

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JULY 29, 1976.

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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, NIELSEN, COCKRELL; Absent: TENIENTE.

76-35 The invocation was given by The Reverend Christian Kehl, Chaplain, Bexar County Jail.

76-35 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

76-35 The minutes of the meetings of July 15 and July 22, 1976 were approved.

76-35 The Clerk read the following Ordinance:

AN ORDINANCE 46,949

APPROVING AND SETTING THE ADJUSTMENTS TO CHARGES FOR ELECTRIC AND GAS SERVICE PURSUANT TO ORDINANCE 43862, AS AMENDED, FOR THE AUGUST, 1976 BILLING CYCLE AND DECLARING AN EMERGENCY.

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The following discussion took place:

MAYOR LILA COCKRELL: All right. We have three citizens registered on this item. I recognize Reverend Clifton Byrd.

REV. CLIFTON BYRD: Madam Mayor Cockrell, Council members, listening to the invocation by the Reverend, I think he really gives me the introduction to our request to the City Council. His prayer was that the City Council would not make peace with oppressors. That the City Council would not make peace with oppressors. In view of that plea, we again ask that this Council would not approve of payment to Lo-Vaca which, according to Attorney Wood, in round figures amounting to approximately \$12 million for one month. Secondly, that there would be no increase in the rate of our utilities whether it is 6.6 or whether it is 1.1. Thirdly, that there would be no out-of-court settlement. That the City Council would direct the Legal Department to push forward for court action. Ladies and gentlemen of this Council, again we ask do not make peace with the oppressors. If you make the payment to Lo-Vaca, you are making peace with the oppressors instead of making war. We will be making war against the oppressors.

MAYOR COCKRELL: Thank you. All right. The next speaker, the Reverend John Hall.

REV. JOHN HALL: Mayor and members of Council, I am Reverend John Hall. Of course, we are urging again that you will not make payment to Lo-Vaca as was stated by the previous speaker. We certainly hope that you will take this into consideration. While we don't want to appear pessimistic, yet we are realistic for we feel that you are going to vote the same way that you have voted in the past. And in light of this, we would accelerate our demonstration as to our discontent. I hold in my hand pennies, just a small amount. Today, the pennies will reign, not rain but reign.

MAYOR COCKRELL: Thank you. Mr. Jesse Scott.

MR. JESSE SCOTT: Honorable Mayor Lila Cockrell, members of the Council, in support of what has been said by Reverend Byrd and Reverend Hall, I am here to ask that there be no increase in the payment to Lo-Vaca be it that it is 6.6 or 1.1. There has been so much talk about Lo-Vaca and Coastal States becoming bankrupt because of not being able to get these different increases and what have you and I had thought that we would not overlook the fact that many homes and small businesses might have become bankrupt because of the action that has been taken by these organizations. I am very concerned that no more homes or small businesses be added to what has been done already because of the action that has been taken by Lo-Vaca and Coastal States and we ask that this will not be the case in the future for we will be demonstrating with our pennies and, as Reverend Hall has shown you here, we have a sample of what is yet to come.

MAYOR COCKRELL: Thank you, sir. All right, we now have Mr. Don Thomas making the report for the City Public Service on Item VI. Go right ahead Mr. Thomas.

MR. DON THOMAS: Good morning, Madam Mayor and Council Members. I would just like to point out very briefly some of the key facts which we have been reporting monthly to you. The cost of gas this month is going to be \$1.86, last month it was a \$1.84. That's, of course, a very slight change from last month. On page 2 of the hand-out, it looks like the bill for August will be about \$53.35. For the month of July it ran about \$50. We are at the peak part of the year and we don't expect the usage to go up any from this level. In other words, August is the high month and we should see in September and in the fall months, it starts dropping again.

I did want to point out one thing that if I might just take just a minute, it's on this table here, it includes the fuel adjustment factors for the last 12 months. Maybe if you could find that table and follow with me just a moment. It says page 1, but it's about the third page in the hand-out. The column three over there where it says Electric Adjustment Per Kilowatt Hour, if you will look at what that has been running for the last six months, this month it will be .01935, do you see that number? And then last month .01948, previous month .01864 and .01931. About the only thing that I can mention about this that you will notice it's only almost flat for the last six months. This is, to me, a form of good news in that it's not going up and it's stabilizing a little bit. We are hopeful that it will not increase like it did in the past. Now, that is a slight ray of hope perhaps. I don't know whether you would consider it so, but it seems that it is not going up, that's good news and that's about the only thing that I wanted to mention to you unless you have some questions.

MAYOR COCKRELL: Are there any questions?

MR. PHIL PYNDUS: I would move for adoption, Mayor Cockrell, and I would like to make a statement.

MR. BILLA: I second the motion.

MAYOR COCKRELL: All right. We have a motion and a second for adoption. I would like to ask all members of the Council to come to the Chamber. Dr. Nielsen. All right, Mr. Pyndus.

MR. PYNDUS: Mayor, with reference to the comments made by the citizens this morning purported to represent the small businessman's view. I would like to comment in respect to that. I am a small businessman myself. I do not see any wisdom nor do I see any support of what this Council is trying to do with the gas bill. I think those people who speak up and who handicap government services with extracurricular as bringing pounds of coins to some clerk or some employee in governmental services is an obstructionist and, as such, they penalize people who are not responsible for the situation we find ourselves in. I invite all of you who raise your voice to where were you when we had a public hearing? And you could see the dilemma that this Council is in with reference to settling this gas contract in court or going to court. You have seen our Mayor offer to these same people who appeared on this podium before us this morning - "you come to me and I will explain the situation, I will give you as much information as I can" because their approach to

this situation is not wise. I certainly do not agree with it. This is the reason we must keep the gas supply coming in to this town at this time and we have no other recourse other than to approve the cost that we have to pay just like you have to pay the cost of groceries at the store. You cannot protest it.

MAYOR COCKRELL: All right, Reverend Black.

REV. CLAUDE BLACK: I would like to express a position that is a little different from that of Councilman Pyndus because I think that it ought to be expressed from this Chamber. I think I recognize the dilemma that this Council faces. I am informed on the problems that are associated with it. But I also recognize that the local government is the first level of protest. I do not see the problem really being solved at the local level. But it is the first line of protest. This is where the citizens can make their protest. This is where they can begin to make themselves known. Now, we cannot take away from them, even though we are faced with a terrific paradox, we cannot take away from them the right to raise their voices in protest to what's going on. In a national way, possibly through the kind of concern that they are lifting their people within the community and maybe there will be generated enough public concern that somehow this measure will be resolved and it will be resolved at the national level. I certainly recognize that we are caught up in that kind of trap, as I have stated. My vote has been a protest vote. Some way of saying to those around that the nation is going to have a deal with this. We're not just talking about a luxury. We're talking about something that eats at the very heart of the daily lives of people and the Council has to just absolve that protest and try to project its own ideas and attitudes to other levels of government. This is where I see it.

MAYOR COCKRELL: Dr. Cisneros.

DR. HENRY CISNEROS: I find a certain inconsistency in Reverend Black's position. Two days ago he was telling this Council that we ought to settle with Oscar Wyatt. I don't think this Council ought to settle any lawsuit at this point with Oscar Wyatt and his band of thieves. It's my opinion that we ought to take the thing in to court and if we're going to take the company to bankruptcy then we're going to do it under the mandate of a court. I think there's a way to proceed. I'm not afraid of the bankruptcy of Lo-Vaca or Gas Producing or Coastal or Oscar Wyatt for that matter. I think we're going to be protected if we do that. But I think the way to do that is to pursue this matter in a court of law below the jurisdiction of the Security Exchange Commission and under the jurisdiction of a federal judge and if the Railroad Commission pushes to that or if the other customers push to that, or we get it because we pursue the lawsuit, then that is one kind of bankruptcy. But to pursue a bankruptcy because we don't make our payments, puts us in a position where we are inferior in the eyes of the law and so when Reverend Black on the one hand talks about settling with Oscar Wyatt as he was the other day but on the other hand takes the position that we ought not make the payment and send them bankrupt that way, I find a certain inconsistency. I'm against settling with Oscar Wyatt, Reverend Black, I have been all the time. I think our position is enhanced by going through the court. I think your position is inconsistent with what you said the other day.

MAYOR COCKRELL: All right, Reverend Black.

REV. BLACK: It seems to me that one of the consistencies that we got to have.....

DR. CISNEROS: The influence that Oscar Wyatt has had throughout this town is unbelievable and sickening and...

REV. BLACK: I can understand how Councilman Cisneros can get upset and I appreciate the fact that everyone has the right to that. But I also would like to make my statement for he has already been both the judge and trial and made the condemnation already. May I say that I think the task of this Council is to decide on that position, take

that position that serves the consumers best. We can get wrapped up in an idea of punishing Oscar Wyatt and lose sight on what is best for the consumers of this community. I've been in the process of examining that which offers the best possible results for the consumers of this community. And I will stay with that. Now, I'm not going to be blinded by any hostility toward one individual. There are thousands of Oscar Wyatts out there. You remove one and another one will step up. I've seen it over and over again. So, I'm not concerned about that. I'm concerned about one thing. I'm concerned about how do the citizens of this community get the best results. How do they accomplish the best results for them, in terms of the settlement. Now, if moving on the...going through the court would give them the best results, then that's what I'm for. But I don't see that. I don't see that as the best results for the citizens of this community. I'm not going to simply take a position because it's either popular or unpopular. I'm going to take the position that I have been elected to take and that is my own insight and my own understanding of what the issue is. And that's the way I'm going to vote.

MAYOR COCKRELL: Reverend Black, I understand your statement. I think that the only problem that we're having is with your position on apparently again saying that we should vote no on the payment that we feel legally obligated to make. I think we have separated the two issues of seeking our redress for the damages as Dr. Cisneros has pointed out. The other issue though is running the risk of having the gas supply totally cut off by simply failing to pay the charges for that gas.

REV. BLACK: Yes, I understand what you're saying. I think there is, both issues have some merit in terms of their relationship with the consumer and that is the way I am analyzing it.

MAYOR COCKRELL: Fine, yes, Mr. Pyndus.

MR. PYNDUS: Reverend Black, you mentioned that you were going to as a Council person do what was best for the consumers of this community.

REV. BLACK: This is what I am going to attempt to do as I see it.

MR. PYNDUS: It is my honest belief that to approve this motion that has been made this morning is in the best interest for the citizens and the consumers of this community and I so call the question.

MAYOR COCKRELL: All right. Clerk will call the roll.

MR. BILLA: Yes.

DR. CISNEROS: Yes. Oscar Wyatt is going to get his but it's going to be in a court of law.

REV. BLACK: I abstain.

MR. HARTMAN: Mr. Clergyman and Madam Mayor, I'd like to say first of all, whereas I have abstained as a matter of signaling my concern with the state of affairs, the mechanics we're dealing with here is something else. In fact, the Council has as a body recognized whether we proceed with payment or not in terms of the ultimate impact amounts to very little. I would like to state that I sympathize with Rev. Black's position on one hand with regard to the fact that local government is the immediate point of citizen protest and I think that's appropriate. Also, I concur with Dr. Cisneros' point that the only way to settle this matter is in the court of law and I think we should pursue that case with all vigor, and proceed it without any further thought of settlement at this time. I don't see anything in the settlement that is at all attractive and I would hope that the Council would pursue it very quickly. I will vote yes on the matter before us with the hope that the council will move very soon to get this matter into the courtroom.

MR. ROHDE: Yes.

MR. TENIENTE: Absent.

DR. NIELSEN: Absent.

MAYOR COCKRELL: Yes.

MR. PYNDUS: Yes.

CITY CLERK: The motion carries.

MAYOR COCKRELL: All right. The motion has carried and we then proceed to the next item.

76-35

SETTING PUBLIC HEARINGS FOR CITY
PUBLIC SERVICE BOARD RATE INCREASE

The Clerk read the following Ordinance:

AN ORDINANCE 46,950

SETTING PUBLIC HEARINGS FOR 11:00 A. M.
AND 7:00 P. M., AUGUST 5, 1976, IN THE
CITY COUNCIL CHAMBERS AT CITY HALL, FOR
THE PURPOSE OF CONSIDERING CITY PUBLIC
SERVICE BOARD RATE CHARGES; AND AUTHORI-
ZING AND DIRECTING THE CITY CLERK TO
PUBLISH NOTICE OF SUCH HEARINGS.

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The following discussion took place:

MAYOR COCKRELL: I might say to the City Council that, as you all know, we have had a request pending for some weeks now from the City Public Service Board relative to proposed rate changes. The City appointed a consultant and asked for a review and a final report on the proposed rate changes. At the last meeting of the City Public Service Board, there was an important agenda item relative to consideration of certain policies of the City Public Service Board in its extension policies. A large number of citizens were present who presented their positions on the whole matter of extension policies. I did make a commitment to those citizens that I would make every effort to have the Council review those extension policies prior to its final decision and vote on the matter of the rate increase.

I still feel it would be wise to go ahead with the public hearing, but I have been in touch with Mr. Hartman who has headed the City Council committee that has reviewed first the Water Board policies. That committee is prepared to make a very rapid review of the City Public Service Board extension policies. I would like to ask Mr. Hartman what he might see as a timeframe in which his committee would be able to make that kind of a review.

MR. GLEN HARTMAN: Thank you, Mayor, in fact members of the committee, those that were in town, have discussed the matter, reviewed it to some extent with the management at City Public Service Board on two occasions, not only - we discussed to some extent the extension policy, we have also discussed the rate structure as it is being developed by the Public Service Board. We do have the next meeting scheduled - I forget whether it is tomorrow or Monday - we have another meeting scheduled Monday at which time we will pursue this further. Mr. Pyndus, you were out of town. We are happy to have you back as a member of the committee. So we will have our next meeting with the CPSB management on Monday to discuss the rate structure and extension policies in a comparable manner to what we do with the City Water Board. As to a timetable, we realize we are talking here in terms of a very short time fuse but we had projected completion of our discussions and review hopefully during this next week in order to meet the time frame that we are talking about here.

MAYOR COCKRELL: Let me ask. You have not had the opportunity to meet with the citizen group and get their comment on it?

MR. HARTMAN: We have not. In fact.....

MAYOR COCKRELL: Let me ask Mr. Spruce. You can see what we are trying to do here to get a report from the committee prior to the final

action by the Council on the proposed rate increase, and I'm just looking at the timetable whether it would be, would there be a problem to delay one week on the hearing or would it be better to have the hearing and then have the report the next week?

MR. HARTMAN: Madam Mayor.

MAYOR COCKRELL: Yes, Mr. Hartman.

MR. HARTMAN: If I could interject before Mr. Spruce responds to that, we discussed the aspect of timing, and we recognize the fact that, or it was the conclusion that whether, the public hearing could proceed at pace. In fact, it would be better, perhaps, in one sense to have this official input before the committee concludes its deliberations.

MAYOR COCKRELL: And then have the vote possibly for the next week if everything was completed by then.

MR. HARTMAN: Yes, then we could get back together again and come up with the recommendations to the Council.

MAYOR COCKRELL: I see. Mr. Spruce, would you like to make any comment on our timetable. The main thing here is the timetable in trying to have the review completed of the extension policies prior to the final vote on the rate increase.

MR. JACK SPRUCE: Yes, Madam Mayor, thank you; Madam Mayor and members of the City Council, we appreciate very much the Council's understanding of the problem and we appreciate the cooperation we have received from the various members of the Council who are very busy but have had - several members of the Council have been able to give us a good deal of time.

The extension policy is one item and the rate increase is another item. However, we would hope that you could consider them together because they do support one another. The extension policy has revised, or has been revised, is a proposal that shows the revision is meant to support the rate request that is being asked also. If either one of those is altered very far from the recommendation, well, it would have some impact on the other. But I think, as Councilman Hartman has suggested, it would be well for us to go ahead and schedule the public hearing. We would like to have that. We're prepared to meet with any of you at any time, whether it would be tomorrow, Monday, was the time we had agreed upon, but if tomorrow would be convenient for everyone, we would be available for that too. We would request that it could be held next week and, of course, there's no particular time frame that ties the supporting vote later on to that hearing. It could be anytime thereafter.

MAYOR COCKRELL: All right, Mr. Hartman.

MR. HARTMAN: I believe we are talking though in terms of August 19 as a time period during which action would have to be taken in view of the fact that to preclude us running into the September billing period at which time the Utilities Commission.....

MR. SPRUCE: That is absolutely correct, yes, sir.

MR. HARTMAN: So, actually, we're talking in terms of having, hopefully, a Council vote not later than the 19th, unless it be a case of, in other words, if there were six votes, it could still go with the 26th. But, the point is that if it were on a five vote margin, it would have to be the 19th.

MR. SPRUCE: It would take 10 days, yes.

MAYOR COCKRELL: All right, fine. With that background then, may we hear from the citizens. Excuse me, Mr. Pyndus, would you like to comment first.

MR. PYNDUS: Yes, Madam, thank you. Mr. Spruce, we've had in the past some attempts at publicizing conservation of your electric utility bill, and I think you have a budget that provides for some public relations work or some publicity. I'm wondering if we can embark on a campaign as we have on the planning process when the citizens were meeting in the different areas of the City, I would like to see a concentrated effort as to the effects of our different electrical utilities have on our bills. So that we could give some guidance with reference to reducing the bill. Evidently the cost is going to continue upward, and I think we should think conservation very, very seriously and do something about it publicly.

MR. SPRUCE: Thank you, sir. We have prepared some information which we will get to the Council showing what we are doing in that area. We're doing quite a bit of work with citizen groups in the community on conservation. We have a lot of information about cost of appliances and will be glad to pursue that for you.

MR. PYNDUS: It should be dramatic.

MAYOR COCKRELL: Fine, thank you. I would like now to call on Mr. Raymond Castillo.

MR. RAYMOND CASTILLO: Thank you, Mayor Cockrell and the Council members. It is COPS' intentions to show that the CPS is subsidizing the developers through their main extension line policies. This subsidy is going to such rip-off artists like Cliff Morton, John Schaefer, Ray Ellison, Jim Uptmore.

MAYOR COCKRELL: Mr. Castillo, we would appreciate it if you would not.....

MR. CASTILLO: I would like to make my statement, Madam Mayor Cockrell.

MAYOR COCKRELL: Mr. Castillo, if you just use the term developers, if that is your position, but not enumerate individual persons...and label them in such a way. I'm sorry.

MR. CASTILLO: Mayor Cockrell, there are a lot of people here who do not know the developers by their names, and I would like to educate the public as to.....

MAYOR COCKRELL: Mr. Castillo, I do have to, on the point of the Council say though, it is not our policy to permit individuals to be singled out with derogatory comments. So, if you will just please proceed on that basis.

MR. CASTILLO: Fine, thank you Mayor. The City Public Service is not a bank for rich developers. The City Public Service is not the master planning agent for the City. If these policies continue, then the City Master Plan process is a farce. It is a disgusting practice to have the developers actually taking welfare from the rate payers of San Antonio. COPS is going to expose this sweetheart deal between the developers and City Public Service. COPS members, now, Mayor Cockrell, will be making a detailed presentation to the Council members so they know exactly what has taken place, and I would like to call on Mrs. Cathy Lipchak to start off the presentation.

MAYOR COCKRELL: Mrs. Cathy Lipchak.

MRS. CATHY LIPCHAK: Honorable Mayor, members of the City Council, I would like to take a little time to go through briefly what the existing electrical supply line extension policy is and then a little bit into what some of the proposed changes have been and why we do not accept these changes as being sufficient. I think I can do it more effectively if I for a minute pretend that I am the developer. I would like to call this main line extension policy, the rip-off Sam and Susie citizen policy because as I see it, that's what is happening. We're being ripped off by this policy. I'm going to take the position of the developer. Now, I want to build a subdivision, and I'm going to build it out in beautiful far North San Antonio. We'd all like to be able to live out there. So, I think this is where I am going to get my customers.

MR. BILLA: I don't want to live out there.

MRS. CATHY LIPCHAK: Well, a lot of us would. Okay, my first problem that I am going to consider is I cannot do anything until I have electrical supply. This is going to cost quite a bit because wiring from the City all the way up to my subdivision and I've picked a site twenty miles from San Antonio. So, I'm going to City Public Service and ask them what will you do to help me? Well, I find City Public Service very generous in their help. First of all they say to me, you don't have to worry about paying from the City all the way out to your subdivision. You only have to pay wiring from the nearest point of service to your subdivision. Now, if I'm lucky there's going to be a nice little farmhouse two miles from my subdivision. I have to pay for the wiring from that point of service to my subdivision at a rate of 35 cents per linear foot. This policy was set in 1968. So, for at least eight years we have been ripped off at paying 35 cents per linear foot. I hardly can believe that electrical wiring is the only thing that inflation has not affected. It must be at least three to four times more that price.

All right, now, I've mentioned from the nearest point of interest which might be a farmhouse, a gas station, small grocery store. It's not likely that that point of interest will be able to generate enough power to supply say one hundred homes in my subdivision. Therefore, I have to find a substation. Second worry for the developer, right? How much is it going to cost me for a substation? Back to City Public Service. What will you do for me? We will build you a substation if you need it at a cost of \$300,000. All right, now I have my even if the substation is already there I have to have wiring from the substation to my subdivision. All right, City Public Service is going to give me that free because I am paying only from point of service to the subdivision. If I have to have a substation, that also is free. All right, now I have wiring to my subdivision. I need to have something else. I have to have transformers at a rate of one transformer for every three houses. All right, that's going to run me to 33 transformers for my one hundred homes, at a cost of \$300 per transformer. So, now I'm thinking about putting out \$9,900 approximately, back to City Public Service, what will you do for me? We'll give them to you free. So, now I'm set up. I have electrical supplies to my houses.

Okay, the City Public Service is going to do one more generous thing for me. They are going to say, we want to encourage you, we need more customers, you know, more people to use up the dwindling supply of fuel. So, we're going to give you back \$75 for every house that you hook up. All right, now suppose that way back here in first step when I put up a deposit for the wiring from the nearest point of service to my housing development, I needed ten thousand feet of wiring, 35 cents per linear foot

MAYOR COCKRELL: Excuse me for just a second. Would one of the other speakers relinquish time to permit fine, good. Go ahead.

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MRS. CATHY LIPCHAK: Thank you Mayor. I put up this deposit of \$3,500 and City Public Service does not want me to be out that money so they say, all right, every time you hook up a house, we'll give you back \$75. By the time I hook up 47 houses, I have all my \$3,500 back so I'm off scott free.

Okay, what does that mean to Sam and Susie citizen, out there in the City, the rate payers. City Public Service isn't a charitable organization. They are going to get that money from somebody. They are getting it from the citizens. All right, if I am going to give my money to a charity, I want to name the charity and it is not going to be some rich developer.

Okay, the CPS says, all right C.O.P.S. we'll listen to you a little bit. You've got some points. So, we're going to change some of this. First, we're going to change the \$1.35 charge per linear foot to \$1.60. This is a little more realistic. We accept that. That's very good. But what about the wiring from the substation to the nearest point of service. They are unclear on what they are going to do about that. What about the cost of the \$300,000 substation if it is needed? City Public Service is still giving this away. Okay, what about the transformers? They are going to charge the developer a little bit under their new proposal but we're going to subsidize one-third of the cost of the transformer. All right, what about the refund? It's still going to help the developer. So, now instead of refunding \$75 per hook up, we're going to give you back \$112. Now, this is a bit of a problem for me as a developer. I'm going to have put up a little bit more money because \$1.60 at the beginning is going to cost me a deposit of \$16,000. So, I might run to the bank and beg for little more money. And it might be a little bit harder for me to get all my money back because you see my illustration. at \$1.60 per linear foot, I'm putting up a deposit of \$16,000. I'm getting a refund of \$112 per hook up, so in my hundred home development I hook up all one hundred homes, I get back \$11,200. So, I'm out \$4,800. What about Sam and Susie citizen? They're out \$11,200 which they have refunded to me. Now, this is not the end of the rip off. I just talked to you about the electrical portion. We have another speaker to talk to you about the rip off on your gas extension.

MAYOR COCKRELL: Thank you.

FATHER RUFUS WHITLEY: I'm Father Rufus Whitley and I'm listed there as one of the speakers. The gas policies are essentially the same as the electrical extension main line policy. One of the major differences was it was approved in 1966, giving two more years for inflation to take its toll. The present policy that CPSB is operating under that they are charging the developers \$1.25 per foot of pipe from the nearest point of service. Again, they are not charging them from that nearest point of service back to where they've got to hook into the larger gas supply if it's necessary. The second thing is the refund per house is \$125. So, essentially it takes one hundred houses to get your money back. The first point is the subsidy certainly exists because it must cost more than \$1.25 per foot of pipe ten years later to put in pipe by the time you count buying the pipe, excavating, etc. and there's no allowance in the present policy for the type of earth surface that you have to go through. Certainly going through hard rock is going to be a little different, than going through the sand in other parts of the City, or from West Texas where I come from.

If you look at the new policy or the one they have proposed, they've made some changes. The first thing they've done, they have lowered by ten cents the amount per foot the amount they want to charge the developer for normal pipe laying from the nearest point of service. They've knocked down the refund from \$125 to \$115 per house, so we still take a hundred houses to pay back the developers.

But the essential question is why the refund policy at all. The cost of development should be borne by the people who are doing the development. It's not clear in the new policy whether they are going to charge from the nearest point of service or charge exactly what it costs them all the way back or whether they are going to charge them for the pressure stations. Now, they have added some additional charges to the proposed policy that they have presented to you all. They have taken cognizance of hard rock and they are going to charge \$4.25 for that, but later on in the policy they say they are going to charge \$6.85, some type of difference, it doesn't seem too clear and I will just make a bet that that \$4.25 is not the cost of drilling through hard rock. They have also added other charges like any time you want your meter tested to see if it's not functioning correctly, you're going to pay a fee. Anytime you bounce a check with the City Public Service, you are going to pay a fee now. I would suggest that getting meters checked should be a right and not something that you have to pay for. They sort of get you one way or the other.

But I think that three points the committee has got to look out is to find out what they mean by nearest point of service. They should have to pay the full cost of the development, the full cost of extending that service. There should be no subsidy to the developers, no payback and the last thing is what we essentially been letting City Public Service Board do and the Water Board is determining the planning function of the City. Because by their refund policy, they are encouraging development outside the City limits or anywhere. They really are taking away from the City hearings on the master planning, a planning function and that's one of our major objections to the present City Public Service Board policy. We feel that the subcommittee that has been set up needs to look at all of this before next Thursday's public hearing, and we would appreciate a copy of any new proposals that might come up. It's interesting that they have managed to save a million dollars just by some of these changes we are wondering if they can save all the money in that rate hike by some other changes.

MAYOR COCKRELL: Thank you, Father Rufus.

MR. CASTILLO: Mayor Cockrell, City Council Members, you heard the detailed presentation by the C.O.P.S. members and one of the things we are really concerned with is that this refund policy that they have is not a revolving refund policy. It is one of the things that this, is what it is really doing is creating the growth of San Antonio to up to the extreme north part of town. I would like to ask our Executive Vice President Beatrice Gallego to summarize the actions.

MAYOR COCKRELL: All right, fine. Thank you. Mrs. Gallego.

MRS. BEATRICE GALLEGO: My name is Beatrice Gallego, Executive Vice President of the C.O.P.S. organization. Mayor Cockrell, members of the Council, we have just presented our demands and explanation on how the subsidy works through the CPS electric and gas extension line policies and our disagreements on welfare to the developers. C.O.P.S. says no rate increase, appoint a committee to review and change the policies with C.O.P.S. participation in it. No more subsidizing. And in the evening meeting we are requesting for an evening meeting on the public hearing meeting. Now this policy should reflect with the master plan. The overall goal of generation planning at CPS is dissatisfying the electric requirements with the service area. Minimize the cost which will ultimately be borne by consumers and maintain adequate levels of reliability and environmental protection, and CPS is not doing this. It's not meeting the goals. There is no incentive to developing inside the existing surface area infrastructure. The purpose of a utility is to supply the demands at a cost. At a cost which is equal of the cost of serving the area. A public utility should not be used to anticipate a possible or potential

market for homes. The utility policy should not be used to make an area attractive for potential development. We want a master plan that will revitalize and redevelop our inner City inside Loop 410. CPS is subsidizing the developers. We have said that repeatedly. CPS is encouraging growth to the north. CPS is giving away our money. Why not make the developers pay full cost. The subdivisions are going to be the death of our inner City. Desirable growth is what we are asking, desirable growth should occur only. Under this system now, CPS Board subsidized the developers through our regular monthly bills by extending the service line less than cost. We want these policies reviewed and changed. So, Mayor Cockrell and Council Members, C.O.P.S. wants no rate increase, we want a subcommittee which you have just agreed on with C.O.P.S. participation in it. So, is this agreeable on the participation of the C.O.P.S.?

MAYOR COCKRELL: Thank you. So far as I, I believe there was a consensus on the point that this was referred to the committee, and we have already asked the committee to be sure to set up a meeting with an opportunity for C.O.P.S. to participate.

MRS. GALLEGO: Now, the evening meeting, public hearing evening meeting.

MAYOR COCKRELL: Now, let me just say that there appears to be no problem insofar as citizens attending in large numbers the morning meetings. I noticed what a full house we have this morning, and I, of course, congratulate you on your ability and efforts in this respect. And I just feel that the persons who are here are certainly ample to give the Council a very strong point of view of citizens, and we are aware that

MRS. GALLEGO: A lot of our people do take off from work and a lot of our members want to be here at this public hearing, so we are requesting in behalf of the organization for an evening meeting, a public hearing evening meeting.

MAYOR COCKRELL: What is the pleasure of the Council?

MR. BOB BILLA: I don't think so, Mayor. If I might say this though. I mean I appreciate the weight of sheer numbers, but I believe that these people that are speaking are very capable to representing 10 or 10,000 people, and I would like to say this if I may. They keep referring to subsidizing developers but all they are doing is imposing costs on consumers, and they talk about subsidies and yet they want to institute a life rate which for people in the lower income, I am not opposed to this, but, may I just

MR. CASTILLO: We didn't ask for that, Mr. Billa.

MR. BILLA: May I just say a few words, I mean I listened to you, folks.

MAYOR COCKRELL: All right, let me ask the citizens. We try to accord courtesy to every speaker, and so we just appreciate the facts. We would like for the Councilman to speak without interruption. Mr. Billa.

MR. BILLA: Thank you, Mayor. And I think that what they're ultimately doing is just imposing this cost on the consumer. Now, I am sure that there are certain policies of CPS that need revision, and I am marveled, I really marvel at the expertise these people bring to us in planning, finance and management. Then, I wonder sometimes why they have to ask for these subsidies which I consider subsidies, the revenue sharing program, community development program, which are actually subsidies paid by people that are paying taxes, but yet they want the lion's share of these things.

MAYOR COCKRELL: All right, we have before us the consideration of an Ordinance and what is your pleasure, do we have a motion?

DR. HENRY CISNEROS: Madam Mayor, I would like to submit a motion that we

MR. PHIL PYNDUS: Is this on the public hearing for 10:00 A. M.?

MAYOR COCKRELL: Yes, Setting

DR. CISNEROS: Set the public hearing for 10:00 A. M. but also set one for that same day in the evening at 7:00 P. M.

MAYOR COCKRELL: All right, is there a second to that motion?

MR. GLEN HARTMAN: Madam Mayor, I would suggest that. I realize there is additional difficulty on the part of members of the Council by the same token I think there are people who were not here, perhaps represent different groups or even points of view that would also feel more convenient to come to an evening meeting. We have had good attendance in the evening meetings that we have had and I would second the motion with regard to an evening meeting. With regards to the participation by anyone who has any particular view on the matter of the rate, proposed rate increase, or extension policy as was the case in the review of the Water Board policy, anyone who wants to sit down with us or can identify a person to sit down with us as was the case of the City Water Board is certainly welcome to do so, and I would indicate that any other group that might have views along these lines contact us, and we will be happy to accommodate you.

MAYOR COCKRELL: All right, the motion is for one hearing to be at 10:00 A. M. and the other hearing to be at 7:00 P. M.? All right, yes, Mr. Billa.

MR. BILLA: I would like to speak against the motion if I may. I think that it's fine, you know, that we have all these public hearings if you have full time government, I think that if you want to address that, they ought to start talking about a Charter Revision. I don't want to get into that subject, but it's easy for those that don't have probably other employment or employments to say well we can have numerous public hearings. I think that one public hearing would be sufficient, and I think that the people here representing the C.O.P.S. organizations specifically, two of them could represent the thoughts or thinking of their whole organization. But if they just want to be here in sheer weight of numbers, why that's all right too, But

MAYOR COCKRELL: Just a minute. Now ladies and gentlemen, whether you agree with the speaker or you disagree, let us listen courteously, because I know we know how you feel about the subject, but let the speaker have the opportunity to speak without interruption. Mr. Billa.

MR. BILLA: And I am in sympathy with them wanting to have a public hearing, but I would think that one public hearing either in the morning or afternoon or night would be sufficient to resolve the question and give everyone an opportunity to speak. There is never any way that we could accommodate every citizen because I have gotten calls at 2 o'clock in the morning when 8 o'clock in the morning would have been just as well. But I took it.

MAYOR COCKRELL: All right, we have a motion and a second, is there further discussion? The Clerk will call the roll.

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

CITY CLERK JACKSON: The motion carried.

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MAYOR COCKRELL: All right, the motion has carried. We will then have a public hearing at 10:00 and one at 7:00. I do make this recommendation and that is that since it will be the same Council members listening at both times, that we try not to have just exactly the same speakers and materials in just two hearings. You might review and perhaps some of the points be made at one time and some of the points be made at another time, and with the opportunity for citizens to appear. Is there any further comment? Mrs. Gallego, would you like to make a....

BEATRICE GALLEGO: No, this evening meeting you are saying here in Chambers are, we are requesting evening meeting.

MAYOR COCKRELL: All right, if it is an official Council meeting, with any action to be taken, it has to be in Council Chambers, at City Hall.

BEATRICE GALLEGO: All right, thank you so much.

MAYOR COCKRELL: Yes, Mr. Castillo.

MR. CASTILLO: In behalf of the organization, we want to thank you for your support, Mr. Pyndus, Mr. Cisneros, Reverend Black, Glen - Mr. Hartman, Mr. Rohde, and I thank you very much.

MAYOR COCKRELL: Thank you.

[City Clerk's note: The original resolution called for the public hearing to begin at 10:00 A. M. Later in the council meeting this time was changed to 11:00 A. M. to avoid conflict with another hearing which had been scheduled for the same time.]

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76-35 The meeting recessed at 10:55 A. M. and reconvened at 11:05
A. M.

- - -
76-35 COMMENDATION FOR PLANNING COMMISSION

The Clerk read the following Resolution:

A RESOLUTION
NO. 76-35-57

COMMENDING THE PLANNING COMMISSION UPON
COMPLETION OF THE PUBLIC HEARINGS ON THE
MASTER PLAN AND URGING CONTINUED CITIZEN
PARTICIPATION IN THE MASTER PLANNING
PROCESS.

* * * *

Councilman Hartman commented on the six public hearings recently completed by the Planning Commission to obtain citizen input regarding development of a master plan for the City.

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

Mr. Hartman then presented the resolution to Mr. Bob Hunter, Acting Director of the Planning Department. Mrs. Margaret Lecznar, newly elected Chairman of the Planning Commission, was also present for the presentation.

Mrs. Lecznar expressed her appreciation for the work being done by the members of the Planning Commission and thanked the Council for its recognition.

Mr. Pyndus asked Mrs. Lecznar to provide the Council members with a summary of the citizen input received during its hearings.

Mr. Rohde asked that a citation be prepared for outgoing Planning Commission Chairman Ed Harrington.

76-35

ROBERT HUNTER

City Manager Sam Granata announced that Mr. Bob Hunter will assume the position of Planning Director on August 1, 1976.

76-35

The Clerk read the following Ordinance:

AN ORDINANCE 46,951

AUTHORIZING AND SUPPORTING THE FILING OF A PROPOSAL WITH THE URBAN MASS TRANSPORTATION ADMINISTRATION DEPARTMENT OF TRANSPORTATION FOR CONSIDERATION OF THE SELECTION OF THE CITY OF SAN ANTONIO, ACTING BY AND THROUGH THE TRANSIT BOARD OF TRUSTEES OF SAN ANTONIO, AS AN APPLICANT FOR A FEDERAL DEMONSTRATION GRANT FOR A DOWNTOWN AUTOMATED, DRIVERLESS PEOPLE-MOVER SYSTEM.

* * * *

Mr. Norman Hill, General Manager of the Transit System, said that this project had been previously explained to the Council in "B" session. There are about 35 cities in the U. S. interested in the project. The purpose of this ordinance is to indicate to UMTA continued interest in the matter. At the present time there is no financial commitment. Later, if UMTA decides that the proposal submitted by the Transit System is desirable, funds will have to be provided for a feasibility study.

Mr. Pyndus questioned whether this is a commitment that the City will provide financing and said that the terms of the ordinance are too vague.

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

76-35

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

AN ORDINANCE 46,952

AUTHORIZING ACCEPTANCE OF A 1.671 ACRE TRACT OF LAND FROM THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT AND AUTHORIZING THE CITY MANAGER TO EXECUTE TWO AGREEMENTS WITH SAID DISTRICT; ONE RELATING TO CONSTRUCTION OF A PUBLIC RECREATION FACILITY BY THE CITY ON THE AFORESAID PROPERTY; THE OTHER CONCERNING JOINT DISTRICT/CITY USE OF DISTRICT-OWNED PROPERTY ADJACENT TO STORM ELEMENTARY SCHOOL FOR PUBLIC PARK PURPOSES.

* * * *

76-35 The Clerk read the following Ordinance:

AN ORDINANCE 46,953

AMENDING THE CITY CODE SO AS TO PROHIBIT
SWIMMING IN THE SAN ANTONIO RIVER AND
PROVIDING FOR A FINE NOT EXCEEDING \$200.00
FOR VIOLATION HEREOF.

* * * *

Fire Chief Martinez stated that swimming in the San Antonio River causes hazards to health and life of swimmers especially near the Espada Dam. There have been nine fatalities in 2½ years. Fire-fighters are constantly risking their lives trying to rescue swimmers in the area. Chief Martinez asked for favorable consideration of the ordinance.

In response to a question by Mr. Billa, City Attorney Parker stated that crossing a low water crossing on a bicycle would not violate this ordinance.

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

76-35 The Clerk read the following Ordinance:

AN ORDINANCE 46,954

EXTENDING THE CURRENT CONTRACT WITH ED
YARDANG AND ASSOCIATES TO SERVE AS THE
ADVERTISING AGENCY FOR THE CITY'S CON-
VENTION AND VISITOR'S BUREAU FOR AN
ADDITIONAL ONE-YEAR PERIOD COMMENCING
ON AUGUST 1, 1976 AND TERMINATING JULY
31, 1977.

* * * *

Mr. Henry Nussbaum, Director of Convention and Visitors Bureau, explained the proposed ordinance. He explained that letters were sent out to every advertising agency in the City. Several briefings then took place with interested agencies to advise them exactly what the City desired in advertising. After presentations were made by all interested advertising agencies, the San Antonio Convention and Visitors Commission voted to recommend Yardang and Associates as the advertising agency for the next fiscal year.

Councilman Hartman commended Mr. Nussbaum on the equitable method for selection of the agency. He stated that he would like to see this method established as a precedent in selecting architects for City projects.

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

76-35

KUDOS TO CONVENTION AND VISITORS BUREAU

Mr. Henry Nussbaum, Director of Convention and Visitors Bureau, mentioned that the Convention and Visitors Bureau won first place in their visitor presentation and came in second in their advertising category last month at the International Association of Convention and Visitors Bureaus Convention held in Toronto, Canada.

76-35 The following Ordinance was read by the Clerk and explained by Mr. Henry Nussbaum, Director of Convention and Visitors Bureau, and after consideration, on motion of Dr. Nielsen, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Teniente.

AN ORDINANCE 46,955

AUTHORIZING AN INCREASE IN THE BUDGET OF THE CONVENTION & VISITORS BUREAU IN THE AMOUNT OF \$73,940.00 FOR THE CURRENT FISCAL YEAR ENDING JULY 31, 1976 FOR A TOTAL BUDGET COST APPROPRIATED OF \$1,078,735.00; THE INCREASE IS REQUIRED DUE TO INCREASED ACTIVITY IN THE DEPARTMENT HANDLING REQUESTS FOR INFORMATION ABOUT THE CITY AND INCREASED ACTIVITY IN THE INTERNATIONAL DIVISION.

* * * *

76-35 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, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Teniente.

AN ORDINANCE 46,956

AUTHORIZING PAYMENT OF \$3,200.64 TO THE SAN ANTONIO LIGHT FOR SERVICES RENDERED IN THE PREPARATION AND PRINTING OF A SUPPLEMENT TO ADVERTISE SIX PLANNING COMMISSION PUBLIC HEARINGS ON SAN ANTONIO'S MASTER PLAN DEVELOPMENT.

* * * *

AN ORDINANCE 46,957

ACCEPTING THE TERMS OF STATE MINUTE ORDER NO. 71446 OFFERING TO PARTICIPATE IN THE URBAN SYSTEM PROJECT FOR BROADWAY STREET AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENTS REQUIRED TO IMPLEMENT THE PROJECT.

* * * *

AN ORDINANCE 46,958

ACCEPTING THE TERMS OF STATE MINUTE ORDER NO. 71445 OFFERING TO PARTICIPATE IN THE URBAN SYSTEMS PROJECT FOR SOMERSET ROAD AND PALO ALTO ROAD AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENTS REQUIRED TO IMPLEMENT THE PROJECT.

* * * *

76-35

SOMERSET ROAD AND PALO ALTO ROAD

Dr. Nielsen stated that he wanted to publicly thank Mr. Granata, the City Manager, Mr. Mel Sueltenfuss, Director of Public Works; and different citizen organizations for their work and patience in connection with the Somerset and Palo Alto Road project.

76-35 The following Ordinance was read by the Clerk and explained by Mr. John Miller, Assistant Director of Traffic and Transportation, and after consideration, on motion of Dr. Nielsen, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Teniente.

AN ORDINANCE 46,959

ACCEPTING THE TERMS OF STATE MINUTE ORDER NO. 71444 OFFERING TO PARTICIPATE IN THE URBAN SYSTEMS PROJECT FOR PERRIN-BEITEL ROAD (R.M. 2252) AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENTS REQUIRED TO IMPLEMENT THE PROJECT.

* * * *

76-35

CLOSING OF CHIHUAHUA STREET

The Clerk read a proposed ordinance permitting the closing of a block of Trinity Street in connection with the Inner City Development Corporation annual festival.

Mr. John Miller, Assistant Director of Traffic and Transportation, explained that Trinity is an extremely busy street and the closing of this street even though on Sunday would cause a major disruption of traffic and after having discussed it with the Inner City Development Corporation, they agreed to use Chihuahua Street instead of Trinity. Mr. Miller expressed his appreciation for their cooperation.

Whereupon the Clerk read the following Ordinance:

AN ORDINANCE 46,960

PERMITTING THE CLOSURE OF CHIHUAHUA STREET BETWEEN TRINITY AND SABINAS ON AUGUST 8, 1976, IN CONNECTION WITH THE INNER CITY DEVELOPMENT CORPORATION ANNUAL FESTIVAL.

* * * *

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

76-35

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

AN ORDINANCE 46,961

PERMITTING THE L. C. MOSEL CO. TO CLOSE MITTMAN STREET BETWEEN NEVADA AND DAKOTA STREETS FOR A TOTAL OF FIVE DAYS, PRECISE DAYS TO BE DETERMINED BY THE DIRECTOR OF TRAFFIC AND TRANSPORTATION, TO INSTALL CHILLED WATER AND STEAM LINES.

* * * *

76-35 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 Dr. Cisneros, seconded by Dr. Nielsen, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Teniente.

AN ORDINANCE 46,962

MAKING AND MANIFESTING A CONTRACT WITH PARK T. BENNETT FOR PROFESSIONAL SERVICES AS A RIGHT-OF-WAY AGENT IN CONNECTION WITH VARIOUS CITY RIGHT-OF-WAY AND REAL ESTATE PROJECTS FOR A FEE OF \$1,100.00 PER MONTH, PLUS \$60.00 CAR ALLOWANCE.

* * * *

76-35 REVIEW OF UNIVERSITY HILLS UNITS 8A AND 6A SUBDIVISION PLATS WHICH ARE LOCATED OVER THE EDWARDS RECHARGE ZONE

Mayor Cockrell stated that the City Council had received a review of the University Hills. There were no questions and the plat was referred to the Planning Commission for their consideration.

76-35 The following Ordinance was read by the Clerk and after consideration, on motion of Dr. Nielsen, seconded by Mr. Billa, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Teniente.

AN ORDINANCE 46,963

SETTING THE SALARY FOR THE CITY CLERK.

* * * *

76-35 The Clerk read the following Ordinance:

AN ORDINANCE 46,964

SETTING THE SALARY FOR THE CITY MANAGER AND AMENDING THE CONTRACT OF EMPLOYMENT, SECTIONS 4, 5, AND 7, TO REFLECT CHANGES IN PAYMENT.

* * * *

In answer to Mr. Hartman's question, City Attorney James Paker said that this ordinance does not change anything in the original contract with Mr. Granata other than the three specific items set out in this ordinance.

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

76-35 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Billa, seconded by Dr. Nielsen, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Teniente.

AN ORDINANCE 46,965

SETTING THE SALARY FOR THE MUNICIPAL COURT JUDGES.

* * * *

76-35 The following Ordinances were read by the Clerk and explained by Mr. Carl White, Director of Finance, 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, Nielsen, Cockrell; NAYS: None; ABSENT: Teniente.

AN ORDINANCE 46,966

APPROPRIATING THE REMAINING FUND BALANCE OF THE AIRPORT CONSTRUCTION FUND AND AUTHORIZING TRANSFER THEREOF TO THE AIRPORT REVENUE BOND DEBT SERVICE FUND.

* * * *

AN ORDINANCE 46,967

TRANSFERRING THE UNEXPENDED BALANCE IN THE DEBT SERVICE FUND HELD FOR RETIREMENT OF PRINCIPAL AND INTEREST OF GENERAL IMPROVEMENTS BONDS - SERIES 1956 WHICH HAVE BEEN FULLY RETIRED TO THE DEBT SERVICE ACCOUNT FOR RETIREMENT OF PRINCIPAL AND INTEREST OF GENERAL IMPROVEMENTS BONDS - SERIES 1956-A.

* * * *

76-35 The following Ordinance was read by the Clerk and explained by Mr. Carl White, Finance Director, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Billa, was passed and approved by the following vote: AYES: Pyndus, Billa, Black, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Hartman, Teniente.

AN ORDINANCE 46,968

AUTHORIZING A TRANSFER IN THE DEBT SERVICE FUND OF \$40,000.00 FROM THE DEBT SERVICE ACCOUNT OF THE CITY OF SAN ANTONIO, TEXAS GENERAL OBLIGATION BONDS SERIES 1976 TO THE DEBT SERVICE ACCOUNT OF THE CITY OF SAN ANTONIO, TEXAS GENERAL OBLIGATION REFUNDING BONDS SERIES 1976.

* * * *

76-35 The following Ordinance was read by the Clerk and explained by Mr. Carl White, Finance Director, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Billa, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Teniente.

AN ORDINANCE 46,969

APPROPRIATING THE AMOUNT OF \$1,033.69 IN THE INTERNATIONAL AIRPORT REVENUE FUND FOR CONTRIBUTION TO THE INTERNATIONAL AIRPORT FIRE AND RESCUE VEHICLES GRANT PROJECT TO PROVIDE FOR ADDITIONAL EXPENSES IN THE PROJECT INCURRED IN EQUIPPING VEHICLES ACQUIRED WITH NEEDED ACCESSORIES.

* * * *

76-35 The meeting was recessed at 12:00 noon for lunch and reconvened at 1:35 P. M.

MR. JESSE RENTERIA

Mr. Jesse Renteria, Vice President of the San Antonio Firefighters Association, Local 624, took exception to a letter written by Mr. Clyde McCollough, Director of Personnel, and sent to each member of the Union offering to explain the City's offer individually to each firefighter.

Mr. Clyde McCollough, Director of Personnel, then read a copy of the letter which had been cleared by the City Attorney before being mailed out. (A copy of the letter is included with the papers of this meeting.)

City Attorney Jim Parker stated that in his opinion the sending of this letter did not constitute any violation of any contract provision, rule or regulation that would make it illegal.

Mr. Louis Peronis, Staff Representative for the International Firefighters Association, also spoke in opposition to the Director of Personnel's interference in the internal affairs of their union.

Mr. McCollough reviewed the wage increases firefighters have received since January, 1974 to the present. There has been a 24.2 percent increase in the City in relation to the State's 18.3 percent average. Mr. Collough then reviewed the City's average salary in relation to the five largest Cities in Texas.

MR. ROBERT THOMPSON

Mr. Robert Thompson, President of the Amalgamated Transit Union Local 694, also spoke in opposition to the letter sent out by the Director of Personnel. Mr. Thompson again requested an 8.8 percent increase for Transit workers instead of the 5.5 percent which was offered to them.

Mr. Clyde McCollough read the comparative salaries of San Antonio and State transit workers.

Mayor Cockrell stated that the City Council appreciates the services performed by all the City employees. The City Council is trying to be fair to City employees but also must be fair to citizen taxpayers.

MR. HENRY MUNOZ

Mr. Henry Munoz, Manager of the American Federation of State, County and Municipal Employees, Local 2399, assured the Council that there will not be a strike by garbage workers. They have rejected the 5.5 percent offered by the City, and are requesting a 10 percent increase. He then detailed the starting salaries of garbage collectors and drivers.

Mr. McCollough commented on the salaries of the refuse collectors, Laborers I and II.

MR. RAUL RODRIGUEZ

Mr. Raul Rodriguez again complained about the lack of proper accounting in the sale of vehicles at the car pound. He cited specific examples of automobiles sold and not on a list beforehand. He requested that the City Council make a thorough investigation of the Police Pound.

Mayor Cockrell asked the City Manager to investigate these specific cases.

MR. MARTIN SADA

Mr. Martin Sada spoke in opposition to the naming of the Convention Center after Congressman Henry B. Gonzalez. He said that a radio survey had been made and the majority of those calling in objected also. He claimed that it is against the law to name a public building after a living person.

City Attorney Parker stated that there is no such law.

Mr. Sada then showed the Council a large picture of Governor Preston Smith signing a bill abolishing the poll tax. He asked the City Council to frame this picture and have it hung in the Council Chambers.

Mayor Cockrell stated that it might be more appropriate to have the picture displayed at the Courthouse since the County was in charge of collecting the poll tax. Mayor Cockrell then asked Mr. Sada to speak to her Administrative Assistant and discuss the matter.

MR. JUSTIN V. ARECCHI

Mr. Justin Arecchi, 119 Adams, spoke of the historic preservation revolving loan fund. He said he has ten applications from residents of the King William area. He wants all neighborhoods directly around the Central City to be eligible for loans also.

Mayor Cockrell asked that the Staff review boundaries of the area that are eligible for loans and make recommendations to the City Council as to whether or not the present boundaries should be expanded beyond the present Central Business District to include a wider area around the inner City District.

MR. KARL WURZ

Mr. Karl Wurz read a prepared statement in opposition to the cost of living pay increase based on an across the board percentage given to City employees. (A copy of which is included with the papers of this meeting.)

MR. E. L. RICHEY

Mr. E. L. Richey spoke against the expansion of the HemisFair arena with no provision for additional parking. He said that the Majestic Theatre should be subsidized by the City and re-opened.

MR. GAYLORD STEVENS

Mr. Gaylord Stevens said that the Riverwalk Commission had cancelled a lease he had held several weeks ago. He has applied to the Commission for a new lease at another location and it has been denied. He appealed to the City Council to overrule the decision of the Commission and permit him to do business on the Riverwalk. Mr. Stevens said that a study is to be made concerning the use of space under the river bridge.

Mayor Cockrell suggested that the Council be given a report on the status of the study and that it be expedited if possible.

MRS. EDNA DELGADO

Mrs. Edna Delgado said that her child had received an injection at the Health Department on May 11th after which he developed an infection and shock. She has made a claim against the City but the Legal Department had denied liability.

Mr. James Parker, City Attorney, said that he has discussed this matter with her and had explained to her that the City is not liable for payment of compensation to her. He has not made his own personal investigation.

Mayor Cockrell asked that the City Attorney review the facts and the status of her claim and that a report be made to the Council. Mrs. Delgado was asked to stay in touch with Mr. Parker.

76-35 The following Ordinances were read by the Clerk and explained by Mr. Carl White, Director of Finance, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Black, Hartman, Rohde, Cockrell; NAYS: None; ABSENT: Billa, Cisneros, Teniente, Nielsen.

AN ORDINANCE 46,970

APPROPRIATING THE SUM OF \$257,455.35 IN THE DEVELOPER CUSTOMER SEWER CONNECTION FUND AND AUTHORIZING ALLOCATION OF SAID AMOUNT THEREIN TO PROVIDE FUNDS FOR EXPENDITURES SPENT BY THE CITY IN 1975-76 IN DEVELOPER CUSTOMER SEWER CONNECTION PROJECTS.

* * * *

AN ORDINANCE 46,971

APPROPRIATING THE REMAINING BALANCE OF THE SEWER REVENUE CONSTRUCTION FUND AND AUTHORIZING TRANSFER THEREOF TO THE SEWER REVENUE BOND FUND: ALSO AUTHORIZING TRANSFER OF ANY INCOMPLETED TRANSACTIONS REMAINING AS OF JULY 31, 1976.

* * * *

AN ORDINANCE 46,972

APPROPRIATING THE SUM OF \$6,785.65 FROM THE GENERAL FUND UNAPPROPRIATED SURPLUS AND AUTHORIZING TRANSFER THEREOF TO THE CITY-COUNTY TUBERCULOSIS FUND AND AUTHORIZING CLOSING OF THE LATTER FUND.

* * * *

AN ORDINANCE 46,973

APPROPRIATING THE SUM OF \$202.42 IN THE GENERAL FUND FOR TRANSFER TO THE MODEL CITIES 1ST & 2ND YEAR PROGRAMS FUND TO SATISFY AUDIT DISALLOWANCES CHARGED IN SAID FUND AND AUTHORIZING CLOSING SAID FUND.

* * * *

AN ORDINANCE 46,974

APPROPRIATING ADDITIONAL FUNDS FROM THE UNAPPROPRIATED FUND BALANCE IN CERTAIN FUNDS TO VARIOUS ACCOUNTS THEREIN AND AUTHORIZING PAYMENT THEREOF TO COVER INCREASED REQUIREMENTS DURING THE 1975-76 FISCAL YEAR.

* * * *

AN ORDINANCE 46,975

AUTHORIZING THE DISCONTINUANCE OF CERTAIN PUBLIC IMPROVEMENT PROJECTS AND AUTHORIZING THE REVERSION OF THE UNENCUMBERED APPROPRIATIONS THEREFOR TO THE GENERAL FUND SURPLUS; FURTHER AUTHORIZING THAT THE APPROPRIATIONS FOR CERTAIN OTHER PUBLIC IMPROVEMENT PROJECTS REMAIN IN FORCE UNTIL SAID PROJECTS ARE COMPLETED OR ABANDONED.

* * * *

AN ORDINANCE 46,976

AUTHORIZING THE REMAINING BALANCE IN GENERAL FUND BUDGETARY ACCOUNT NUMBER 85-01-01, TRANSIT SYSTEM SUBSIDY, TO BE CARRIED FORWARD INTO FISCAL YEAR 1976-77 TO PROVIDE FUNDS FOR THE CITY'S MATCHING SHARE REQUIRED FOR PURCHASE OF NEW BUSES AND OTHER CAPITAL IMPROVEMENTS OF THE TRANSIT SYSTEM.

* * * *

AN ORDINANCE 46,977

AUTHORIZING THE DIRECTOR OF FINANCE TO WRITE OFF CERTAIN ACCOUNT RECEIVABLES WHICH ARE PAST DUE AND DEEMED UNCOLLECTIBLE.

* * * *

76-35 The following Ordinances were read by the Clerk and explained by Mr. Carl White, Director of Finance, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Cockrell; NAYS: None; ABSENT: Billa, Teniente, Nielsen.

AN ORDINANCE 46,978

APPROPRIATING \$63,350.29 OUT OF THE 1974 STORM DRAINAGE BOND FUND TO REIMBURSE THE GENERAL FUND FOR EXPENSES INCURRED IN THE SALE OF 1976 SERIES GENERAL OBLIGATION BONDS DATED JUNE 1, 1976.

* * * *

AN ORDINANCE 46,979

APPROPRIATING FUNDS OUT OF VARIOUS BOND FUNDS TO REIMBURSE THE GENERAL FUND FOR EXPENSES INCURRED BY THE RIGHT-OF-WAY DEPARTMENT, PARKS DEPARTMENT, AND ENGINEERING DIVISION IN CONNECTION WITH VARIOUS BOND PROJECTS DURING THE 1975-76 FISCAL YEAR.

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76-35

SPURS SEASON TICKETS

The Clerk read a proposed ordinance authorizing deductions from City employees' wages to be applied on the purchase of Spurs season tickets.

Councilman Hartman questioned the propriety of making this type of arrangement to serve a private enterprise.

Councilman Cisneros also questioned whether this would be proper.

Mr. Karl Wurz spoke in opposition to the ordinance and asked the Council to deny this request.

After consideration, Mr. Pyndus moved that the ordinance be disapproved. The motion was seconded by Dr. Cisneros and on the following roll call vote, the motion carried: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Cockrell; NAYS: Nielsen; ABSENT: Billa, Teniente.

The ordinance was disapproved.

76-35

The Clerk read the following Ordinance:

AN ORDINANCE 46,980

ACCEPTING THE PROPOSAL OF PEAT, MARWICK, MITCHELL, & CO. FOR PROFESSIONAL SERVICES IN PREPARING CAPITAL AND OPERATING PROGRAM BUDGETING PLANS FOR A CONSIDERATION NOT EXCEEDING \$48,800.00.

* * * *

Mr. Carl White, Director of Finance, explained that the proposed ordinance accepts the proposal of Peat, Marwick, Mitchell and Co., to aid the City implement a planning, programming, budgeting system which will have a five year time frame. This, in his opinion, will be a substantial improvement to the present policy making and management side of operating the City business. He asked for favorable consideration of the ordinance.

Mr. Terrell Blodgett of Peat, Marwick, Mitchell and Co., spoke on their proposal. They will assist the City staff in developing a capital and operating program/plan process with projections made over a five year period, assist the City in training and orientation efforts required for all City departments to adopt zero based budgeting procedures for the next budget preparation, assistance in reorganization of budget, monitoring, and evaluation staff to integrate federal grant administration into the regular operations, and the coordination of the above to form one cohesive management and financial process to be operated by the City. Federal funds that are received will be implemented in the program.

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

455

The Clerk read a proposed Resolution authorizing and directing the City Attorney to file suit against the Department of Justice under the Voting Rights Act.

The following discussion took place:

MAYOR COCKRELL: All right, you will remember that this was placed on the agenda last week at my request. I did pull it in order that the Council might have the opportunity, we did not have all the attorneys available and several Council Members, I think wanted a little bit more time to think it over and we do have the attorneys today and I know a number of the Council Members have questions about it. Mr. Reeder will you explain the implications of what the Resolution would be?

ASSISTANT CITY ATTORNEY CRAWFORD REEDER: Yes, madam. The Resolution would direct the City Attorney to file suit against the Justice Department under the Voting Rights Act because the Justice Department, I can't speak for the Council, has made what seems to me and I think to some of you would be an arbitrary ruling. I don't know how without going into technicalities of the law, I don't know how extensive a briefing you want. I had one that I wrote out by hand, and it would take about five minutes. Or I have one that I could talk without looking at my notes, and it will take 30 seconds.

MAYOR COCKRELL: Well, why don't you go ahead and give the five minute one because it may answer some of the questions that some of the Council Members have and so it might solve them also.

MR. REEDER: I wrote it out so I could understand it and so, therefore, I feel sure that you can understand it. Under the Voters' Rights Act and some of this may be, you may know, I am sure you may know, but I have to tie it together. Under the Voters' Rights Act which now affects Texas because of an amendment appended thereto in 1975, our 1972 annexation has been declared invalid by the Attorney General, the U. S. Attorney General. He has that power under the Voters' Rights Act. If the act provides, if the Attorney General of the United States thinks that the action that the City Council took had either the purpose or the effect of diluting the vote of ethnic minorities he shall disapprove the action whatever it may be. Now that could be anything from changing precinct lines to direct election of the Mayor which we voted on by way of the Charter Amendment a couple of years ago and which carried. We did a number of things that affect the voting rights of not only of that of minorities but of everybody else. We've had a number of annexations, we had a Charter amendment that ordered direct election of the Mayor under the Charter amendment to the direct election of the Mayor and some other things that don't readily come to my mind. The Attorney General approved everything we did. He said you didn't have a discriminatory effect on ethnic minorities, and you didn't have discriminatory purpose, so you are okay. The only thing we are challenging is your big 1972 annexation. That's the one where we took in about half of what we got now, or maybe that's an exaggeration but we took in one whole of a lot of territory at that time.

Without going into the purposes of that, we got a letter from the Attorney General just recently or rather Mr. Seagal Wheatley did, we have been using him for whatever because he knew Senator Tower quite well, Senator Tower, well you know, I started to say whatever cloud he had, but I don't guess that I am supposed to tell you. Well I was just going to say that Tower couldn't deliver Texas for President Ford, so I don't know what it did.

MAYOR COCKRELL: This is under the heading, "More than you really wanted to know".

MR. REEDER: We got a letter from the Attorney General, or rather Mr. Wheatley did, I think he thinks, with due apologies Mrs. Cockrell, that Mr. Wheatley might be the Mayor, I am not sure. But in any event he said that he is satisfied that our '72 annexation did not have the purpose of discriminating against ethnic minorities, he's assured that we are true blue and clean. But that we have got to prove to him that we did not harmfully dilute. He didn't say we did dilute the voting strength of ethnic minorities, he just said he is not sure we didn't and so, therefore, we have got to sue him if we want him to turn his ruling around or if we want to, we can go to districts and he'll withdraw his objections. Now, the only trouble with going to districts is that the Charter says, prescribes a contrary mode of election. It prescribes at large elections. We can't go to districts without a Charter election. He has said we can have a Charter election. He will let us do that. We are not even suppose to have any kind of election without his permission. But he said you can have a Charter election. The only trouble is we can't have this election until January. Meanwhile, back at the ranch, I feel like since we don't even know who the President is going to be, or anything else in January, I have a fair idea, I hate to admit it, but I guess I do, I mean we are liable to have this guy you know, for a long time. So, the thing is that I think we ought to file a lawsuit, this is my personal thought, by no means binding on anybody else. But I know these lawsuits take a long time. And I think we ought to file a lawsuit against the Attorney General to challenge his ruling that we diluted ethnic minority votes. He has just as much as invited us to do that, and when they throw down the gauntlet to me I'm inclined to pick it up if I feel like I am big enough, and I feel like you are are big enough and if I have got you behind me and the City Attorney and the City Manager and all of the other people of importance, well, I feel like that I, with the help of Mrs. Macon or Mr. Pfeil or somebody else can go up to Washington, and we can show the three Judge Court that we did not dilute the voting strength of ethnic minorities but, unfortunately, I'll have to add that probably it will take some time to do that. We are not going to do that in two or three months. We are talking about two or three years, Lady and Gentlemen. Now,

MAYOR COCKRELL: All right, now let's talk about that phase of it.

MR. REEDER: Now, all right, we have to go to Washington to file this suit. And believe it or not, I am not looking for a trip or a sojourn in Washington because in the first place I don't like Washington and in the second place, the football season is coming up and I want to be here anyhow. In fact I just as soon Mr. Parker would try this suit and handle it or Mrs. Macon and some other lawyer other than myself but I can be brave as long as I am not in it myself.

CITY MANAGER SAM GRANATA: He is trying to say he doesn't want to work.

MR. REEDER: Well, I don't like to work.

MAYOR COCKRELL: Okay, let's talk about first the District Court level in Washington.

MR. REEDER: We found in the District Court level in Washington, because that is what the act says and it's a three Judge Court and an appeal if we lose it's taken straight to the U. S. Supreme Court, we bypass the Circuit Court of Appeal. Now, I don't think we can get a hearing on that trial prior to January of this coming year when I understand you all plan to have a Charter election to go to districts. If you have the Charter election in January to go to districts and it carries, the Attorney General says okay, well I'll approve your annexation. So, then we can dismiss the suit. The reason I think we ought to file a suit though is because if the voters don't approve that Charter change in January, we have a whole four or five months jump on this long time period, and I feel that the Council, perhaps, would be in for some criticism if it sits on its hands waiting until January, waiting to have an election when the result is going to be if the election is lost, I mean the Charter election to go to districting if you lose, you are

going to be sitting here three years from now. I mean we can't have an election to elect new Council Members as long as the Justice Department takes this position. Now, we might be able to go up there and surprise me to get a District Court ruling in Washington, D. C. within six or eight months and win in the case and then let them appeal. Meanwhile then, we can have an election. So, in other words, I favor challenging the Justice Department's ruling and I favor doing it now. And also having the election in January so you can keep your faith with the voters who elected you to office and also so you can keep good faith with the voters who voted down this districting amendment to begin with two years, or almost two years ago. Now that's the essence of what I had to say.

MAYOR COCKRELL: All right, I would just like to say I concur with your recommendations. Mr. Pyndus.

MR. PHIL PYNDUS: I so move, and I would like to make this comment. I move to approve the Ordinance that we take the issue of annexation to Court. Now, Crawford, in the paper was the fact that we cannot hold a bond election...

MR. REEDER: That is my understanding, Phil, but go ahead

MR. PYNDUS: If this annexation issue is not settled.

MR. REEDER: Yes, sir.

MR. PYNDUS: Now, would you comment on that please?

MR. REEDER: Well, if my understanding of the ruling is, and I stand to be corrected by Mrs. Macon or Mrs. Cockrell who was there, we can't have that bond election that you all planned or any other kind of election except the Charter election to go to districting. They said we can have a Charter election. They will let us do that. But they won't let us do anything else. So, you all can't even have your elections for a re-election next April, you see, unless your Charter election is successful and you go to districts under the present status of the thing. It makes you look bad, well I am getting into your field, but it seems to me it would look back to not attempt to give the electorate its voice at the polls as to who is going to be on the City Council come next April and make every diligent effort that you can to do it.

MAYOR COCKRELL: Mr. Hartman.

MR. GLEN HARTMAN: Crawford, basically I read and fully receive five by five of everything you are saying. I have no real difficulty with what you are saying. My only concern is really with regard to timing. Let me lay it out this way. In other words, with regard to districting I'm for some form of districting, perhaps some discussion as to, you know, my particular districting plan versus someone else. I also think districting is inevitable. I think we see the precedent in the Court.

Number two I also read loud and clear the point that you make that actually the Attorney General has sort of teased us into going ahead and suing. That comes through fairly clear, and I think from everything you read. And I feel likewise that there is a need to clarify the applicability of the act with regard to the San Antonio situation, and I think that's basically what you were saying.

MR. REEDER: True.

MR. HARTMAN: Now, my only concern is, and while I would like to bring in a third factor that I believe I feel very strongly that the settlement or the establishment of districts should be through the electorate. In other words going to the electorate and asking the electorate to act on this.

Therefore, I am ruling out any kind of out of court settlement. So, from those three points, that's where I start from. My only difficulty I guess lies in this area. If we sue now, if we start the suit now and remember I said that I recognize that somewhere there ought to be a suit, but if we sue right now and we plan for an election in January, Charter amendment election, it would seem that there may be a prejudicial element there, with regard to telling the electorate, you know, we're suing the Justice Department all be it, it would depend upon the nature of the pleadings and so on as to what you were suing about. But, nevertheless, the communication is generally that this Council and this City are suing the Justice Department. And that is my difficulty that I have. Now, if we could communicate precisely to everybody to understand what the nature of our pleadings would be, this would be something. But to proceed with the suit, it seems like it casts an aura that would have to an extent prejudice the Charter election amendment. So, that's my difficulty, and that's the only difficulty I really have.

MR. REEDER: I see. You think that the filing of the lawsuit may influence some members of the electorate, merely by virtue of the fact that we filed the lawsuit.

MR. HARTMAN: That's right. In other words, that communicates to them hey we're suing them and they say, whoopee, and they're suing them and I want to vote against them. I think that would be prejudicial and it could be harmful as far as the election is concerned. Help me on that one.

MAYOR COCKRELL: May I

MR. REEDER: Glen I can't. That's a political question. I'm just a lawyer.

MAYOR COCKRELL: May I take a shot at it?

MR. REEDER: I don't think that's a legal question.

MR. HARTMAN: Do you say legally it would have no legal

MR. REEDER: It wouldn't have a legal effect. It may have a political effect. I don't think political is a dirty word like I told one of the Council Members just a few minutes ago. I just say that it's not a problem for lawyers. I don't ignore it. I know it's there.

MAYOR COCKRELL: Let me just share my feelings on this subject, Glen. I understand what you are saying and I think it's a valid point to raise. I would look at it this way. If we do not go ahead and file the suit now, and we go ahead with the election only, I think first of all it would obviously have the connotation that we accept all of the Justice Department's allegations as being correct. And that we accept the setting up of a district election as the only answer that, in effect, to the Justice Department and I just can't accept the Justice Department's allegations without protest.

MR. HARTMAN: Then again, that's why I recognize the need

MAYOR COCKRELL: That's why I feel the necessity of filing the suit, and the second I think is just in terms of obviously how the citizens of San Antonio feel about it. I just don't think they want us to take this kind of ruling by the Justice Department without standing up and fighting for all of our citizens.

MR. HARTMAN: While as I mentioned, I have no difficulty with the fact that there needs to be a clarification as to the applicability of this particular law in our case and I have no quarrel with that fact. Somewhere that needs to be settled I guess.

MAYOR COCKRELL: Yes, Dr. Cisneros.

DR. HENRY CISNEROS: Madam Mayor, I'd like to say I think what we have here is really, is a real issue of leadership, and it would be my feeling that the interest to the City would be well served by just laying out completely, frankly for all the citizens the like, the chances, the likelihood of the strategy that is to sue. It seems to me that the likelihood is an iffy proposition at best that we would succeed in the suit.

MAYOR COCKRELL: I disagree.

DR. CISNEROS: The precedent on national law for the last number of years and so forth has indicated that the trend is toward one man, one vote, and that the suit is just not going to be rather that we would lose in the final analysis. That would be my feeling.

MR. REEDER: Excuse me, you're talking about the districting suit.

DR. CISNEROS: No, no I'm talking about the suit against the Justice Department.

MR. REEDER: The Justice Department has nothing to do with one man, one vote.

DR. CISNEROS: But it's going to be looked upon, I know, I understand that. But it's going to be looked upon as that kind of an issue by the Court. Now, what I'm saying is that for as many citizens as there are in this town who were angered by the Justice Department's ruling, there is an equal number of citizens who feel that the Justice Department did the right thing. That's how divided a City like San Antonio is. For every person that we heard from vocally that said they were angered by the Justice Department's position, there were an equal number of folks who felt and perhaps were not as privy or as articulate but who felt that the Justice Department was acting in their interests. It seems to me that the best strategy is to just allow the citizens to make a choice. And the choice is between a locally developed plan, well packaged and a compromised plan that is going to make neither Charles Cottrell or Ralph Langley happy necessarily and not everything that they wished for, but is a local plan. We lead and suggest to the citizens that with all the pros and cons spelled out, that is one choice.

The other choice would be that we sue at that time. My feeling is that given that it was 37,000 against and 34,000 for without any statement from the leadership of this community that we could probably pass a districting system and moot the whole question. I hate to see this town for two or three years be divided on what is essentially an issue of splitting the town ethnically. With one community feeling the Justice Department acting in their interest and the other half of the community feeling the Justice Department didn't act in their interest. Of all the ways we could split San Antonio, it is the least meaningful and least productive and least conducive to harmony for the long run in this town, and I just feel that the better strategy is to lead, let's work out something that is practical in the facts of the reality that we're not likely to win the case in my opinion and even if we did it would take an unnecessary length of time and the option to sue is always there. You haven't closed out that option. On the other hand, if we sue prematurely there's the possibility, as I read the Attorney General's letter, said that we would not be allowed to have the Charter election once the suit was initiated.

MAYOR COCKRELL: May I ask first of all there have been legal points raised and I would like an answer from the attorneys. Do you feel as Dr. Cisneros has indicated that we have very little chance of winning the lawsuit?

MR. REEDER: No Madam, I think we have every chance of winning it, but I think we might have to win it in the Supreme Court. I talked to Charlie

Rhein, who is one of the leading exponents of law in Washington. He's one of the best lawyers in Washington, and he said that you've got a good chance of losing this in District Court and an excellent chance of winning it in Supreme Court and I thought

DR. CISNEROS: And that takes how long, Crawford?

MR. REEDER: Well, on a direct appeal like this, Henry, we could get to the Supreme Court in a matter of a year. But, I don't know when they are going to decide it.

DR. CISNEROS: What would be your estimate of what we're talking about?

MR. REEDER: About a year and half.

MAYOR COCKRELL: A year and a half

DR. CISNEROS: Before the Supreme Court.

MR. REEDER: Before the Supreme Court hands down a decision.

MAYOR COCKRELL: If that is initiated as of now, it's six months ahead of, if it's initiated in January.

MR. REEDER: That's right.

MAYOR COCKRELL: There was one other point that was raised as a legal point and that was the point as to whether or not if we sued the Justice Department would use that as the reason to prevent us from having a Charter election.

MR. REEDER: I don't think it would since they are trying to blackmail us anyhow.

DR. CISNEROS: Well, what was the point in the letter about a transitional remedy. I read that to mean that if we pursued a remedy locally that that would be given tolerance or looked upon favorably.

MR. REEDER: Let me read the letter if I can out loud.

MR. AL ROHDE: I've got an opinion too from a leading attorney, Mayor.

MR. PYNDUS: Give us the legal end of it.

MR. REEDER: "Dear Sir: If you're not out of town in 24 hours." That's the wrong letter. I knew I was going to get a laugh today. All right, here is the letter.

MR. ROHDE: This is the greatest show in town.

MR. REEDER: All right, it's from the Office of the Attorney General and it's signed by a fellow named Levi. That's what I thought you wore when you were a cowbody. All right, it says, "Dear Mr. Wheatley" and I've already explained how Mr. Wheatley got into this. "This is in reference to the request of the City of San Antonio for reconsideration of the objection interposed on the April 2, 1976 to thirteen annexations pursuant to Section V of the Voting Rights Act.

I have given careful and personal review to the materials provided by the City Attorney and you and your letters and in our meeting with Mayor Cockrell, Congressman Krueger and others on June 22, 1976. The Voting Rights Act as interpreted by the Supreme Court places on a covered jurisdiction such as San Antonio the special burden of proving the changes which affect voting

do not have a discriminatory purpose or effect," underlining or effect. "I have found no basis for concluding that the annexations in question were purposely dilutive of protected minority voting rights. However, I am not able to conclude that the annexations in question do not have the prescribed effect on the voting rights of Mexican-Americans in San Antonio." I repeat I am not able to conclude, he didn't say they do. "In this connection, I have had to keep in mind the opinions of the Supreme Court, White versus Regester," which has absolutely nothing to do with the lawsuit, "which left standing the 1972 three Judge Court ruling invalidating multi-member districts in Bexar County and which refer to the district courts assessment of the various factors involved". This particular sentence makes no sense. The one that I just read makes no legal sense. "Were this a standard constitutional challenge to the annexations, one might well reach a contrary conclusion." Now, Mr. Parker and I have had a little debate about what that means.

DR. NIELSEN: Say that again.

MR. REEDER: ...and I don't know what it means.

DR. CISNEROS: Would you read it again?

DR. NIELSEN: Yeah, read it again.

MR. REEDER: "Were this" - meaning his action - "Were this a standard constitutional challenge to the annexations, one might well reach a contrary conclusion." I don't know a contrary conclusion to what and furthermore, I think what he's saying is I'm not making a constitutional challenge to your annexation, I'm making a voter right's challenge to your annexation and the burden of the voting act is for you to prove you didn't hurt anybody and I think we can prove it. All right, and he's already acknowledged that we didn't have an intent to hurt anybody, and if he gets on that witness stand and says something else he's going to eat this letter.

All right, now, that is if he's still there at the time. "Were this a standard" - okay, I've read that standard constitution. "Because of the burden of proof imposed by Congress in the Voting Rights act rests with the covered jurisdiction", that's us, "to show that there is no effect" - that is discriminatory effect - "and would require me to object in the absence of such, in the absence of such a showing I am obliged to continue the objections previously interposed." In other words, we have to prove to him that there wasn't an effect. He's not satisfied there was, but he said we had to prove there wasn't. In other words, we're guilty until we have proved that we're innocent. All right, "In establishing a method of prompt review of voting changes by the Attorney General the Voting Rights act recognize that there would be disagreement with the Attorney General's view", an understatement, "of the law and provided that a jurisdiction may test its correctness and legal proceedings. I was most impressed by Mayor Cockrell's presentation of the significance of these annexations to the City of San Antonio and would, of course, understand if the city desires to contest this determination." There's the gauntlet. "Should you decide not to seek such review, however, I'm sure that Assistant Attorney General Pottinger and his staff will assist the city in seeking the most sensible way to formulate a transitional remedy which meets the Congressional purposes."

DR. CISNEROS: Can you read that, can you read that again, first sentence.

MR. REEDER: "Should you decide not to seek such a review", that is, decide not to sue.

DR. CISNEROS: Okay, that seems to me...

MR. REEDER: All right, get together with old Pottinger, and he's going to help you.

DR. CISNEROS: Wait a minute, should you seek not to pursue such a review...

MR. REEDER: Should - that's right, we don't sue.

DR. CISNEROS: Available for transitional remedy. It doesn't say what will happen if you chose not to sue.

MAYOR COCKRELL: Oh no, he just says he'll let Mr. Pottinger consult with us, you know, about...

MR. REEDER: Yes, he'll let Mr. Pottinger consult with us and help us work our problems out.

DR. CISNEROS: What does the word, transitional remedy, mean? It may mean a charter election.

MR. REEDER: It means whatever Pottinger decides it means.

MR. PYNDUS: It may mean that it's not enough women on the City Council elected, too.

MR. REEDER: All right. And then he - and to show that the man's a true diplomat he says that, "I earnestly hope that this matter can be resolved to the mutual satisfaction of all concerned." And I do, too. I think a way to do it is to sue. But that's just what I think.

MR. ROHDE: I'd like to hear Reverend Black, Mayor.

MAYOR COCKRELL: Okay, Reverend Black was next.

REVEREND BLACK: As you know, for me, this is like a voice out of the past. It's like a voice that I heard in the fifties. Because it seeks to - to avoid the basic issue. The basic issue is that which is just and right. The fact is, in spite of all the explanations we might give, election processes can and do dilute ethnic minorities. This is not just - this Council is a good evidence of some dilution. The very presence of this Council. Now, what I'm saying is whether or not this case did it or not is one case. If we come up with some other changes in our society we've got another case to go to. It seems to me that the judgment of this body ought to be that we're not going to fight one case after another with reference to the changes that would take place in this city. That we're going to recognize that there is a way of remedy, and we've been given that remedy and that we're going to be prepared to deal with that remedy. That remedy is to set up districts, it is to - as you've indicated - we can have a charter election, there are problems related to it, but certainly there isn't any greater problem related to that than there is a problem related to recurring cases that will come up when we make other adjustments. Now once we have dealt with - because, basically, I don't see us, what we're dealing with is the specific annexation that took place. That's what we're going to argue on. That it did not dilute, it did not do what they say it's going to do. But we've got other annexations coming on. We've got other conditions of changes that's going to come on. Why keep that principle, why not recognize that as a basic principle that we've got to deal with in the life of this city. And then begin to deal with the remedies that are associated with the conditions. And that condition is that we have a growing minority in our community which is a Mexican-American minority in this community, that this is going to be a valid matter of concern for the way in which this city is structured politically. And, therefore, we ought to get on with the business of structuring this city politically so that it does provide a just and equitable expression of the election of its officers and not wrestle with the past.

MR. REEDER: All right, Claude, I've got to first I'll say this. I wasn't going to get into the political aspects of it because it's really not my business but you kind of hurt my feelings when you say I'm a voice out of the fifties. I thought you and I were friends, and I've never been discriminatory in my life, and I think you know that so I don't think you meant that personally.

REVEREND BLACK: Well, the only thing I meant it represented an idea that I've always met and that was that we can't do, we can't make this thing just. We've got to, we've got to keep it like it is. And that, to me, is a kind of argument that I heard in and...I can see very well that you would, I hope that you don't feel in a personal manner other than the fact that this is the way that those voices have always come to us, you see.

MR. REEDER: All right, I agree with you, Claude. I just wanted to make it real clear what I don't like about this thing. It doesn't have a thing to do with districting, Mexican-Americans, or Afro-Americans or any other kind of Americans. It has to do with, I think, San Antonio ought to be run by the City Council and not the USA.

MR. PYNDUS: Amen.

REVEREND BLACK: Well, this is the same thing I heard in states rights, this is the same thing I heard when they were talking about save states rights which was designed to keep the restrictions and the segregation laws back in the fifties. States rights, now self-determination, self-determination is a very important factor in government. But, it seems to me that when we are thinking about our total government, that there has to be, and if there had not been federal intervention, I don't know where I'd be today.

You see, there are a whole lot of things that didn't happen until we got federal intervention.

MR. REEDER: You're right. I agree with you. I agree with you completely, but I don't think this is the kind of federal intervention that did it. The kind of federal intervention that you're talking about was the Brown vs. Board of Education, for example. The big segregation case that broke it up. The judicial opinions that were handed out, by the U.S. Supreme Court starting in the fifties and coming up through the sixties...

REVEREND BLACK: But, it was also the implementations of the agencies...

MR. REEDER: Well, that's true, but you had Bobby Kennedy who was an aggressive fighter instead of somebody else who is a bureaucrat. And what I don't like is bureaucrats. And I don't, I shouldn't be getting into this because I'm just a lawyer.

MAYOR COCKRELL: Alright. So, to summarize - okay - to summarize your legal opinion is that the case could be won and that there is, at least there is a good chance.

MR. REEDER: We can beat it if, if Levi tries it, I know.

MAYOR COCKRELL: Alright, and that second, that in your best opinion you do not foresee that if we took the parallel route of both pursuing the lawsuit and also calling the charter election, you don't believe that they would rule out the charter election by virtue of the filing of the lawsuit?

MR. REEDER: I don't think the A. G. would do it, no.

MAYOR COCKRELL: Right. Okay, Dr. Nielsen.

DR. NIELSEN: Depending primarily on what one or two sound legal principles that suit is filed? And that's what I'd like to hear from you. I think you're suggesting, Crawford, that one would be the challenge, if you will, of the dilution of - how's that worded - it's not intentional, but somehow the voting strength is diluted.

MR. REEDER: There are two questions. Did the annexations have a purpose to dilute the voting rights of ethnic minorities...

DR. NIELSEN: He's already said no...

MR. REEDER: He's said it doesn't. So we got only one thing left. Did it have the effect of diluting the voting minorities. All right, you've got a fact question. It's not a law question. You've got a fact question.

DR. NIELSEN: Well, but I mean it's still going to be dealt with in the law.

MR. REEDER: It's going to be dealt, well it'll be dealt with in the court and we'll present our statistics and they'll present theirs and we think that there might have been a dilution of, perhaps, five tenths of one percent up to one percent. In other words, there was a switch. Where there was fifty-two percent against forty percent Mexican-Americans the rest would be miscellaneous ethnic groups down to fifty-one versus forty-one. In other words, there may have been a switching of percentile points. And they sort of concede that if there was a dilution, it was very, very small, and we don't think that it would - now you come to the law - we don't think it would, it was the intent of Congress in this enactment and we're going by what the Senator Bentsen has said, Senator Tower has said and Congressman Krueger has said, that it wasn't their intent to give the Attorney General the power to arbitrarily declare void anything that he wanted to on the grounds of what we lawyers call, deminimus, which means "of no legal consequence because it's so small." Now, if we had diluted the vote, and we're being honest about it, we don't have any reason to take any real big issue with all this. If we had diluted the Mexican-American vote by ten percentile points, they'd be right, no doubt about it. But at most, we've

switched it, maybe one percentile point. They can still win every election.

DR. NIELSEN: What about the ex post facto? I know that Bob's got to leave, too. Real quickly, what about the ex post facto?

MR. REEDER: That's what I have been worried about. I haven't briefed that yet. That would be in our favor. I haven't briefed it yet. If I could find this an ex post facto law, it violates the U. S. constitution. But I can't help but think that I'm going to run up against a stone wall there because smarter lawyers than I am have talked about that and said it's legal. They didn't tell me why. So I've got to read it myself.

MR. BILLA: ...One thing. Of course, Crawford put me in a very, very difficult position here, because my feeling is that I feel that these objections are like somebody standing in my way on the sidewalk. I can push them down or walk around them. But, of course, a good friend tells me, you'll tell them like it is and so if you say that we must sue I would tend to lean in that direction, but I still have a problem with saying that we ought to sue because I think we can accomplish what we want to accomplish without going to all the trouble of litigation by stressing the pursuit of the single member districts plan. I don't think there's a person on this Council that is opposed to single member districts.

MR. PYNDUS: I certainly am, and I think you're not even...(inaudible)... to state a fact that's proven.

MAYOR COCKRELL: Well, Mr. Pyndus, Mr. Billa has the floor.

MR. BILLA: Mr. Pyndus talked for twenty or thirty minutes and I never said a word...

MAYOR COCKRELL: Mr. Billa, alright, alright now. Mr. Billa has the floor.

MR. BILLA: So, and that's the problem and I think we can accomplish what we're trying to accomplish and I agree with Reverend Black in a lot of things that he said. In the matter of voter rights or infringement of voter's rights the federal government has to intervene. I think that they have. I don't use, view these allegations as a charge that you can't circumvent without a lawsuit, but I'm not a lawyer so I'm really on the fence right now. I want to do what's right for our City.

MR. REEDER: All right, Bob, here's the way it looks to me like, this is my considered opinion of the thing. You have a charter election in January and I'll just pray that the people will vote to go to districts. I promise you and every member of the Council, Claude, I'm almost an atheist, but not quite, but I'll still pray.

REVEREND BLACK: If you just vote, that's enough.

MR. REEDER: I promise you, I'll vote. All right, I'll pray that it passes and I'll vote for it. Okay, but suppose it doesn't pass? We have wasted four or five months. Now what are all these people who are opposed to districts going to say about our having sat around for all this time not filing a lawsuit?

MAYOR COCKRELL: We do need to get a vote because we know that Mr. Billa has to leave...

MR. ROHDE: I'm going to vote against the motion.

MAYOR COCKRELL: All right, let me just say this...

MR. ROHDE: ... I want to talk.

MAYOR COCKRELL: Did you want to talk Mr. Rohde?

MR. BILLA: Why don't we postpone it a week until we have nine members here.

MR. PYNDUS: No. There's no need to postpone.

MAYOR COCKRELL: Excuse me, Mr. Rohde, did you want to ask some questions?

MR. ROHDE: Yes, I do Mayor.

MAYOR COCKRELL: Sure. Go right ahead.

MR. ROHDE: ...very key question. Mr. Parker. If this Council decides to file suit, is it committing itself to the fact that there would be no election until the suit is settled?

CITY ATTORNEY PARKER: No.

MR. ROHDE: Why do you feel that?

CITY ATTORNEY PARKER: Because I do not think that it would prohibit you from going forward with a districting election, charter election in January. I do not think so.

MR. ROHDE: Why do we have to wait in January?

CITY ATTORNEY PARKER: Because of statutory law. It's the earliest time we can have under the constitution...

MR. ROHDE: Well, we're having one in November.

CITY ATTORNEY PARKER: Under the constitution we can't have a charter election more often than every two years...

MR. ROHDE: Could that be waived at district court because of this (inaudible)?

CITY ATTORNEY PARKER: No it can't be waived. It's a constitutional prohibition.

MR. ROHDE: Could we hold a bond election?

CITY ATTORNEY PARKER: The Justice Department indicated we could not.

MR. ROHDE: Mayor, this is where I have the feeling that arises from this community position that the recipient on the suit relieves the City of the problems, but I find that I'm trapped by this action. I must go to the suit unless we find a different way. Now, I think that maybe setting a district...(inaudible)...

CITY ATTORNEY PARKER: If I might - my concern is that if we go to a charter election in January and from the indications we've got from the Justice Department, we segregate the vote. All right, what happens if the total vote including the annexed area, or the contested vote, is against, but the area that was within the unannexed area or the uncontested area approved, then where are we again? We're going to be back in the middle of another big lawsuit of some kind. And that part kind of concerns me.

MAYOR COCKRELL: Dr. Cisneros.

DR. CISNEROS: It seems to me that the Council, the majority of the Council have indicated in the past that we want some of districts, right? So what we're really hung up on, then, I mean that's the remedy. So what we're really hung up on is a point of principal. We're hung up on a point of principal which is that we don't want the Justice Department telling us that we have to go to districts or suggesting that we have to go to districts. Let me finish. Now, given that the way to solve the problem is to get the districts passed and I think the best way to do that is to do it at an election and given that stand there as the best possible way and the goal, you have to look backward from that and say, what could possibly affect and bias or prejudice the outcome which we're seeking which is to have districts voted on. It seems to me that suing prematurely would raise expectations on the part of a lot of people that would suggest to them that they can sit the election out until the suit is in or they can vote against it because we're presently suing and so forth, and it seems to me that the best course would be to provide people the choice. Number one, they can either vote for districts with all the pros and cons laid out of that or they can vote to sue with all the pros and cons and everything else laid out of that. What it finally boils down to is we're arguing today over timing...

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MAYOR COCKRELL: No, no, no.

DR. CISNEROS: We're arguing over suing now or suing later, and that's what we're arguing about.

MAYOR COCKRELL: All right, let me just say this. I need to restate why I feel so strongly that we have to sue. I think if we do not sue and we simply call a charter election, we are saying we are guilty as charged. And that's what I am not willing to say.

DR. CISNEROS: But there's a lot of people who believe that in this town. They believe the facts. They see the facts.

MAYOR COCKRELL: All right, this allegation says that this city, as a result of that specific annexation, not anything else, that specific annexation has diluted the voting strength.

DR. CISNEROS: But there are people who said that this the case.

MAYOR COCKRELL: All right. Well that is a question of law...

DR. CISNEROS: There are San Antonians, Mayor, who know it's a question of the facts, not law, but facts, and they don't want public money that they pay taxes on being spent to fight a ruling which they believe is designed to alleviate an injustice.

MAYOR COCKRELL: Well, then Dr. Cisneros, you went with me to Washington, and you joined me in saying to the Justice Department that their allegations were not correct.

DR. CISNEROS: That's correct. But I am also representing half of this San Antonio that I adjudge to believe that, in fact, the Justice Department acted in their favor. I'm not saying that we should be - never sue, I'm saying we ought to give the citizens the choice.

DR. NIELSEN: Look, I look at it this way, Claude, all your arguments, you know, fine. I would suggest that if we already had single member districts and the Justice Department had challenged our annexation to the point of we were arguing over less than one percent, I would hope that all of us on this Council would be united at challenging the Justice Department decision in a case like that. Less than one percent, now. I'm looking down the road, Henry, and that just seems to me to really be stretching a point. Okay, now, unfortunately, all this districts and things have gotten missed up in it. I think, just in (inaudible) that local - well - no that's not the long term remedy, that's the short term remedy because if we even go that far and at some point this question of we've a half a percent dilution or one percent or two percent, until that's really resolved, we're going to be in a horrendous struggle around here.

REVEREND BLACK: Let me respond to your argument.

MAYOR COCKRELL: Just a minute, Mr. Hartman had his hand up next.

MR. HARTMAN: Madame Mayor, again I think the one thing we, that we want to be careful of is not getting the pieces mixed too closely together. That is the matter of the remedy versus the matter of acquiescence signifying that we indicate that we're guilty as charged. I think that by establishing and setting an election, we are taking the issue to the people with regard to their acceptance or their initiative to make a remedy of what... We're not saying we're guilty as charged, we're saying let's take it to the people and get their view on which way we'd like to go.

MAYOR COCKRELL: Any other comments? Mr. Pyndus and then Mr. Billa.

MR. PYNDUS: I just hated to see the matter of districting come into the conversation when our attorney had advised us the matter is annexation and we have drifted into districting as a solution. To me, I cannot understand, I can't understand your willingness to ignore the will the people less than two years ago who voted on this very problem. Do you want to put it again to them 1977, 1978 and 1979? After all, in 1974, they said they did not want districting. So, I say, let's go to court on it and get out of the massive problem that this city will face with its bond issues, with its elections if we don't clarify this issue from the federal level. And I would move...

MAYOR COCKRELL: Reverend Black.

REVEREND BLACK: I was interested in the position of Councilman Pyndus in terms of the way in which the persons respond and whether or not you want to put it to them that quickly. Just a few years back when I could not have gone into Brackenridge Park with my family and have a lunch. Certainly, people change and when they change you want to take advantage. It was unjust, it was not right. It has not disrupted this city by virtue of my going to Brackenridge Park. It was unjust and was supported, not by law but by popular opinion.

Now, may I say when we talk about percentages of difference. In a voting effort you can win by fifty-one percent. You're talking about very narrow percentages. Narrow percentages can make the difference between getting defeated and winning. So you can't simply say, well, it doesn't matter what percentages it is when you're dealing with voting rights of individuals. One vote in some elections and you've won it. So the percentage is extremely important and the principal that I'm advocating is that there has to be and there should be and we should expect our national government, and I don't think we ought to have it, we ought to have to have it, but we should expect those persons to draw our attention on those occasions when we are not conducting an essential democratic American system, which is voting in the proper manner. When we find that that is not true, then we ought to address the remedy rather than contest with the parties involved.

MAYOR COCKRELL: Mr. Billa has to leave. He has to catch a five o'clock flight.

MR. PYNDUS: ...Mayor I move for the adoption of the ordinance.

MR. BILLA: I move to postpone it.

DR. NIELSEN: I second the motion.

MAYOR COCKRELL: It's been moved - there was first a motion for adoption. It did not have a second. We have a motion for a postponement and a second to that motion. The motion by Mr. Billa for postponement. The Clerk will call the roll.

On the following roll cate vote the motion to postpone was defeated: AYES: Billa, Nielsen, Cockrell. NAYS: Pyndus, Cisneros, Black, Hartman, Rohde. ABSENT: Teniente.

CITY CLERK JACKSON: The motion failed.

- MAYOR COCKRELL: Okay, we will now accept a motion.
- MR. PYNDUS: I move for adoption of the Ordinance.
- MAYOR COCKRELL: All right, is there a second to that?
- DR. CISNEROS: Madam Mayor, I would like to make another motion.
- MAYOR COCKRELL: Yes.
- DR. CISNEROS: We set an election date for a Charter election at the first available Saturday in January.
- MAYOR COCKRELL: That is not on the agenda, and the motion I do not believe can be accepted. May I ask the opinion of the City Attorney.
- CITY ATTORNEY PARKER: It would have to be posted to do it. But we can do it, bring it forward at next week's agenda.
- DR. CISNEROS: I would like to request, Madam Mayor, that we get it on next week's agenda.
- MAYOR COCKRELL: All right, we have a request, all right, and I will state that if we do not have the accompanying ordinance filing the suit, I just cannot give, although I have previously stated that I will wholeheartedly support an election, I can't do it under these circumstances. It will grieve me greatly that I cannot. But I want to make it clear. I think it will be a great injustice if we do not file this suit. All right, Dr. Nielsen.
- DR. NIELSEN: I would suggest that what we do is to put both ordinances on next week.
- MAYOR COCKRELL: We would just have to pull it.
- DR. NIELSEN: And deal with both of them both at that time. I feel like Henry and Claude, I have been committed for a long time to single member districts, and I want to get there not only the cleanest and the quickest but in terms of what is just and right in the long run.
- MAYOR COCKRELL: All right, fine. We do not have, the item will just have to die for want of a second, there is no motion. And the other item was to request - you are requesting that both ordinances be placed on the agenda.
- REV. BLACK: I would like to offer a motion that we reject this ordinance.
- MR. ROHDE: I think that is proper, Mayor. Why play games with it?
- REV. BLACK: I would like to offer a motion that we reject this resolution. Do I get a second on it?
- MR. ROHDE : I second it.
- MAYOR COCKRELL: It has been moved and seconded that Item No. 39 be rejected. The Clerk will call the roll.
- On the following roll call vote the motion by Councilman Black to reject the ordinance failed to carry:
- AYES: Cisneros, Black, Hartman, Rohde;
 NAYS: Pyndus, Nielsen, Cockrell;
 ABSENT: Billa, Teniente.
- CITY CLERK: The motion failed.

MAYOR COCKRELL: The motion fails. All right, we then place both items on the agenda for next week. Yes, Dr. Cisneros.

DR. CISNEROS: You know, there are some people in San Antonio who feel so strongly about districts that they suggest we shouldn't even have an election, that we ought to settle out of court on the MALDEF Suit. That is one extreme. Then - well that is one position and then there is another position on the other end of the spectrum that says that we sue immediately against the Justice Department. I think that

MAYOR COCKRELL: They also say, the other extreme says we should not call a Charter election. But I am saying that the middle road, yes, the middle ground - no, it is to do both.

DR. CISNEROS: The middle ground is to let the citizens

MAYOR COCKRELL: I think the middle ground is to do both. But we disagree. Okay, we go then to the next item and that will be Item No. 41. No we will go back to where we were on the agenda, No. 34.

- END -

76-35 The following Ordinance was read by the Clerk and explained by Mr. Carl White, Finance Director, and after consideration, on motion of Mr. Rohde, seconded by Dr. Nielsen, was passed and approved by the following vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Billa, Teniente.

AN ORDINANCE 46,981

AUTHORIZING THE EXECUTION OF INSURANCE CONTRACTS BY THE CITY OF SAN ANTONIO WITH THE AETNA FIRE UNDERWRITERS INSURANCE COMPANY AND THE AMERICAN & FOREIGN INSURANCE COMPANY, AND AUTHORIZING THE PAYMENT OF INSURANCE PREMIUMS IN THE AGGREGATE SUM OF \$181,714.00.

* * * *

76-35 Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Rohde presided.

76-35 LOSS OF FUNDS AT INTERNATIONAL AIRPORT

Councilman Rohde asked Mr. White if the funds lost at International Airport had been recovered.

Mr. White said that there was a disappearance of funds at the airport. It was never determined what happened or how the money disappeared. The loss was covered by insurance.

76-35 The meeting was recessed at 4:30 P. M. and reconvened at 4:45 P. M.

76-35 The Clerk read the following Ordinance:

AN ORDINANCE 46,982

APPOINTING ADDITIONAL MEMBERS TO THE FREE TRADE ZONE ADVISORY COMMITTEE.

* * * *

The following persons were appointed to serve for an indefinite term:

Phil Pyndus
John J. Beltran
Arnold W. Swartz

* * * *

Mr. Louis Garcia, Assistant City Attorney, said that this committee has been very active and the addition of these new members would be an asset.

Mr. Pyndus asked that his name be added to the ordinance as an appointee to this committee. His request was honored by the Council.

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

76-35 The Clerk read the following Ordinance:

AN ORDINANCE 46,983

AUTHORIZING SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF LABOR FOR A CETA TITLE III SPECIAL GRANT TO PROVIDE EMPLOYMENT AND TRAINING SERVICES FOR WOMEN.

* * * *

The ordinance was explained by Mr. Sam Dominguez, Director of Manpower Program Office.

Dr. Cisneros said that he wanted to be sure that there is coordination with AFL-CIO in this program.

Mr. Dominguez said that he has had discussions on this matter and that there will be contact.

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

76-35 Mayor Cockrell returned to the meeting and presided.

76-35 The Clerk read the following Ordinance:

AN ORDINANCE 46,984

AMENDING ARTICLE IV OF CHAPTER 28 OF THE CODE OF THE CITY OF SAN ANTONIO CONCERNING THE REGULATION OF SOLICITATIONS.

* * * *

The ordinance was explained by Mr. Steve Arronge, Assistant City Attorney, who said that the changes in the code are made to conform with the recent court rulings.

Mr. Pyndus said that he would prefer to see the allowable commission changed from 30 percent to 25 percent.

Council members concurred with Mr. Pyndus' suggestion.

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

76-35 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Pyndus, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Billa, Teniente.

AN ORDINANCE 46,985

CONTINUING THE SAN ANTONIO CENTRO 21 TASK FORCE, AND PRESCRIBING ITS MEMBERSHIP, DUTIES AND FUNCTIONS.

* * * *

76-35 Item No. 40 of the agenda being a proposed ordinance authorizing the employment of an outside Legal Counsel was postponed.

76-35 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on

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motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Billa, Teniente.

AN ORDINANCE 46,986

ACCEPTING THE LOW QUALIFIED BID OF PERRY SHANKLE COMPANY TO FURNISH THE CITY WITH PORTABLE POWER CENTERS FOR A NET TOTAL OF \$85,500.00.

* * * *

AN ORDINANCE 46,987

ACCEPTING THE LOW QUALIFIED BIDS OF PAUL ANDERSON CO., AND LITTON OFFICE PRODUCTS CENTERS TO FURNISH THE CITY OF SAN ANTONIO WITH FILE CABINETS FOR A NET TOTAL OF \$4,812.65.

* * * *

AN ORDINANCE 46,988

ACCEPTING THE LOW QUALIFIED BID OF PRODUCTION AUTOMATION SYSTEMS TO FURNISH THE CITY OF SAN ANTONIO WITH AN OCTAGONAL WOOD SHELTER FOR A TOTAL OF \$5,050.00, LESS 2% - 10 DAYS.

* * * *

AN ORDINANCE 46,989

ACCEPTING THE LOW QUALIFIED BID OF TRAVENOL LAB. INC., TO FURNISH THE CITY OF SAN ANTONIO WITH AN ANNUAL CONTRACT FOR I. V. SOLUTIONS IN FLEXIBLE PLASTIC CONTAINERS.

* * * *

AN ORDINANCE 46,990

APPROVING THE ASSIGNMENT OF THE CURRENT CONTRACT FOR SPARK PLUGS FROM POWER LUBRICATING EQUIPMENT COMPANY TO SANANTEX OIL COMPANY.

* * * *

AN ORDINANCE 46,991

ACCEPTING THE BID OF ALL ORTHOPEDIC APPLIANCES TO FURNISH THE CITY WITH EMERGENCY MEDICAL EQUIPMENT FOR A NET TOTAL OF \$3,910.00.

* * * *

AN ORDINANCE 46,992

ACCEPTING THE LOW QUALIFIED BIDS OF STANLEY SUPPLY COMPANY; HOPE MEDICAL SUPPLY; ABSORBENT COTTON COMPANY; SCHERER MEDICAL/SCIENTIFIC; AND GENTEC HOSPITAL SUPPLY COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH AN ANNUAL CONTRACT FOR EMERGENCY MEDICAL SUPPLIES.

* * * *

AN ORDINANCE 46,993

ACCEPTING THE LOW QUALIFIED BID OF JAY-BRUTON MEDICAL ELECTRONICS, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH AN ANNUAL CONTRACT FOR EKG ELECTRODES.

* * * *

AN ORDINANCE 46,994

ACCEPTING THE LOW QUALIFIED BID OF JESCO ORNAMENTAL IRON WORKS TO FURNISH THE CITY WITH WROUGHT IRON RAILING FOR A TOTAL OF \$4,218.00, LESS 5% - 10 DAYS.

* * * *

AN ORDINANCE 46,995

ACCEPTING THE LOW QUALIFIED BID OF STANDARD LAW ENFORCEMENT SUPPLY COMPANY OF WISCONSIN TO FURNISH THE CITY WITH NIGHT VISION EQUIPMENT FOR A NET TOTAL OF \$4,890.00.

* * * *

76-35 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: Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Pyndus, Billa, Teniente.

AN ORDINANCE 46,996

ACCEPTING THE LOW QUALIFIED BIDS OF ALAMO FIRE EQUIPMENT, FIRE APPLIANCE COMPANY, FIRE FOX CORPORATION, FIRE PROTECTION SERVICE COMPANY, M. JACKS FIRE AND SAFETY, SIMMS FIRE EQUIPMENT, WALTER MOTOR TRUCK CO., WESTERN FIRE EQUIPMENT AND CLAUDE WRIGHT & ASSOCIATES TO FURNISH THE CITY OF SAN ANTONIO WITH FIRE FIGHTING EQUIPMENT FOR A TOTAL OF \$38,248.54.

* * * *

AN ORDINANCE 46,997

ACCEPTING THE LOW QUALIFIED BID OF BLAZE GUARD MFG., INC., TO FURNISH THE CITY OF SAN ANTONIO WITH FIRE HOSE FOR A TOTAL OF \$12,916.00, LESS 2% - 10 DAYS.

* * * *

AN ORDINANCE 46,998

ACCEPTING THE LOW QUALIFIED BID OF PRODUCTION AUTOMATION SYSTEMS TO FURNISH THE CITY OF SAN ANTONIO WITH TIMBER PLAYGROUND EQUIPMENT FOR A TOTAL OF \$3,326.00, LESS 2% - 10 DAYS.

* * * *

AN ORDINANCE 46,999

ACCEPTING THE PROPOSAL OF ACTION COMMUNICATIONS SYSTEMS, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH A TAPE LOGGING SYSTEM FOR A NET TOTAL OF \$65,435.00.

* * * *

76-35 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, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Billa, Teniente.

AN ORDINANCE 47,000

ACCEPTING THE LOW QUALIFIED BID OF ED FLUME BUILDING SPECIALTIES TO FURNISH THE CITY WITH LOCKERS FOR A TOTAL OF \$3,688.50, LESS 1% - 10 DAYS.

* * * *

AN ORDINANCE 47,001

ACCEPTING THE LOW QUALIFIED BID OF THE MONROE COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH RISERS FOR A NET TOTAL OF \$9,124.00.

* * * *

AN ORDINANCE 47,002

ACCEPTING THE LOW QUALIFIED BID OF SWAB WAGON COMPANY INC. TO FURNISH THE CITY OF SAN ANTONIO WITH AN ANIMAL PICKUP BODY FOR A NET TOTAL OF \$4,797.50.

* * * *

76-35 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Pyndus, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Billa, Teniente.

AN ORDINANCE 47,004

APPOINTING NEW MEMBERS TO THE PLUMBING APPEALS AND ADVISORY BOARD.

* * * *

The following persons are hereby appointed as members for a term ending July 31, 1979:

Homebuilder Representative
Mr. Wayne Jaroszewski
10806 Whisper Valley, 78230

Master Plumber (Open Shop) Representative
Mr. H. C. Meyer, Jr.
10914 Whisper Ridge, 78230

Layman/Consumer Representative
Mrs. John F. Dutmer
739 McKinley, 78210

The following persons are hereby appointed as members for a term ending July 31, 1977:

Journeyman Plumber (Open Shop) Representative

Mr. Prex B. Vasquez
3623 W. Poplar, 78228

Journeyman Plumber (Union Shop) Representative

Mr. Conrad J. Truss
2506 Sally Gay, 78223

General Contractor Representative

Mr. George L. Williams
3030 Charter Crest, 78230

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76-35

The Clerk read the following Ordinance:

AN ORDINANCE 47,006

ADOPTING RENTAL RATES TO BE CHARGED AT HEMISFAIR PLAZA FOR THE LEASE OF CITY OWNED FACILITIES AND ADOPTING A STANDARD LEASE FORM.

* * * *

Mr. Bill Holtzinger, Assistant Director of Convention Facilities, said that the Council had instructed that all HemisFair Plaza tenants be treated equally with an equal rental base and also that utilities no longer be subsidized in the HemisFair Plaza.

The rental rates have been designed to increase over a four year period rather than all at once. The tenants would pay all utilities. He recommended this plan which he proposed to make effective August 1st.

Mr. Pyndus asked that the effective date be delayed some to allow tenants time to consider the change.

After consideration, Mr. Pyndus moved that the ordinance be adopted with the effective date to be August 15, 1976. The motion was seconded by Mr. Rohde and on the following roll call vote, the motion, carrying with it adoption of the ordinance was passed and approved: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Cockrell; NAYS: None; ABSENT: Billa, Teniente, Nielsen.

Mr. Hartman and other Council members commended Mr. Holtzinger for his efforts in this matter. They also expressed appreciation for his efforts during the July 4th celebrations at HemisFair Plaza.

76-35

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

AN ORDINANCE 47,007

ADOPTING A POLICY ON UTILITY CHARGES TO BE MADE TO TENANTS AT HEMISFAIR PLAZA.

* * * *

76-35

The meeting was recessed while the Council went into executive session. The meeting reconvened.

July 29, 1976

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76-35 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 vote: AYES: Pyndus, Cisneros, Hartman, Rohde, Cockrell; NAYS: None; ABSENT: Billa, Black, Teniente, Nielsen.

AN ORDINANCE 47,003

INCREASING THE NUMBER OF MEMBERS ON THE METROPOLITAN TRANSIT AUTHORITY ADVISORY COMMITTEE FROM FIVE TO NINE MEMBERS AND APPOINTING MEMBERS TO THE COMMITTEE.

* * * *

The following members are hereby appointed:

Dr. Richard R. Tangum, 434 Oak Leaf Drive, 78209
 Dr. Earl M. Lewis, 446 E. Hildebrand, 78212
 Kurt A. J. Monier, 202 Clearview Drive, 78228
 Gregory Garcia, 4015 Callaghan, Apt. 420, 78228
 Lloyd Denton, 3031 Eisenhower Road, Apt. 5, 78209
 Robert Durr, 730 Chicago Blvd., 78210
 Ruben Munguia, 3119 Buena Vista, 78207
 Paul D. Straw, 3803 Barrington, 78217
 Marilyn Jones, 11411 Raindrop, 78216

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AN ORDINANCE 47,005

MAKING APPOINTMENTS AND REAPPOINTMENTS TO THE ELECTRICAL EXAMINING AND SUPERVISING BOARD.

* * * *

The following persons are hereby reappointed for two year terms expiring July 31, 1978:

Mr. James B. Otterpohl (Master Sign Electrician)
 Mr. Joe Marek (Journeyman Electrician)
 Mrs. Mike Passur (Layman-Consumer)

Mr. Richard W. Smith, 2222 Vance Jackson, 78213, is hereby appointed as the Registered Professional Engineer.

Mr. Ermit P. Urbanczyk, 1623 E. Pyron, is hereby appointed to replace Mr. Robert R. LaChapelle in the position of Master Electrician.

* * * *

76-35 The Clerk read the following letter:

July 23, 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.

July 19, 1976

Petition submitted by Mr. Lamar W. Gardner, 1911 East Lawndale, SAT, 78209, requesting permission to extend an existing eight foot wooden fence along the east property line for privacy purposes.

July 29, 1976
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July 20, 1976

Petition submitted by Mr. Paul Rubiola, President, Jacob Rubiola & Company, requesting the City Council to allow the issuance of a Certificate of Occupancy for the property located at 214 East Loretta.

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

* * * *

There being no further business to come before the Council, the meeting was adjourned at 5:40 P. M.

A P P R O V E D

Lela Cockrell

M A Y O R

ATTEST:

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

July 29, 1976
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