

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL ON
THURSDAY, NOVEMBER 26, 1975.

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The meeting was called to order at 9:30 A. M., by the presiding officer, Mayor Lila Cockrell, with the following members present: PYNDUS, BILLA, CISNEROS, BLACK, HARTMAN, ROHDE, TENIENTE, NIELSEN, COCKRELL; Absent: NONE.

75-70 The invocation was given by The Reverend Charles L. Giesler, Laurel Heights Methodist Church.

75-70 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

75-70 The minutes of the meeting of November 20, 1975 were approved.

75-70 PRESENTATION BY PATIO FOODS, INC.

Mr. Ralph Cornwell, Plant Manager of Patio foods, said that recently Patio changed its packaging. The important change in the label is the addition of the words "Made in San Antonio" in bold type on each package of their foods. These packages are distributed throughout the United States and will further enhance San Antonio's fame for good Mexican foods. Mr. Cornwell said that a case of frozen dinners will be delivered to the home of each Councilperson.

Mayor Cockrell thanked Mr. Cornwell and said that this is a good example for other San Antonio manufacturers to follow.

75-70 The following Ordinance was read by the Clerk and explained by Mr. Ron Darner, Director of Parks and Recreation, and after consideration, on motion of Mr. Billa, seconded by Dr. Nielsen, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black.

AN ORDINANCE 45,991

EXTENDING FOR A ONE-YEAR PERIOD THE
CONTRACT WITH GILBERT M. DENMAN, JR.
FOR USE OF A PORTION OF THE BEAUTIFIED
SECTION OF THE SAN ANTONIO RIVER AREA
FOR THE OPERATION OF A RESTAURANT.

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75-70 Item No. 2. The Clerk read a proposed ordinance authorizing a lease agreement with Professional Sports, Inc. for a minimum of 40 basketball games during the 1975-80 basketball seasons.

Mr. Francis Vickers said that this is an extension of the present contract with the San Antonio Spurs. The rate is \$500 per game for a minimum of 40 games plus 10% of annual ticket sales in excess of \$1.5 million. The present contract calls for 10% over \$600,000. He said that the expenses of operating the team have increased so that it was necessary to reduce the amount paid to the City.

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Dr. Nielsen suggested that this item be withdrawn from consideration at this meeting. He asked for a cost breakdown of the expenses for the arena and additional data from the team.

Mr. Rohde said that he objected to being given so little time to study an item such as this and said the Council should be furnished with more information and given more time.

After consideration, it was decided that the item be pulled.

75-70 The Clerk read the following Ordinance:

AN ORDINANCE 45,992

AUTHORIZING THE CITY MANAGER TO SUBMIT
AN APPLICATION TO THE TEXAS CRIMINAL
JUSTICE DIVISION OF THE GOVERNOR'S OFFICE
FOR A \$106,610.00 GRANT FOR FUNDING PROJECT
ABLE (SERVICES TO NARCOTIC ADDICTS PROGRAM).

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Mayor Cockrell said that this ordinance had been discussed earlier in "B" Session and that Mr. Rinehart had stated that this project needed to be strengthened in some areas. The City Manager had recommended approval. The Council had decided to proceed to send in the application and continue to strengthen this program as it goes on.

Mr. Pyndus spoke against the motion. He said that there are several questions needing answers and the project should be referred back to the Criminal Justice Council.

After consideration, on motion of Dr. Cisneros, seconded by Mr. Teniente, the Ordinance was passed and approved by the following vote: AYES: Cisneros, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: Pyndus; ABSENT: Billa, Black.

75-70 The following Ordinance was read by the Clerk and explained by Mr. John Rinehart, Operations Manager, Fiscal Planning and Control, and after consideration, on motion of Dr. Cisneros, seconded by Dr. Nielsen, was passed and approved by the following vote: AYES: Cisneros, Hartman, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Billa, Black, Rohde; ABSTAIN: Pyndus.

AN ORDINANCE 45,993

AUTHORIZING THE CITY MANAGER TO SUBMIT
AN APPLICATION FOR A GRANT TO THE TEXAS
CRIMINAL JUSTICE COUNCIL AS PRIME SPONSOR
FOR THE VICTORY OUTREACH PROJECT, A DRUG
REHABILITATION PROGRAM.

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75-70 The following Ordinance was read by the Clerk and explained by Dr. William R. Ross, Director of Metropolitan Health District, and after consideration, on motion of Dr. Nielsen, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Cisneros, Hartman, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Billa, Black, Rohde; ABSTAIN: Pyndus.

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AN ORDINANCE 45,994

ACCEPTING A GRANT IN THE AMOUNT OF \$74,000 FROM THE U. S. ENVIRONMENTAL PROTECTION AGENCY, TO BE USED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT IN CONNECTION WITH THE CITY'S AIR POLLUTION CONTROL PROGRAM; AUTHORIZING EXECUTION OF A GRANT AGREEMENT; APPROVING A BUDGET AND PERSONNEL COMPLEMENT; AUTHORIZING A TRANSFER OF FUNDS, AND APPROPRIATING FUNDS FOR THE PROJECT.

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75-70 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion duly made and seconded, were each passed and approved by the following roll call vote: AYES: Pyndus, Cisneros, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Billa, Black.

AN ORDINANCE 45,995

PERMITTING MR. JOSE GONZALES OF 1605 E. SOUTHCROSS TO KEEP APPROXIMATELY 150 LINEAL FEET OF WOOD PRIVACY FENCE 8' IN HEIGHT.

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AN ORDINANCE 45,996

PERMITTING MR. HARRY B. JEWETT, III, ON BEHALF OF CHURCHILL CHASE JOINT VENTURE TO ERECT APPROXIMATELY 2,000 LINEAL FEET OF WOOD PRIVACY FENCE APPROXIMATELY 8' IN HEIGHT IN CHURCHILL CHASE SUBDIVISION, KNOWN AS LOTS 117 THRU 133, NCB 16579.

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AN ORDINANCE 45,997

GRANTING THE PETITION OF MR. H. J. FENTRESS OF WINDCREST DEVELOPMENT CORPORATION TO ERECT APPROXIMATELY 710 LINEAL FEET OF 6' CONCRETE FENCE, 6 INCHES THICK ON CITY PROPERTY UNDER CERTAIN CONDITIONS.

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AN ORDINANCE 45,998

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION FOR CONSTRUCTION AND MAINTENANCE OF THE WURZBACH ROAD PROJECT.

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75-70 The following Ordinance was read by the Clerk and explained by Mr. Stewart Fischer, Director of Traffic and Transportation, and after consideration, on motion of Mr. Pyndus, seconded by Dr. Cisneros, was passed and approved by the following vote: AYES: Pyndus, Cisneros, Hartman, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Billa, Black, Rohde.

AN ORDINANCE 45,999

PROVIDING FOR REPAYMENT TO USAA OF FUNDS
MADE AVAILABLE FOR CERTAIN IMPROVEMENTS TO
I. H. 10 IN EXCESS OF THE ACTUAL COST FOR
SUCH IMPROVEMENTS.

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75-70 The following Ordinance was read by the Clerk and explained by Mr. Stewart Fischer, Director of Traffic and Transportation, and after consideration, on motion of Mr. Teniente, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Cisneros, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Billa, Black, Nielsen.

AN ORDINANCE 46,000

RECOGNIZING AND SUPPORTING FIESTA SAN ANTONIO AS A CIVIC AND PATRIOTIC FESTIVAL OF MAJOR STATUS AND BENEFIT TO THE COMMUNITY; FIXING THE DATES OF FIESTA SAN ANTONIO 1976 AND DESIGNATING FIESTA SAN ANTONIO COMMISSION, A NON-PROFIT CORPORATION, AS AGENCY FOR PLANNING COORDINATING, AND PROVIDING AND ALLOCATING FINANCIAL SUPPORT TO THE EVENTS OF FIESTA SAN ANTONIO 1976; GRANTING TO FIESTA SAN ANTONIO COMMISSION A LICENSE TO CONDUCT A CARNIVAL IN THE CENTRAL BUSINESS DISTRICT AND TO ASSIGN SUCH LICENSE SUBJECT TO COMPETITIVE BIDDING AND OTHER CONDITIONS; TO ASSIGN RIGHTS TO PLACE AND SELL SEATING ACCOMMODATIONS AT DESIGNATED LOCATIONS ON PARADE ROUTES AND TO GRANT CONCESSIONS FOR SALE OF FOOD, BEVERAGES, SOUVENIRS AT PARADES UPON CONDITIONS; TO ISSUE NECESSARY VEHICLE PERMITS; TO DESIGNATE THE OFFICIAL EVENTS AND SPONSORS OF FIESTA SAN ANTONIO 1976 AND TO APPROVE THE USE OF CERTAIN CITY PROPERTIES AND FACILITIES DURING FIESTA SAN ANTONIO 1976; TO CONTRACT FOR TELEVISION AND RADIO COVERAGE OF EVENTS; PRESCRIBING CONDITIONS AND LIMITATIONS UPON THE AUTHORITY GRANTED TO FIESTA SAN ANTONIO COMMISSION; PROVIDING A SEVERABILITY CLAUSE; AND REPEALING ORDINANCE NO. 44437 INsofar AS IT APPLIES TO FIESTA SAN ANTONIO 1976.

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Mayor Cockrell recognized Mrs. William Ochse, President of the Fiesta Commission.

Mrs. Ochse, on behalf of the Fiesta Commission and 53 participating organizations thanked the Council for making Fiesta Week possible.

75-70 Item No. 12. The Clerk read a proposed ordinance authorizing the installation of a public telephone booth on City property in the vicinity of UTSA. There is no provision for this type of installation in Southwestern Bell's franchise agreement.

Mr. Pyndus suggested that telephones might be installed along the expressways as an aid to motorists that have car trouble.

Mr. Fischer said that he would ask the Telephone Company to look into this possibility.

Mr. Teniente said that normally the Telephone Company pays a commission on pay telephones and asked what arrangement had been made in this regard.

Mr. Fischer said that no such provision is made in this ordinance but that he would look into the matter.

After discussion, it was decided to withdraw this item from consideration at this meeting.

75-70 The following Ordinance was read by the Clerk and explained by Mr. Mel Sueltenfuss, Director of Public Works, and after consideration, on motion of Dr. Nielsen, seconded by Dr. Cisneros, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Hartman.

AN ORDINANCE 46,001

AUTHORIZING THE CITY MANAGER TO EXECUTE A FIVE YEAR AGREEMENT WITH HARTE-HANKS TELEVISION FOR THE INSTALLATION OF MICRO-WAVE BROADCASTING FACILITIES IN THE TOWER OF THE AMERICAS AT HEMISFAIR PLAZA AT A RENTAL OF \$150.00 PER MONTH.

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75-70 DE ZAVALA SUBDIVISION PLAT

Mr. Mel Sueltenfuss, Director of Public Works, said that the De Zavala Subdivision Plat is for 1/10 of an acre and is being platted solely for the purpose of obtaining a connection from the City Water Board to provide water for a horse trough. The plat is simply to comply with legal requirements.

After consideration, the Council referred the plat to the Planning Commission for consideration.

75-70 The following Ordinances were read by the Clerk and explained by Mr. Jim Parker, Acting City Attorney, and after consideration, on motion duly made and seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Hartman.

AN ORDINANCE 46,002

APPROPRIATING \$12,000.00 OUT OF SEWER REVENUE OPERATING FUND 52-001, INDEX 300-517 AND AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO PAY SAID AMOUNT IN SATISFACTION OF JUDGEMENT IN CAUSE NO. 75CI-7886 IN THE DISTRICT COURT OF BEXAR COUNTY, TEXAS.

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AN ORDINANCE 46,003

APPROPRIATING \$710.50 FROM DRAINAGE IMPROVEMENT BONDS, 1970, FUND 41-001-015, INDEX 507806, FOR PAYMENT OF COMMISSIONERS' AWARD AND COURT COSTS IN CONDEMNATION CAUSE C-1273 IN COUNTY COURT AT LAW NO. 6 OF BEXAR COUNTY, TEXAS, AND AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE TO ISSUE CHECKS DISBURSING SAID AMOUNT.

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A RESOLUTION
NO. 75-70-104

EXPRESSING THE DISAGREEMENT OF THE CITY
COUNCIL OF THE CITY OF SAN ANTONIO WITH
THE UNITED NATIONS DETERMINATION THAT
ZIONISM IS A FORM OF RACISM.

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Mr. Teniente said that he did not feel that this is a matter that should be acted on by the City Council but that each individual should do what he pleases about it. Because of his feelings on the matter, he said that he would abstain from voting. He then read the following statement and asked that it be made a matter of record.

"Speaking as an individual American and an individual member of the San Antonio City Council, I wholeheartedly reject both the letter and the spirit of the recent United Nations Resolution condemning Zionism as a form of racism and racial discrimination.

In this uncertain time when men everywhere should be seeking resolution of conflict in the interests of world peace, I find it deplorable that representatives of 72 nations seem to be going in the opposite direction.

I lend my full individual support to the rising outcry of just and righteous persons who reject this action and the malicious intent which fostered it.

Racial and religious discrimination has no place in today's society, much less on the floor of a world body such as the United Nations.

Count me among the growing number throughout this community, this nation and the world who ourselves condemn this anti-semitic attack, and demand its retraction."

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

75-70 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black.

AN ORDINANCE 46,004

CHANGING THE REGULARLY SCHEDULED CITY COUNCIL
MEETING OF THURSDAY, DECEMBER 4, 1975 TO FRIDAY,
DECEMBER 5, 1975.

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AN ORDINANCE 46,005

ACCEPTING THE LOW BID OF ORBER MANUFACTURING
CO. TO FURNISH THE CITY OF SAN ANTONIO WITH
EMPLOYEE AWARD PINS FOR A TOTAL OF \$3,150.00,
LESS 2% ~ 10 DAYS.

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AN ORDINANCE 46,006

ACCEPTING THE LOW QUALIFIED BID OF SCHROER MANUFACTURING COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH ANIMAL CAGES FOR A TOTAL OF \$4,950.00, LESS 5% - 30 DAYS.

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AN ORDINANCE 46,007

ACCEPTING THE LOW QUALIFIED BIDS OF AUTOMATIC SIGNAL DIVISION AND CROUSE-HINDS COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH TRAFFIC SIGNAL EQUIPMENT FOR A TOTAL OF \$15,110.70.

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75-70 Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Teniente presided.

75-70 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cisneros, Black, Cockrell.

AN ORDINANCE 46,008

ACCEPTING THE LOW QUALIFIED BID OF GENERAL ELECTRIC COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH A DIGITAL DATA DISPLAY SYSTEM FOR A NET TOTAL OF \$60,000.00.

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AN ORDINANCE 46,009

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TRINCO, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH LIBRARY CATALOG CARDS ON AN ANNUAL CONTRACT BASIS FOR A PERIOD BEGINNING ON THE DATE OF ACCEPTANCE BY THE CITY AND TERMINATING ON JULY 31, 1976.

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AN ORDINANCE 46,010

ACCEPTING THE HIGH QUALIFIED BID OF TELE-TRIP COMPANY, INC. TO FURNISH TRAVEL INSURANCE AT SAN ANTONIO INTERNATIONAL AIRPORT.

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AN ORDINANCE 46,011

EXTENDING THE CURRENT CONTRACTS BETWEEN THE CITY OF SAN ANTONIO AND ARMSTRONG ENTERPRISES TO FURNISH THE CITY WITH ITS GASOLINE AND DIESEL FUEL REQUIREMENTS THROUGH DECEMBER 31, 1976, ACCORDING TO THE SAME TERMS AND CONDITIONS.

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AN ORDINANCE 46,012

ACCEPTING THE PROPOSAL OF, AND AUTHORIZING EXECUTION OF A CONTRACT WITH GULF OIL CORPORATION, PROVIDING FOR SAID COMPANY TO FURNISH THE CITY'S TRANSPORTATION GASOLINE REQUIREMENTS FOR CALENDAR YEAR 1976.

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75-70 The Clerk read the following Ordinance:

AN ORDINANCE 46,013

ACCEPTING THE BID OF ALLRIGHT PARKING, INC. TO OPERATE THE TWO PARK AND RIDE LOTS AT W. TRAVIS AND N. PECOS AND ON E. HOUSTON AND I. H. 37 ON A MONTH-TO-MONTH CONTRACT.

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The Ordinance was explained by Mr. John Brooks, Purchasing Agent, who said that two proposals were received for the operation of the two Park and Ride parking lots. The contract will be on a month to month basis and can be cancelled at any time.

Mr. Hartman said that he has discussed this matter with Mr. Brooks and feels very strongly that the City should move toward the City's operation of these lots. There is a need to develop in-house capability.

Mr. Pyndus said that where possible he would prefer that private enterprise be used to operate wherever possible unless money could be saved by having the City operate the lots.

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

75-70 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following roll call vote: AYES: Pyndus, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cisneros, Black, Cockrell.

AN ORDINANCE 46,014

RE-APPOINTING MR. FRANK SARDO, MR. GUS GALINDO, MRS. HARRY MEYER, MR. RICHARD H. KEOUGHAN AND MR. HAROLD J. FOSTER, SR. TO THE BOARD OF ADJUSTMENT FOR TERMS EXPIRING JULY 31, 1977.

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AN ORDINANCE 46,015

APPOINTING DR. D. FORD NIELSEN AS A MEMBER OF THE CITY/COUNTY CRIMINAL JUSTICE INFORMATION SYSTEM BOARD OF CONTROL FOR AN INDEFINITE TERM.

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Dr. D. Ford Nielsen is replacing Mr. W. J. O'Connell.

AN ORDINANCE 46,016

APPOINTING DR. JOHN HANUS, MRS. SYBIL KANE, MR. GENARO GARCIA AND DR. AMY FREEMAN LEE; AND REAPPOINTING MS. ROSALIE ESPY, DR. JACK ROBBINS, D.V.M., MS. KAY WALTON, MR. JAMES C. TOM, JR., AND MS. JOYCE SOWELLS TO THE ANIMAL CONTROL ADVISORY BOARD FOR TERMS EXPIRING NOVEMBER 26, 1977.

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75-70 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following roll call vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Black, Cockrell.

AN ORDINANCE 46,017

APPOINTING MEMBERS TO THE AIRPORT ADVISORY COMMITTEE FOR TERMS EXPIRING ON JULY 31, 1977.

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Reappointing Mr. Guenter Krellwitz, Mr. Albert Whiteside, Jr., and Mrs. E. J. Burke.

Appointing Mr. Willard R. Ellerson, 11402 Destiny Drive, to replace Mr. Wallace Crain.

Appointing Mr. C. B. "Jack" Skipper, 8520 Crownhill (78294) to replace Mr. Paul D. Straw.

Appointing Mr. Robert E. Montalvo, 4303 Golfview St. (78223) to replace Mr. David Berchermann.

Appointing Mr. Robert E. Durr, 730 Chicago Blvd. (78210) to replace Mr. Jim Dement.

Appointing Mr. Antonio Salas, 462 Mary Louise to replace Mr. Reynaldo Morales.

Appointing Colonel Conald F. Robillard, Commander, U. S. Air Force Instrument Flight Center, Randolph Air Force Base, to replace Col. Robert A. Owens.

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AN ORDINANCE 46,018

APPOINTING MS. ADELA ESCARENO, MRS. KAREN SPRAGUE, AND MR. RAMON "RAY" SANCHEZ, AND REAPPOINTING MRS. ISABEL ONION, MR. DAN JAIME, MRS. DOROTHY PICKETT, AND MS. B. LOUISE NABORS, TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES, ALL FOR TERMS EXPIRING JULY 31, 1977.

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Ms. Adela Escareno, 551 Gettysburg Road, is replacing Mr. Jose Lucero. Mrs. Karen Sprague, 6119 Haven Valley is replacing Dr. Louis Tomaino. Mr. Ramon "Ray" Sanchez, 3310 Herlinda, is replacing Mr. Emilio Amaya.

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AN ORDINANCE 46,019

PERMITTING A BONFIRE AT ST. ANDREW PRESBY-
TERIAN CHURCH, 8231 CALLAGHAN ROAD ON THE
EVENING OF FRIDAY, DECEMBER 5, 1975.

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AN ORDINANCE 46,020

PERMITTING A BONFIRE AT 14819 JONES MALTS-
BERGER ROAD ON THE EVENING OF FRIDAY,
NOVEMBER 28, 1975 BY MacARTHUR HIGH SCHOOL
BOOSTERS.

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75-70

STATEMENT CONCERNING ORDINANCE 45,863

Councilman Nielsen asked to make a statement for the record and agreed that any discussion be held until Councilman Black arrived at the meeting. The statement by Councilman Nielsen follows:

"Points to consider for instance. The election, if it were held, and this all goes back to Section 40 of the Charter and deals with Ordinance 45,863:

Points to Consider

1. An election will cost the City \$30,000 to \$50,000 - this will only tend to further polarize the community and waste money that could be much better spent on necessary research.
2. Zoning changes in this area demand and will continue to demand solid technical information based on good engineering practice and initiated by the City of San Antonio and not dependent upon individual land owners or developers.
3. A comprehensive storm drainage study should be completed using up-to-date topographic information of sufficient detail to permit the delineation of 25 and 100 year floodplains to serve as a basis for required dedication of drainage easements. Such study to be jointly coordinated with Edwards Underground Water District and San Antonio River Authority.
4. Competent geological consultants should be retained which will identify critical areas of recharge and make recommendation for the protection of these areas from pollution. The selection of these consultants should be done by an arbitration process involving representatives of the groups obtaining the petition signatures and the land owners.
5. The preceding analysis and compilation of data should be made available to the Planning Commission for the purpose of public information, public hearings and preparation of a set of official maps and regulations for use by staff in the review of all future projects in the recharge and pertinent tributary areas.
6. Using the information from the Engineering and Geological studies and coordination with Bexar County and AACOG develop a comprehensive Open Space Plan for this area which will not only address itself to pollution control but provide a wide range of park and recreational opportunities for the entire metropolitan area."

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75-70 The meeting recessed at 11:10 A. M. to go into executive session to consider some board appointments and a lawsuit. The meeting reconvened in the Council Chamber at 1:45 P. M.

75-70

CITIZENS TO BE HEARD

S. A. POLICE OFFICERS ASSOCIATION

Mr. Jerry Clancy, President of the San Antonio Police Officers Association, read a prepared statement requesting a 5% pay increase for police officers with over 5 years of service. He introduced charts to show that police officers in San Antonio are paid lower wages than police in other Texas cities and suggested sources in the current budget where funds might be found for financing the increase. (A copy of Mr. Clancy's statement is included with the papers of this meeting.)

City Manager Granata said that he would go over the statement read by Mr. Clancy and have his comments in the Council's packets next week.

EDWARDS AQUIFER

Mr. Andres Sarabia, President of C.O.P.S., spoke to the Council concerning the rezoning at San Pedro and F.M. 1604. He made reference to 12,000 signatures on a petition submitted to the City Clerk on November 25, 1975 demanding that the City Council repeal Ordinance No. 45,863. He said that C.O.P.S. wants the City to prepare a land use master plan to protect the critically sensitive areas of the Edwards Aquifer in terms of development, acquisition and/or purchase of land over the Aquifer.

Mayor Cockrell said that the City Clerk is required to proceed with the certification of the petitions. This will be done as expeditiously as possible. Once that process is completed, the Council must respond to the petition. Under the Charter, the Council must first consider the question "Shall the zoning ordinance be repealed?" Should that be voted favorably, it concludes the action of the petition. Should that vote fail to pass then the Council would need to proceed with the referendum.

In answer to Dr. Nielsen's question, City Attorney Jim Parker said "I think I said back in October, it was my opinion at that time that no zoning ordinance could be repealed, that you had to go through the zoning process as set out and required by the state statutes".

Mr. Hartman asked the City Attorney to resummairize his opinion in writing for the Council to study.

Dr. Nielsen asked that the Council be given an opinion of what legal rights the landowners have and what effect that would have on the Council's decision to repeal the ordinance or not.

Mayor Cockrell said that, assuming that the certification process is completed, there will be an ordinance on the agenda next week to consider repeal of the ordinance.

Mrs. Fay Sinkin also spoke to the Council. She asked for a copy of Mr. Parker's analysis of the inverse condemnation process and his estimate of costs. She asked that the Council immediately begin to identify the sensitive areas of the recharge zone and then join with the County and others in seeking to purchase these areas. She also asked for a re-evaluation of the Overlay ordinance.

Mayor Cockrell said that several suggestions have been made by Council members and by APA, C.O.P.S. and the Chamber of Commerce. She suggested that a special "B" Session be set aside to discuss all of the ideas and how to proceed in meeting the issues.

KARL WURZ

Mr. Karl Wurz requested that the following prepared statement be printed in the official minutes:

"Mr. Raul Rodriguez and I have in the past requested the appraisal records concerning the Harold Vexler property. In every instance, the information has been denied us not withstanding the fact that the following has become public knowledge at one time or another through the San Antonio Development Agency or publication of newspaper accounts; (one) the owner's name, (two) location of the property, (three) acreage of the property.

The agency further through letters or in open public meetings has given out the names of the appraisers or the amount of the consideration.

Inasmuch as the agency is dealing with federal money and has acted and is directed to act accordingly to federal rules and regulations it is subordinate first to federal law and then to statutes of the State of Texas.

Therefore according to the freedom of information act as amended and because such action would be in the public interest inasmuch as furnishing the information can be considered as primarily benefiting the general public, we request that any reasonably segregable portion of the record be provided after deletion of the portions which are exempt.

The information we are requesting is already a matter of public record that record being the Bexar County Deed Books where all land sales or transactions are recorded.

The information we are requesting is: (one) the number of sales (comparable) noted by the appraisers, (two) names of vendors, (three) date of each sale and (four) the locality of the sale (NCB and lot number). The revelation of this information furthermore can in no wise be conceived as being detrimental to the agency's bargaining position since the Board has already accepted an offer made by Mr. Harold Vexler's attorney.

We believe and have stated that the Vexler land is worth far less than the proposed price agreed upon of \$251,350.00. Our efforts have been directed toward showing the value of the land is less than the price agreed on.

Furthermore, the purpose and intent of the law (6252-17a) is to protect government bodies or agencies from the greed of land speculators who have been known to inflate the "market value" to an exorbitant amount which is tantamount to robbery or extortion of public funds.

Therefore, we also request that the fee be waived as it is our intent by this action that the general public be benefited.

We also feel the general public's interest can not be safeguarded with "after the fact disclosures" nor can a proper public hearing be held without the facts being aired and the public having ample time to prepare knowledgeable arguments or to bring evidence before the proper public officials.

When governmental bodies or agencies do their utmost to conceal or to keep the facts hidden the best interests of the public can be subverted and undermined by such behavior."

RAUL RODRIGUEZ

Mr. Raul Rodriguez, 719 Delgado, spoke to the Council again about the excessive price asked for the Vexler property which Urban Renewal proposes to purchase. He claimed that decisions are made by the Urban Renewal Agency before the meetings which are just held for show.

The following conversation took place:

MR. GLEN HARTMAN: Madam Mayor, could I ask one last question just to be sure it gets through this real thick head of mine. Jim and Sam, what will be the caption of the ordinance that will be placed for next Council meeting?

ACTING CITY ATTORNEY JAMES PARKER: I'm going to have to work the wording of it out at the present time, but I think the wording will be "considering the repeal of ordinance whatever number was".

MR. AL ROHDE: By Council, you mean on the Aquifer?

CITY MANAGER SAM GRANATA: Yes, the repeal of ordinance number so and so and I would say changing it from a PUD "B-2" back to "R-1".

MAYOR LILA COCKRELL: It is simply the repeal of the ordinance.....

CITY MANAGER GRANATA: Simply the repeal of the prior ordinance, under that....whatever that prior ordinance did.

MR. ROHDE: I'm not clear of what he's saying.

MR. BOB BILLA: The Charter specifies it.

MR. ROHDE: It's not that simple.

MAYOR COCKRELL: Well, that is what is mandated, though, under the Charter.

CITY ATTORNEY PARKER: That's what's mandated under the Charter and that's what we're going to have to follow. If we're following that Charter provision to try to change the zoning back to what it was.

DR. HENRY CISNEROS: Is this opposed to reinitiation to the zoning case?

CITY ATTORNEY PARKER: As opposed to reinitiation of the zoning case. Reinitiation has got to start through the Planning Commission and come forward.

MAYOR COCKRELL: It does not answer the Charter provisions of what you do with the referendum petitions.

MR. RICHARD TENIENTE: No, it's just talking about.....

MR. PHIL PYNDUS: I think that what Glen is getting at is the fact that if we reinitiate the case, it should stay out of court and if we go with the referendum, we have a court decision.

MAYOR COCKRELL: Let me just urge that you all wait and get your packet and all of these concerns will be in the packet.

MR. HARTMAN: I think it's a real key that we all get real clear what the legal guidance is because at this point I think it is real pertinent.

CITY ATTORNEY PARKER: The caption will be what's mandated by the Charter and the proper way is to follow the open meeting law that we have to comply with.

MAYOR COCKRELL: In other words, we have to follow what the Charter says if we want to....

DR. CISNEROS: Madam Mayor, (inaudible) we have another ordinance posted for next week which is the vote to enact the referendum so we can have a choice next week as to which one we want to do.

MAYOR COCKRELL: I would say that the Council has 30 days and I would say that we would wait and see the outcome fo the vote and maybe that there would be no referendum if the vote passes and if it does not pass at that time, the Council can announce what it will do.

DR. CISNEROS: Why can't we have them both, both ordinances and choose one to vote on?

MAYOR COCKRELL: Because it would require discussing what date and this second ordinance is not pertinent if the first ordinance passes.

MR. TENIENTE: I think that's something that you can discuss next week.

MAYOR COCKRELL: The procedure back to the City Attorney - on a referendum petition will you just outline that again what the Charter provisions.....

CITY ATTORNEY PARKER: The Charter provision says the petition is presented to the City Clerk. The City Clerk has 20 days in which to verify whether it's sufficient or not. Once he makes his determination the first Council meeting after he makes his determination, he shall present his findings and the petitions to the City Council at which time then they have 30 days in which to vote on the question, shall the ordinance be repealed and the exact wording is in quotes the Charter so you're going to have to vote on that, that's the issue you are voting on. At that point in time if the majority of the Council of five votes repeal - it takes five affirmative votes and it says we vote to repeal that ordinance - at that point in time that ordinance is going to be repealed. There's no further action required. If that question does not secure five affirmative votes, then at that point in time it triggers Section 41 of the Charter which says that the Council then shall set a date for a vote by the electors not less than 30 days from the date that they make their final vote on it and not longer than 90 days from that date.

MR. HARTMAN: Well, the only thing that continues to trouble me, Jim, is the fact that you also stated that the only way a zoning case could be changed would be through a reinitiation of the process.

CITY ATTORNEY PARKER: That's correct.

MR. HARTMAN: So, it would appear to me then, inasmuch as this is a zoning case that we're dealing with that that would supersede the provision of Section 40 of the Charter.

CITY ATTORNEY PARKER: Mr. Hartman, I have told everybody before. Everybody is getting into a quagmire in this area when they don't follow that procedure to start with. That was my recommendation back in early October that they follow that and that, this is being ignored.

DR. CISNEROS: Perhaps the solution might be to have the ordinance that the Charter requires next Friday but also have an ordinance re-initiating the case at the same time.

MAYOR COCKRELL: If the zoning.....

DR. CISNEROS: Why not both of them at the same time?

MAYOR COCKRELL: Well, if the requirement for the referendum process passes then - for the repeal passes - then the Council has to assume that the ordinance has been repealed. Then what are you going from what to what?

DR. CISNEROS: (Inaudible) language but may be possible is the subversion of the intent of those who signed the petition. Subversion of the intended outcome which is not to have that development occur at that site because folks will be counting on the legal course to take care of what it wouldn't do by calling the referendum or reinitiating a process. To use blunt language that possibility exists.

MAYOR COCKRELL: Let me just make this comment. The City Attorney and I were heavily criticized for making legal opinions even known publicly. At that time the strong point was made that the legal opinion should not be the prime consideration for the Council, as I understood the comment, and that the Council should follow the referendum process which we are trying to do and leave it to the courts to make the determination. I feel in response to the petitions that we have to go ahead and follow the Charter provisions. I think no matter what we do I think everybody feels that there are legal - anywhere we turn there are legal problems. Yes, Mr. Teniente.

MR. TENIENTE: Mrs. Cockrell, had we not initiated a statement today on this thing we would've had from 30 to 90 days to continue on the processes of trying to work something out so that this time is not all taken up in discussion and in areas that don't necessarily have to be addressed if this thing is passed. I think that the statement that you have made regarding the legalities of this thing is about true. I don't think that anyone of us on this Council can render any kind of a statement that could be accepted as a legal statement. I would rely strongly on our City Attorney. I think we ought to follow the thing step by step and I think that next week we've got a caption that is doing nothing other than presenting the vote following the Charter, Section 40, I think that if the following week and it's not impossible that this be handled the following week, if the following week we feel that it's necessary to take a necessary step we will. We've got plenty of time. I don't think this is anything we should rush into without strong thought and deliberation. After all, all of us are just nothing other than one vote on this Council and it's going to be five or more that will ultimately decide what has to be done.

MR. HARTMAN: Madam Mayor, just to in a way respond to that but also to again point out why perhaps identify a method by which this could be done without at the moment damaging either or impacting on either concern until we've actually seen the written opinion by the City Attorney. I would think that as far as satisfying the requirement for posting a caption it can be worded to the effect to consider an ordinance addressing itself to the matter presented by the petition or words to that effect so that there's not the word repealed or initiation used but rather an ordinance that addresses itself to the question. In the meantime, we would then as individual Council persons have the opportunity to read your precise legal guidance and be in a position at that time to ascertain what options are open to us.

MAYOR COCKRELL: Let me just say this. As Mayor, I have made a statement that I intend to follow the Charter on the referendum process which I feel is mandated in respect to the response to the petition and under that the City Attorney has stated the wording that will have to appear. The Council can vote yes or no. If the Council does not want to vote for that they can do something else but legally under the process of addressing referendum that has to be placed for a vote and so then if the Council determines that they don't want to follow that route and follow other options that is before the Council.

MR. HARTMAN: Madam Mayor, I think my own lingering concern is an arithmetic one.

REV. CLAUDE BLACK: Mayor, I think that what we're trying to say is that while there is a legal procedure for following, the other option is not illegal, if I understand. Therefore, what you are doing is providing an opportunity to act and respond on that same day to a procedure that seems more effective in realizing the objective.

DR. CISNEROS: And that procedure is?

REV. BLACK: Reinitiating. I would simply say that what you are doing is simply placing those two items on the agenda for action.

CITY ATTORNEY PARKER: That is a completely separate issue not (inaudible) separate from the caption.

MAYOR COCKRELL: One at a time. City Attorney.

CITY ATTORNEY PARKER: That's a completely separate issue, separate apart from whether the zoning ordinance is to be repealed or not. That can be done separate and apart if the Council so instructs on a motion of five to four to do it.

MR. TENIENTE: Madam Mayor, why don't we take a vote and see which way it's going to go so that we'll know and we can go into something else because we've got citizens out here.....

MAYOR COCKRELL: Yes, we've got other matters that.....

MR. ROHDE: Madam Mayor, I'm ready to state my position, if you take a poll.

MAYOR COCKRELL: All right. Yes, Doctor Cisneros.

DR. CISNEROS: I'd simply like to ask as has Rev. Black already that we on the agenda for next week include a reinitiation in which case the City would act as the applicant to reapply for a zoning change in the Aquifer.

MAYOR COCKRELL: Okay, from what to what?

DR. CISNEROS: From the present "B-2" to "R-1".

MAYOR COCKRELL: All right. That vote would follow the vote for the repeal. All right, may we ask that that be placed - if the vote for repeal passes I think that there might be some that might assume that the zoning had gone back to "R-1" and have difficulty voting for a new zoning process but if you want to consider it if the first one fails to pass that would be an alternative.

CITY ATTORNEY PARKER: If the vote is affirmative and repeals the other ordinance then the zoning of that property would be in effect of what it was prior to (inaudible). Whatever the zoning was.

REV. BLACK: The issue is that we can't do it that way.

MAYOR COCKRELL: Let me just say that we are now arguing the legality and the point is we have a procedure that is stipulated and the first vote has to be on what is in the City Charter then if anyone has any alternatives they can also then be presented or considered.

DR. CISNEROS: I just want to make sure that a reinitiation process is available to us because that appears to be the effective and sound way in addition to the Charter as a backup means to achieve the outcome that is intended. Perhaps the difference is that once we act on the first one, we would be rezoning back. The repeal with result of Temporary "R-1" to what I've asked for is an initiation move to make it a permanent "R-1".

MAYOR COCKRELL: Well, let's ask the City Attorney to give us all of the legal data that we have asked for. Let me just say this. We have asked for one ordinance to be on. On this other ordinance, since there is confusion about exactly what would be on the ordinance, could we just wait and see what the first vote was and then without ruling out this other possibility. If the zoning is repealed, then you can consider what.....

DR. CISNEROS: I don't see what the confusion is.

MR. PYNDUS: Mayor Cockrell, I think what we are trying to separate is rather than have two ordinances, one ordinance is fine but with that ordinance, we would like to know the implications, the process and the legality connected with the reinitiation of this situation, so if we could have in the one hand an ordinance of repeal and on the other hand the attorney's description of what it means for us to use the reinitiation route and the legal implications, then we can judge the first ordinance a little bit more clearly.

MAYOR COCKRELL: May we have that information available.

The following discussion took place:

MAYOR LILA COCKRELL: We will go to the presentation by Mr. Freire, United Organization Coalition.

MR. JOSEPH FREIRE: Madam Mayor, City Council persons, first I would like to introduce the rest of the staff, our Vice President, John Walker and Mr. John Summerville.

"Gentlemen:

By letter dated November 17, 1975, from John W. Rinehart, Operations Manager Fiscal Planning & Control Division, we were notified officially of the action taken by the City Council in adopting Ordinance No. 45935. The Third paragraph of said letter informs us that we have the right to present facts to the Council to attempt to overturn the provisions of the Ordinance of the termination of the contracts.

Accordingly, we reply in order for you to be better informed of the facts thereby enabling you to reach a fair and just decision.

1. In connection with the findings of the Council that the continued operation of these projects is in the best interest of the City, we say:

(a) While we are not sure whose best interest this refers to, we would assume that the best interest of the City is the best interest of all of the citizens and not that of a special few. We have prepared some figures showing the accomplishments and statistics of the UOC to date which are attached hereto as Exhibit A. We have prepared an overview report of our organization which we attach hereto as Exhibit B.

2. In connection with the finding that the letter and spirit of the above listed agreements have not been met, that each contract has been violated by failure to follow the policies and procedures of the City, it appears that the only complaints or purported violations are those in subparagraph a, b and c of said letter, we reply to same as follows:

(a) That employees were paid full pay while on vacation in Colorado and no vacation leave time was charged to these employees, which violates the contract, includes falsification of records, and could include fraud. These employees were Pete Bautista and Joe E. Garcia. We have prepared an explanation which we attach hereto as Exhibit C. Said exhibit has four attachments marked as Exhibit C-1, Memo from Mr. Ortiz to Mr. Bautista; C-2 Memo from Mr. Ortiz to Mr. Garcia; C-3 time record of Mr. Bautista; and C-4 time record of Mr. Garcia.

(b) That funds were used for political purposes. We have conducted an inquiry of our own and have found no evidence of any funds being used for political purposes. The letter from Mr. Rinehart does not set out any specific violations by date or name for us to check out; however, some F.B.I. Agents have questioned some employees. Each employee questioned has voluntarily given us a statement of what he or she told the Agent. These statements are attached hereto as Exhibits D-1 through D-12.

The special fund and its use is described in Exhibit E attached hereto.

(c) That Edward C. Jones paid from federal Concentrated Employment and Training Act funds, was directed to and, in fact, did work on non-related work ineligible for this federal program. We have prepared an explanation and attach same as Exhibit F.

We feel that the foregoing shows that there are no real violations of any of the contracts other than perhaps minor errors which have been corrected as discovered."

MAYOR COCKRELL: Are there any questions? Did you have any other presentation or is this primarily what you wanted to bring to our attention.

MR. FREIRE: This is the package, Madam Mayor.

MAYOR COCKRELL: All right, does any member of the Council have any questions or comment. Mr. Pyndus.

MR. PHIL PYNDUS: Mayor Cockrell, the information that we received here is in conflict with the information presented by Mr. Rinehart and I would so move that we submit this information to Staff for verification. Certainly, if some of the accusations are not true, it should be determined and I think that further study should be given this report and that this item be placed on the agenda of the next Council meeting. I would make that motion.

MR. AL ROHDE: I second that motion.

MAYOR COCKRELL: It has been moved and seconded that the comments and the information that you have gotten together for us be referred to the Staff for their review in light of their earlier comments and that this item be placed on the agenda for next Friday's meeting for verification and further action. Yes, Mr. Teniente.

MAYOR PRO-TEM RICHARD TENIENTE: Mayor Cockrell, I am not really satisfied with that motion because we already know how the staff feels about this and I don't see how bringing it to staff who already has a biased view on this program would give a fair shake to this thing. As a matter of fact, I thought we were here today, as a Council to act on the information that was furnished us. Having had this information and having had the obligation of having to study it, I see no reason for us to delay any further action on this particular program and if any Councilman has not had the opportunity to study it in light of the fact it was strongly urged last week that we be given the information to study so that we could determine whether this program, the program that is providing a good and useful job to our community and to our citizens could not be continued, then I feel that we are not really taking the obligation that supposedly we have undertaken last week when we asked these people to come up here today.

I would like to offer a substitute motion, and that is that having studied the proposals and knowing that some of these allegations and charges had been present even before some of the people that are directing this program had taken office and knowing that if there were errors some have been corrected and knowing that there are errors in other programs, I would like to offer a substitute motion that we allow this program to continue and that we place them on a ninety day probation of making sure that all of the programs they are working on and

monitoring would continue. I don't know of the people, and that's my motion. I don't know if the people.....

MAYOR COCKRELL: Is there a second to the motion?

REVEREND CLAUDE BLACK: I second the motion.

MR. TENIENTE: I don't know if the citizens, if the Council has studied the proposal but we have received allegations and charges that, for instance, the Minority Contractors had only helped something like 30 people when, in fact, they have helped over 250 contractors, when they have obtained over 21 million dollars worth of contracts, line of credit and different programs which to me possibly, possibly makes it a reason for other contractors that are not minorities to come in and challenge some of these things. There are many, many other facets to the allegations, but I think that if we allow this probe to continue we will work and try to dismonitor this program, but to make sure that these citizens themselves know that they are on probation and we can continue in that direction.

MR. GLEN HARTMAN: Madam Mayor, I have a question for our Legal Consul, with regard to the suggestion that was made in the motion, where does this put us with regard to our time period that the organization has been placed on a 20 day period to show cause.

CITY ATTORNEY JIM PARKER: It started November 17th, as I recall and it stated 20 days, the 37 which would be the 6th or 7th which would be the day following.

CITY MANAGER SAM GRANATA: But they were notified ten days prior to the 17th of the letter. That's correct of the official 20 days, that's correct.

MAYOR COCKRELL: So that time does not run out until when?

CITY MANAGER GRANATA: December 7.

CITY ATTORNEY PARKER: Which would be Sunday after next Friday's Council meeting.

MR. BOB BILLA: I understood that the Council could extend this time and that in effect (inaudible).

CITY ATTORNEY PARKER: The Council can extend, repeal, or anything of that ordinance they want to next Friday.

MAYOR COCKRELL: All right, Reverend Black.

CITY ATTORNEY PARKER: Just as long as, excuse me, we have it as a caption of what you are going to do.

MAYOR COCKRELL: I see.

REVEREND BLACK: Since I seconded that motion I would like to give some statement on this. I was not present at the Council in which this matter was raised, but in the materials I had available to me, I found the letter of charges and it seems to me that the charges did not carry with them Exhibits that indicated or in any way supported the charges.

Now it seems to me that if you are going to make charges, if anybody is going to make charges, they ought to be required to provide some visible evidence supporting those charges. Or some evidence, whatever that evidence is supporting those charges. Therefore, I feel that the charges have been inadequately presented and I would not like to see this group continue to be penalized on inadequate charges. Now, they have brought in evidence to offset those charges in spite of the fact that there was no evidence in support of the charges. Now it seems to me that once they have done this, they have fulfilled their obligation to us because they have met whatever presentation we have made to them. They have met that requirement.

Now, my own experience has been and my own hope is that certainly we approach an agency or an individual or persons in this particular capacity as being innocent until they are established guilty, than guilty until they have established their innocence. I think that is in violation of the whole spirit of our country.

MAYOR COCKRELL: Are there any other comments? The motion that we are substituting.....

MR. FREIRE: Madam Mayor, may I have something to say.

MAYOR COCKRELL: Yes sir.

MR. FREIRE: The only thing that will be done by prolonging this, we have employees and they don't know whether they're going to have a job tomorrow and they are being intimidated by this ordinance like that and prolonging it. Now, what would happen if you had three policemen charged with brutality and all of a sudden you cut off the funds for the whole police department. That's exactly what this Council did to us. The organization is not charged with nothing. It's just individuals that are being charged. Yet Council sees fit to cut us off completely. Now, like Reverend Black says there's no substantiation to the charges. He doesn't have anything there. He's just acting on hear say.

MAYOR COCKRELL: The motion to substitute has been made. Is there any other discussion. Mr. Hartman.

MR. HARTMAN: Yes, Madam Mayor, if the actual were taken as proposed in the first motion, and I guess I'm addressing this to staff, what would be the nature of your review?

CITY MANAGER GRANATA: May, I respond. I think that, and John correct me if I'm wrong, if I understood your first motion was to refer it back to the staff for further verification of what is now being presented back to us. Okay, included in that report are various letters that you say from people who said that they were interviewed by the F.B.I. plus a letter from Mr. Ortiz to Mr. Bautista which written right underneath it was my error make their deductions as soon as salary situation is settled which admits he should have been paid and still as I understand it it has not been settled. What we would like to do is go ahead and give us an opportunity for next week to come back and see whether these are facts or not and still be within the time frame before the 7th and you all can take whatever action you like.

MR. HARTMAN: Okay, my concern is, in other words, I'm trying to find some other way by which this process can finally be terminated and as of next week could we foresee then additional information by the staff which again would prolong the case?

CITY MANAGER GRANATA: As I understand it, you could, yes sir, because I think that there's some records from the F.B.I. that could be introduced and you can not only make it next week you can extend it another 30, 45 or 90 days like Mr. Teniente said and make a good actual study. Not everybody in this program is guilty. There are some probably and I think Mr. Friere will admit possibly have done some errors. Well, we can eliminate those people and keep the program going. This is the only thing we're trying to achieve.

MR. HARTMAN: My only concern is that theoretically this could go on until the year 2000 and we would constantly have the people in a state of flux and I'm concerned about, that's the part I'm concerned with.

MR. TENIENTE: All right, I will make a statement because it seems to me that all of a sudden we find it necessary to remove people from office or from positions because they made an error. What about Carl White and Mago Garcia with underestimating the tax problem. We had three million dollars and it's an error but to err is human, to forgive is divine. How about the fact that was brought out last week when the Planning Director according to the Charter was not supposedly accurate as brought out by Councilman Hartman. Are we suppose to fire our City Manager because supposedly this error happened? Folks, this is ridiculous. These people have admitted to an error and they want to correct it and they want to work on it and I don't see any problem in wanting to work with the people that have.....

MR. PALMER: If I could respond to that Mr. Teniente?

MR. TENIENTE: Well, I wasn't through. I thought you were trying to butt in. I'm going to pull a Rohde. I really think it's unfair but you know the whole problem, the whole problem I think and I don't like to bring these terms up but the problem is that you are picking on certain groups of people. We had a session this morning where there was a lot of money being spent by other people but it wasn't really questioned that much because it was not a minority but it just bothers me whenever we have this kind of situation. These programs hire Blacks and Mexicanos and they're always under fire and I don't think it's fair.

MAYOR COCKRELL: Let me see I'm trying to see who was next. I think there was somebody in here. Were you next Mr. Rohde? All right, fine. We'll let Mr. Billa.

MR. BILLA: I just want to say this. Unfortunately, I'm not as versed in these programs as some of my colleagues but I think the main issue here is either the program is good or it is not good. I understand that it is a good program so if there have been some allegations made against the individual let's get some absolute proof and let's continue the program until we have that proof.

MR. ROHDE: Mayor, I'm glad that Mr. Billa brought this up because I think that I'd like to make a declaration about public servants. I think that every public servant, that is, employee of the City and this includes our revenue sharing funds, 6,900 or more, have a certain and

special public trust placed in them and this includes you, my friend. Public servants are paid by the tax payers to protect the interest and trust of all the citizens. This is a very vital thing and it applies to the members of this Council. Public servants cannot serve well should their personal motives be and perform their duties to protect their own interest and I think this is a subject we have here before us which should be very clear over that of the tax payers. In other words, if you usurped your power or your duties and performed improper conduct against the rules and regulations of the City there should be some penalty. The thing of it is I feel that we've got the mechanism here on trial, really. What we do, we have procedures in the City employment situation for wrong doing, for alleged violations, there are hearings and what not but when we have a federal revenue sharing fund like this, this Council has to tackle it and you really have - what you're putting on trial here today is not only your organization but the mechanism to correct alleged wrong doings and improper conduct. I think this is what this Council has to address itself to. There might be other situations involved here and I'm not picking on anyone special but these are all public servants. They're being paid by the tax payers and I think this is what is on trial here today. We have a double situation and I want to see a system, I want to see a mechanism that will work because if there is wrong doing and improper conduct I want this Council to protect it. The way the City Manager as a chief executive of this City has really given the mechanism was that you have a contract with the City. If you have violated this contract in any way your contract is suspended. I don't want to get into the other areas of this or that because I want to stick to the issues of this case. I read your review of the letter and what not and I don't believe you've answered these charges and specifications. But in view of the Thanksgiving and in view of bringing this thing to the City Council and to get a stronger mechanism on this I want to go ahead and push for the probation of your organization. Thank you.

MR. PYNDUS: You know, I'd like to get back to the main issue. It seems that we have first jumped on the Monitoring and Evaluation Division of this City and it's their job. I kind of take it personally when a personal attack is directed to personnel that are trying to do a good job. I cannot discredit them if they find information that gives me an opportunity to act upon as long as it is accurate.

Secondly, we mentioned the minority situation with this organization and I think that that's way in left field. We're not talking about minority racial issues here at all. We've got a situation that we're trying to help minorities and the program is well set up for this and if it's run right it's a good thing and I'm for it. Then, we say, well we lost 3 million dollars maybe we should fire somebody connected with the Tax Department or maybe we should fire the planning man because that program hasn't worked correctly and that's the biggest smoke screen I've ever heard in my life.

Now, I'd like to bring this thing down to what I'm talking about. When Councilman Black was on the Council there was an investigation task force set up by the previous Council and they asked for an investigation of this organization. It was not done at the initiation of this Council here. This investigation quietly slipped out of view,

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out of sight, nothing was done with it, it was dropped. After prompting by Ex-councilman Bill O'Connell, I brought it up again. I understand that the charges that you have answered very insufficiently are still unanswered and I think that prior to making any decisions on your situation and putting you on mere "probation" is not satisfactory as far as I'm concerned. I want the truth and I would say that I would react just like the Commerce Department did. They suspended your funds effective December 31, 1975, and I think that this Council should follow that example until proven differently. I think that the charges that have been made should be verified or should be dropped but until that time I don't think you should disband the organization but I think that the statement that you gave us from employees completely differ from the statement that the F.B.I. and also the Department of Commerce and I think they should be verified.

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DR. NIELSEN: There are several questions raised here. I think maybe with one exception on this Council, there seems to be a strong feeling that the programs are not only valid but well worth our continued efforts between the Board and this Council and the staff of Monitoring and Evaluation to keep going on what we have got to do. We know that there has been a lot of good already accomplished from the information you provided us. They never have been provided to us but thank God somebody did. I think also in terms of the technical questions about whether or not charges were answered, as far as I am concerned, the responses that I have had, and having nothing different from the City, we still have no specific responses in any way from anybody in this City. All we have gotten was Phil Pyndus' memo and that is it and some words from some of the staff and nothing else. I thought, Sam, that you would have something if Monitoring and Evaluation or whoever else was going to get into this would provide us today. I don't know what happened. I understood you had a couple of days to work on this.

I am not sure whether 30 or 90 days from now will clarify anything any person has had and let me lastly say, Phil, regarding this whole OMBI thing, I am not going to get into the partisan politics thing that goes on there. And this Council cannot afford to. I can't help it if there is an election coming up, that is not our responsibility. We are a non-partisan board and OMBI's action in one way or another does not affect what this Council does, not one iota, and you seem to keep alluding to some information or something you have in writing either from the FBI or OMBI and nobody else has it, you know. All we have got right now is, in terms of information, opinions and so on, is what has been presented through your memo and back from the Board of Directors based on that I see no reason in the world but to continue the program and certainly the City's responsibility and your responsibility as Board of Directors is to see that if there are inequities and they are duly spelled out through the Monitoring and Evaluation audits or whatever that those will be corrected. If they are not, however, that is the point, finally, where we might get involved again. As far as I see, and your interpretation of the first question about the leave, it is my understanding and, Sam, could you help me on this now, as far as any criminal intent or anything like that about taking leave, there was some change in program regulations, program titles and all this sort of thing and why, if there was some criminal intent, has nobody ever said that other than just kept floating around.

CITY MANAGER GRANATA: The thing that I understand was the criminal intent was the slush fund.

DR. NIELSEN: No, no, no. There has been some insinuations that there was some criminal intent in terms of taking that vacation time and nobody has ever put that in writing or anything else.

MAYOR COCKRELL: All right.

CITY MANAGER GRANATA: If I may, you got in your packet last week some letters to Mr. Freire from John Rinehart, which I countersigned that some employees were paid while on vacation in Colorado, and they shouldn't have been. That is answered that that was in error by Pete Bautista in the report coming back today.

DR. NIELSEN: Wait, wait a minute now. Is it criminal?

CITY MANAGER GRANATA: I don't know if it is criminal or not. That's not the point.

CITY ATTORNEY PARKER: Potentially criminal if it is done with intent to defraud, yes. All we were concerned with was illegal activities. They were also investigating illegal activities of contributions to slush funds that were being used to influence of political aspects which would be completely illegal. I know of another aspect of the investigation that has not been reduced to writing and therefore, I will not

comment on it at this point and be sure somebody says we are not bringing up something new. But if that one comes up, there are some highly questioned illegal activities in that area involving not only state but federal law.

MAYOR COCKRELL: All right. Let me ask this in order to kind of resolve it, we do have a motion here, a substitute motion. Several of us have talked several times on the issue and if we can kind of wrap it up as quickly as possible.....

DR. NIELSEN: Seems to me that in light of all the evidence presented, all the speculation and talk aside, that there has been no specific charges, there have been no direct communication as I understand from the City staff or Monitoring and Evaluation other than through the memo of Mr. Pyndus and it looks to me like until that is done and with the response even to that memo that we have got, the only thing that this Council can do is to reaffirm the value of those programs and get on with it. Now, if somebody has got something else that they are going to bring up through proper channels and through the usual and customary method of readdressing problems or desk audit or whatever, let's do that, but until then, based on what I have seen, there is another smoke screen going on here.

MR. ROHDE: Mayor, I was wondering before we vote on this, does the City Manager have any new evidence we should hear, does the City Attorney have any new evidence? I am putting this on the record. Does Mr. Rinehart have any new evidence we should hear or are there any amendments or any charges prior to this vote? If we pass this today, I would like to see the mechanism work that can handle the matter like this better.

CITY ATTORNEY PARKER: There was a matter I don't know one matter that was brought to my attention some period back.

MR. ROHDE: We can make a new petition on that.

CITY ATTORNEY PARKER: But that is another matter, it is not included in any of these and....

MR. HARTMAN: Yes, Madam Mayor, Sam, if the first motion were to be the sustaining motion, I gather from the nodding or the shaking of the head, that there is no new evidence, would the additional week - would that be a time period during which all these, you know, these rumored violations and so on would be pulled together and presented or what would be gained by that?

CITY MANAGER GRANATA: Let me answer this way. The FBI will be concluding their investigation. For example, their exhibits, well, we think so, yes, they have done some that we could refer to. For example, their Exhibits D-1 through D-12 which are attached to the packet submitted to you and we only got this yesterday. An answer I get from Mr. Rinehart that the employees' statements with regard to political funds, ten of the 12 employees are the same ones that were interviewed by the FBI. Of those interviewed by the FBI, approximately half of them admitted to being forced to contribute to a political fund. This submission is a contradiction of the information obtained previously by the FBI. This is all we want to check. And only for this reason, you can keep the program going, we will keep it going. If the FBI is correct, they are going to take the federal funds away from us. It amounts to about \$350,000 and it will have to come out of the general fund. That is the thing.

MR. HARTMAN: But wouldn't the charges, the FBI charges, be directed at specific individuals? What is.....

CITY MANAGER GRANATA: That I don't know. I don't know how long it will take, but can you answer that, John, I don't know.

MR. JOHN RINEHART: I would assume that their procedure would be if they found some evidence to substantiate going to a Grand Jury, they would notify the funding source. If it's DOL, they would go to DOL, if it's Revenue Sharing, go to the Office of Treasury and recommend that the funding source withdraw the funds. Then they would proceed the Grand Jury and go into court for charges against individuals.

MR. HARTMAN: But they would recommend withdrawal of the funds from the program.

MR. RINEHART: Yes, sir.

MR. HARTMAN: Because of individual.....

MR. RINEHART: The contract between the City and the federal government holds the City accountable for the funds. If the funds were used improperly, whether by one individual or the entire organization they are subject to being withdrawn by the federal government.

MAYOR COCKRELL: I think that we are....All right, Doctor Cisneros.

DR. CISNEROS: I want to conduct a dialogue if I can to Mr. Parker and to Mr. Rinehart. Mr. Parker, if the FBI is in and make some finding obviously they have channels and procedures that they will work through so that if we were to act on the substitute motion which would be to keep the program functioning, the opportunity to catch those people who had done wrong, certainly would not have passed the FBI if they were assessed the charges they would pick them up.....

CITY ATTORNEY PARKER: If there has been anything of a criminal nature, I am sure that the FBI when they complete their investigation, whenever they complete their investigation, will present them to a proper forum if there have been violations...if they think they have sufficient evidence.

DR. CISNEROS: Either they will deal with the individuals or they will deal with the whole program but it will be dealt with.

CITY ATTORNEY PARKER: Well, it will be dealt, the individuals is the only way that the program can act so it will be individual acts of the people involved in the program. Now they can't indict the corporation.

DR. CISNEROS: Okay, so we find ourselves in the position to me of making a decision on the life or continued life or not of the program based upon the possibilities that the FBI might come up with something. If we were to allow the program to continue, we would not admit as a City the opportunity to punish those people who have done wrong. They would be picked up.....

CITY ATTORNEY PARKER: The punishment of the people that have done wrong is going to be by the federal government or the state government if there has been a violation of law and the City will - if the federal government comes along and says there has been a violation of law and they pull our funds as a result of that, then they refuse is similar to the one the Model Cities program, where we ended up with about \$45,000 disallowance.

DR. CISNEROS: Do you see any problems then with the substitute motion which would be to in effect nullify the ordinance of two weeks ago whenever it was, where we set a termination date, nullify that, allow the program to continue indefinitely pending whatever action the FBI might take on?

CITY ATTORNEY PARKER: I see no objection to doing it that way. All it would do is what additional funds are spent during the interim, there is a chance that if the other is occurred and then we would lose that additional funds or whatever funds is given out during that period of time.

DR. CISNEROS: Say that again. If we spend money after the deadline, after the - whenever the 20 days or whatever it was, and they find people to be guilty or whatever.....

CITY ATTORNEY PARKER: Whatever additional funds we may have put into it from this period to that period, if they deny the funds.....

MAYOR COCKRELL: Mr. Hartman.

MR. HARTMAN: I just have difficulty following that, Jim, from the standpoint they would have to relate to these charges.

CITY ATTORNEY PARKER: Well, it would relate, if they relate the entire program, if that is what they cancelled out, the entire program is spent. I don't know what they cancelled out.

DR. NIELSEN: We are assuming something that we don't have no direct control over.

CITY ATTORNEY PARKER: There are a lot of assumptions on assumptions but the - I can't answer how long is a string.

MAYOR COCKRELL: In order to reach a resolution, I think everyone has had time to state their position before voting. Since I am going to vote against the substitute motion, I will simply state that I would like the additional time until Friday of next week for the staff to have the opportunity to evaluate the comments that have been made. Generally speaking, I support the philosophy of the program and since the Council has initiated action to suspend it, I think an additional week to have a further review of the answers to prove that they are, in fact, they do, in fact meet the charges that were required, will not set the program back since it can be concluded before the time has run out. For that reason, without prejudicing my final vote, I am going to vote against the substitute. Yes, Reverend Black.

REV. CLAUDE BLACK: Madam Mayor, I have great difficulty in hearing one Councilman mention the fact that he had information that other Councilmen don't have. I am acting on this matter on the evidence that have been presented to me. I cannot act upon inuendoes, references to hidden materials....secret materials. I must act upon the evidence that's before me. And, so my support of the substitute motion is based upon the evidence. Now, if there is additional evidence, then certainly that evidence will shape my decision. It would shape anybody's decision. But I can't act upon anything other than that which is put before me and it is substantiated.

MR. HARTMAN: One last question. I would like to address this to the City Manager. Are you with me, Sam? Your concern and basically the staff's position is the concern over the loss of funds.

CITY MANAGER GRANATA: That's correct, sir.

MR. HARTMAN: And I can see your concern but I think, but getting back to what Rev. Black just stated, we find ourselves in somewhat of quandry and as much as we have some charges that apparently don't relate to some other assumed charges, do you follow me? I mean, is that an accurate position of where we are? But I am wondering if an additional week were given to the staff, could we clarify - could we either just spell out these assumed charges or for once and for all dispense with it?

CITY MANAGER GRANATA: All we would need the week for is to try to answer the answers he gave, the thing he presented today. I don't know if they are assumed charges or not. If they are correct, fine. If they are not correct, we will tell you. That is what I understood in the original motion.

MR. ROHDE: That is what it was, yes.

MR. TENIENTE: Could you please send a copy to Mr. Sam Granata? You had one today, Sam.

CITY MANAGER GRANATA: Now just a minute. He sent me a letter that said I am in receipt of your November 17, 1975, this is dated November 20, which was received in my office this date. At this time, the U.O.C. Board of Directors are requesting that the United Organization Coalition Incorporated be placed on the agenda for the next City Council meeting to be held on Wednesday, November 26, which is today. All other information answering the allegations in your letter will be forwarded under separate cover, I think I got that late yesterday afternoon.

MAYOR COCKRELL: All right. If there is no further discussion, we would like to proceed.

MR. FREIRE: Madam Mayor, may I answer one question of the allegations made. He said that we are being terminated. That's the second time he has said it, December 31. I was in touch with Washington, it was made out of the Department of Commerce yesterday, late yesterday afternoon, if you want to, you can call them. And they stated in here, they have no knowledge of terminating our funds until the 29th of February, which will only be for refunding purposes only at that time and that is the way the contract read when we got it. The last time he stated that we didn't have a contract. We did have a contract that is what we are operating on right now from the Department of Commerce. Now this is an original thing, I don't know nothing about. Mr. Pyndus has got more information that I got. I don't know.

MAYOR COCKRELL: All right.

MR. PYNDUS: I would like to clarify that statement if I may.

MAYOR COCKRELL: And this is the last statement, we have got so much else to do.

MR. PYNDUS: In trying to get a report from the field representative of OMBI, Mr. Jesse Rios, he was in Dallas, and I called trying to get in touch with him so that I might present his report to this Council. I was told by Mr. Torres in the Dallas office that the request for termination of your funds effective December 31 had gone before procurement because procurement are the only people that can terminate your funds.

MR. FREIRE: You have to go to Washington, sir.

MR. PYNDUS: And he stated that it was in their hands and he could not guarantee an answer to me, but that he had understood that this was the case. I think you should know that. I would like to address myself to the motion of continuing the plan on a 90 day probation. I think that if we work within the time frame of next week's Council meeting that we will have sufficient time and I will see if I can get the answers to these questions that you asked. Now I don't have the answers. I have been told by the FBI that they have proof and I am not asking you to make a decision without information and this is the reason I am asking you not to pass this motion because you don't have sufficient information at this point. And I would say next week we would have sufficient evidence or we would have a lack of it to make a decision.

MAYOR COCKRELL: All right, Mr. Hartman.

MR. HARTMAN: Madam Mayor, I hate to keep dragging this on but we keep getting back to this point. Well, I guess the difficulty I have, where is the stopping point? I want to see, are you saying in effect that with your motion that next Friday, you would see this as being the final decision point. You are saying, in effect, is that the intent of your motion? Because I can't, any indication here, if there will be any additional, anything else from the staff except what has already been said.

MR. PYNDUS: There has been additional information gathered and this can be presented.

MR. HARTMAN: Well, will that be available before next Friday?

MR. PYNDUS: I hope to get it.

MAYOR COCKRELL: All right.

MR. ROHDE: Mayor, could we postpone any action?

MAYOR COCKRELL: We have a motion to substitute pending, so let's move ahead and the Clerk will call the roll on the motion to substitute. The motion, if I may restate it, would be that the Council would remove the suspension that is placed on the funds and would reinitiate the funding and would place the organization on a 90 day probationary period during which the status would be monitored, is that correct? I think that was the motion. And if you vote for the substitute motion, that is what you are voting for. The Clerk will call the roll.

MR. HARTMAN: Excuse me, Madam Mayor, but will you restate that substitute motion?

MAYOR COCKRELL: My understanding was that the substitute motion would be to remove the suspension from the funding and to, in other words, reinstate the program fully, to place it on a 90 day probationary period in which time the staff would continue perhaps a little more intensive monitoring and.....

MR. TENIENTE: At which time, if no new evidence is found the program should continue on a regular basis.

MR. HARTMAN: But after the end of the 90-day period, it would have to be in other words, are we looking to say a positive yes or no with regard to.....

(SEVERAL PEOPLE TALKING)

MAYOR COCKRELL: All right. The Clerk will call the roll on the substitute motion.

ROLL CALL VOTE: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus, Cockrell.

MAYOR COCKRELL: All right. We have voted to substitute a motion for the original motion and now by voice vote we can move for adoption of the original motion as substituted on.

On roll call, the substitute motion as restated by Mayor Cockrell was passed and approved by the following vote: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus, Cockrell.

MR. FREIRE: Thank you very much, Madam Mayor. I would like to say one more thing. This morning I heard Mr. Rohde get very heated over the rubber stamping deal. I would like for the staff to pay a little more close attention and to bring this stuff up to our board so that we can work it out together before it gets way up here. We want to work with the staff. We don't want to be penalized by the staff. I think that is one of our main problems that they are mad at us because the Council gave us the program.

MAYOR COCKRELL: Let me just say this on behalf of our staff. I think we have a very fine City staff and I have great confidence in them. I just will certainly hope that if there had been any problems experienced on either side they can be worked out and move forward.

MR. FREIRE: Yes, Mayor, I just also want to say that we are citizens of San Antonio also.

MAYOR COCKRELL: Certainly, of course, fine.

Councilman Cisneros introduced his father, Colonel George Cisneros, who was in the audience.

There being no further business to come before the Council, the meeting adjourned at 3:40 P. M.

A P P R O V E D

Lila Cockrell

M A Y O R

ATTEST:

G. V. Jackson Jr.
C i t y C l e r k

