been away from the scene and had actually gotten the message, he would have gotten on it right then and gone to the scene? Would that be the normal procedure?

CHIEF HEUCK: He would have gone to the scene of the event, he would have observed what was being done to make sure that all the procedures and so forth are handled and then he would have gotten a set of reports the same as were reviewed on the 29th, the next morning. Now, he may not have gotten all the reports before he got off duty at eight o'clock.

DR. CISNEROS: So, in effect, there was a sort of a four day gap and we caught up with it but four days had passed and perhaps, not in this situation but in other situations, those four days could be very crucial for following up on key information and evidence and that's what it . . .

CHIEF HEUCK: No, I don't think so. The function of the internal affairs bureau is to make sure that things are being done according to the rules and regs, all right? Now, if they were to find four days later that there had been a violation of some rule or reg, or reports were not proper, then they will look into it. Or if they feel that there is a cover-up of some type being put out, then they will go into it in depth, in fact they got the reports on Monday, it doesn't alter a thing.

DR. CISNEROS: Now, so the Internal Investigation then got the reports then on Monday and from then forward the normal Internal Affairs activity begin, is that correct?

CHIEF HEUCK: The normal internal affairs operation in this case is to monitor the report. Now, keep in mind we're dealing with a homicide. We have a homicide division that does the investigation. The internal affairs does not interview the same witnesses. They receive copies of all the reports pertinent to the investigation and continue to monitor it in that manner. Now, should it show that there is something wrong, then they step in. But up onto that point, they're monitoring by reading all reports that are forwarded.

DR. CISNEROS: Okay, now I would like to hear what you have done to correct that problem with the four day gap.

CHIEF HEUCK: All right, the problem of the officer, Sergeant, not being available, I have drafted a memorandum to the Deputy Chiefs and also to Captain Despres in charge of Internal Affairs, that, and also the Communications Room, in any event, that a shooting occurs or an officer is seriously injured or seriously injures someone else or kills him, or he himself is killed and no IA man answers on the air, then they are to notify the Captain at home, wake him up, get him out of bed, and he will make the call himself or he will see that some supervisor from his office makes that call.

DR. CISNEROS: Captain . . .

CHIEF HEUCK: Internal Affairs.

DR. CISNEROS: Is there a reason why that procedural change is not reported in this memorandum, Mr. Noe, or Mr. Fox?

MR. NOE: That was an issue the Chief and I discussed. The issues come so quickly that this is what I could put together to do the report today. That was one of the issues that would have been addressed in a final report to the Council. There are several other issues that are not in this report that just haven't gotten to the mill yet.

DR. CISNEROS: Okay. Chief, let me just say I appreciate your action on it, and I appreciate your frank answers of how it occurred because I had heard bits and pieces of it and this is the first full explanation of that gap. Now, it seems to me that it's important primarily because the guts of a case like this is credibility in the investigative procedures of the police department. You know, you know that I called you on Christmas morning when I got called and the news people called me and I said, "Hey, I trust the police investigation." And I would like to be able to say that forever, "I trust the police investigation." And it really puts folks like me on the spot when you learn bits and pieces later that in fact, we're saying that we trust the police investigation but, in fact, there is no IA person on the scene, you know, the whole thing we just went through. It's just absolutely critical, I can't emphasize enough to you the importance of getting the investigative side of our operations to 100% credibility in the eyes of the public. It's just so sensitive, and I have no reason to believe that these procedures will not work. I commend you for them and I think we're going in the right direction. I just want to make sure that that investigative operation is 100% credible and that, I think is where the problems have occurred in this case. It's just people that have been able to point fingers at the procedure and they point to a hole, and lo and behold there is a hole and that's out there in the community. That really, that's what got people stuck on this case, in my opinion. And we just need to clean up the procedures and I think you've gone along through it.

CHIEF HEUCK: I'd like to make comment on that, if I may. One of the, I guess, side effects of this investigation has been that, a lot of people ask, where was IA on this? And one of the things that has been overlooked is that at the time the incident occurred, the entire structure was put into action at night. As the Homicide Detectives made the investigation, the shift Commander who is Captain Charles Fitch, who was just moments away from the shooting when it occurred. The entire investigation was handled as a Homicide investigation. Now these people would not cover up anything for anybody irregardless of be it a police officer or Joe citizen and every step that is followed in a normal homicide investigation was followed and they have it structured such that it flows very freely. So, if Internal Affairs had or had not shown up, the procedure was exactly the same. They were all in

DR. CISNEROS: Okay, thank you very much.

MAYOR COCKRELL: Mr. Eureste.

MR. BERNARDO EURESTE: Chief, when did you submit your reports to the District Attorney? When did you go to the District Attorney with what we had?

CHIEF HEUCK: The case was turned over to the District Attorney on December 30th.

MR. EURESTE: Okay. In that material, you included a IA report.

CHIEF HEUCK: Is that a statement or a question?

MR. EURESTE: Question.

CHIEF HEUCK: No, this is a Homicide investigation.

MR. EURESTE: You did not turn in an IA report to the District Attorney at that time?

CHIEF HEUCK: No, they're making a homicide investigation.

MR. EURESTE: Had IA reviewed the documents at that point?

CHIEF HEUCK: Yes, they had.

MR. EURESTE: It is understood in the communications that a homicide investigation report plus an IA report had cleared the officer. Would that be a true statement?

CHIEF HEUCK: That's right.

MR. EURESTE: Did you have an IA report with what was turned over to the DA?

CHIEF HEUCK: No.

MR. EURESTE: Did you have one available?

CHIEF HEUCK: No, I didn't, we had the . . .

MR. EURESTE: Thank you.

CHIEF HEUCK: the thing reviewed, well, I would like to answer your question. We had the case reviewed by the Sergeant in the IA section and the homicide investigation and all of the reports that go to the District Attorney's Office pertain to the homicide itself and not an IA report.

MR. EURESTE: I was asking you very clearly, did you have an IA report at the time that you submitted all of these information to the District Attorney. You did not submit that report to the District Attorney, the question then was did you have a report on hand from the IA? And the question is again, "No."

CHIEF HEUCK: I didn't answer it that way, Councilman. The report if you want to get explicit whether it was written or oral . .

MR. EURESTE: Written.

CHIEF HEUCK: It was an oral report to me from IA and it is not procedure for us to send written IA reports to the District Attorney's Office.

MR. EURESTE: That's not of high priority to me. What is of high priority is a question as to did you have a written IA report on the 30th of December?

CHIEF HEUCK: No.

MR. EURESTE: Okay. So the verbal report from IA to you which cleared the officer, which cleared the officer and it is being quoted over and over again in the media that the IA investigation report cleared the officer in any wrongdoing. There is no written document, nothing more than a verbal report to you which in turn gets verbalized on up the ladder. Is that about the size of it?

CHIEF HEUCK: That's it.

MR. EURESTE: Is that standard procedure?

CHIEF HEUCK: In that particular case it was, yes. I have no doubt in the validity of the capability of the Sergeant in IA who gave me that report. I have no reason to doubt his truthfulness and I also examined all those reports myself.

MR. EURESTE: When the IA was asked to conduct an investigation on allegations about a police officer, and relationships to the Madam Theresa Brown and you came to the City Council, you came to the City Council armed with what? With a document, a written report from Internal Affairs that cleared that officer of any wrongdoing. I would assume that written reports are standard procedure. If it is a standard procedure for a Madam and a house of prostitution, it should surely be a standard procedure in a situation where a police officer has taken the life of an individual, wrongfully or rightfully, or whatever the case may be. Taking the life of an individual, surely, merits more attention and more thoroughness and should require a little bit more from Internal Affairs and from the Police Department than the case involving a Madam that is running a house of prostitution.

MRS. HELEN DUTMER: Point or order, Madam Mayor.

MAYOR COCKRELL: State your point.

MRS. DUTMER: The two cases are apart in separate, they have no relevancy to each other. We're talking about one case and we're going to bring in the entire situation.

MAYOR COCKRELL: All right, the Chair will rule though, that what is being discussed is the type of report and I think that the other experiences would be pertinent . . .

MRS. DUTMER: Madam Mayor, the difference is that the City Council asked for the report of the Chief on the Theresa Brown case and the Chief responded with the report. We did not ask for the report on the Santoscoy case.

MR. EURESTE: Let me . . .

MAYOR COCKRELL: Yes, but the Chair rules that the question is in order.

MRS. DUTMER: I'll challenge the Chair.

MAYOR COCKRELL: All right, there has been a challenge of the ruling of the Chair. The Council then must vote as to whether or not to uphold the Chair, or to overturn the Chair. Is there a second to the motion.

MR. STEEN: Second.

MAYOR COCKRELL: All right, there's a second. All right, those who wish to, let's see we'll have a roll call vote. Those who wish to uphold the ruling of the Chair which is that the question was in order will respond in the affirmative and those opposing, in the negative.

CITY CLERK: Dr. Cisneros.

DR. CISNEROS: Vote to uphold the Chair, Aye.

MR. WEBB: Aye.

MRS. DUTMER: No.

MR. WING: Aye.

MR. EURESTE: Aye.

MR. THOMPSON: Aye.

MR. ALDERETE: Aye.

MR. CANAVAN: Absent.

MR. ARCHER: No.

MR. STEEN: No.

MAYOR COCKRELL: Aye.

CITY CLERK: The motion on the challenge failed.

MAYOR COCKRELL: The motion on the challenge failed. The gentleman will continue.

MR. EURESTE: Yes, the point that I'm trying to get at, Chief, is that Internal Affairs' reports are normally written reports, would that not be a true statement?

CHIEF HEUCK: Yes.

MR. EURESTE: In this case, we did not have a written report to you from Internal Affairs, is that a true statement?

CHIEF HEUCK: On the 29th of December?

MR. EURESTE: Well, the Internal Affairs report to you was verbal and not written.

CHIEF HEUCK: On the 29th of December, that is correct.

MR. EURESTE: Yes, sir. Do you have an Internal Affairs report to date that is written?

CHIEF HEUCK: Yes, I do.

MR. EURESTE: Conclusive?

CHIEF HEUCK: Yes, I do.

MR. EURESTE: What date is that report?

CHIEF HEUCK: Approximately seven days later.

MR. EURESTE: What initiated that report? What date would that be first of all?

CHIEF HEUCK: 29th,

MR. EURESTE: 7th, 5th?

CHIEF HEUCK: Somewhere around Tuesday of the following week.

MR. EURESTE: Okay, what is in the nature of that report? Is that a conclusive statement?

CHIEF HEUCK: Yes.

MR. EURESTE: Does it take that long to do that kind of a report? Or is this associated with a problem of the inability to take off immediately to do the IA investigation in this case?

CHIEF HEUCK: I don't quite understand what you're saying.

MR. EURESTE: You're a funny guy.

CHIEF HEUCK: Well, I'm trying to be very explicit.

MAYOR COCKRELL: The Chair will ask that the gentleman will clarify his question so that the Chief may answer appropriately.

MR. EURESTE: Is the lateness in the IA report associated with the lateness in IA being involved, this is the point that Dr. Cisneros was eluding to just a little while ago.

CHIEF HEUCK: No it's not.

MR. EURESTE: Are we conducting another investigation right now?

CHIEF HEUCK: What do you mean by "we."

MR. EURESTE: I don't know.

CHIEF HEUCK: I don't know how to answer your question. Are you referring to the Police Department investigating this or some other agency?

MR. EURESTE: We, the City.

CHIEF HEUCK: The City Manager's Office is about to complete their investigation. That is the only one I am aware of.

MR. EURESTE: Is this an IA investigation that the City Manager is conducting?

CHIEF HEUCK: From his office or mine?

MR. EURESTE: I'm just asking it.

CHIEF HEUCK: It's an investigation from the City Manager's Office. It is done at the Police Department so you could determine that it is an internal investigation.

MR. EURESTE: Okay. Let's say that hypothetically, let's try to get close to a date, January the fifth or sixth, thereabout, you have a written report from Internal Affairs, there is no other report to come from Internal Affairs on this matter?

CHIEF HEUCK: I don't think so. We carry on most of our conversation in this type of thing verbally and I think that that probably was the only written information.

MR. EURESTE: What is the length of the report that you received from IA?

CHIEF HEUCK: One page.

MR. EURESTE: What was the length of the Theresa Brown report?

CHIEF HEUCK: Well, I didn't get a . . .

MR. EURESTE: Just answer, I mean just answer . .

CHIEF HEUCK: Well, I didn't get a report from Internal Affairs on the Theresa Brown case.

MR. EURESTE: Who did?

CHIEF HEUCK: I wrote it, I researched and wrote it.

MR. EURESTE: How many pages was it?

CHIEF HEUCK: Gee, I don't remember, it was a whole bunch of it.

MR. EURESTE: Five, six?

CHIEF HEUCK: Could have been more than that.

MR. EURESTE: Ten?

CHIEF HEUCK: Possibly.

MR. EURESTE: Okay, so the internal affairs investigation within the police department was never reopened and has never been reopened since your final report that you received on the fifth or sixth of January?

CHIEF HEUCK: Repeat your question.

MR. EURESTE: That your internal affairs investigation has never been reopened within the police department, administered by your officers.

CHIEF HEUCK: The investigation within the department continued on. I made an error when I made a statement to a news media, TV Station, looking at it from a perspective of a police officer that upon completion of the investigation by the Homicide Division, gathering all the information, facts, and reports and everything that we had, when it was delivered to the District Attorney's Office, I was interviewed probably the day after that and I made a mis-use in the word, "closed" from the perspective of a police officer when we complete our investigation at Homicide, return our findings of that investigation over to the District Attorney's Office, at that point, our investigation has been completed. And had I used the word, "completed," it would have been a much better use of the word than the word, "closed." As far as the Internal Affairs investigation, they continue to monitor anything that comes along, they continuing to work hand and fist with the Federal Bureau of Investigation each time that they have come over and requested some information, we have furnished it to them and everything that has come up in regards to this particular case, that goes through IA has been handled.

MR. EURESTE: Let me ask you. I asked you a little while ago that beyond the January 5th, or 6th, IA report, written and presented to you, was there another IA report to come out of this Santoscoy case? And you said, "No." Is that a correct statement?

CHIEF HEUCK: Off the top of my head, I would say that is probably correct.

MR. EURESTE: Yet, you claim that the Internal Affairs investigation into this matter is ongoing.

CHIEF HEUCK: No, I didn't say that, I said that it continued on.

MR. EURESTE: Well,

CHIEF HEUCK: Mr. Councilman, I don't know exactly what you refer to as reports, if you'll tie it down to whether it was written or whether it was oral, maybe I'll have a better handle on what you're really asking.

February 12, 1981  
mb

MR. EURESTE: Well, you said that on the fifth or sixth of January that a written report, IA report, was submitted to you, is that correct?

CHIEF HEUCK: Yes.

MR. EURESTE: And it's about a page long, is that correct?

CHIEF HEUCK: Yes.

MR. EURESTE: And I asked you if there would possibly be another IA report on the Santoscoy case, presented to you, beyond the January 5th, or January 6th report, in writing. And you said, possibly "No." Is that correct?

CHIEF HEUCK: Yes, in writing.

MR. EURESTE: But the investigation or at least the involvement of Internal Affairs continues in the Santoscoy case.

CHIEF HEUCK: Only to the point of assisting the City Manager's office with their inquiry that they are making.

MR. EURESTE: Okay, let me ask you one more question. Did Internal Affairs interview any of the civilian witnesses in the course of their investigation from the 25th of December through the 5th or 6th of January?

CHIEF HEUCK: No, they don't.

MR. EURESTE: They didn't.

CHIEF HEUCK: They do not, that's a Homicide investigation.

MR. EURESTE: Internal Affairs never talks to civilians?

CHIEF HEUCK: They only talk to civilians in the event, that, through their review of the case, the reports, if they feel that there is something amiss, that somebody is trying to corner somebody into making a false statement or that they are trying to hide something that they can see in the investigative reports or see in the diagrams that doesn't match up with what is written, then and only then will they step in a Homicide investigation. You have people that are interviewed, you have people that make sworn statements that they are telling the truth when they give you the statements, that they are, if it looks something is amiss, then they will contact me and I will give them the okay to go ahead and get involved in it. But normally, in any Homicide investigation where you are involving witnesses who do not come in with an IA investigation unless it looks like the procedure of the police department is incorrect.

MR. EURESTE: Well, sir, it says here that the decision to send an officer canine under the house on this situation was an error in judgment. We have here, at least 8 procedures that have to be redone as a result of this case. Police procedures are in question and you say that is the basis upon which civilians are brought into this matter.

CHIEF HEUCK: I don't quite understand what you're . . . .

MR. EURESTE: Well I do, and I just made a statement, and it doesn't require a response. One more question, sir. You have not, have you see any of the photographs of the body of Hector Santoscoy?

CHIEF HEUCK: Yes, I have.

MR. EURESTE: Have you seen the photographs of the second autopsy?

CHIEF HEUCK: No, I haven't.

MR. EURESTE: Okay, Thank you. When did you receive information that the City Manager had opened up an investigation from the Office of the City Manager?

CHIEF HEUCK: Well, when I was told, which I guess, was approximately three weeks ago.

MR. EURESTE: About the thirteenth?

CHIEF HEUCK: I don't know the exact date.

MR. EURESTE: The thirteenth or fourteenth of January, more or less.

CHIEF HEUCK: I don't remember the date.

MR. EURESTE: Let me ask Mr. Fox, Mr. Noe, then. When was the, when did we open up the City Manager's investigation into this matter?

MR. NOE: I've reviewed this case on several occasions. The last time I was asked to work on it was in mid-January, but I've had to review certain things before that.

MR. EURESTE: But we basically kicked off a major investigation on the 13th or the 14th, is that correct?

MR. NOE: I was asked to get involved in reviewing this case, assist the Chief in mid-January.

MR. EURESTE: Let me talk to Lou Fox, then. Lou, when did you . . .

MR. FOX: I don't know the . . .

MR. EURESTE: You guys are crazy, let me tell you.

MAYOR COCKRELL: All right, the Chair wonders if you have any more questions, Mr. Eureste.

MR. EURESTE: No, no more. I just wanted to make this statement here that on the 14th, is that correct Ms. Macon, on the 14th of January . . .

MS. JANE MACON, CITY ATTORNEY: I think so, Mr. Eureste, you have the advantage of a calendar, we've got a Monday and a Tuesday.

MR. EURESTE: Well, the Tuesday you talked to me and on Wednesday you talked to me again.

MS. MACON: What day was that?

MR. EURESTE: On the 13th was Tuesday, on the 14th was . . .

MS. MACON: I think, easily the 13th and 14th, around that time.

MR. EURESTE: Okay, thank you very much.

MAYOR COCKRELL: Chief, if I may summarize to be sure I understand the of what you're saying. You're saying that the Homicide investigation took place as it does routinely, that there was a lapse of several days there before it was brought to the attention of the Internal Affairs but at that time it was reviewed and there was first a verbal report to you. At the time the papers were forwarded to the District Attorney, there had not yet been a verbal, I mean a written report compiled but the written material from Homicide was forwarded and that is the routine procedure that you follow in all cases. You have since gotten a written report from Internal Affairs and you are continuing to be available to confer with other law enforcement agencies and the City Manager's office.

MR. EURESTE: One other question.

MAYOR COCKRELL: Yes, thank you, fine.

MR. EURESTE: One other. . . yes, Number one, is the IA report available to the City Council, which is one page in length, that's number one.

CHIEF HEUCK: It's internal information.

MR. EURESTE: So it is not available, is the . . .

just the Manager's . . . will the investigation that is being conducted out of the City Manager's Office, will that be available to the City Council?

CITY MANAGER: Well, this is a status report here, as Skip has indicated to you there are still some matters to be reviewed.

MR. EURESTE: When you finish that investigation . . .

CITY MANAGER: Then you'll get another report.

CHIEF HEUCK: Madam Mayor, I would like to comment on this report that Mr. Noe has given to the Council, for points of clarification for the Councilmembers.

MAYOR COCKRELL: Yes, sir.

CHIEF HEUCK: The first one there at command structure, at the scene, generally agreed that the decision to send officer Cammack under the house in this situation was an error in judgement. We have always acknowledged this from the very beginning of the investigation. Going down to number two, the presence of the duty chief, I think perhaps it would be in order that the Council be aware that for many, many years, we have operated what is known as a duty officer roster. The duty officer goes on call when the Chief and the daytime deputy chief have left for the day. He is on call for, such as this. In this case here, the commander, Captain Fiske, contacted the deputy chief by phone, the deputy chief was notified immediately after the shooting which involved the officer, which is standard procedure in communications. And he talked to the Deputy Chief Hoyack who was the duty officer in that particular time and it was determined through that conversation based upon what the Captain knew of the incident that it would not be necessary for the deputy chief to make the scene. Since then, I've changed that and said that I want you to make it irregardless as long as it looks like there will be serious bodily injury or perhaps death. The administrative board will be created for the purpose of reconstruction of the incident, not only for the purpose of looking for tactical mistakes that the officers may have made but also to use it as a training guide for in-house, in-service programs. The evacuation of the scene should have been done. It normally is evacuated, we don't put anybody in jeopardy of life.

Number six, psychology assistance - we have been working on a proposal for the budget for about approximately about five months and have gone to the extent of sending a deputy chief and captain to Houston to study the psychological process that is used by the Houston P.D. and we have been contacted by other departments that this is a very necessary thing.

The visitation of the incident scene by the officer after the incident, he went back there to attempt to recover his personal wallet, his keys, his large pocket knife that he carried in his pocket. And it was not a good idea for the man to go up. It did happen.

The canine operations - There has been quite a bit of talk on canine operations and we will address this in in-service training to retell to the supervisors the capabilities of the canine, what to expect and what not to expect.

MAYOR COCKRELL: Thank you, Mr. Thompson.

MR. BOB THOMPSON: Thank you, Madam Mayor. Chief, I want to comment just a minute on a concept that Dr. Cisneros mentioned earlier and that is the confidence that the City has and you earn as a Chief of a department and as a department as a whole earns in their daily activities. I think that confidence has been bolstered at least in my mind, as I have heard your explanation and your very solid dependable truthful answers. And they are truthful because there was no hesitancy, I felt very confident in hearing your statements that they were accurate as best as you could possibly make them. And I wanted to share that in having made my living for ten years in questioning people, I would as soon advise one of my younger attorneys that you would not be a good witness to cross-examine. You have an air about you, the truthfulness

that the statement you give just speaks its own message as short and concise. And I think as we have reviewed those procedures that you have testified to, and that's really what it's been, seemingly today. And I am very confident that our Police Department is in good hands. You've looked to procedures very objectively. You've made an analysis that revealed mistakes if you thought they were there and you've made very positive corrections. I commend you for that and I'm very pleased for you to be our Chief.

MAYOR COCKRELL: Thank you, Mr. Steen.

MR. JOHN STEEN: Thank you Madam Mayor. Who accepted this item on the agenda? I've never figured that out from the discussion.

MAYOR COCKRELL: The Chair probably may have done it in that we have repeatedly asked for the Staff to look at the item and it seems to me, a couple of weeks ago, that I asked when we were going to get some kind of a report from staff. So, at that time, Mr. Fox said "Well, we're going to have something available in a couple of weeks." So, I believe that was the reason it was on the agenda.

MR. STEEN: I just thought that if it was the staff that instigated this, I think they are very sorry that they did. Maybe they started it up for some other reason. Madam Mayor, you know, I sit around this Council table a lot and I would just like to ask the members of the City Council not to call members of the staff by certain names, like "funny," "crazy," and things like that. I don't think that is very proper and I don't think it's very nice. And I think you reciprocate. I think if they treat you one way and you treat them one way, it goes along fine. As far as members of the City Council, I've heard them call each other all kind of names and that's their business. I can't do anything about that, but I would surely like the members of the City Council to respect the staff as a staff respects the City Council. I just think it's fair and honest to do it that way. I would ask all the members of the City Council to respect the staff that way. I personally trust the Chief very much. He looks honest, he speaks honest, he is honest and I would never doubt his honesty on any occasion. Thank you Madam Mayor.

MAYOR COCKRELL: Thank you sir, Mrs. Dutmer.

MRS. HELEN DUTMER: Yes, as my colleague well knows, our counselor colleague over there, well knows that when truth is on your side you have nothing to fear. So, therefore, you can be calm, and you can answer in a rational manner. I'm trying to figure out what kind of points you are trying to make here. One of our Council people asks ring-around-the-rosy questions and got ring-around-the-rosy answers because that's what you get. When you ask that the other one doesn't know what the heck he's asking.

MAYOR COCKRELL: The Chair will ask that we not make comments relative to the Council members.

MRS. DUTMER: Madam Mayor, why didn't you stop that when the remark was made that the Chief was a funny man. It seems to me that you're a little discriminatory.

MAYOR COCKRELL: Well the Chair again reminds you that you are not to make comments about other Council members.

MRS. DUTMER: I'll not make it, would it be all right if I make it about the Mayor? The truth about it is that in the back room, one of our Council people in the presence of a number of witnesses, suggested that the Chief has boo-booed twice; in the Santoscoy case and in the Huebner case, and that the Chief boxed both of them in. Then when we get out in public, because we're running for office again, everything is light as roses. Now, if you don't have the courage of your own convictions, then how in the world are you going to find out truth from anyone else. Now, that's just the way I feel about it.

No case is ever closed until it has been adjudicated by the Courts. The Grand Jury is always open to new evidence and I am sure that the Internal Affairs and the Police Department is always interested in any new evidence but when you hear the same old rhetoric over and over and over and over, I guess there's a certain merit in making people believe something if you repeat it often enough. But in this case, I hope that the final results will be left to the judicial system and not by a bunch of City Council people that don't know what they heck they are doing in criminal matters and that's exactly what we have here. We have one, well, I can't say any ugly things about any of my Council people so I'll just say that I hope that the citizens of Bexar County and the citizens of San Antonio will take it for what it's worth and let the judiciary settle this matter for once and for all and if everybody will keep their nose out of it, they'll do it.

MAYOR COCKRELL: Mr. Webb.

MR. WEBB: Thank you, Mayor. The report that we have here, the investigation of the shooting of Hector Santoscoy is a good report and it spells out the many, many problems that the killing or the murder of Hector Santoscoy. I mean, it's evident, it's very clear based on your admittance that there was great error in judgement and there ought to be some reprisals or reprimands taken in this case and that's why the citizens have been in such a great uproar about it because it was a bongo job. And I didn't say that the Chief boo-booed but maybe perhaps that might be the thing that might have ought to be said. This is enough report here to, and actions necessary, corrections are to be taken according to this report here. I must admit, Chief, that I saw those pictures of the shooting of the body of Hector Santoscoy and I must tell you and everybody in the world that there was no way, no way, that the man could have been advancing toward the police officer when he was shot, laterally on the sides. He was shot on both sides, he had thirteen bullet holes in his body, from five shots. And I find it real difficult for me to accept and that's what the problem is, is that, Chief, that's why you know, there's been so many stories and everytime we talk about it, we get a new story. And then now we find out that there wasn't a second investigation and that it never was instituted, the case never was closed, and you know, on and on and on we go. But I say that there's enough evidence right here, if any of this true, this is true paper, I say there's enough evidence, for something to happen to, let me ask you one other question. Was it seven, five to seven other officers present during the shooting?

CHIEF HEUCK: No, I don't remember, there were a number of them around the building.

MR. WEBB: I understand that, on the inside of the building while the shooting was going on, that there were other members of the police force inside.

MAYOR COCKRELL: The Chair is going to ask that we not get into the alleged incident itself because the staff has asked that they review those pending the final actions by the other bodies.

MR. WEBB: Sure, Mayor it won't do any harm, the case is closed, the Chief has said that already and I don't think it'll do any harm just to ask those questions. But that is the truth, that I've already checked it out and that is the understanding that I get and that the officer in effect was loose and it was on a celebrated night, the night before Christmas and you know, I find a lot of things that I could say using some good, sensible psychology behind the whole scene, the whole scenario. But again, I'll repeat, that this report is a good one, Chief and it serves a great purpose and I hope that these things will be taken into consideration the next time that there is an officer under a house after a suspect. You know, the whole, you see the issue was the fact that the man robbed the chicken place, you know. And all of that, has gotten, has escaped because of all the other things that even highlights the situation with four or five other officers

February 12, 1981  
mb

-17-

present and some inside of the house and the family, inside of the house while the shooting was going on. And that to me, just makes a bad scene.

MAYOR COCKRELL: Mr. Webb.

MR. WEBB: Yes, mam.

MAYOR COCKRELL: The Chair will ask that we not try to rediscuss the actual incident itself, and what we do have before us are these procedural changes and policy changes and if we may just confine it to that, sir.

MR. WEBB: One thing I wanted to ask, I hear the Chief, I was upstairs and I was listening to the whole thing, just one question I wanted to ask the Chief if I may, and that is, Chief, you made a statement that you didn't give any reports, that you were off duty. you repeat that, concerning your off-duty hours that you didn't give reports? What are your hours?

CHIEF HEUCK: I work from 7:45 to 4:30 Monday through Friday. You have reference in official release of information?

MR. WEBB: You made a statement a few minutes ago that you didn't give the press any information until you got to work the next morning, even if they did call your office, or something to that effect.

CHIEF HEUCK: That was in regard to a question by Councilman Cisneros about officially releasing information to the public and I was responding in part that usually when the news media wants information, they want it now and they'll try and get it from whomever is working. Now, they are not, what you would say, designated speakers but if they are involved in an investigation, it has been our policy with the news media to try and assist them by giving them what information we could and in order to affect the official spokesman, designating somebody, then we would have to say, "All right, so and so is designated and he is off duty and he cannot give you this information until 8:00 in the morning." The same thing would apply to me.

MR. WEBB: Okay. Well, I just wanted to understand that the Chief was ours. In other words, when five or 4:45 what did you say?

CHIEF HEUCK: 4:30.

MR. WEBB: When 4:30 comes and the Chief is off duty and no longer do we have the use of the Police Chief after 4:30 in the afternoon.

CHIEF HEUCK: Mr. Webb, we do have a deputy chief who works until midnight and he speaks for me in matters of this sort.

MR. WEBB: And who is that Deputy Chief?

CHIEF HEUCK: Deputy Chief, Robert Johnston.

MR. WEBB: That's all, Madam Mayor, and again I just repeat that this is the kind of report that we needed.

MAYOR COCKRELL: Thank you. Mr. Eureste.

MR. EURESTE: Chief, I need to get a clarification from the City Manager. And then I want to ask you a question, Chief. Mr. Huebner, are we going to, you said that we will have another report at the conclusion of the investigation that is being conducted out of your office. Will that be like a full report, you know, in writing and the whole works?

MR. HUEBNER: Yes, let me say this, any of the, I don't know, maybe Jane can give me the appropriate term, any internal documents relating to the investigation, we would not be allowed to release them to you unless it was approved by the District Attorney and the U.S. Attorney's Office. I don't know what they would allow us to

release or what they wouldn't allow us to release so, what you're going to get is more of an administrative report than it is a criminal investigation report.

MR. EURESTE: Oh, well, I hope it's good, I don't know what else to say. Let me ask you, I understand the problems okay, with the documents, okay, but I'm just wondering if the report is going to have enough substance to it, you know.

MR. HUEBNER: If I could expand a little bit, Councilman Eureste. You commented about the one page report from IA on the Santoscoy thing and the multi-page report on Theresa Brown. Well, those are, the Chief personally conducted an investigation on the Theresa Brown issue and while there is a one-page IA report on the Santoscoy matter, you know, the pages of the homicide investigation are you know,

MR. EURESTE: I understand, I understand what you're saying. I was just trying to compare the cases, you know, and I'm sure that the Theresa Brown case has got you know, probably thousands of pages of content. Let me, one of the questions, Chief, you've heard of the incident of your two undercover agents that photographed me at the Courthouse, not this Saturday, but the Saturday before last. And I was concerned because the photographing was occurring fifteen minutes after everything had ceased. And I can understand picture taking during the course of the speaking, the rallies, the marching, and whatnot, but I just had a very difficult time you know, that the police officers were photographing me as I was waiting there with my buddies, waiting for the coffee to be picked up by the van. Then I decided to turn undercover agent myself and followed the two undercover agents to Joskes' cafeteria. And there we got them to surrender and they told us who they were and who they worked for. They showed us their badge and they were kind of nice. They could have told us to go fly a kite because they are doing undercover work. And I don't know what I had gotten myself into and I'm just glad it turned out the way it did. But I do have a problem and I hope that we don't overuse the photographic equipment within the police department for matters like this. Under the guise that we have the 23rd of September movement, that Lou Fox told me about and then I asked him who they were and he said, "I don't know." But whatever the case might be. I don't know what we were looking for and I'm not going to ask him to review what you were looking for but I just ask you to be very careful about the photographing of civilians, innocent civilians that are doing nothing more than exercising their right, guaranteed under the constitution. That's all I'm saying.

CHIEF HEUCK: We're well aware of the constitutional safeguards and we probably cover that a lot closer than the majority of the people even realize. You were not, per se, the subject of the photographs taken, it was people that were around you. The photographs that are gathered by us are scrutinized for the purpose of identification. We have identified people in interstate transportation to avoid prosecution etc., on occasion and the majority of those photographs were thrown away. They have no value to us, we don't have the system, or file system to store them. But the majority of the people we were photographing were in your proximity.

MR. EURESTE: But you didn't photograph me.

CHIEF HEUCK: Oh, we got you.

MR. EURESTE: Thank you very much.

CHIEF HEUCK: Thank you.

MAYOR COCKRELL: Let me just say Chief, that I appreciate the report that was given. I would like to complement staff on it. I felt that it was appropriate to have some kind of an interim progress report from our staff and I understand and realize that you were not able to comment on the particulars of the case while it is still under investigation by the FBI and the State Attorney-General, and the Federal Attorney. But I think the very open way that you are sharing with us the changes in policies and procedures that you are going

to make in the department in an effort to try to alleviate any problems in the future when there can be mis-understandings in the community about the process that has been followed. I think it's a very good one and I certainly commend you for it. Dr. Cisneros.

DR. CISNEROS: I just have a question for the Manager. Mr. Huebner, in your conception of internal affairs, what is the relationship between the homicide investigation and then the internal affairs investigation. Just to clarify it, for my, I'm a little lost because in hearing the questioning of the Chief, what I heard was a kind of a verbal synopsis of work that had already been done by homicide and then later followed by a one page report. And I'm just a little lost for what it is that Internal Affairs is exactly supposed to do in a case like this.

MR. HUEBNER: Okay, I think Skip has some comments. But let me lead off by saying that in our management review, literally of the Internal Affairs operation, one of the questions that has arisen in our mind is what is the most appropriate role for Internal Affairs.

DR. CISNEROS: Well, there is a question I don't only know what is their role but also how are they trained for that role? Do we send people to special training to do that kind of thing? Or do we just take officers and say, "Okay, tomorrow morning you're going to be in Internal Affairs." And it seems to me that it's a very sensitive job and an awful lot rides on it.

MR. HUEBNER: Well, Councilman Cisneros, the issue that we're looking at is, should Internal Affairs' primary role be that of reviewing the work of others or should they independently do additional investigation which has not been covered by homicide.

DR. CISNEROS: I thought all the time that it was independent investigation.

MR. HUEBNER: Well, Skip would you like to . . . .

MR. NOE: In certain cases it is. In this particular case you have a homicide so that you have a bureau that is trained to investigate homicides and they do the primary investigation work. And at least up until now, the procedure has been in order to keep from having duplication that the homicide bureau would take the lead and that the internal affairs would review the work of homicide to assure that the departmental procedures were followed and see if there were any recommended actions from their angle. One of the issues that is not included in the report that we are discussing and would be, would have been included in the final report, is pretty much what the Manager addressed. What is the appropriate role for Internal Affairs, and one of the things we've talked about is what do other cities do and what function does their Internal Affairs Division play. And a need for the manager and the police chief and their staff to sit down and talk about that issue and analyze it from the perspective of what role do we want that function to play in our department.

DR. CISNEROS: So, do I hear you saying then that, that that is still an open question and part of your analysis. Does that include the training that the people would have for that job?

MR. NOE: Sure.

DR. CISNEROS: I am concerned about three areas and in all cases you answered, or the Chief answered as if these were still open questions so I just want to make sure that I understand you're saying that they will be in the final report. The issue of the spokesman, who speaks for the department and how we channel public information.

Secondly, how Internal Affairs is notified, I think the Chief said that he's already done it. I would be interested in seeing that in writing. And finally this question of just exactly review of what Internal Affairs' role is and how people are trained for it and what their job is.

MAYOR COLELL: Thank you, Mr. Wing.

MR. FRANK WING: Well, obviously you know, the role of Internal Affairs is one of great sensitivity and I would assume that under the jurisdiction of the police departments in larger cities, the way they operated or I've read that they operate, they operate pretty much, hopefully the same way in San Antonio. It's an arm that reports directly to the Chief after certain review of a particular case. They provide a monitoring function. If there is information from the community or from a private citizen of alleged wrongdoing, the Internal Affairs has to have the flexibility and the independence from other departments, including the City Manager or Mayor's Office to do that independently. I can see where the effectiveness of the Internal Affairs being under, anything other than directly to the Chief of Police would be stymied and would be bogged down in the bureaucracy of performing reports, and not necessarily performing the job in which they were supposed to be intending to do. It is, it's always a situation or a sad situation to look at things, after the fact. You know, certainly the procedures that are in line at the moment appeared to have been followed and I can appreciate the work that the staff did and the Internal Affairs in preparing the report that we have. I just hope that we would realize that Internal Affairs is a sensitive position and it would lose its effectiveness, in my opinion, if it starts getting into other areas or if somebody else could press a button and get Internal Affairs involved, rather than the person they have to work for can verbalize with, not necessarily by reporting procedures, written but orally, and they would be to the Chief.

MR. NOE: Internal Affairs is under the Chief and there is no plan to change that.

MR. WING: Thank you.

MAYOR COCKRELL: Thank you. All right, we go on now into. . .

MR. EURESTE: Let me make my concluding remarks, you know,

MAYOR COCKRELL: Yes, Mr. Eureste.

MR. EURESTE: There were some remarks made commending the Chief and I raised a lot of questions and I did not, I guess from the tone of my questions you could tell where I was coming from. I'm not satisfied with the work that we have done in the Police Department. I think we were very short in the investigation of this case and I'm not too sure in what the City Manager's office is doing. I'm getting the impression now that we are going to be getting basically an administrative report and very likely this investigation is dwelling into the administrative aspect rather than into the situation that led to the shooting of Hector Santoscoy and I'm a little concerned that the City has stopped on the Santoscoy case at this point. And I think that we misled the Consul-General when he came here, when he asked whether there was this going to be for the probing of this matter. You know, surely we have talked to witnesses and I was under the impression, always, that we were doing a very thorough, equivalent internal investigation, Internal Affairs investigation type of activity. And I'll be very frank with you, I am not sure of what we are doing. There is a lot of concern in the community and I feel very, very assured almost that this whole affair is going to result in some violence in the streets of San Antonio. There is going to be another demonstration this Saturday. This is the third demonstration and they are participated by a good number of people. So far, the police have been maintaining their distance, there hasn't been any confrontations, but I have a feeling that we're going to get one sooner or later, that's my feeling. And the reason for that, the feeling is that the authorities up to this point has not done an adequate job. A one-page report out of Internal Affairs does not satisfy the thirst of the community for justice. It does not satisfy my thirst. I've seen the body of Hector Santoscoy in the autopsy room at Piedras Negras. And you know, we have pictures that if they could be introduced to an investigative team out of the City, I think you could draw a whole different impression of what happened underneath that house. But I don't know if to bring that to this team that is conducting this investigation, because they may not even be interested in the angle of fire, they might not be interested in the number of bullets, they might not be interested in

what Dr. Ruben Santos has to say about this or the doctors from Mexico have to say about this after they have conducted their autopsy. This might not be the committee to do that, I thought that this was a committee to handle that at the City level. But I have serious questions. And this next demonstration is targeted for City Hall and the march will come to City Hall and this is the side of the speaking and whatnot that will occur. And we have asked for permits and last time they almost denied us the permit because we hadn't complied with the fourteen day provisions. And I will simply ask you that, well, there is a lot of dissatisfaction. I'm not happy, people are unhappy, almost anyone you talked to is very dissatisfied with what happened. You cannot put, you know, fourteen holes in a person's body and conclude that with a one-page report.

MAYOR COCKRELL: The Chair again reminds the Council, I have reminded the Council several times, and will do it one last time, we're not going to get into the merits or demerits of the case itself but confine ourselves to what is under discussion. I think that at this time, we are ready to, Mrs. Dutmer, did you have a final comment.

MRS. DUTMER: Yes, I would say that in the denial of the permits that when the Chief or the City Manager, both of whom are the conservatives of peace expect that there will be some violence in the street that they have a duty to the citizens to deny that permit. I feel a little bit better now that at least both Council people have admitted that they had no idea of investigation, what Internal Affairs' duties are and I think that speaks the whole volume. That's all, Madam Mayor.

MAYOR COCKRELL: Mr. Noe, did you have some other comment?

MR. NOE: I was just going to state in response to Councilman Eureka's comments that by no means is the fact that this report deals with policies and procedures indicate that no effort has gone into the question, the questions surrounding the facts of the matter or that that is not continuing to go on at this point. I'm sure he is totally aware of that because he has been present at several entities and has gotten word of other instances so I want to assure the Council that the facts are being looked at.

MAYOR COCKRELL: Thank you very much.

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