

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
TUESDAY, MARCH 4, 1976.

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The meeting was called to order at 9:30 A. M. by the presiding officer, Mayor Pro-Tem Richard Teniente, with the following members present: PYNDUS, BILLA, CISNEROS, BLACK, HARTMAN, ROHDE, TENIENTE, NIELSEN; Absent: COCKRELL.

76-11 The invocation was given by The Reverend Doctor Claud J. Bonam, Huisache Baptist Church.

76-11 MINUTES OF FEBRUARY 26, 1976

Councilman Billa asked that the spelling of his wife's name be corrected in the minutes of February 26, 1976. With that correction the minutes of the regular meeting of February 26 and the Special Meeting of February 26, 1976, were approved.

76-11 The Clerk read the following Ordinance:

AN ORDINANCE 46,367

APPROVING THE PRICE AND CONDITIONS OF  
THE SALE BY THE URBAN RENEWAL AGENCY  
OF THE CITY OF SAN ANTONIO OF LOT 13,  
BLOCK 32, NEW CITY BLOCK 295 LOCATED  
WITHIN THE URBAN RENEWAL VISTA VERDE  
PROJECT, TEX. R-109 TO THE BEXAR COUNTY  
HOSPITAL DISTRICT FOR A CONSIDERATION  
OF \$275,000.00.

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The Ordinance was explained by Mr. M. Winston Martin, Executive Director of the San Antonio Development Agency, who said that this property is adjacent to the present hospital site. The top appraisal of \$1.80 was approved by the Urban Renewal Board. The property is to be used to build a Medical Examiner's building and a Regional Crime Laboratory. He said that the land is deed restricted to the name used and this has an effect on the value of the land. He displayed a plat showing the land to be sold and how the street right of way would cut into it.

Councilman Rohde questioned the value set on the land saying that it is entirely too low and he felt that it had a bad effect on the tax base.

Mr. Martin again reminded him that the restricted use of the property does reduce its value.

Mr. Pyndus asked Mr. Martin to show an overall development plan in the future when he requests approval of a land sale.

After consideration, on motion by Dr. Cisneros, seconded by Mr. Billa, the Ordinance was passed and approved by the following roll call vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Black, Cockrell.

76-11 The Clerk read the following Ordinance:

AN ORDINANCE 46,368

ACCEPTING AWARD OF THE ADDITIONAL  
AMOUNT OF \$358,195.00 IN THE GRANT

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FROM THE GOVERNOR'S COMMITTEE ON  
AGING TO THE CITY'S METRO SAN  
ANTONIO COMPREHENSIVE NUTRITION  
PROJECT CURRENTLY IN OPERATION,  
AUTHORIZING FUNDING OF THE CURRENT  
PROGRAM FOR A FOUR MONTH PERIOD  
ENDING FEBRUARY 29, 1976 AND A TWELVE-  
MONTH PERIOD COMMENCING MARCH 1, 1976  
AND ENDING FEBRUARY 28, 1977, APPRO-  
PRIATING EXPENDITURE OF THE FUNDS IN  
SAID PROJECTS, AUTHORIZING PERSONNEL  
POSITIONS, AND AUTHORIZING MODIFICATIONS  
TO AGREEMENTS WITH SITE AGENCIES  
INCORPORATING CHANGES RESULTING FROM  
THIS REFUNDING OF THE PROGRAM.

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The Ordinance was explained by Mr. William Donahue, Director of Human Resources and Services, and recommended its approval.

Councilman Cisneros asked Mr. Donahue what the status was of the suggestion which would encourage interdepartmental cooperation in the delivery of possible library services and recreational services at the same time that nutritional services would be delivered.

Mr. Donahue said that arrangements have been worked out with the library system whereby the mobile library units reach a majority of the centers. A recreation specialist has recently been hired to work with the Parks and Recreation Department in the coordination of recreational services.

Councilman Nielsen complimented Mr. Donahue and his staff on the work that his department is doing particularly in meeting the needs of senior citizens.

After consideration, on motion of Dr. Cisneros, seconded by Dr. Nielsen, the Ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

76-11 The Clerk read the following Ordinance:

AN ORDINANCE 46,369

AUTHORIZING REPROGRAMMING OF FEDERAL  
REVENUE SHARING FUNDS TO NEW AND ONGOING  
PROJECTS AND AUTHORIZING THE CITY MANAGER  
TO EXECUTE AGREEMENTS FOR EXPENDITURE  
OF NEW FUNDS ALLOCATED WITH BOYS CLUB  
OF AMERICA, MISSION ROAD FOUNDATION,  
YWCA, PROJECT FREE, AND HEALY MURPHY  
LEARNING CENTER.

\* \* \* \*

Mr. John Rinehart, Operations Manager, Fiscal Planning and Control Division, explained the proposed ordinance which will reprogram the surplus revenue sharing funds. It has been requested that the Healy Murphy Learning Center be added to the list of projects.

Dr. Nielsen asked that this ordinance be delayed in order to review other projects that could possibly be added but no further discussion on this suggestion took place.

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Reverend Black said he would like to encourage support of the inclusion of the Healy Murphy Learning Center primarily because the funds had previously been committed to the project, and it's just a matter of reprogramming them.

Mrs. Carmen Badillo asked that some of these funds be allocated for a swimming pool at Cuellar Park.

City Manager Granata stated that a swimming pool at Cuellar Park is one of the items that the City Council will be considering in the Sixth Entitlement period.

Mr. Atanacio Garcia, 1717 West Durango, said that they have been trying to get a swimming pool built around Lanier High School since 1968. He then read from a letter sent to Mayor Gatti from Congressman Henry B. Gonzalez urging the construction of a swimming pool in the Lanier area. (A copy of this letter is on file with the papers of this meeting.)

Mr. Pyndus said that besides the initial cost to the City there is a need for maintenance of pools and parks. He also said that there is a limit to the social services that a City can provide.

Reverend Black said that allocation of funds should not be limited in areas of social services if there is no limit to physical capital improvements.

Mrs. Cruz Sellers related to the Council an incident that occurred in the Lanier area where an elderly woman was assaulted by a teenage boy. She urged the Council to approve the Lanier pool so that youngsters will have a place to go for recreation.

After consideration, Dr. Cisneros made a motion that the ordinance be approved with the inclusion of the Healy Murphy Learning Center. Mr. Hartman seconded the motion. On roll call, the ordinance was passed and approved by the following vote: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell; ABSTAIN: Pyndus.

76-11 The Clerk read the following Resolution:

A RESOLUTION  
NO. 76-11-16

REQUESTING THE STATE DEPARTMENT OF  
HIGHWAYS AND PUBLIC TRANSPORTATION  
REBUILD AND WIDEN TUXEDO AVENUE FROM  
U. S. 281 EXPRESSWAY TO NACOGDOCHES  
ROAD AND NACOGDOCHES ROAD FROM TUXEDO  
AVENUE TO BROADWAY STREET.

\* \* \* \*

Mr. Stewart Fischer, Director of Traffic and Transportation, displayed a diagram of the proposed plan. The use of large buttons will be used to protect a twelve foot parking area. Mr. Fischer also stated that the San Antonio Portland Cement Company was unwilling to give, sell or exchange additional right-of-way.

Mr. Elkin McGaughy, Councilman from the City of Alamo Heights, urged the City Council to approve this Resolution. He said that a similar plan has been approved by the City Council of Alamo Heights.

Mr. George J. Laughead, Mayor Pro-Tem of the City of Alamo Heights, urged the City Council to approve this Resolution. The City Council of Alamo Heights has already submitted their plan to the State requesting the funds.

Mr. William Balthrope, Councilman from Alamo Heights, also urged the City Council to approve this Resolution. He said that he would prefer a site sound barrier rather than the use of buttons.

Mr. Martin Ebest, 247 Tuxedo, said that the Resolution is needed and he is for its approval, but under the plan he will have no place to park on Tuxedo and no parking on Nacogdoches Road. He would prefer the use of buttons instead of a site sound barrier.

Mr. Stewart Fischer stated that there will be a public hearing on the final plans that are prepared.

Mr. Herbert Alves, 900 Tuxedo, President of the Alamo Heights Civic League, asked the City Council not to approve this Resolution. He asked for reasonable protection from the heavy traffic coming off of the expressway. He said that this plan is not acceptable to the citizens who live in the affected area, and they would prefer the status quo to a bad solution.

Mr. Kenneth P. Dunn, 241 West Fair Oaks, showed some sketches and photographs to the City Council. He said that he was appalled at the actions taken by the City Council of Alamo Heights in passing a similar resolution. He also stated that this plan was not a good solution.

After consideration, on motion of Mr. Pyndus, seconded by Mr. Billa, the Resolution was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

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76-11 The Clerk read the following Resolution:

A RESOLUTION  
NO. 76-11-17

ESTABLISHING PRIORITIES FOR TRANSPORTATION  
IMPROVEMENTS UNDER THE FEDERAL AID URBAN  
SYSTEMS PROGRAM OF THE STATE DEPARTMENT OF  
HIGHWAYS AND PUBLIC TRANSPORTATION.

\* \* \* \*

The Resolution was explained by Mr. Stewart Fischer, Director of Traffic and Transportation, who said that project priorities for the use of Urban Systems funds must be determined by the City Council. This program started in 1973. About a year ago, the Council passed a resolution establishing priorities for the use of these funds. The State now advises that additional funds are available and has requested that priorities be re-established. About \$3.7 million is involved. The resolution under consideration supersedes resolutions previously passed by the Council. Items numbered 8, 9 and 10 have been added to the list of priorities.

Mr. Hartman commented that this list of priorities is a list based strictly upon the automobile with no recognition of the needs of mass transit. He said that he hoped to be able to address this priority in a few months and would like to review the priorities again at that time.

Mr. Tom Fuller, Assistant General Manager of the Transit System, said that he just wanted to remind the Council that Urban Systems funds can be used to purchase buses.

In answer to Rev. Black's question, Mr. Fischer stated that their first priority was to use Urban Systems Funds to complete the bond issued projects. Those projects not involving right-of-way were moved from the bond projects to the Urban Systems funding.

After consideration, on motion of Mr. Billa, seconded by Mr. Pyndus, the Resolution was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente; NAYS: None; ABSENT: Nielsen, Cockrell.

76-11

MRS. SONYA TENIENTE

Mayor Pro-Tem Teniente introduced his wife, Sonya, and his daughter, Melanie, who were visiting the Council meeting.

76-11

The Clerk read the following Ordinance:

AN ORDINANCE 46,370

PROHIBITING CERTAIN CONDUCT BY ENTERTAINERS  
AND EMPLOYEES IN ESTABLISHMENTS HOLDING A  
FOOD ESTABLISHMENT LICENSE; HOLDING THE MANAGE-  
MENT OF SUCH ESTABLISHMENTS RESPONSIBLE FOR  
CERTAIN PROHIBITED ACTIONS BY THEIR EMPLOYEES;  
PROVIDING A PENALTY FOR ANY VIOLATION BY FINE  
OF NOT MORE THAN \$200.00 AND BY SUSPENSION OF  
THE ESTABLISHMENT'S FOOD ESTABLISHMENT LICENSE;  
AND PROVIDING FOR SEVERABILITY.

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Mr. Jim Parker, City Attorney, explained that this ordinance was prepared in accordance with instructions from the Council.

The following persons spoke in support of the proposed ordinance:

Mrs. Lorraine R. Horner, 630 Robinhood  
Dr. Jessie Bain, 1926 W. Magnolia  
Sr. Kateri Larkin, 301 Yucca Street

\* \* \* \*

Dr. Nielsen made a motion to amend Section 4, the appeal section, to read "City Manager or such a committee that he might appoint," instead of reading the City Council. The motion died for lack of a second.

City Attorney Jim Parker stated that under the Charter and due process law, this could not be done. The City Council is the final authority in the granting of licenses and permits.

After consideration, on motion of Mr. Billa, seconded by Mr. Pyndus, the ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

Mayor Pro-Tem Teniente then offered to give anyone else an opportunity to speak who had registered to speak on this subject.

No one else spoke.

76-11 The following Ordinances were read by the Clerk and explained by Mr. Mel Sueltenfuss, Director of Public Works, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Hartman, Cockrell.

AN ORDINANCE 46,371

AUTHORIZING THE CITY MANAGER TO EXECUTE A  
FIELD ALTERATION IN THE AMOUNT OF \$26,308.00  
ON THE NOGALITOS STREET DRAINAGE PROJECT  
NO. 42.

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AN ORDINANCE 46,372

APPROPRIATING \$50,000.00 IN FUND 41-008,  
PROJECT NO. 008001 AND AUTHORIZING PAYMENT  
OF \$25,000.00 TO MARTIN & ORTEGA ARCHITECTS  
FOR ADDITIONAL ARCHITECTURAL FEES AND \$25,000.00  
FOR MISCELLANEOUS CONTINGENT EXPENSES FOR THE  
NORTHWEST SERVICE CENTER AND POLICE SUBSTATION  
PROJECT.

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76-11 The following Ordinance was read by the Clerk and explained by Mr. W. S. Clark, Director of Land Acquisition and Right-of-Way, and after consideration, on motion of Mr. Rohde, seconded by Dr. Cisneros, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Hartman, Cockrell.

## AN ORDINANCE 46,373

CLOSING AND ABANDONING A PORTION OF MORALES STREET RIGHT-OF-WAY AND A PORTION OF NORTH FRIO STREET RIGHT-OF-WAY AND AUTHORIZING A QUITCLAIM DEED TO SAN ANTONIO DEVELOPMENT AGENCY FOR THE CONSIDERATION OF \$1.00.

\* \* \* \*

76-11 The following Ordinances were read by the Clerk and explained by Mr. W. S. Clark, Director of Land Acquisition and Right-of-Way, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

## AN ORDINANCE 46,374

ABANDONING A PORTION OF CARNOT STREET.

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## AN ORDINANCE 46,375

APPROPRIATING THE SUM OF \$6,730.00 OUT OF VARIOUS FUNDS, FOR THE PURPOSE OF ACQUIRING TITLE AND/OR EASEMENTS TO CERTAIN LANDS; ACCEPTING THE DEDICATION OF EASEMENTS OVER CERTAIN LANDS; ALL TO BE USED IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

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76-11 The Clerk read the following Ordinance:

## AN ORDINANCE 46,376

PERMITTING MR. GERALD DOWDY OF L & H PACKING COMPANY TO CONSTRUCT APPROXIMATELY 552 LINEAL FEET OF EIGHT-FOOT (8') CEDAR BOARD FENCE AT 3313 AND 3325 MISSION ROAD.

\* \* \* \*

Mr. George Vann, Director of Building and Planning Administration, explained the proposed ordinance and recommended its approval.

In answer to Mr. Hartman's question, Mr. Vann stated that this piece of property had been zoned in conformance with the Mission Parkway Land Use Plan.

After consideration, on motion of Dr. Cisneros, seconded by Mr. Billa, the ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

76-11 The following Ordinance was read by the Clerk and explained by Mr. George Vann, Director of Building and Planning Administration, and after consideration, on motion of Mr. Billa, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 46,377

PERMITTING MR. VERNON C. BRAGG TO ERECT APPROXIMATELY 160 LINEAL FEET OF EIGHT-FOOT (8') PRIVACY FENCE AT 11519 WHISPER DEW, KNOWN AS LOT 3, BLOCK 19, NCB 15079.

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76-11 The following Ordinance was read by the Clerk and explained by Mr. Bill Holtzinger, Assistant Director of Convention Facilities, and after consideration, on motion of Mr. Billa, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 46,378

AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE SAN ANTONIO CONSERVATION SOCIETY WHEREBY SAID ORGANIZATION SHALL FOR A FIVE (5) YEAR PERIOD LEASE THE WEST SECTION OF THE LOWER FLOOR OF BOLIVAR HALL FOR THE PURPOSE OF OPERATING A MUSEUM.

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76-11 Item 5 of the agenda being a proposed ordinance authorizing execution of an agreement with the Bexar County Hospital District for use of space at Bexar County Hospital as the Dispatching Office for the Fire Department Emergency Medical Services Division, was withdrawn from consideration to allow Council members more time to review it.

76-11 The Clerk read the following Ordinance:

AN ORDINANCE 46,379

AMENDING THE FIRE CODE SO AS TO EXEMPT FROM THE PROHIBITION OF KEEPING, SELLING, OR USING EXPLOSIVES THOSE STATE OR FEDERALLY LICENSED IMPORTERS OR DISTRIBUTORS NOW LOCATED OUTSIDE THE CITY LIMITS BUT WITHIN 5000 FEET OF THE CITY LIMITS, WHEN FIREWORKS OR PYROTECHNICS ARE HELD OR STORED FOR DISTRIBUTION TO GOVERNMENTAL AGENCIES OR FEDERAL OR STATE LICENSEES.

\* \* \* \*

Fire Chief I. O. Martinez explained that the annexation of the area surrounding Randolph Air Force Base brought the Alamo Fireworks Company within 5000 feet of the City limits of San Antonio. This company has been in existence for over 30 years and has been at the same location for 10 years and has never been a source of problems for the Fire Department. This ordinance will make it possible for the Alamo Fireworks Company to remain in business at the same location.

After consideration, on motion of Dr. Nielsen, seconded by Dr. Cisneros, the ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

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76-11 The Clerk read a proposed ordinance appropriating the sum of \$75,000 from the unappropriated fund balance of the Convention and Visitors Bureau fund to provide funding for the operation of a Bicentennial Information Center to be located on Alamo Plaza.

Mr. Carl White, Director of Finance, explained that this project was ineligible for revenue sharing funds because it does not fall under any of the categories. It was decided to fund this project from the Convention and Visitors Bureau Fund because it does fall under the tourism category.

Mr. William Ochse, Chairman of the Convention and Visitors Bureau Advisory Board, spoke in opposition to the transfer of funds away from the Bureau's budget. He said that the Council should be very careful about this transfer because hotel receipts are down, and he doubted that there was sufficient money in the budget. Mr. Ochse asked that the Mayor appoint a Council committee to meet with his committee to discuss this matter before taking action on the ordinance.

Mrs. Vivian Hamlin, Chairperson of the Bicentennial Committee, spoke of the need for an information center and described plans that have been made for a location on Alamo Plaza and asked that the Council consider the importance of this matter and seek a solution to the problem.

After discussion, Mayor Pro-Tem Teniente appointed Councilmen Cisneros, Rohde and Pyndus as a committee to meet with Mr. Ochse and other interested parties to discuss this matter. Consideration of the proposed ordinance was postponed one week.

76-11 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cisneros, Cockrell.

AN ORDINANCE 46,380

APPROPRIATING THE SUM OF TWO THOUSAND FIVE HUNDRED AND NO/100 (\$2,500.00) DOLLARS AND AUTHORIZING THE PAYMENT OF ALL COURT COSTS OUT OF FUND NO. 62-009, INDEX CODE 430504, IN FULL AND FINAL SETTLEMENT OF PLAINTIFF'S CLAIMS IN DAMAGE SUIT CAUSE NO. 75CI-13439 IN THE 57TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS, STYLED ADAM PAUL TORRES VS. CITY OF SAN ANTONIO, ET AL.

\* \* \* \*

AN ORDINANCE 46,381

ACCEPTING THE LOW QUALIFIED BID OF NATIONAL FOAM SYSTEM, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH AQUEOUS FILM FORMING FOAM FOR A NET TOTAL OF \$4,435.00.

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76-11 The following ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Mr. Billa, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 46,382

ACCEPTING THE LOW QUALIFIED BID OF TENNANT COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH A SWEEPER FOR A TOTAL OF \$10,034.40.

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76-11 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Rohde, seconded by Mr. Billa, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 46,383

APPOINTING MR. JAMES L. PERSYN TO THE BOARD OF DIRECTORS OF THE ECONOMIC OPPORTUNITIES CORPORATION OF SAN ANTONIO AND BEXAR COUNTY TO REPLACE MR. JOHN E. BURKE WHO HAS RESIGNED, FOR THE UNEXPIRED TERM ENDING JUNE 30, 1976.

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76-11 The meeting recessed at 12:15 P. M. and reconvened at 2:10 P. M.

76-11

CITIZENS TO BE HEARD

MRS. RUTH WOODARD

Mrs. Ruth Woodard spoke to the Council regarding the need for improved bus service in the Sutton Homes area on the eastside. She said that the Moore Street Bridge is now open and that is a big help to the area but there is no bus service after 7:30 P. M. She mentioned that a manpower training program is about to get started, and it is very necessary to have bus service so that persons desiring this training will have transportation. Mrs. Woodard also took exception to certain remarks allegedly made to her by Mr. Norman Hill, General Manager of the Transit System.

Mrs. Barbara Gilmore, President of Sutton Homes Residents Association, read a prepared statement to the Council emphasizing the area's need for extended bus service. (A copy of her statement is included with the papers of this meeting.)

After some discussion of this matter, Councilman Hartman asked that the Transit System be contacted and that a report be made to the Council in one week.

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KARL WURZ

Mr. Karl Wurz, 820 Florida, again spoke about the City's general obligation bonds and protested their issuance. (A copy of Mr. Wurz's prepared statement is included with the papers of this meeting.)

JEAN LEVINE

Mrs. Jean Levine, Coordinator for the Solar Energy Coalition of Texas, protested the scheduled energy symposium to be held in San Antonio sponsored by the City Public Service Board. She claimed that the purpose of the symposium is to counteract the current publicity about nuclear energy. She asked that the Council intervene. (A copy of Mrs. Levine's prepared statement is included with the papers of this meeting.)

Mayor Pro-Tem Teniente then read the following statement:

"In way of a brief explanation to the public and why I cancelled Friday's scheduled meeting with City Public Service Board trustees and staff members, I would like to point out that when I learned that only one CPS trustee would be in the City tomorrow, I felt the meeting would be a waste of time since it would have to be repeated when a majority of the CPS Board is present.

At this point, I imagine that the meeting with CPS on the water contract and the overall budget will be postponed until after the Utility symposium of March 22nd which will cover all sources of energy, including solar energy. Postponing the City Council-CPS meeting until after the symposium will hopefully give everyone a fuller understanding of the general energy problems of both this City and the country in general. Council members should be in a little better position to question CPS staff members after this symposium."

Mayor Pro-Tem Teniente asked the City Manager to ask the City Public Service to have an expert on solar energy to speak at the symposium.

E. L. RICHEY

Mr. E. L. Richey spoke of the City's need for a master plan and zoning plan.

LES MENDELSON

The following discussion took place:

CITY ATTORNEY JIM PARKER: While Mr. Mendelsohn is coming up, I think that this certain matter of his is a police matter. It will come within the jurisdiction of the Police Civil Service Commission but I would request that the Council not make any comments on this.

COUNCILMAN: (Inaudible).

CITY ATTORNEY PARKER: Well, I mean comments, I can't control what he is going to say, but I said as far as the Council is concerned as far as comments on it.

MR. AL ROHDE: He is an attorney, am I right?

CITY ATTORNEY PARKER: Yes, sir.

DR. D. FORD NIELSEN: Excuse me, Mr. Parker, help me now. Is our policy not that we are recommending that in such matters that the classic grievance procedures and all that mechanism be followed without totally prejudicing the right of the person to come here and make a statement.

CITY ATTORNEY PARKER: We cannot preclude somebody from coming here and making a statement, but that to protect the rights of everybody involved, in view of the fact that this Council, the subject matter of his allegations come within the Fire and Police Civil Service Commission's jurisdiction. Even though Les is going to say that you have a claim, that you could settle a claim that is not the law either because if the action that they undertook or the officers involved was willful then the City would have no liability and without a liability you couldn't make a settlement or give him or his client money because then that would be an unauthorized constitutional prohibition.

MR. LES MENDELSON: Thank you very much, gentlemen. In deference to those who preceeded me, I want you to know that I do like you.

I am here as an attorney representing Antonia Duran. I have presented to you and also for Mayor Pro-Tem Teniente and for Mayor Cockrell copies of a sworn affidavit that she has signed. It details for your consideration a terribly outrageous bit of conduct, and if you would like, I can give you time to review it. I will not take your time by going over exactly what happened, but just to point out to you a terribly serious problem that I think ought to be considered by this City Council.

This young woman was very brutally treated by two police officers with conduct that was totally uncalled for. I am not certain based upon my personal experience, whether this is an isolated instance or whether this is something that goes on day in and day out, week in and week out. I think it is something we ought to be concerned about as citizens of this fine community and secondly, as a governing body of this community. My purpose in being here is not to adjudicate a claim or not to attempt to make a claim, that has to go to the City Council, or City Clerk's Office. I do have to agree with the City Attorney that the City of San Antonio, as any municipality, is liable for the acts of its employees, in an instance like this, and only very rare instances, that is, if we could prove that the City failed to properly train the police officers or knew that these were barbarous people who engage in this kind of activity and did nothing to prevent it. I don't know at this point that we can show that. I think there is an alternative plan and I think that there is something that other communities have done and that this community should do.

Most people on the street if you were to ask them I think would believe that if they as a citizen were unduly treated, were the victim of brutality in an otherwise lawful arrest and in this instance it really wasn't because it dealt with a traffic violation and there may be an ordinance to the effect that persons are not to be arrested for traffic violations. But assuming that it is not that situation, I think most people on the street would believe that the City would be responsible for brutality, for carelessness, for abuse by a police officer. Sadly that is not the law. It's not the law in this state or any other state, because it is as Mr. Parker said, and as I agree it has to be on a showing of negligence or on a showing of callous disregard by the City in that it knew of this conduct and failed to take remedial action.

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Therefore, what I am proposing that you consider is that police officers be bonded by this community. By that I mean that any police officer that is operating on the streets of San Antonio to protect the rights of, we, the people, ought to have a surety bond so that if he in the exercise of his so-called official duties either is negligent or is intentionally wrongful to a citizen as I believe the situation is clearly here, that there will be a bond that will be available to indemnify an individual if a cause of action is alleged against the individual police officer. There is no way in the world that most police officers could respond in damages the way the laws are in this state, to a suit by a person such as Mrs. Duran. Assuming that everything she says is true, that there was no call for the way they pulled her out of the car, knocked her to the ground, threw her against the trunk of her car and caused her to suffer the injuries that she did. There is no way in the world that any police officer with the exempt property laws that we have in this state could respond in damages. It would be a futile attempt to collect for a legal wrong that was done. A reasonable way that this Council can protect the rights of innocent parties such as Mrs. Duran would be to provide that police officers would be bonded. Now, if this is an isolated instance, something that doesn't happen often, I am certain that the risk would be very low, therefore, the premium would be very low. On the other hand, if this is something that happens quite often and is merely not brought to the forefront because of fear of intimidation by those who are the recipients of this unfortunate conduct, then I think that it is incumbent upon this Council to do a great service to this community by providing for a method to correct a very serious wrong, and it could be done in any number of ways, either by funding publicly, by requiring the police officers to contribute themselves. But in any event, it is just flat wrong for a police officer to be able to use his official badge and his pistol to offend women, to offend children and men as it has been done in this case and, in effect, have no way to respond in damages. I think there ought to be something that should be investigated from the bonding point of view. I think you will be doing this community a very great service. I will be glad to answer any questions that you may have. We do intend to go through internal affairs.

I want to point something out to you that is somewhat sad. We did attempt to get the assignment report from internal affairs, and we were denied that right. I don't know if, I have not researched if that is a public record, I certainly believe it is. The City Attorney may wish to respond to that. I have no reason to....

MR. ROHDE: The Charter is very clear on that. I think you'd be entitled to that.

MR. MENDELSON: I know that we are entitled to it, we are bringing it before the Council. I certainly think that Sergeant Toscano who has always been responsive in the past ought to be instructed to deliver that to me this afternoon.

MR. GLEN HARTMAN: I would like to address a question to the City Attorney. Inasmuch as there is no names listed in this affidavit other than the plaintiff, would it be in order to discuss this matter inasmuch as there are no names.

CITY ATTORNEY PARKER: Well, I don't know what you are going to discuss in the first place.

MR. HARTMAN: Well, that was what I was getting ready to tell you. Is there any way in which we could discuss the conduct in its.....

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CITY ATTORNEY PARKER: Well, if the conduct is, as alleged in the affidavit, then it would be a matter within the Internal Affairs Bureau of the San Antonio Police Department to investigate. It would be up to their information then be furnished the Police Chief to whether he thinks there is sufficient grounds based on their information to take disciplinary actions against the officers involved. If the Chief does and takes that disciplinary action then any appeal or if there is a dismissal, then that goes to the Fire and Police Civil Service Commission. Again, there is nothing that the City Council of the City of San Antonio has any authority as far as other than the informational purposes of what has actually occurred. Now, as far as you talking about the assignment report, I would have to go back and check to see what the open records law says as to that, if I recall correctly, that case out of Houston, didn't it, Les, said that the face sheet was public record and then everything else was not I believe was what.....

MR. MENDELSON: I'm not familiar with that case.

CITY ATTORNEY PARKER: That came out not too long ago that was under the open records act, I don't know if it was a case, or if it was an Attorney General's opinion, it was out of Houston, I remember that.....

MR. MENDELSON: If I'm not entitled to it as a matter of right, I'm asking you as a matter of privilege, I ought to have it because I want to find out what this officer.....

MR. ROHDE: This is the area I think the Council should get itself involved in, City Attorney.

CITY ATTORNEY PARKER: Well, whether you think it's an area that the Council should get itself involved in, Mr. Rohde, you don't have the authority.

MR. HARTMAN: Well, just to finish my reason for raising this question.

MR. ROHDE: I want you to repeat that again to me. It wasn't clear.

CITY ATTORNEY PARKER: You do not have the authority to, in the area of the responsibility of the Fire and Police Civil Service Commission, to investigate what they are.

MR. ROHDE: I didn't say that.

CITY ATTORNEY PARKER: Well, that's what I thought you were saying.

MR. ROHDE: I said that this is a policy of the Council to whether he has access to public documents over there.

CITY ATTORNEY PARKER: Sir, it is not a policy, it's covered by the open records act...if the open records act says that you do not, then you do not.

MR. ROHDE: But if he is entitled to them and not getting access to them, it is a matter of policy of this Council.

CITY ATTORNEY PARKER: No, sir. It is a matter of state law then he has a right under the state law to exercise to do what he has under that state law.

MR. ROHDE: Mr. City Attorney, you are reading one way, and I am reading another way. This man is here to be heard.

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MR. HARTMAN: My reason for raising the question first of all with regard to what could be discussed. I am not interested.....

CITY ATTORNEY PARKER: You can discuss it to the degree whether you could think it could be advantageous to try to get a bond and that type thing. You can deal with that question. But I am not too sure then under.....I have to go back and check 1269M to see whether we could require the officer to furnish that type of indemnity, then into the other aspect of it, as Les said to put up a fund, I don't think we could put a fund up because that would be granting something which the City would not be liable for, and then it would be a granting of public funds to private individuals.

MR. HARTMAN: So far, we've answered every question except yet the one I haven't had a chance to ask. And that is this, I think that there is a question here of standards of conduct, that are aside from this particular case, and it does seem to be within the realm of Council policy.

CITY ATTORNEY PARKER: Council policy is the operation of the San Antonio Police Department, is not them, Mr. Hartman. That comes under the 1269M. Now, the rules and regulations would be formulated to come under your jurisdiction.....

DR. NIELSEN: Do you wish to get into the substance of the request for the bond or not. If not.....

MR. HARTMAN: My second question relating to that bond was the fact or the substance of that question was if that would have any, you know, that could perhaps be considered as a means of providing the type of implementation of policy, if you will, I think that the Council would have a concern.

CITY ATTORNEY PARKER: I would have to research whether we could actually require the bond for it under that aspect. I will do that.

REV. CLAUDE BLACK: It seems to me that since we must rely upon the police to police themselves, and that there is no non-bias examination for the individual policemen's actions, and when I say non-bias, I mean the fact that you are of a particular position you are likely to be biased by the very fact that you are involved in the same kind of activity. It seems that it is extremely important that some public debate, some public expression be made within a full awareness that we do not have the authority to penalize or punish or in any way affect, but we do have the Manager as a major officer within this Council. So, it seems to me that associated with this kind of action should be the responsibility of the Council to request of the Manager that this case in detail be brought back to this Council in terms of its report after it has gone through all of its administrative responsibilities. That seems to me to be a just.....

DR. NIELSEN: I don't think there is any problem with that.

REV. BLACK: All right, the next thing I think that at that point I have every right to raise whatever questions we want. One of which might be to examine the possibility of bonding. Because it seems to me that somewhere along the line as long as there is resistance on the part of the general association of policemen to resist having a citizens review board for those cases that come to it, that possibly we have got to go through some other alternative that places upon that particular officer some responsibility for his action, for his deed. Now, this I am sure would not be applicable to the great majority of policemen. But the problem is that there is, there are those persons who, like there are ministers, like there are doctors, like there are lawyers, like there are Presidents, that get into positions of authority and power and abuse that authority.

MR. ROHDE: I have read of that once or twice. Even Presidents.

REV. BLACK: Now inasmuch as that is true, then it seems to me that this country has always by its very nature of itself has provided some remedy wherever those conditions occur. Presently, it seems to me that the remedy that we have provided is inadequate, and I think those who have examined it over the years have been aware that it is inadequate and, therefore, would like to bring it up graded to the point where it is more adequate. So, I would certainly think that we would want to make a request of the report that will come to us through the Manager's office and then at that time to deal with the recommendations that are being offered by the Attorney.

DR. NIELSEN: Thank you, Reverend Black. Phil, do you have something or not.

MR. PYNDUS: He spoke my words more eloquently than I could.

DR. NIELSEN: I would like to thank you very much, and Sam, will you see that the legal question of the assignment of what is...and then the other one would be doing some research on the possibility of surety bond, I don't know anything about this.

CITY MANAGER SAM GRANATA: I will request the Police Chief to give the Council a report on this case, and secondly, I'll ask Mr. Parker to brief the law on whether or not policemen can be bonded and if so, can we require them to be bonded.

DR. NIELSEN: Are there any other citizens to be heard?

MR. MENDELSON: May I just conclude by introducing Ms. Duran to the City Council.

DR. NIELSEN: I notice she is still limping.

MR. MENDELSON: Yes, she will be for a while. And secondly, may I suggest that without interjecting anything too long, that even though the City may be immune from liability which merely states that the City does not have to pay in a certain instance, I believe that there is nothing that would preclude the City from waiving its liability by providing the bonding. And, secondly, as I know happened several years ago, to an east side school teacher, I believe the man's name was Lawrence if I am not mistaken, whose eye was injured, where there was a payment made to him. I think I would think that the City would find that even though it may be immune and does not have to accept liability that any immunity that is provided by state law can be waived and perhaps by providing some form of bonding, as I said at first, you would be providing a great service to the community by providing a remedy for the wrong which exists and I think that you will find in our State Bill of Rights which I think is Article 13 or 17, I don't recall, there is a provision that there shall be remedy for every wrong, and you might want to go back to the Constitution. Thank you very much.

CITY ATTORNEY PARKER: Also, remember Article 3 of Section 52, Les.

MR. MENDELSON: What is that?

CITY ATTORNEY PARKER: That's one that says you can't give public funds away to a private individual.

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February 27, 1976

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

Madam and Gentlemen:

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

February 23, 1976

Petition submitted by Dr. Klaus D. Haegele, 12811 Queens Forest, requesting permission to erect an eight (8) foot high wooden fence along the backline of his property located at 12811 Queens Forest.

February 24, 1976

Petition submitted by Mr. Raymond Schneider, 10810 Silhouette Dr., requesting permission to erect an eight (8) foot wooden fence in the rear portion of his property located at 10810 Silhouette Drive, which would be adjacent to the patio area.

February 27, 1976

Petition submitted by Mr. Van H. Howard, Jr., of Dobbins, Howard & Harris Law Firm, Tower Life Building, offering to give to the City of San Antonio securities and accounts valued at \$12,189.03 to be used by the City for the purpose of maintaining the K. of P. Cemetery located on the southside of E. Commerce St., just west of New Braunfels Avenue.

/s/ G. V. JACKSON, JR.  
City Clerk

\* \* \* \*

There being no further business to come before the Council, the meeting adjourned at 3:05 P. M.

A P P R O V E D

*Lila Cockull*

M A Y O R

ATTEST:

*G. V. Jackson, Jr.*  
City Clerk

March 4, 1976  
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