

SPECIAL MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
MONDAY, SEPTEMBER 28, 1970 AT 1:30 P.M.

* * * *

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

70-43 Mayor McAllister advised that the Special Meeting had been called for the purpose of canvassing the returns of the September 26, 1970 Bond Election.

The members of the City Council then proceeded to canvass the returns of the election. After completing the canvass during which certain corrections were made, the following Ordinance was read by the Clerk:

AN ORDINANCE 38,944

ORDINANCE CANVASSING ELECTION RETURNS

THE STATE OF TEXAS :
COUNTY OF BEXAR :
CITY OF SAN ANTONIO :

WHEREAS, the City Council of said City duly ordered an election to be held in said City on the 26th day of September, 1970, on the PROPOSITIONS hereinafter stated; and

WHEREAS, said City Council has investigated all matters pertaining to said election, including the ordering, giving notice, officers, holding, and making returns of said election; and

WHEREAS, the election officers who held said election have duly made the returns of the result thereof, and said returns have been duly delivered to said City Council; and

WHEREAS, it is hereby officially found and determined: that a case of emergency or urgent public necessity exists which requires the holding of the meeting at which this Ordinance is passed, such emergency or urgent public necessity being that the proceeds from the sale of the bonds are required as soon as possible and without delay for necessary and urgently public improvements; and that said meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Vernon's Ann. Civ. St. Article 6252-17.

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

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PROPOSITION NO. 8

25,513 VOTES: FOR)
)
) THE ISSUANCE OF \$1,588,000 POLICE
) FACILITIES BONDS
10,801 VOTES: AGAINST)

PROPOSITION NO. 9

19,347 VOTES: FOR)
)
) THE ISSUANCE OF \$350,000 NORTHWEST
) SERVICE CENTER BONDS
15,922 VOTES: AGAINST)

PROPOSITION NO. 10

19,351 VOTES: FOR)
)
) THE ISSUANCE OF \$850,000 HIGHWAY
) LAND AND RIGHT-OF-WAY BONDS
16,245 VOTES: AGAINST)

PROPOSITION NO. 11

19,762 VOTES: FOR)
)
) THE ISSUANCE OF \$6,492,000 PARK
) BONDS
15,819 VOTES: AGAINST)

PROPOSITION NO. 12

18,383 VOTES: FOR)
)
) THE ISSUANCE OF \$922,000 "FARMER'S
) MARKET" BONDS
17,252 VOTES: AGAINST)

3. That the City Council officially finds and determines that the following votes were cast at the election, on each submitted PROPOSITION, by all other resident, qualified electors of said City who voted at the election:

PROPOSITION NO. 1

4,789 VOTES: FOR)
)
) THE ISSUANCE OF \$18,529,000
) DRAINAGE BONDS
1,021 VOTES: AGAINST)

PROPOSITION NO. 2

4,549 VOTES: FOR)
)
) THE ISSUANCE OF \$22,981,000 STREET
) BONDS
1,205 VOTES: AGAINST)

PROPOSITION NO. 3

4,744 VOTES: FOR)
)
) THE ISSUANCE OF \$6,137,000 SANITARY
) SEWER BONDS
1,038 VOTES: AGAINST)

PROPOSITION NO. 4

<u>2,981</u>	VOTES: FOR)	
		)	THE ISSUANCE OF \$3,200,000 AIRPORT
		)	BONDS
<u>2,850</u>	VOTES: AGAINST)	

PROPOSITION NO. 5

<u>4,366</u>	VOTES: FOR)	
		)	THE ISSUANCE OF \$1,555,000 PUBLIC
		)	HYGIENE BONDS
<u>1,335</u>	VOTES: AGAINST)	

PROPOSITION NO. 6

<u>4,233</u>	VOTES: FOR)	
		)	THE ISSUANCE OF \$400,000 LIBRARY
		)	BONDS
<u>1,445</u>	VOTES: AGAINST)	

PROPOSITION NO. 7

<u>4,545</u>	VOTES: FOR)	
		)	THE ISSUANCE OF \$2,512,000 FIRE
		)	FIGHTING FACILITIES BONDS
<u>1,125</u>	VOTES: AGAINST)	

PROPOSITION NO. 8

<u>4,602</u>	VOTES: FOR)	
		)	THE ISSUANCE OF \$1,588,000 POLICE
		)	FACILITIES BONDS
<u>1,169</u>	VOTES: AGAINST)	

PROPOSITION NO. 9

<u>3,797</u>	VOTES: FOR)	
		)	THE ISSUANCE OF \$350,000 NORTHWEST
		)	SERVICE CENTER BONDS
<u>1,836</u>	VOTES: AGAINST)	

PROPOSITION NO. 10

<u>3,627</u>	VOTES: FOR)	
		)	THE ISSUANCE OF \$850,000 HIGHWAY
		)	LAND AND RIGHT-OF-WAY BONDS
<u>2,093</u>	VOTES: AGAINST)	

PROPOSITION NO. 11

<u>4,141</u>	VOTES: FOR)	
		)	THE ISSUANCE OF \$6,492,000 PARK
		)	BONDS
<u>1,538</u>	VOTES: AGAINST)	

PROPOSITION NO. 12

3,840 VOTES: FOR)
) THE ISSUANCE OF \$922,000 "FARMER'S
) MARKET" BONDS
1,860 VOTES: AGAINST)

4. That the City Council officially finds, determines and declares the result of said election to be that PROPOSITIONS NOS. 1,2,3,5,6,7,8,9,10,11,& 12 so submitted have received a favorable majority vote in all respects and have carried, and that the bonds voted thereunder may be issued in accordance with law; and that PROPOSITION NO. 4 so submitted has not received a favorable majority vote, has failed to carry, and that the bonds defeated thereunder shall not be issued.

5. That this Ordinance is hereby passed as an emergency measure, to be effective immediately upon enactment, such emergency being that the proceeds from the aforesaid bonds are required as soon as possible for the preservation of the public peace, property, health, and safety.

* * * *

Dr. Calderon made a motion that the Ordinance be passed. The motion was seconded by Mr. Trevino. After due discussion the motion carried with which the passage of the Ordinance prevailed and passed by the following vote: AYES: McAllister, Calderon, Burke, Haberman, Nielsen, Trevino, Hill, Torres, James; NAYS: None; ABSENT: None.

* * * *

70-43 Mayor McAllister stated that the next item of consideration was the statement submitted by Councilman E. J. Burke, Jr. as a reply by the City Council to the list of demands made by the Boycott Committee.

The following discussion took place:

DISCUSSION REGARDING ANSWER TO SASA BOYCOTT COMMITTEE

MAYOR McALLISTER: I call on Mrs. Haberman.

MRS. HABERMAN: Mayor McAllister and other members of the Council, I would like to again put into motion the statement of Mr. E. J. Burke made last week with the exception of the last paragraph of that particular statement, and I therefore move for adopting the statement by the City Council.

REV. JAMES: Mr. Mayor, I seconded it last week, I second it again today.

MR. TORRES: I'd like to speak, Mr. Mayor, in favor of tabling the motion and would like to add....

DR. CALDERON: Mayor, a point of order, a motion to table is no discussion.

MR. TORRES: That's right, in any event, Mr. Mayor, then in that event, I would like to ask the Council that rather than adopt Mr. Burke's statement that we study the Propositions number one and number two advanced by Mr. Burke, and would like to, in support thereof, to show the following, Mr. Mayor. I think that on the Community Relations Commission that we ought to look at the statements that Mr. Burke has made in light of some of the background surrounding the disbanding and the demoralizing of the Commission members of late because of the lack of enforcement authority. I'd like to point out that if what Mr. Burke says is true, and if we're to acquiesce in the City Attorney opinion cited, then our City's Ordinance number 36768 being our open housing Ordinance was adopted as a purely political ploy, and I know that Reverend James didn't have politics in mind when he presented the Ordinance. I know too, that Reverend James won't agree with Mr. Burke's position because that would nullify his open housing Ordinance. I think that Mr. Burke didn't go far enough in citing the City Attorney's opinion in question where on March 5, 1968 that same City Attorney's opinion did not only specify that there has always been doubt as to the authority of a Texas municipality to legislate within the field of civil rights, but in the conclusion there is a statement made that the authority of a Texas city to legislate in the field of civil rights has not been decided by a Texas court. Further, the question of the authority of a municipality has come up several times, and if we feel that there is a problem that needs to be corrected, I should think that we could resolve to the legislature for the authority. Further, Home rule cities, of course, as I understand the enabling legislation, are authorized to act unless there's a limitation on that authority, and so often in the past, Mr. Mayor, and my colleagues on the Council, we tend to use the lack of legislative authority as a crutch, and I would cite our efforts to adopt a San Antonio minimum wage legislation when the same argument was made. How alternatively, the position of Mr. Burke is that we are prohibited by the Charter. This was the whole argument that ultimately led to the demise of the Commission.

Reverend Wheeler had suggested in accordance with the Kerner Commission Report, that the City's Community Relations Commission undertake hearings in a number of areas of concern. He submitted to us a memorandum dated April 11, 1968 where he cited that the same factors which were pointed out in the Kerner Commission Report existed in San Antonio, and he pointed out that in San Antonio most grievances fall into the categories listed by the Civil Disorder Commission, and he stated that these are the ten of the most frequently heard grievances in San Antonio. That there as no place where people could air these grievances, number one; low wages, number two; unequal opportunity in hiring, number three; substandard housing in ghettos, number four; high level unemployment, number five; discrimination in housing, number six; inequitable police practices, and he went on to say that it would be in order for the Community Relations Commission to begin immediately to undertake investigative hearings in one or more of these areas of concern.

Reverend Don Baugh, then Community Relations Commission Chairman, also responded to the opinion of the City Attorney of March 5, 1968 in a letter, in a memo, to the members of the Council dated March 16, 1968. I point these matters out because since that time we have had two or three new members on the Council, and I

don't believe Mr. Burke was on the Council at that time, where Rev. Baugh indicated several members of the Council expressed surprise at receiving the legal opinion regarding the Community Relations Commission at the joint meeting of March 7, 1968. He went on to say as I expressed at that meeting that the opinion which we had been handed was contrary to legal opinions that had been rendered by the legal department from 1964 to 1968. He went on to cite the fact that the intent of the Charter is set out in Section 161 which states, it is directed that all provisions of this Charter shall be liberally construed and that the Council is hereby vested with all legislative power required to augment the provision and to assure at all time the effective operation of the Charter. He went on to say that investigative commissions with these subpoena powers are not prohibited by Section 49 which prohibit the Council from establishing additional boards, commissions, committees, or authorities for administrative functions. Although they may be created to advise department heads, neither Section 49 or any other portion of the Charter prohibits the City Council to appoint a commission for investigative purposes and incidental to that, to subpoena.

The City Attorney in a memorandum dated July 19, 1968 said in part, "It is within the power of the City Council to authorize the Community Relations Commission or any designated board or committee to make inquiry into the conduct of any department, agency, or office of the City as provided for in Section 48 of the Charter." On July 8, 1968 Rev. Baugh submitted a proposal to the Council for the reorganization of the Commission which is the very thing that is before us now. And that proposal stated in part, or better yet, in the cover letter Rev. Baugh indicated the opinion of the Commission that San Antonio will profit by the establishment of an agency based on the successes and avoiding the deficiencies of the system which has been tried in other cities. Representatives of the Commission indicated that they had discussed the matter with Mr. Henckel and hoped that the Council would adopt the recommendations. At Section 7 the on procedure recommendation recited, "The Commission will have the power to swear witnesses and to subpoena witnesses through the City Council. It will establish rules of evidence consistent with commonly accepted practice in the courts. Its' written reports will be submitted to the City Council and to any municipal agency concerned with the subject matter. If no solution can be found by the Commission, it will make a complete report with its recommendations to the City Council for disposition, thereby seeking, not an administrative function and not a delegation of administrative authority, but merely seeking to give the Commission advisory powers to advise the Council on these matters that would relieve the tensions in the community."

On July 16, 1968 when the Council's sub-committee of which I was a member and Mrs. Cockrell and Rev. James, as I recall, Rev. Wheeler, in a sub-committee meeting, according to the notes I took at the time said, "We are closer to serious trouble than people realize. Our Community Relations Commission does not opt for a swift opportunistic solution. I would urge that we keep open lines and continue looking for an effective solution to provide a grievance response mechanism."

(BREAK IN TAPE AND GARBLED)

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I think it's pertinent to read from Judge Brown's report of an investigation of July 13, 1967 after a court of inquiry that originated when we referred to (break in tape) police brutality charges, Mr. Mayor, and members of the Council on June 15, 1967. Judge Brown went on to say or did say or some of his conclusions were, "The court has heard testimony from a number of witnesses which in the opinion of this court, are those disputed by the testimony of the officers involved at least raise a fact issue as to the use of accepted force amounting to an assault or in other instances the possibility of malicious prosecution." Quoting further from Judge Brown, "In the main these incidents involved the Vice-Division of the Police Department and were limited to four or five officers of the 20 or more officers of that division. The court feels very strongly that no individual should have the prerogative of instituting legal action against a public servant except in such instances where the circumstances are aggravated and the fact that virtually are undisputed." The following observations were gleaned from over two weeks of exposure to the subject of the inquiry. "The vast majority" he said "by far of the members of the San Antonio Police Department are highly competent, dedicated, underpaid public servants, whose sole purpose is to protect the lives and property of all the people within the city limits of San Antonio without regard to race, color, or creed." He added, "it appears that many members of the Police Department because of economic pressures are forced to seek outside employment in addition to their police duties. This may well be an insoluble financial problem but so called "moonlighting" tends to impair the efficiency of the individual and tends to impair the image of the Police department which is so necessary as the basis of public support, and effective law enforcement." I would bring that up because of the oversimplification made by Councilman Trevino when he inquired of me why is that I would support a police pay raise, while at the same time come up with complaints which have to come up before the Council. If they don't come up in this forum, I know of no other forum other than the streets where they can be brought out and deliberated upon. Judge Brown added, "Enforcing the law is admittedly a difficult and often an unpopular duty of a police officer; however, the demonstrative policy of some members of the Vice-Division of arresting persons because of who they reputedly are rather than for some illegal act committed at the time of the arrest creates in the mind of many an atmosphere detrimental to the Police Department as a whole. Events of the recent past in other areas of this country have indicated extremist groups and agitators have engaged in combat toward the police, purposely, designed to bait an officer into using physical force against such an individual, thus providing a factual basis for charges of police brutality, and thereby undermining public confidence in its police force and planting the seeds of disorder in the minds of some other people. The officer who succumbs to such baiting does a disservice to the Department and endangers the future peace of the community. It is certainly hoped that such activities will never occur in San Antonio but, again, there's a fair possibility of such a day. Police officers should constantly train to make arrests with complete objectivity and to resist the temptation to give in to personal emotions in the performance of official duty."

Events and complaints since 1967 would indicate that this has not transpired. He indicated that a police badge which is misused tends to degrade the entire police force, and the good police officers should look even more harshly than the average citizen upon a fellow officer whose activities are detrimental, not only to his profession, but to the peace and the order of the community as well. Many of the persons appearing before the court appear to be sincere in their complaints regardless of the merits of their grievances. The right to be heard should be the basic right of the citizen in a free society. Numerous responsible people, he said, have suggested to the Citizens Community, a committee should be created to deal with the problems which have been presented to the court of inquiries. Merely to summarize Judge Brown's conclusion, he said such a committee should have as its purpose not only a hearing of citizen's grievances, but the consideration of measures for the protection of officers as well. I would bring up this, the conclusions of Judge Brown, Mr. Mayor, because it appears that we have obviated the recommendations which were made, or we have entirely disregarded the recommendations that were made by Judge Brown, or we will be disregarding them if we go along with Mr. Burke's recommendation.

On the aggravated assault charges, of course, I think that this is a, I agree with Mr. Burke, that this is a matter for the District Attorney, and yet a public showing of the film would accomplish no useful purpose. It's like asking the District Attorney to show the public cheap pornography after even the grand jury felt it was unappealing to any but the most prurient interests.

On the SASA accounts, the School Board has acted on this matter recently, and any action by the City would be superfluous.

I have made my own position known on the matter of hiring of a Mexican-American City Manager, and I would merely offer the statement to the memorandum which I sent to the Council.

In conclusion, I sincerely believe that to adopt Mr. Burke's statement without so much as going beyond the surface of the proposals given to us by the SASA Boycott Committee is to create what Secretary Hickel this past week called a "Rhetoric of Polarization." I should hope that in our community we still have the vision and the foresight to seek more than just the simple solution to a complex problem. I felt that we did away with that in the presidential election of 1964. I am particularly surprised that Mr. E. J. Burke, homebuilder and entrepreneur, would suggest that the City lacks authority to legislate in the area of civil rights. His counterparts at the national level used the same arguments in decrying the illegality and unconstitutionality of federal civil rights legislation that ultimately nullified restrictive clauses in deeds that Mr. Burke was writing such as that recorded in Volume 2573, page 496 of the Bexar County deed records which recite the following and this is signed by Mr. Burke, "No lot, tract, or resubdivision thereof, in Highland Hills Subdivision, Unit One (1), shall ever be sold, leased, demised or conveyed by deed, lease, gift or otherwise to Mexicans, Negroes, or persons

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of either Latin American or African descent, nor shall any lot, tract or subdivision thereof ever be used or occupied by Mexicans, Negroes, or persons of either Latin American or African descent except as household servants." I should think, to say the least, that Mr. Burke is being a little bit subjective, Mr. Mayor.

MAYOR McALLISTER: Okay.

REV. JAMES: Mr. Mayor, Mr. Torres made reference to my concern for the open housing Ordinance. I would just simply like to say for the record that the validity for my concern for the open housing Ordinance, and I'm sure that this Council's passing of that Ordinance did not depend upon subpoena power for the Community Relations Commission.

MR. TORRES: Then how are they going to enforce it, Rev. James?

REV. JAMES: Well, it has worked all right, so far.

MR. TORRES: How many people were prosecuted?

REV. JAMES: I say it has worked all right.

MR. TORRES: How many people have been prosecuted?

REV. JAMES: This is not the point. The.....

MR. TREVINO: The same number that have been prosecuted for the minimum wage law.

MAYOR McALLISTER: All right. Let's proceed, no further discussion.

DR. NIELSEN: Yes, Mr. Mayor, there seems, I hope, to be a time here if we're going to be a policy making body that we do something besides in a hurry up sort of after the fact fashion adopt sort of a stance that at best really doesn't get, really doesn't get to the heart of any of these particular problems. Any one of the five, for that matter, that the Committee brought to the attention. I'd like first of all, Mr. Mayor, to ask your personal sense you know, these were presented to you, and I suggested last time that it was not the Council's business in light of the fact that these were made to you personally, and that I'd like your response on each of these five issues or demands that were presented. I wasn't at the meeting, and I would like very much to know what your response to each of them was.

MR. TREVINO: May I ask a question at this point, Mr. Mayor? If this is not the Council's matter, then I don't see why it should be answered here.

DR. NIELSEN: Well, but somebody is saying that it is the Council's matter, and the Mayor is a member of the Council.

MR. TREVINO: No, no, he is merely saying that it is not the Council's matter. It should be, it's a private problem between the Mayor and to whoever.....

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DR. NIELSEN: Then why did it get in here, is what I'm asking now...

MRS. HABERMAN: This is not an answer to.....

MR. TREVINO: It was brought to us here. It was brought to us here. Well, the demands.....

DR. NIELSEN: No, no, no, the demands were not formed.....they were

MR. TREVINO: I mean the complaints were made here.

DR. NIELSEN: All that we've got. These specific complaints were not made here.

MR. TREVINO: The people complaining before us because of this, all right?

DR. NIELSEN: Okay, the complaints we've had goes back to the very fact that the Mayor made some statements, some very strong statements.....

MR. TREVINO: Okay, you're right. That's not City Council. That's what I'm saying.

DR. NIELSEN: Then those statements led to a kind of discussion between the Committee and the Mayor.

MAYOR McALLISTER: I just want to ask you a question. Do you think that I have the authority individually to decide and to promulgate the legislation that is asked for?

DR. NIELSEN: In terms of the symbolic strength of your office you do have. That's why I'm asking what do you personally feel?

MAYOR McALLISTER: I'm a member of the City Council. I think that when the demands were made that they affected the over all operation of the City, that they became a matter of interest and concern to the City Council.

DR. NIELSEN: Well, let me ask you this then, is Mr. Burke's statement in your opinion adequate?

MAYOR McALLISTER: I accept the statement, yes sir.

DR. NIELSEN: That makes it adequate then?

MAYOR McALLISTER: I don't know whether it's adequate or not, but as far as I'm concerned it looks like it's adequate.

MR. TORRES: Well, doesn't the staff, doesn't the staff have, isn't the staff working, Mr. Henckel, on a restructure or a different framework for this Community Relations Commission.

MR. HENCKEL: Yes sir.

MR. TORRES: All right, I'm wondering, Mayor, if any action at this time adopting Mr. Burke's statement that certainly it would be premature until we see what the staff is doing in this restructuring. This is all that I'm saying is that number one, we have a former director of the Community Relations Commission who I think very, very sincerely expressed himself upon the subject of

seeking to abate any crisis or any possible violence in the community, and I have, of course, perhaps I am being subjective, because I do have such great admiration and respect for Rev. Wheeler, but Sterling Wheeler made the recommendation for having in San Antonio a means where citizens' grievances could be brought, where they could be expressed and then recommendations made to the Council. Now surely, I should think that in view of the fact that our staff on such a proposal that we would be premature in adopting Mr. Burke's recommendation at this time because it would in effect, nullify would it not, Elmo, wouldn't it nullify say subsequent action taken, it is Elmo?

MR. BURKE: That's not my feeling. I'm answering the request; and according to my understanding, the City Attorney has said that it is impossible under the City Charter to give the Community Relations Commission the powers that the SASA Boycott Committee has requested.

MR. TORRES: No, no, no, what we're discussing now, I think we ought to take it out of the framework of whether whatever group of citizens requested, the point is the request doesn't exist in a vacuum. This is why I brought up the background to this. Perhaps, Mr. Henckel, you can lend some clarification on this. If we would not have the authority to create a board or commission to hear citizens' grievances, then under what guise of authority are you acting at this time to create or restructure such a board? Secondly, under what guise of authority did we have such a board for the last four or five or six years?

MR. HENCKEL: The boards that we have, let me answer your second question first. As I recall it, the board that we had previously was an advisory board. It would hear complaints; it would try to resolve the complaints. Those that they could not resolve the board would come to the Council or the agrieved group. The period of time under which this board operated we certainly had a change in the community. The recommendation of the new Director of Human Resources to that board which concurred in by the board was that we restructure the entire Community Relations aspect of our municipal operation. The board as it was constituted was no longer effective. I think everyone was of the same opinion, members of the board as well as the staff members.

REV. JAMES: Let me ask you a question right at that point, Mr. Henckel. Does your restructuring envision subpoena powers?

MR. HENCKEL: No, sir. I might point out that Mr. Roberts in his presentation to the Council at the B session in giving an outline of his proposed restructure, which we have not come up with details and we have not asked for formal Council action, was that we have a board consisting of more citizens than we had on the previous board and that the problems be approached in the neighborhoods rather than having a commission sitting in a body here at City Hall; and that when we had a problem in a certain area of town, we would have the members of that board who live in that area and are close to the people immediately get on the problem. Contact the people and try to resolve it in the area where the problem arose. This is the basic structure as proposed in our new mode of operation. It would not be an administrative board as such. The administration would be through the Community Relations Department and the City staff.

MAYOR McALLISTER: Mr. Walker, may I ask a question? The passage of this resolution here as presented in no wise prevents the City Council at a later date from adopting any Ordinances that might be in conformity with the new State law whatever it might be.

CITY ATTORNEY: No, as I understand your proposed statement, it merely expresses, as I see it, the thinking or the policy of the City Council.

MR. TORRES: But is that policy going to be one of seeking to follow the recommendations of so many of the dedicated people who have served on previous boards and who felt frustrated in their efforts to really make of the board a viable organization that could remedy and investigate and find some solution to community problems. I, here again, having been a member of the committee that met with the Community Relations Commission in 1968, recall specifically the committee recommending to the Council, and the Council, and the Council having acquiesced in the recommendation you, of course, will recall this, Rev. James, that we would go to a subsequent session of the State legislature and that we would ask for the authority. As a matter of fact, this is just one of the many resolutions that we have adopted. It was my impression at that time, having seen a particularly grievous situation in 1967 which resulted in this board of inquiry and in order to meet those demands, in order to keep the promise that you made to the east side residents who appeared here at that time, Rev. James, that we were going to the State legislature.

REV. JAMES: I never made any promise to anybody concerning subpoena or punitive powers for the Community Relations Commission. I never made that promise.

DR. NIELSEN: In response to Rev. James, that the issue is not, whether we are talking about subpoena power or not, the issue is basically a way to get at the institution at subordination, both public and private, that exists in this community and everywhere else in this country in terms of cultural and ethnic differences. That is the deep underlying issue. That is from whence sprung this Boycott Committee, the picketing, the whole business. It was not only your remarks, Mr. Mayor, I think it is unfair to say that all of this has culminated only from your remarks. They were the catalyst, I am convinced at which this happened, and I would substitute a motion at this time in terms of dealing only with Section one of this, (I don't even have a copy of it anymore, Mr. Burke.) and I would move that we seek through the City Manager to, in terms of consultant services, to bring to this community one Dr. Tony Downes, who has years of experiences in this area, who is the Vice President, as I told you before, of the Chicago Real Estate Research Corporation. He has studied in depth this whole question of what we call "racism" in America and has a nine point strategy. I would like for this Council and the City Manager to deal with and decide an effective policy in this whole question of community relations. He won't present a total package, but he will be an outside consultant. We have got local consultants, too, that we could call on, but I would move at this time that that would be our policy in terms of really dealing with some deep serious problems in this community.

MR. HILL: I was under the impression that's why we hired Mr. Roberts.

DR. CALDERON: I was going to ask Dr. Nielsen if he considers Dr. Roberts incompetent in this field.

DR. NIELSEN: That's not the question at all.

DR. CALDERON: You are asking for the top individual in this field and that we already have.

MAYOR McALLISTER: Gentlemen, you offer that as a substitute motion for Section one. Would that be right?

DR. NIELSEN: Yes.

MAYOR McALLISTER: Why not vote on the motion before us and then go ahead and present your motion?

MR. TORRES: I would second the substitute motion.

MAYOR McALLISTER: All right, okay. No further discussion, call the roll. The vote will be on the substitute.

DR. CALDERON: I call for the question.

MAYOR McALLISTER: Okay. No further discussion, we will vote on the substitute.

AYES: Torres, Nielsen.

NAYS: McAllister, Trevino, Hill, Calderon, Haberman, James, Burke.

ABSENT: None.

REV. JAMES: I call for the question on the regular motion, Mr. Mayor.

MAYOR McALLISTER: All right, call for the question.

REV. JAMES: The question for the original motion.

MAYOR McALLISTER: On the original motion.

MR. TORRES: Would you read the motion, please sir?

CITY CLERK: That motion is to adopt Mr. Burke's statement with the exception of the last paragraph.

MR. TORRES: Summarily, what is that statement going to do? What does it say? I mean I read it, and I just couldn't seem to obtain any real meaning out of it. Well, all of you have the same press release, so I'm sure you could summarize it any one of you.

MRS. HABERMAN: Mr. Burke, would you prefer to?

MR. BURKE: Well, my understanding is that we were presented with a list of demands here that I felt was business of this City Council and I think.....

MR. TORRES: Nobody disputes that.....

MR. BURKE: My statement answers those demands.

DR. CALDERON: Let me say for clarification, Mr. Mayor.....

MR. TREVINO: I think we've called for the question, Mr. Mayor.

MAYOR McALLISTER: All right, the question has been called for.

DR. NIELSEN: I want to know what the motion is; I'd like it read.

MAYOR McALLISTER: The motion is the adoption of Mr. Burke's.....

DR. NIELSEN: You mean statement, the motion.

MAYOR McALLISTER: Yes, that's it. The statement with the exception of the last paragraph. Read the last paragraph, Mrs. Haberman.

MRS. HABERMAN: With this exception, "In further reply if you seek relief for just grievance this relief will be forthcoming when proper procedures are followed in seeking relief. This Council wants all the citizens of San Antonio treated fairly under established legal procedures. If you are denied benefit of established legal procedures and this Council does not correct the wrong, both the courts and the polls are available to you. If you wish to change established legal procedures, the polls or state legislatures are available to you." In my humble opinion this does not need to be included as part of the motion.

MR. TORRES: What is the practical effect of the motion?

MRS. HABERMAN: I would like to first, no the question has been called for.

MAYOR McALLISTER: All right, call the roll.

MR. BURKE: Aye.

REV. JAMES: Aye.

MRS. HABERMAN: Aye.

DR. NIELSEN: In a voting no on this, I would like to reiterate again that in the case of number one we are attempting to implement a by part structure, that can do, can go, a great distance in seeking out and to preventing some community relations problems. However, we don't know if this is going to go far enough, and as I read Section 48 and 161 of the City Charter we do have the authority to grant as Section 48 says the power to subpoena witnesses. It does grant it directly to the City Council, and as I read Section 161, that would make it possible. That's all we're really talking about here, is the subpoena power and the power to swear in, but that the question of this any structure having punitive enforcement authority is null and void because we do have a legal department which can deal with this.

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As far as number two is concerned, I would want to make it very clear. That although there was some charges, I don't know whether they were charges or not I wasn't there, but I understand that there are some direct instances in which various police officers were involved in your discussion, and I think it was with the Committee, Mr. Mayor, that the issue of the police chief is not the basic issue, what we're dealing with is the need for better pay raises for the police officers, better training, continued education, etc., etc. And I would suggest that what we do instead of, you know, seeking a cop out is to in terms of another outside consultant that we have a very qualified.....

MAYOR McALLISTER: No objection, Dr. Nielsen, on bringing that matter up if it deals.....

DR. NIELSEN: It does deal directly with this, Mr. Mayor. You see we are trying.....

MAYOR McALLISTER: We're calling for a vote. Allright?

DR. NIELSEN: I realize that, Mr. Mayor. If you'll just bear with me for a moment. Thank you.

MAYOR McALLISTER: All right.

DR. NIELSEN: That the, you know, in terms of Section, I think it's 38 of the City Charter, we have no right as individual Council members to discuss the chief of police in any way, shape, or form. That's all done in behest of the City Manager and that's what we need to do, really to address ourselves to the whole question of justice through law enforcement is to seek better salaries, continuing education, and to re-work our City budget in terms of not only the local appropriations that we consider, but federal programs of which we've made a bare minimal start. We've got a good police department, but we need a better one.

And as far as the question of four that's completely outside our realm anyway, and I have stated publicly in terms of number five that I am not seeking nor have I ever discussed with the City Manager or anyone else a minority member as City Manager, but there have been serious discussions about strengthening his staff in the areas of minority membership or ethnic makeup, and I think that this would be a very wise step.

MAYOR McALLISTER: So how do you vote?

DR. NIELSEN: I voted no, but with those exceptions.

MAYOR McALLISTER: All right, call the roll.

MR. TREVINO: Aye.

MR. HILL: AYE

MR. TORRES: I vote no, Mr. Mayor, with the comment that this Council majority is continuing to express political reactions to problems rather than solutions, Mr. Mayor. I should hope that we could someday seek real solutions.

MAYOR McALLISTER: Yes.

DR. CALDERON: Aye.

MAYOR: All right.

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REPORT ON MOBILE IMMUNIZATION CLINIC

Dr. William R. Ross, Director of the San Antonio Metropolitan Health District, reported on the possible utilization of Mobile Units for use in an immunization program. He presented a picture of a Mobile Unit which could be used. Personnel to staff the Mobile Unit will cost \$35,635 per year in addition to supplies that cost \$4,836. He said that should the City decide to use a Mobile Immunization Clinic that it be used for other treatment and not just for immunization purposes.

The City Manager stated that he could not make a recommendation on the Mobile Unit as he has not had an opportunity to study the report.

* * * *

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

A P P R O V E D


M A Y O R

ATTEST:


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