

SPECIAL MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MAY 19, 1977.

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The meeting was called to order at 5:45 P. M. by the presiding officer, Mayor Lila Cockrell, with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, ORTIZ, ALDERETE, PYNDUS, HARTMAN, STEEN, COCKRELL; ABSENT: None.

77-26 The following discussion took place:

MAYOR LILA COCKRELL: This meeting was called to consider a resolution by Dr. Henry Cisneros. As you recall, we had a "B" Session this week and at the "B" Session the Council authorized me on behalf of the Council to write a letter to the Mayors of Corpus Christi and of Austin relative to urging them to take action with their Councils quickly on the issue of the settlement. We also authorized placing on the agenda today a Resolution by Dr. Henry Cisneros, and I'd like to now ask that the caption be read and then that Dr. Cisneros address his resolution.

The Clerk read the following Resolution:

A RESOLUTION
NO. 77-26-41

DECLARING IT TO BE THE POLICY OF THE CITY
OF SAN ANTONIO TO NOT PERMIT ANY DEVIATIONS
FROM THE PROPOSED SETTLEMENT WITH COASTAL-
LO-VACA-WYATT AND ITS READINESS TO CONTINUE
THE PENDING COURT SUITS ON ANY SHOWING OF
BAD FAITH BY COASTAL-LO-VACA-WYATT.

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DR. HENRY CISNEROS: Madam Mayor, the purpose of this resolution is simply to serve as the other half of that strategy which the Council agreed to earlier this week one half of which was to seek action on the part of the other customers and the other half which is to during the time that that process is occurring not allow Coastal, either in fact or even in image or symbol - facts lied or pull back from those terms already agreed to. There are benefits that would accrue to San Antonio and there's been great disagreement and controversy about the adequacy of those benefits in light of the tremendous damages that have been done to San Antonio, nevertheless, those are the benefits that are on the table at this point. There has been some discussion, some of it in the media, some of it in the veil of language on the part of Coastal officials, some of it speculations; some of it having the appearance of substance which would at least give the preception that there might be some re-thinking of Coastal's part. It's simply an indication that at this time that the steps are going forward to secure the concurrence of the other customers, that we will not tolerate any change of the benefits that are now on the table.

Basically what it says is the following, that there will be no toleration of any back sliding from the proposed benefits and that any attempt at removing any of these benefits from the table would be interpreted as an abrogation of the present memorandum of agreement. That our response to such abrogation would be to be prepared to return to the court room immediately where we think we will continue to have a strong posture.

MAYOR COCKRELL: Thank you very much. Mr. Hartman.

MR. GLEN HARTMAN: Thank you, Madam Mayor. This resolution, I think, is appropriate inasmuch as it in effect, restates what I think was certainly communicated perhaps in some aspects hazardly but, nevertheless, communicated at the time that this Council or the last City Council voted to accept the settlement that had been arrived at after many, many months of laborious discussion, and I think it's appropriate to restate our firmness in wanting to see the settlement go to completion. I think it also serves as a notice that, if indeed, there is any evidence of back sliding or any evidence of bad faith that we will be ready to pursue this matter once again in the rather laborious process in court. For that matter I certainly commend it a and think it is very appropriate.

I think that through my own position at the time the settlement was voted upon I stated that this was the better of two bad situations. We could either continue the effort in the courts in effect continuing to fight a war of attrition which I felt that we would ultimately lose simply because of the lesser resources and perhaps continue the division that has been created within our community or we could accept a settlement which I considered to be less than the best but, nevertheless, the settlement and one that I would, therefore, support in the hope of getting this long battle to an end. I continue to feel that way. I continue to feel that the solution - or the agreement is in the best interest of the community, and it is certainly still my hope as much as it ever was that this agreement, settlement, can go to completion. I, therefore, want us to pursue along that course. At any time that there is any substantive, verifiable information that there is bad faith on the part of the other parties in this suit, I will want to be up front as far as I can be to pursuing this matter and getting back in the courts. However, until such time as that does occur, I can see no basis for entertaining the idea that that would be the proper course of action to take at this time. I would heartily commend this resolution and if a motion is in order I would move for its adoption.

MR. JOE WEBB: I second the motion.

MAYOR COCKRELL: All right, we have a motion and a second for adoption of the resolution. Mr. Pyndus.

MR. PHIL PYNDUS: Mayor Cockrell and Council, I am not in approval of the resolution. I think the Council is on record as to our position, and I think that you have also notified other individuals who are involved of our position. I think we are acting prematurely for these reasons, there are sudden moves being made right now by other individuals with reference to this settlement, and we see headlines, and we hear rumors, and I think we are responding to some of these headlines and to some of these rumors without fact. Now, there will come a time when there may be some alterations or revisions that neither party can control in this settlement, and this resolution starts out by saying, "the policy of the City of San Antonio to not permit any deviations", and it just may be that there may be some in order to solidify the settlement that we are desperately trying to accomplish. If we issue a resolution that has no meaning, the time will come when there needs to be a resolution with much meaning as we get closer to the situation to state our position and to show the leadership. I think that at this time this resolution is prematurely presented.

MR. RUDY C. ORTIZ: Madam Mayor.

MAYOR COCKRELL: Mr. Steen had his hand up earlier and then I'll call Mr. Ortiz following that. Mr. Steen.

MR. JOHN STEEN: I want to agree with what Mr. Pyndus is saying. I see no use for this resolution whatsoever at this time. To me this is running up a sort of a fighting flag with Coastal States. Just last Tuesday we talked about this with the CPSB people and with their attorney and with some of their departmental managers, and they said there was no truth

whatsoever to any of these so called rumors that Coastal States was trying to renege on any of these settlements. They said the settlement remained as is, they had heard nothing else, and that was it. The only thing holding this whole thing up is the fact that Austin, Corpus Christi, and LCRA will not sign up and settle the situation.

I'm in favor of the settlement. I'm not saying that I agree with the settlement in total. We could, perhaps, have made a better settlement but still this is the settlement the last City Council made, and I'm going to go along with it. However, I think this resolution is not good at this time because it's based on a lot of rumors, I think, and nothing factual. I will repeat again that the CPSB people, and they should know, said there wasn't any truth to any of the rumors about Coastal States reneging on their settlement offer.

MAYOR COCKRELL: Mr. Ortiz.

MR. ORTIZ: Madam Mayor, I too, am not in favor of this resolution but for a different reason. I believe that this is not strong enough. I believe that San Antonio right now has its back to the wall. We're seeing some of the major provisions in that settlement package being eaten away because of the federal Carter administration guidelines, because of the indefinite stay of the move of the Lo-Vaca headquarters to San Antonio, therefore, I will be introducing a substitute motion to wit, that this City Council hereby directs that all prior agreements between City of San Antonio and Coastal States Lo-Vaca are hereby rescinded and that attorneys for City of San Antonio hereby immediately reinstate and pursue fully and vigorously San Antonio's lawsuit against Coastal States Lo-Vaca in the courts of law until such time as full restitution is made to the City of San Antonio for Coastal States Lo-Vaca break of contract or until such time as City Council directs otherwise. That is my substitute motion.

MAYOR COCKRELL: All right, is there a second to the motion to substitute.

MR. BERNARDO EURESTE: Second it.

MAYOR COCKRELL: All right, there's been a motion and a second for a substitute motion. At this time there is discussion on the substitute motion. All right, let me just speak to the Council at this point. Let me say, first of all that the subject of whether or not this Council would wish to completely change the course started in the last Council is certainly a subject that is a proper one for the Council to discuss. I do wish to raise a serious question, though, as to whether it is a proper subject to try to act on when there has not been sufficient preparation and discussion and let me ask the City Attorney for a comment.

CITY ATTORNEY JIM PARKER: From the legal - pure legal standpoint I don't think you can pass a substitute motion for it is a different subject matter than what the subject matter is posted as far as the motion is concerned and as such as if it would be it would be proper as far as either Council meeting session at any time.

MAYOR COCKRELL: So under the - what you're saying is - under the open meetings law.....

CITY ATTORNEY PARKER: I don't think under the open meetings law it would actually be one that would be valid as such because of the posting of the notice as such would be concerned this would have to be some variation or minor variation of this particular ordinance as to the caption part of it.

MAYOR COCKRELL: Well, in other words, your legal advice is that the ordinance that the substitute would not be proper to vote on

CITY ATTORNEY PARKER: The substitute would not be a proper subject matter to vote upon today.

MAYOR COCKRELL: Let me just advise this also in addition to any legal problems that there would be, it would be my strong recommendation to the Council that if there were serious desire to review the basis on which the previous Council has entered into the agreement again I would advise seriously that we have a work session with the attorneys to review the whole background of the matter and reach a decision based on a thorough review with the Council and with the legal staff on it and at that time, I think, whatever decision the Council might arrive at would be the basis of serious and really profound consideration. I think to reach a conclusion without having followed that kind of a process would be a disservice to Council members trying to make such a decision and also to the City in that we have not entered into it fully in the proper way. That being the case the Chair will rule the substitute motion out of order on the grounds that the City Attorney has ruled it to be illegal to handle today.

MR. ORTIZ: Madam Mayor, I object to that, and I would like to ask Mr. Parker if this is his opinion, this is solely your opinion?

CITY ATTORNEY PARKER: Absolutely 100 percent correct. That is solely my legal opinion based on the provisions of Article 6252.17 to say that any subject matter has to be posted relative to any action that the Council is going to take.

MR. ORTIZ: I don't believe that this Council has to agree with your legal opinion, do we?

CITY ATTORNEY PARKER: Pardon me.

MR. ORTIZ: Does this Council have to agree with your legal opinion?

CITY ATTORNEY PARKER: No sir, you don't have to agree with it at all.

MR. ORTIZ: Thank you.

MR. EURESTE: I am not in agreement with the legal opinion simply because it seems to me that it is almost impossible then to enter any amendments to this resolution that has been put before us. Almost anything that would change the content of this document might be considered illegal according to the interpretation of the legal counsel.

MAYOR COCKRELL: Let me ask the legal counsel to clarify, ordinarily we do permit some type of amendments and will you comment on what type of amendments.

CITY ATTORNEY PARKER: The type of amendments would have to be one that would come within whatever the caption of the subject matter was posted for discussion, and this is not the repeal of a prior ordinance of the City is not mentioned in the caption and as such you would have to require the repeal of a prior ordinance to the City.

MR. ORTIZ: Madam Mayor, this resolution deals with the Coastal Lo-Vaca-Wyatt agreement and settlement and my substitute motion is just a variation on the resolution, so I stand my ground on this, and I will demand a vote on my substitute motion.

MAYOR COCKRELL: Well, the Chair has ruled it out of order and based on the legal opinion that has been given me. Let me point out to you that as a matter of procedure you have a perfect right as a member of the Council to appeal the decision of the Chair and then it will be up to the Council majority to vote as to whether to overrule the Chair and I'm as I say, I'm just following the legal counsel.

MR. ORTIZ: Then I so appeal.

MAYOR COCKRELL: All right, we have an appeal to overrule the decision of the Chair, is there a second.

MR. PYNDUS: I second the motion for various reasons.

MAYOR COCKRELL: All right, at this point we will have a vote on whether or not to overrule the Chair, just to restate where we are the Chair has ruled the motion out of order based on the advise by legal counsel, and we have the decision appealed. Those who wish to overrule the Chair please say Aye, those who wish to sustain the Chair please say Aye. All right, we have to have a roll call.

AYES: Wing, Eureste, Ortiz, Alderete, Pyndus, Cisneros, Webb;

NAYS: Dutmer, Steen, Cockrell, Hartman

ABSENT: None

CITY CLERK: The motion carried.

MAYOR COCKRELL: All right, the motion carried. The Chair is overruled. The vote then will be on the substitute motion. Mr. Pyndus.

MR. PYNDUS: I would like to speak against the substitute motion if this is the appropriate time for it, Mayor Cockrell.

MAYOR COCKRELL: Go right ahead.

MR. PYNDUS: Fine. I think the substitute motion is as frivolous as the original motion. I think it's prematurely, and I think it should be discussed. We have in the past 18 months with the advise of 3 million dollars worth of attorneys' fees have approached this settlement and to attempt to wipe that out in one sitting after two Council meetings is frivolous, and I think it's a serious matter, and it takes some deep discussion and a lot of thought and a lot of expertise before such action is taken, and I think this Council should vote that motion down just as it should vote the original motion down, and I think they're both in the same category.

MR. ORTIZ: It's my feeling which I think would be justified today that a majority of us were elected to that Council with a clear mandate to look after the interest of the citizens of San Antonio, in particular to the Coastal Lo-Vaca settlement plan, and I believe this is what it's all about and there's nothing frivolous about this. It's a very serious matter. It cannot weigh anymore heavy on me then it does on everybody else here, and I realize that this is a very serious move, but San Antonio right now has its back to the wall. We need to put San Antonio back in a strong bargaining and negotiating position with Coastal Lo-Vaca, and this is my only interest.

MAYOR COCKRELL: Mr. Hartman.

MR. HARTMAN: I would like to speak against the substitute motion and thereby in favor of the original motion. The substitute motion represents a significant deviation that in my view, as yet, I see no basis for. We have, in my view, seen no substantive evidence of bad faith with regard to the settlement that has been arrived at. As I stated earlier this afternoon at such time, such substantive evidence is shown I will gladly join you, Mr. Ortiz, in calling for us going back to court but until such time as such evidence is shown I think it will be, in effect, irresponsible to take into court a case that has been resolved although as I said earlier, not in the best circumstance, but nevertheless, a resolution has been reached which I want to see us continue to pursue. I believe the original motion and the resolution, in effect, restates our resolve that was stated at the time that the settlement was reached and it is for that reason that I want to see, and it is only for that reason that I want to see the original motion passed.

MAYOR COCKRELL: Mrs. Dutmer.

MRS. HELEN DUTMER: I, too, would like to speak against the substitute motion. I can see the concern for each side of this question. In effect, what we are doing with this substitute motion is the same thing that Coastal States did to us. We have a tentative agreement with Coastal States now and Lo-Vaca, if we break that faith on our own part we will be as guilty as they breaking their faith to us.

MR. FRANK WING: I would like to ask an opinion. Can the litigation be pursued if they're dealing in good faith until the settlement is consummated. I just

MAYOR COCKRELL: Let me ask the status for the Council. As I understand it once the settlement was agreed to the Judge called with the consent to both sides, called a halt to the proceedings in order to permit the settlement to be processed and consummated and just, we need first a legal opinion, and then I'll tell you some of the practical problems that the attorneys relate to us. Mr. Parker.

CITY ATTORNEY PARKER: It is my understanding that there was a court order entered pursuant to the agreement, the tentative agreement that there would be no further proceedings pending the outcome of that being consummated, at which time then the matter would be incorporated in a judgement out of the district court that is actually in Austin in another related suit that was pending is where the final agreement would be incorporated in total within that judgement, and then at that point in time the other suit that was pending here on a related suit on a plea of privilege would then be dismissed.

MR. WING: Do I take that to mean that they can procrastinate from here to

CITY ATTORNEY PARKER: No, there were deadlines within that instrument, as I recall, that required sometime in the end of June or sometime in June that the agreement has to be consummated or it has to be up to a certain point as far as the drafting of certain instruments and agreements, it would then be a broader instrument, the original instrument with a certain number of pages this one would be many, many more pages, detailed provisions of how the entire plan be

MAYOR COCKRELL: Let me just mention something the lawyers shared with us. We've raised this same kind of an issue before, in fact, Dr. Cisneros, Mr. Hartman and the many of us who have pursued the lawsuit very vigorously have continued to raise the issue, why can't we keep the lawsuit going all the time and then work on the settlement on the side and what we have been advised is simply that in the matter of time of the attorneys pursuing the lawsuit vigorously takes, in effect, the full time of our legal staff that are working on them. They're bringing in witnesses, they're pursuing and getting dispositions and all of these things. Also assuming the settlement proceeds with the consent of all the parties that also require almost a full time effort because once the other customers ratify it, it also requires a great deal more legal work getting the final documents prepared and that all is happening. So, that was why

MR. WING: Would it take that much though, I thought the settlement had already been agreed on.

MAYOR COCKRELL: Well, what has been agreed to was sort of a statement in principle in what was to be agreed. It's a long document enough as it is, but the final documents are going to require even more pages, more work in spelling out exactly line by line each thing in detail so there is a great deal more legal work that is required which makes it - well, our attorney says virtually impossible to try to do both and have them both proceed at the same time. Mr. Webb.

MR. JOE WEBB: Madam Mayor, I came to this Council with the strong position of not in favor of the settlement, and at this time I am of the same opinion, however, I do know that I am aware of the problem that we're faced with in trying to have an ongoing suit and a settlement at the same time, but after listening to the CPSB and the lawyers the other day I got the effect of a snow job. In reality, I did not like what I heard. I mentioned it to several others and they also did not like what they heard from that session that we had and so here we are again, and we're talking about listening again to a whole lot of rhetoric and a whole lot of - I am in favor of going ahead with the program and doing but I don't want to continue with this thing of dealing with other cities and what have you. We have a break of contract, a so called settlement, a suit, we have a break of contract and I think the other cities in the other areas do not have the same problem we have in San Antonio. Am I correct in saying that?

MAYOR COCKRELL: No sir, I hate to tell you that you are not correct. Let me just say, let me just say this. The last Council spent months, and months and months working on this problem. We worked with our attorneys and just to do justice to yourselves. I urge you as strongly as I can not to take any action of this type unless and until you would have the opportunity to sit down with the attorney, with the full staff. In other words, you just, if there was just even one member of the legal firm, one of the two legal firms that is representing us here today, and we were not talking directly to the subject of the entire background of the suit. The lead counsel, Mr. Miller, from Washington was not here. Just - I really urge you that I think each of you owe it to yourself to hear the whole story before you make up your mind finally. So, from that point of view, again, that's all I can say.

MR. WEBB: Madam Mayor, the breach of contract, again?

MAYOR COCKRELL: On the breach of contract, each of these other cities enjoys exactly the same problem we do. Each of them have had contracts, each of them are now paying in excess of their contract price. The City of Austin has filed suit, the LCRA filed suit, I don't know that the City of Corpus has yet filed a suit, but they are all in exactly the same position. They've all suffered the same kind of problem, damages that we had and that's the background. Mr. Steen.

MR. STEEN: Madam Mayor, I very much agree with what you said, and I'm very much against the substitute motion that Mr. Ortiz made. I - we're beginning to sound like the City Council that went out of office at the end of April, going back and forth on all these things. I think we ought to - I would be hoping that Mr. Ortiz would withdraw his substitute motion and get that out of the way. But, Mr. Parker, if you will in your legal opinion we're doing an illegal thing and in case that motion should somehow pass today, what happens if it turns out to be an illegal motion?

CITY ATTORNEY PARKER: Well, if under the open meeting law, any matter that does not comply with it is void, and the attorneys would proceed accordingly to whatever action the Council directs, but it would be subject to challenge and it's going to cloud up the court issues a little more until you take one in another meeting, I would believe, but

MR. STEEN: Thank you very much. Mr. Ortiz, it sure would be a good thing if you would withdraw your motion.

MR. ORTIZ: Madam Mayor.

MAYOR COCKRELL: Mr. Ortiz.

MR. ORTIZ: I know that this settlement was worked very hard towards by the old Council, but I would just like to remind you that the majority of the old Council was not voted in again. So I will call for the question at this time.

MAYOR COCKRELL: Mr. Pyndus.

MR. PYNDUS: Before the question is called I would like to state I think the extreme urgent need for calm deliberate action, I cannot quarrel with your decision to do the best thing that you feel for the citizens of San Antonio because I'm attempting to do the same thing myself. I urge you to fully familiarize yourself, know as much as I know before you take this action because it took me a long time, and it's very complicated and then if you feel that your action is justified I may be in your corner. But at this moment, with the commitments that this City has made, not only with the expense of our attorney and advice of our attorneys and combination with other customers in the same plight as ourselves, I think that this is not the appropriate time to take such action, and I would ask that you vote against the substitute motion.

MR. STEEN: Madam Mayor.

MAYOR COCKRELL: Yes, Mr. Steen.

MR. STEEN: I would like to move that we postpone the decision on this substitute motion for at least four weeks.

MAYOR COCKRELL: Is there a second to the motion to postpone?

MR. PYNDUS: I would second that.

MAYOR COCKRELL: All right, let me ask the City Attorney for a ruling. Is that in order?

CITY ATTORNEY PARKER: That would be a substitute to the substitute.

MAYOR COCKRELL: But actually it's a motion to postpone. It's a procedural motion.

CITY ATTORNEY PARKER: I'll have to go get Robert's Rules of Order out and read that before I

MR. ORTIZ: Madam Mayor, again I will call for the question.

MAYOR COCKRELL: Just a second, just a second. I'm trying to get a ruling from the City Attorney.

CITY ATTORNEY PARKER: I'll have to get Robert's Rules of Order out and read that. I am not sure of that point.

MAYOR COCKRELL: All right, there is a motion to postpone for four weeks. I would like to - I think I do want to give a correct ruling on that. Could we ask you to look that up very quickly for us. Meanwhile I will recognize Dr. Cisneros.

DR. CISNEROS: I'll wait.

MAYOR COCKRELL: All right, fine.

MR. HARTMAN: Mayor, just a point of clarification. On Mr. Steen's motion, would this be to postpone any and all action or only with regard to the substitute motion?

MR. EURESTE: I would have to be a chain, a chain of reaction and when you postpone your substitute, you, in effect, will have to cease discussions on everything.

MAYOR COCKRELL: Yes, so we'll wait just a moment. I would like to have the point checked on the parliamentary. May we come back to order, please. I believe that the City Attorney has returned.

CITY ATTORNEY PARKER: I consulted Robert's Rules of Order, and it would be a proper motion to postpone the matter until a time certain would take precedent over the motion to vote on the substitute motion.

MAYOR COCKRELL: All right, so the - in other words, it's proper to proceed?

CITY ATTORNEY PARKER: It's proper to proceed to vote on a motion to postpone.....

MAYOR COCKRELL: It would be to postpone until a time certain. All right, certain of four weeks hence. Dr. Cisneros.

MR. CISNEROS: Would the City Attorney rule on the merits of tabling as opposed to postponement.

CITY ATTORNEY PARKER: Table would mean that you would not consider any further at this particular hand. You could then bring it up in the next, in another Council session.

DR. CISNEROS: At the discretion of the individuals who table but did not at a time certain necessarily?

CITY ATTORNEY PARKER: At any time in the future you could bring it again. It would have to be posted as a subject matter to be discussed at that meeting.

MR. ORTIZ: Madam Mayor, I called, Madam Mayor.

MAYOR COCKRELL: Mr. Ortiz.

MR. ORTIZ: I called for the question on my substitute motion before Mr. Steen made his, so I will demand, I will insist that we call the question on my substitute motion.

MAYOR COCKRELL: Mr. Ortiz, and to the members of the Council, the proper way to request a vote on a pending question is to say, "I move the previous question". If that motion is seconded it requires an immediate vote on the pending question. There was not an official call under Robert's Rules of Order. We now have pending the motion to postpone for four weeks as a pending motion. Those in favor of the motion please say Aye. All right, we'll call roll on the motion to postpone.

AYES: Dutmer, Pyndus, Hartman, Steen, Cockrell

NAYS: Wing, Eureste, Ortiz, Alderete, Cisneros, Webb

ABSENT: None

MAYOR COCKRELL: All right, the motion has failed. We're now pending, all right, Dr. Cisneros.

DR. CISNEROS: Madam Mayor, I understand very clearly the logic that has brought Mr. Ortiz to this point. He, as the rest of us, feels a great responsibility because of the situation in which our citizens find themselves and most importantly a mandate as a result of the positions and the articulations of the last City Council campaign in which this issue of the settlement was in fact an issue. If we vote today on the substitute motion I would feel compelled to vote for the substitute motion because it's my opinion that having voted against the settlement before, I too do feel a mandate that propels Mr. Ortiz. I think my credentials are good to speak for the utility consumers of San Antonio in terms of the position taken during the last City Council consistently with respect to the settlement the vote on the actual settlement. The attempt to pull together a Rate Relief Program at some great political cost to myself and, of course, the continuation of such resolution as the one that I sponsored for today. I

think my credentials are good when I say that I've tried to be on the side of the consumer consistently and not waivered any with respect to Oscar Wyatt, Coastal States, Morris Jaffe, Charlie Becker, Frank Sepulveda or anybody else in San Antonio, who has tried to argue for a premature settlement. But I would like to ask my colleagues to at least reserve the time to review the legal posture at this point because what action we might take could constitute a non-reversible or irrevocable position.

As I indicated, I think that if we did vote today, I would be voting for the substitute motion. I see strong merits in returning to the court room. However, I would feel much more comfortable with the opportunity to talk to Mr. Miller one more time, our Washington attorney to pursue, perhaps Mr. Pyndus's suggestion of the other day, although he made it in jest of talking with several other state-wide attorneys like John Butler who's now in private practice but knows utility law perhaps as well as any utility attorney in the state out of Austin and several other people. I think there is a great need for San Antonio to show a sense of urgency about this matter and I think Mr. Ortiz is bringing this motion today as to be lauded as an indication of the sense of urgency that continues to plague San Antonio consumers. But I would request of him and my Council colleagues that we give, at least the opportunity for further review of this matter. The vehicle that I propose is that instead of postponing until a time certain is that we simply table the motion into an indefinite time so that at the conclusion of that requisite analysis for the new Council members that we be prepared to untable the motion if it's still appropriate, well then, of course, it simply wouldn't be untabled. I hereby make the motion then that we table the substitute motion.

MR. PYNDUS: I second the motion.

DR. CISNEROS: I will claim responsibility and credit before the consumers of San Antonio for that action.

MR. HARTMAN: Madam Mayor.

MAYOR COCKRELL: It is - there is a motion to table.....

DR. CISNEROS: Madam Mayor, if I may just continue with my thought. If I may, implicit in that motion is a strong mandate to the whole Council that we proceed immediately to take whatever steps are necessary before the - before all members of this City Council, the information to make the decision that has to be made. That means pulling all the stops and all the plugs relative to getting the resources here whether it be Bill Miller out of the Washington firm, whether it be John Butler or whoever else is necessary to get this, get before the Council the best possible information on this matter as soon as possible.

MR. HARTMAN: Madam Mayor.

MAYOR COCKRELL: All right, we have a motion and a second to table.....

MR. HARTMAN: Madam Mayor.

MAYOR COCKRELL: Just a moment. Is the motion to table debatable? It's my thought that it's not, but I want to recheck it.

MR. HARTMAN: This is not a debate item, Madam Mayor.

MAYOR COCKRELL: Just a second.

CITY ATTORNEY PARKER: No, it is not.

MAYOR COCKRELL: That's what I thought. Unless it is a point of order, the Chair will not recognize you.

MR. HARTMAN: I will make a statement at the time that I vote, then, Madam Mayor.

MAYOR COCKRELL: All right, there is a motion to table, those in favor of the motion say Aye.

AYES: Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell, Cisneros, Webb, Dutmer.

NAYS: None.

ABSENT: None.

MAYOR COCKRELL: Motion is carried. We then table and is there any further business.

DR. CISNEROS: Madam Mayor, is that - I didn't table the original.

MAYOR COCKRELL: Your table, I see, referred only to the substitute. All right, then the original motion is still pending. The resolution relative to the matter that had been the subject of this meeting.

MR. HARTMAN: Madam Mayor.

MAYOR COCKRELL: Yes, and there is a motion and a second already. So that is now pending. Mr. Hartman.

MR. HARTMAN: Madam Mayor, of course, as the record will show I was the one who made the motion to approve this Resolution that as I stated at the outset merely restates what has been stated before as to this City's resolve to come to an agreement with our adversaries on this rather wrenching problem.

I find it difficult to reconcile the statements of Dr. Cisneros inasmuch as on one hand he proposes a resolution that I applaud which is a restatement of our resolve and then on the other hand states he is willing to support a substitute motion which is not consistent with that resolution. The statement then, if he were to have to vote today, then he would find it necessary to vote for the substitute and in the same breath says that he still wants to talk to Mr. Miller. I just find this very difficult to understand, but be that as it may, I continue to feel that as I did in the beginning of the session, that the resolution has been substance and is appropriate, despite the inconsistency that I cannot reconcile.

MAYOR COCKRELL: All right, let me just urge that the Council address itself to issues and

MR. HARTMAN: This is an issue.

MAYOR COCKRELL: Thank you, at any rate we now have the vote pending on the original motion. Those in favor say Aye. Any opposed No. All right, the Ayes have it. The resolution has passed.

MR. STEEN: I don't know if they do or not.

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

AYES: Hartman, Cockrell, Cisneros, Webb, Dutmer, Wing.

NAYS: Eureste, Ortiz, Alderete, Pyndus, Steen.

ABSENT: None.

CITY CLERK: The motion carries.

MAYOR COCKRELL: The motion carries and the meeting is now adjourned.

77-26 There being no further business to come before the Council,
the meeting was adjourned at 6:30 P. M.

A P P R O V E D

Lila Lockwell

M A Y O R

ATTEST: *G. V. Jackson*
C i t y C l e r k

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