

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JANUARY 6, 1977.

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

77-1 The invocation was given by The Reverend Mike Buford, Hot Wells Baptist Church.

77-1 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

77-1 PRESENTATION OF RESOLUTION TO THE WINSTON
CHURCHILL CHARGERS FOOTBALL TEAM

Mayor Cockrell read the following Resolution:

A RESOLUTION
NO. 77-1-1

WHEREAS, the Chargers of Winston Churchill High School defeated the Wildcats of Temple High School on December 18, 1976 and captured the State AAAA Football Championship of the Texas Interscholastic League, in competition with more than 1000 teams across the State, and

WHEREAS, the Chargers of 1976 have become known as a team without a star because each player is dedicated to a team effort and because of this team effort, they have compiled a record of 15 wins and no losses, and

WHEREAS, the citizens of San Antonio are proud of the Chargers not only because of their winning but also because of the sportsmanlike conduct of the team, the coaches, and, indeed, the entire student body, and

WHEREAS, the accomplishment of this great high school team has brought great honor to our City; NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

That the Winston Churchill Chargers Football Team be congratulated for having won the State Championship of Class AAAA in the Texas Interscholastic Football League.

That the players, coaches, faculty, and the entire student body of Winston Churchill High School are hereby commended for their intense school spirit and display of sportsmanship.

That a copy of this Resolution be spread upon the minutes of the City Council and that a copy thereof be presented to the Chargers.

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

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Mayor Cockrell then presented Churchill Principal Robert Geisler with a framed Resolution. Also present for the presentation were:

Assistant Principal Allen Davis

Head Varsity Coaches: Jerry Comalander
Jack Peterson
Jerry Turnbow
George Crawford

Trainer: Les Tiner

The Entire Football Team and Captains
David Darr
Mark Harrelson
Mack Ihle
Buzzy Nelson

Cheerleaders: Janie Armstrong
Shawna Cochran
Dee Griffin
Traci Lochte
Karen Randol

Principal Geisler thanked Mayor Cockrell for attending their pep rally prior to the championship game. He also mentioned the outstanding sportsmanship displayed by the other high schools in San Antonio and that of the entire community in their support.

Head Coach Comalander also expressed his appreciation to the Council for the Resolution.

77-1

RESOLUTION OF RESPECT

Councilman Hartman read the following Resolution:

A RESOLUTION OF RESPECT
NO. 77-1-2

WHEREAS, life came to a close for The Very Reverend Louis J. Blume on Sunday, January 2, 1977, ending a career career which had been devoted to service to his fellowmen, and

WHEREAS, Reverend Blume served as President of St. Mary's University from 1947 to 1953 and again from 1963 to 1973, and

WHEREAS, Reverend Blume also gave generously of his time and talents to civic affairs as a member on the HemisFair Board, and as a member of the Board of Trustees of the San Antonio Public Library, and

WHEREAS, Reverend Blume was admired throughout the community for his fairness and generosity and his constant devotion to all citizens; NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. That with the death of The Very Reverend Louis J. Blume the City of San Antonio has lost a valued educator, clergyman, leader and friend.

SECTION 2. That this Council, on behalf of City officials and employees, as well as the citizens of this great City, does hereby express profound regret on the occasion of the death of The Reverend Louis J. Blume.

SECTION 3. That this Resolution be spread upon the minutes of this meeting and a copy thereof be sent to the bereaved family.

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Mr. Hartman then moved to approve the Resolution. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the Resolution, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

Mayor Cockrell stated that she had considered it a privilege to know Reverend Blume and had always admired his leadership in the community.

77-1 RESOLUTION ON SICK LEAVE FOR FIREMEN AND POLICEMEN

The following discussion took place:

MAYOR LILA COCKRELL: We will now proceed with Roman Numeral VII. The Clerk will read the caption.

CITY CLERK G. V. JACKSON, JR.: A Resolution calling for relief from burdensome sections of Article 1269M relating to unlimited accumulation and payment of sick leave for firemen and policemen, and calling for cooperation between the City and Bexar County legislative delegation in accomplishing same.

MAYOR COCKRELL: Mr. Pyndus, it was your resolution.

MR. PHIL PYNDUS: Mayor Cockrell, two weeks ago you had asked that I withhold this resolution pending further discussion and negotiation with our Police and Fire personnel. And as of this reading, I have not received any information that would change my desire to have this resolution passed by the City Council. I'd like to read the resolution to make a comment, if I may.

MAYOR COCKRELL: Surely, go right ahead.

MR. PYNDUS: (Read the following Resolution).

WHEREAS, an amendment to Article 1269m, passed in the last session of the Texas Legislature, provides for unlimited accumulation of and unlimited payment for unused sick leave for firemen and policemen in San Antonio; and

WHEREAS, the State legislature made no provision for paying this additional expense; and

WHEREAS, the City Personnel Director has estimated that the amendment places on the City a current liability of \$11,428,000; and

WHEREAS, this liability is projected to increase to over \$66,700,000 within 20 years; and

WHEREAS, the City has no available funds to allot to this unexpected expense; and

WHEREAS, local taxpayers must ultimately bear this cost; NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

That the City Council requests the Bexar County Legislative Delegation to take the lead in repealing this burdensome portion of Article 1269m; and

BE IT FURTHER RESOLVED that the City Council endorses and hereby joins with Representative Abe Ribak in his effort to educate the public as to the great financial liability involved; and

BE IT FURTHER RESOLVED that the City Council requests the Legislative Liaison to arrange a work session between the City Council and the State Legislative Delegation to discuss the best methods of obtaining relief from this burdensome amendment.

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Now, there are four areas I feel that involves the passing of this resolution. And I think the first area that we should address is the validity of paying sick leave - an unlimited amount of accumulated sick leave to a particular group of City employees. The provision that provides for the payment of unlimited sick leave to a certain group of employees creates a morale problem for other City employees who are not included in the act. If we compounded the expenses involved and the payment of unlimited amount of accumulated sick leave for all employees of this City, the City could not afford to manage this burden unless it increased the taxes to the taxpayer. So, I think that an effort should be made to face the issues squarely of whether the payment of sick leave is valid.

This second area has been the admission in the City Personnel Department that bad personnel practices have been allowed in City administration by allowing riding out of this sick leave. There have been City employees in the past who have pretended to be sick for a matter of thirty and sixty days and received pay for that period of time. And I would ask that the City Manager look into such a situation to prevent a reoccurrence of these bad personnel practices. As I understand, corrective measures have been taken. I would like to be assured of that.

The third area which I have, I have always taken a strong stand. There is a heavy responsibility on every council member because he is entrusted with the care of your tax dollar, and it is a great responsibility. And the City budget does not provide for this huge payment of unlimited sick leave first of all to a particular group and secondly, if everyone is to receive equal treatment to the entire staff of local government.

So, from a fiscal standpoint alone this Council should take strong action to see that our City is financially secure because we can make that decision ourselves. And I would urge, Mayor and my associates, that the City leadership take a strong stand in supporting this resolution so that it will be abundantly clear to our state representatives as well as to our citizens that we are making an attempt to cure this burdensome portion of this one bill. And I so move for adoption of this resolution.

MAYOR COCKRELL: There is a motion, is there a second?

MR. AL ROHDE: Yes, I'd like to say something one second, Mayor. I'll second it with this comment. It is now clear that this sick leave act has placed an undue burden - a unfair burden - on every present and future taxpayer of San Antonio who must pay the bill if the act is not repealed now. In the interest of "Good Government" I supported Councilman Pyndus in 1975 as one of the Council Co-Signers of his strong message to Gov. Brisco to veto this act. It was not done. With the clear evidence and proof this council now has of the excessive cost of this act plus the ethical reasons and purposes for a sick leave policy of all city employees - I second his motion and call for a repeal of this sick leave act. I ask the full support and cooperation of all Council Members to fully support this Pyndus resolution for the best interest of all the people and taxpayers of San Antonio.

MAYOR COCKRELL: Thank you very much. The motion has been made and seconded. Mr. Pyndus referred to the fact that he first introduced this resolution two weeks ago and then agreed to accept a postponement until today.

Part of the reason for my request of his postponing the action at that time was that discussions had been initiated with members of the legislative delegation. I think, as most of us realize, the City Council may pass resolutions which we have done in the past. The ultimate ability to change legislation lies, of course, with our legislative delegation. Now, we feel that it is very important for the City Council and the legislative delegation to work in close harmony on issues affecting the city.

And as Mayor, I have met with Senator Lombardino and have been working toward the possibility of amending this legislation. Senator Lombardino has been very helpful and cooperative in willing to meet and to discuss the issues involved.

There is not yet a final resolution in terms of an agreement as to the specific amendment that will come about to the state legislation. I do point out that there are several alternatives as to possibilities of how it should be amended.

We have now a new City Manager who has had experience in reviewing employee benefits in other cities, and I think it will be helpful that we get his opportunity for input and comment on the way that the benefits could be evaluated as part of the total package. Now there is an alternative resolution that has been prepared that I think also states the interest and concern of the City Council in the issue and I think that Dr. Nielsen has this resolution now to present in the form of a substitute.

DR. D. FORD NIELSEN: Thank you, Madam Mayor. I at this time offer a substitute motion which reads very briefly:

NO. 77-1-3

WHEREAS, the City Council is working with the Bexar County Legislative Delegation for a solution to the fire and police sick leave problem; and,

WHEREAS, the City Council realizes that the Bexar County Legislative Delegation in passing this sick leave amendment believed that a saving would result to the City of San Antonio; and,

WHEREAS, the evidence presented at the committee hearings of the State Legislature showed that there was a practice of "riding out" of sick leave by firemen and policemen which led legislators to conclude that the lump sum payment for all accumulated sick leave would provide an incentive which would bring out the discontinuance of this practice with resultant savings to the City; and,

WHEREAS, however, such practice of "riding out" of sick leave is not condoned by the City of San Antonio and the Chief of Police and Fire Chief have taken steps to see that the practice is corrected; and,

WHEREAS, the City Council and the Bexar County Legislative Delegation are reviewing alternate amendments to correct problems pertaining to the present law in the best interest of the citizens of San Antonio; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

That the City Council and the Bexar County Legislative Delegation continue these efforts expeditiously in the best interests of the citizens of San Antonio and the members of the Fire and Police Departments of the City.

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In making this motion, Madam Mayor, I want to back up what you've said. There have been very serious conversations coordinated through the Mayor's office, our legislative liaison, and a number of not only fire and police officials - but a number of citizens and other staff members of the City of San Antonio. I feel very strongly that this is a more positive step, if you will, terms of a resolution to getting the problem resolved and it is a problem. I think what we must keep in mind fundamentally is that we resolve it, not that we make a lot of talk and a lot of resolutions and everything else, but that we resolve it very constructively in the next couple of months, and I think that is what this Council is pledged to do.

MR. BOB BILLA: I second the motion.

MAYOR COCKRELL: There is a second to the motion. Mr. Hartman.

MR. GLEN HARTMAN: Madam Mayor, I would also like to second Dr. Nielsen's motion with the statement that I share fully Mr. Pyndus' concern with regard to the action that was taken by the Legislature and the implications on the City and the concern that certainly stems from the, if nothing else, purely the fiscal aspects. However, I think the alternate Resolution, substitute motion, does embody the recognition of the fact that actions are now being taken along the lines towards the objectives that Mr. Pyndus essentially is calling for, and if that be accurate and with that understanding I would believe that it would be appropriate to have the secondary motion.

MAYOR COCKRELL: Yes, Mr. Pyndus.

MR. PYNDUS: I would like to speak against the substitute motion. I feel that it contains nothing that my resolution does contain, in fact it's watered down. The resolution as stated by Councilman Nielsen merely resolves that the City Council and the Bexar County Legislative Delegations continue their efforts expeditiously in the best interest of the citizens of San Antonio and members of the Fire and police Department of the City, and I think I've stated that pretty accurately in this resolution, my resolution and also urging a strong stand.

I am calling for the appeal of this revocation of Article 1269M and your resolution does not contain that request. I am calling for this Council to publicly acknowledge the fact that we should support a representative who has publicly stated that he made a mistake in passing this Bill and his Resolution does not contain that.

Now, we, my final, my final paragraph said that the City Council requests the Legislative liaison to arrange a work session and that's positive between the City Council and the State Legislative Delegation to discuss the best methods of obtaining relief from this burdensome amendment. Now, I think that the amendment should be made and I think we should back the amendment of, to this Bill. By merely working within the law we are not settling anything. We must change the law. Now, I strongly, I feel very strongly that the Resolution presented by Councilman Nielsen is not adequate. It contains nothing more than what I have put in my resolution.

MAYOR COCKRELL: All right, Mr. Billa.

MR. BILLA: I just wanted to say, Mayor, that I think Mr. Pyndus is certainly entitled to his views, but I believe that the amended motion would offer the opportunity and states very clearly what he says and what all Council persons have previously said, and he must remember that when you single out one person in a resolution that voted for it also that you're probably eliminating the help of those that could do something about it. And I think we must recognize that this was not passed by one person but by a group of legislators that approved it, and that they now recognize what has happened and are certainly willing and certainly in the communications that I have had with them to take whatever corrective actions would alleviate or make justice in to what has come about. And I can see nothing but good coming from this controversy that has arisen, and I think that the alternative resolution would very specifically address the issue, and that we ought to act on it.

MAYOR COCKRELL: Yes, Mr. Rohde.

MR. ROHDE: Mayor, I would like to ask Dr. Nielsen why he feels that a substitute motion is in order. I feel that sort of, that it is a cop out by Council.

MAYOR COCKRELL: Mr. Teniente.

MR. RICHARD TENIENTE: It is obvious now, I think, that the feelings of each individual Councilman as being expressed are different and Councilman Pyndus' statement that we ought to repeal the Bill is certainly not within our jurisdiction. I think that you are sitting on the wrong seat. You should run for the Legislature if you want to have that action. The problem that we are going to be facing if you remember some of the discussions that we have had, that there is going to be many, many other things coming up before the session in this coming year, and I will certainly support the substitute motion because I think, in effect, we are trying to work with the Delegation not instruct them on what to do because that is the worse thing that you can do. You will not be effective, my friend, if you know how to play that game in Austin. And all I want to do is give relief to the citizens at the same time work with the people that are going to be up there in the next session and try to bring whatever good we can for San Antonio. I will go

MAYOR COCKRELL: All right

MR. ROHDE: Mayor, I would like to ask Dr. Nielsen to answer my question.

MAYOR COCKRELL: Just a moment, did you have any comments.

DR. NIELSEN: Oh, only that I think very candidly, Al, that in this particular case we will get a lot more with a little sugar as opposed to the end of a shot gun. That's all.

MAYOR COCKRELL: All right, let me just say that in terms of the substitute motion, I am going to vote for it, and I am going to state why. First of all, I think it very definitely points out that the City Council is interested and intends to see that there is corrective action taken in Austin. I think it also recognizes the fact that in order to get corrective actions that it is necessary and really desirable that we work in cooperation with our entire Legislative Delegation, and we intend to do just that. There are several possibilities of how the Legislation can be amended, and I think that we need to review all of the alternatives and then make the final decision jointly with our Legislative Delegation as to which alternative will best suit the needs of our citizens and of our employee groups, and I think that the thrust of the alternate resolution says, number 1, that we are going to be active, we are going to do everything we can to see that the Legislation is amended, we recognize that there is a problem in it, but that the major thrust of it is that we intend to work cooperatively with the entire Bexar County Legislative Delegation, and I think that is the main thrust of those who are offering the substitute Resolution. Is there any further discussion before we vote? Mr. Rohde.

MR. ROHDE: Mayor, I can't buy that because I think that when the Council took office, San Antonio was one of America's most fiscal healthy major Cities. We take an attitude like we are taking today, that is just going to become history. This Council has got to do everything that it can do to preserve the taxpayer's dollars and speak concern. The Pyndus' motion has said the price of this Bill of what it is costing. He has said that in the 20 years what it's going to cost, he can also probably give you what each person would get if you asked him. This man, Pyndus, his fiscal sensitivity must be heard by the Council. During the first week that he was on Council he noticed this issue that it was bad news for the citizens of San Antonio. And he did get several Councilmen to express concern and made a strong appeal to the Governor to veto this Bill and the rest of this Council did not hear him. I am pleading with the Council today that this is money that we do not have. This is a bad bill, it is a bad act and let's don't play politics with it. Let's go ahead and speak for the citizens of San Antonio.

MAYOR COCKRELL: All right. Let me say that if it's simply the passing of a Resolution along those lines on a Bill changes in Austin, I think that we would be considering the Resolution from a different point of view.

But I am pointing out that a previous City Council Resolution opposed this Legislation at the time it was pending and in spite of the fact that there was a City Council Resolution opposing the Legislation it passed anyway. So simply passing a resolution is not going to get the job done in Austin. What will get the job done is if we are able to reach a final, cooperative agreement with the entire Legislative Delegation, not just one member of the Legislative Delegation but the entire Legislative Delegation that they are going to go in there and work hand in hand with us to get this amended.

So it more than simply the Council passing a resolution and that gets the job done. The last Council passed a resolution which accomplished zero, zero. They passed it unanimously and yet the law was passed anyway. I think that what we are trying to do here is to recognize there is definitely a problem that we intend to do everything in our power to get it corrected but that we are in fact recognizing that in order to get it corrected we have to have the entire Legislative Delegation working with us cooperatively on that issue. My understanding of the resolution simply is that that is the thrust of it.

DR. CISNEROS: Madam Mayor, I think the course upon which we have embarked personally and with assistance from at least one other member of the Council in attempting to meet with members of the delegation, to meet with the heads of the employee organization, to meet with the city management and try to work out the numbers, to look at the law and to try to work out amendments in a way that we should proceed. I submit to other members of the City Council that if the Mayor in her judgement feels that this is the way to proceed that that is the greatest hope that we have for effectiveness and that if this substitute resolution will support your efforts well then I will be able to support that. On the other hand, now, Mr. Pyndus' resolution might have - might help us to yield to the momentary temptation of using strong language and waving a red flag but in the final analysis it will not be effective. I will support the substitute resolution.

MR. ROHDE: When you can't pay the bills you will be affected.

MAYOR COCKRELL: Mr. Pyndus.

MR. PYNDUS: Well, I have listened to my colleagues with reference to the resolution and I hear Dr. Nielsen say "we must play the game". I hear you say, Mayor, that simply passing the resolution would not accomplish the job. To me it is not simply a resolution. I think it shows leadership. I think that, I came in office and ran for office simply because I was tired of the game of politics as usual and I saw a City Council that did not have any leadership and I got fed up to the gills and instead of talking about it I ran for office. Maybe the accomplishments have not been great at this desk, however, I think that I offer a voice and the voice that I am trying to offer today is that the citizens are tired of politics. They are tired of playing the game in Austin. I'm tired of catering to elected officials on the state level that we must handle like babies. The act that passed is not equitable. It has created problems for the City from a morale standpoint, from a management standpoint and from a fiscal standpoint. And if nothing is done and if strong language and waving a red flag is not done, it will pass unnoticed. And I would predict if you do nothing, we will have a tax increase, and I think that we should take a look, a long look at the fiscal responsibility that we have to our citizens and what this deal will cost us. I did not ask Councilman Teniente, for a repeal of the entire bill. I asked for an amendment of that portion of the bill that referred to the unlimited amount of sick leave.

MR. TENIENTE: I think we're in agreement with that.

MAYOR COCKRELL: All right. Let me just say, I think the Council is in

agreement with the goal that we want to accomplish. No question about it. The question is how do we think the goal can best be accomplished, and I think that there are differences of opinions on the root to getting the goal accomplished, and I think that is where the issue is. We will now have the vote on the substitute motion.

MR. ROHDE: I just want to say one thing, Mayor, that I'm a businessman, and I know this when there's not money to pay the bills, I'm at the end of the goal.

MAYOR COCKRELL: The end result is what we're looking for. The . . . yes.

MR. ROHDE: I'm a taxpayer, too.

DR. NIELSEN: What we've all got to keep in mind is that lest whether it's a fiscal short fall or maybe even some challenging fiscal responsibility tax increase, all kinds of red flag, scare tactics and so on that can be raised, what this Council also has a very serious responsibility in acting out of and responding to is the fact that the economics of this town determines pretty much what kind of a tax base we have, and the kind of gyrations and resolutions and everything else that we come up with do to a certain extent influence the economic stability growth the progress and so on of this community, and one of the best ways we can find monies, if you will, aside from going to Washington, to help provide this town and most of the citizens badly need is through improving the tax base in this town. I think that this kind of resolution does more very honestly, my colleagues, to improving the economic viability of this community than the first resolution does.

MAYOR COCKRELL: All right we have a motion on the substitute resolution. Will the clerk call the roll.

REV. BLACK: Aye.

MR. HARTMAN: Aye.

MR. ROHDE: No on the substitute motion.

MR. TENIENTE: Yes.

DR. NIELSEN: Yes.

MAYOR COCKRELL: Yes.

MR. PYNDUS: No, and I wish that you would put the comment that I think that the Resolution is meaningless.

MR. BILLA: I vote yes and it's still a democratic country and the citizens can respond in two years in April.

DR. CISNEROS: Yes.

MAYOR COCKRELL: The substitute motion has passed. We now vote on the motion as substituted. Those in favor say aye.

AYES: Billa, Cisneros, Black, Hartman, Teniente, Cockrell, Nielsen, Rohde;

NAYS: Pyndus;

ABSENT: None

77-1

Mayor Cockrell read the following Resolution:

A RESOLUTION
NO. 77-1-4

EXPRESSING THE STRONG SUPPORT OF THE CITY
COUNCIL FOR EXPANDED TOURISM AND COMMERCE
WITH THE REPUBLIC OF MEXICO.

* * * *

Mayor Cockrell stated that she had asked that this Resolution be placed on the agenda for consideration by the Council. She stated that she will lead a delegation to Mexico City to meet with the officials of the Department of IMCE in regard to the planning of this year's Trade Fair. She further stated that this Resolution is appropriate and should be passed by the City Council because it states the City's position with regard to the Mexican Trade Fair. She then recognized and welcomed Consul General Raul Gonzalez Galarza who was in the audience.

Consul General Raul Gonzalez Galarza stated that he will be part of the delegation going to Mexico City and will do everything he can in order that the Mexican Trade Fair's continuance is assured.

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

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77-1 The minutes of the meeting of December 23, 1976 were approved.

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77-1 The Clerk read the following Ordinance:

AN ORDINANCE 47,537

FIXING JANUARY 25, 1977, AT 7:00 P. M., IN THE MISSION ROOM OF THE HENRY B. GONZALEZ CONVENTION HALL FOR THE HOLDING OF A PUBLIC HEARING ON THE PROPOSAL TO CREATE A RAPID TRANSIT AUTHORITY; DESIGNATING THE AREA PROPOSED TO BE INCLUDED IN SUCH AUTHORITY; DIRECTING THAT A COPY OF THE NOTICE BE FURNISHED THE TEXAS MASS TRANSPORTATION COMMISSION OR ANY SUCCESSOR THEREOF; AND DECLARING AN EMERGENCY SO THAT THE ORDINANCE SHALL BECOME EFFECTIVE UPON ITS PASSAGE.

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Councilman Hartman moved for adoption of the Ordinance and stated this Ordinance represents the culmination of a great deal of work by the Metropolitan Transit Authority Advisory Committee. He explained that this is the first necessary step toward giving the citizens the opportunity to express their desires on whether or not a regional transit authority should be established. Dr. Cisneros seconded the motion.

On roll call, the Ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

Mayor Cockrell recognized Ms. Marilyn Jones, Vice Chairperson of the Metropolitan Transit Authority Advisory Committee, who was in the audience.

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77-1 The Clerk read the following Ordinance:

AN ORDINANCE 47,538

AUTHORIZING EXECUTION OF A CONTRACT WITH THE CITY OF ALAMO HEIGHTS PROVIDING FOR THE WIDENING AND RECONSTRUCTION OF TUXEDO AVENUE AND NACOGDOCHES ROAD WITH ASSISTANCE FROM THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION THROUGH THE URBAN SYSTEMS PROGRAM AND THE SAN ANTONIO PORTLAND CEMENT COMPANY, PROVIDING FOR ADJUSTMENTS TO THE CITY BOUNDARIES, FIXING MAINTENANCE AND TRAFFIC CONTROL RESPONSIBILITIES UPON COMPLETION OF THE IMPROVEMENTS; AND DIRECTING LAND USE STUDIES AND A HEARING BE SCHEDULED ON PERMANENT ZONING OF THE SAN ANTONIO PORTLAND CEMENT COMPANY PROPERTY.

* * * *

Mr. Elkin McGaughy, Councilman from the City of Alamo Heights, explained that presently the right of way for Tuxedo Avenue when it is widened would lie in both San Antonio and Alamo Heights. This contract specifies which City will handle maintenance traffic control, etc. This contract must be effective in order for the Highway Department to proceed.

City Attorney James Parker said that this agreement is keyed to obtaining right of way dedication from the San Antonio Portland Cement Company. In turn, the right of way matter is keyed to the Portland Cement Company, getting permanent zoning on its property. This ordinance does not have any effect on the zoning matter but is conditioned on the zoning being accomplished.

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

77-1 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, Black, Hartman, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Billa, Rohde.

AN ORDINANCE 47,539

AUTHORIZING THE CLOSING OF DALLAS STREET BETWEEN RICHMOND AND NAVARRO STREETS FOR A SIX MONTH PERIOD BEGINNING FEBRUARY 1, 1977.

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AN ORDINANCE 47,540

AUTHORIZING EXECUTION OF A CONTRACT WITH CITIBANK, N.A. DESIGNATING IT AS THE NEW YORK CITY PAYING AGENT ON BOND ISSUES OF THE CITY OF SAN ANTONIO.

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77-1 The Clerk read the following Ordinance:

AN ORDINANCE 47,541

AUTHORIZING THE TRANSFER OF \$70,232.77 FROM THE GENERAL FUND TO THE COLLEGE WORK-STUDY PROGRAM, ACCOUNT NO. 70-01-23 FOR THE PURPOSE OF PAYING THE PROGRAM'S CURRENT LIABILITIES AND ENABLING THE PROGRAM TO CONTINUE THROUGH THE CURRENT FISCAL YEAR.

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Mr. Leroy Harvey, Supervisor, Public Service Careers, said that the problem in this program arose because of a change in the administration of the Accounting Department of the San Antonio Union Junior College. An audit revealed that the City had not been billed properly by the college. He explained the auditing that was done by the College and steps taken to remedy the situation. Funds appropriated by this Ordinance will bring the program up to date.

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

77-1 The Clerk read the following Ordinance:

AN ORDINANCE 47,542

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE ELLA AUSTIN COMMUNITY CENTER TO PROVIDE CHILD DAY CARE UNDER TITLE XX OF THE SOCIAL SECURITY ACT MATCHING FUNDS PROVISIONS AND ESTABLISHING \$26,100.00 AS AMOUNT AUTHORIZED IN PAYMENT THEREOF TO BE PAID FROM PREVIOUSLY APPROPRIATED FUNDS.

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The following discussion took place:

MAYOR LILA COCKRELL: The Mayor has appointed a committee to sit down and review this item. I'll call on Councilman Hartman for comment.

MR. GLEN HARTMAN: Madam Mayor, the committee composed of Dr. Nielsen, Mr. Billa, and myself did meet with representatives of the Ella Austin Community Center and with representatives of the Human Resources Department of the City. We did have a discussion. I'm not sure that we were able to reach anything resembling a final consensus. Well, there was definitely not a consensus. I subsequently had discussions with Mr. Donahue who I hope is here. Bill, if you are within sound of my voice, please come in.

I had asked Mr. Donahue subsequently to, in view of the discussion that had taken place, to come forth with a staff recommendation based upon the subsequent discussion. Mr. Donahue, if you would like to come forward at this time.

MAYOR COCKRELL: We will ask the City Manager if he would like to have the staff presentations.

CITY MANAGER THOMAS HUEBNER: Yes, I would.

MR. PHIL PYNDUS: May I ask a question before staff comes in? Mr. Hartman, I got very little out of the committee that was appointed and I'm wondering if - you said there was no consensus - I'm wondering if you could give us a little more detail of that meeting and then we could have the staff report.

MR. HARTMAN: I think to get right down to the nitty gritty, I think it basically involves the question as to whether the Ella Austin Community Center should continue to function under the Four C's operation. Now, I realize that Four C's is not our entity, it is an entity outside of the City but the point is that Four C's serves as a coordinator, if you will, for various agencies similar to Ella Austin; and I think the question is immediately raised that if we condone, as a City, a direct contracting or a direct relationship or commit a direct relationship between Ella Austin and the State in terms of funding, that this, in effect, establishes a precedent, if you will, a procedure that overturns what has heretofore existed. Which, in my view, I don't believe this view is necessarily shared by my two colleagues - I'll let them speak for themselves - but it is a system that seems to be working well. It is my position that that arrangement should continue. I will let Dr. Nielsen and Mr. Billa differ with me if they wish. I felt, however, that the

pertinent point here was a view from the staff as to what this action would entail if it were taken. I think, in effect, it is putting the City into somewhat of a risk situation in terms of future funding or future commitment to a program and I would prefer not to see us put ourselves into that position.

MAYOR COCKRELL: All right, you are talking about that in regard to the problem of the local match?

MR. HARTMAN: Well, that is really part of the problem, yes.

MR. PYNDUS: Thank you very much.

MAYOR COCKRELL: Dr. Nielsen.

DR. D. FORD NIELSEN: I would beg to differ with my colleagues that the fundamental issue is not Four C's. It never has been. That is part of it but that is a very minor part. The fundamental issue is - are we in a position as a Council going to take a position that, in fact, frees up monies, regardless of whose direction they're under or whatever to make public money available or charitable money through United Way or whatever you want to call it, available and that we utilize a legal mechanism under HUD which is available at this present time only to Ella Austin. Unfortunately, because we didn't act sooner, it is come down now, and we had an opportunity several months ago to do so and chose not to, come down now to the interim funding of Ella Austin out of public monies, if you will, as strictly an interim until we can work out a HUD arrangement and then everybody benefits, in my humble opinion. It frees up other monies for other programs, and it is just that simple.

MAYOR COCKRELL: All right, any other Council comment before we hear the staff? Mr. Rohde.

MR. AL ROHDE: I am not too, I have tried to catch up in the minutes what this issue is, so bear with me, but the question raised in my mind and to the City Attorney's, can public tax funds out of the General Fund be used for any educational purposes in City government. I would like for him to address that issue. Didn't I hear something under the Constitution - isn't this for an educational purpose of the general fund?

CITY ATTORNEY JAMES PARKER: You use public funds for public purposes and I don't recall a limitation. I would have to check out.

MR. ROHDE: I understood, one time you said there might be a provision in the Constitution that would prohibit use of tax funds from the City for educational purposes. That lingers in my mind.

CITY ATTORNEY PARKER: I don't recall saying that, I really don't.

MAYOR COCKRELL: There may have been, I know the issue that Mr. Rohde is thinking of, and I think it may have to do with our ability to transfer funds, say to a school district. So we can't transfer to another.....

CITY ATTORNEY PARKER: Not to another public entity. You can use it in a welfare area that would - the fact that the funds would be going to an educational part of a welfare program would not be prohibited. We can't give public funds to, say, Northside School District or Edgewood School District or that type of.....

MAYOR COCKRELL: All right, Mr. Pyndus.

MR. PYNDUS: I would like to address a question to Councilman Nielsen if I may. Ella Austin is the agency that is involved in this decision wherein we would accept the funding from United Way out of our General Fund. I am wondering what other agencies would come in to this category in order to be consistent with this policy. Could you tell me if other agencies would be involved down the road?

DR. NIELSEN: In this particular instance, unless they have had direct funding out of Community Development Act funds for purchase, rehabilitation, whatever, they would not be eligible in this particular

situation. Now, the other part I think of what you are asking is, and having looked at the minutes from two weeks ago, there was apparently a lot of discussion about other agencies out of the City fund - that is a whole different issue. This wouldn't even have arisen had we been able to take that action a couple of months ago and then had the staff in the meantime resolved the intricacies of that funding mechanism through HUD and DPW and Ella Austin, which we can still do. That's the bulk of the last meeting we had, was dealing with that. The staff felt it would take a couple of months to work that out. That's why we're simply asking for a short term interim funding, that's all.

MR. HARTMAN: Madam Mayor, again I hear what Dr. Nielsen is saying but I think that the - Dr. Nielsen, I think that you would agree that we, by taking this action, we do establish a sort of a precedent. Do you not agree with that?

DR. NIELSEN: In terms of the HUD mechanism available, I don't know whether it is a precedent, it's just making use of the law and the funding and the opportunity, that's all.

MR. HARTMAN: I do feel, Madam Mayor, and I realize I don't like the situation where the Council put the members of the staff in an awkward position. I think that before Mr. Donahue proceeds, I think that Council should give assurance of absolute academic freedom in this case and let him come forward and relate his problems as he sees it from dealing with them. I think we need that explanation.

MAYOR COCKRELL: All right, let me say that he is going to have at least a momentary reprieve from doing just that because it is 11 o'clock and so we are going to hold it just for a moment because we do have by requirement of law, the opening of bids at 11 A. M. for the sale of \$16 million in City of San Antonio, Texas Electric and Gas Systems Revenue and Improvement Bonds, New Series 1977.

(At this point, bids were opened. See page 21 of these minutes)

The discussion resumed as follows:

MAYOR COCKRELL: We will call on staff to present any evaluation or recommendation at this point.

MR. WILLIAM DONAHUE: Madam Mayor, I will attempt to elucidate the point the Council may have from the synopsis that we included in the briefing package. Essentially, there were several questions raised relative to the efficacy of Four C's as well as the possible effect it may have should this ordinance be approved as it deals with the Four C's organization.

There were other questions. Unfortunately, at our December 23rd meeting, going on a motion from Dr. Cisneros which was approved we had expected the 30 day period in which we might refer to you and work out and having gotten a chance to look at Four C's to respond more to the questions that were raised at that December 23rd meeting. There were exactly four working days between then and the time we prepared this so I have not been able to respond succinctly or candidly to any of these major questions that were raised.

I did attempt in the synopsis to share with you what appears to be the - what is the staff's view relative to the formula of rent that was suggested as one method of handling the match money. That is the synopsis. I don't know much more. I would be more comfortable responding to direct questions.

MAYOR COCKRELL: Are there direct questions relative to the staff report?

MR. PYNDUS: Inasmuch as we have not completed the task, I am wondering if we withdraw the resolution at this point rather than bring it up so quickly. We thought we had given instructions for an investigation because it will set a precedent as Councilman Hartman mentioned, for other cases, and I'm wondering if we can delay this decision until we get a report back from you, Mr. Donahue.

MAYOR COCKRELL: All right, I think there were problems relative to the timing. I'd like to call on Councilman Hartman again as the Chairman of that committee to kind of review the time problems and the constraints why it was necessary to have the item placed on the docket today for consideration.

MR. HARTMAN: We were dealing with the time problem at actually at the time that we were given the task in looking at it, I think we had four days I guess remaining before the end of the year. The question arose first of all as to whether it will be appropriate even to be able to schedule the matter for this particular Council meeting inasmuch as it was after the time of the allocation. I think subsequently this was considered to be appropriate. We're actually dealing with the end of a period of funding and that's the reason we're here at a very tight timeframe. We are simply dealing with a situation, Madam Mayor and members of the Council, that however it came about, it should have been dealt with at least a couple of months ago.

MAYOR COCKRELL: All right.

MR. HARTMAN: Unfortunately, it was not and we're now in a position to....

MAYOR COCKRELL: All right. I think it would be well to get the position of Ella Austin outlined and the representatives are here, some of them are signed up on the docket.

REV. CLAUDE BLACK: Madam Mayor, I'd like to just raise this question. I know the matter of the legality of the present relationship has been brought up and I don't know whether or not this matter has been addressed in addition to that in terms of the relationship as I understood United Fund in this relationship. I wonder if that is not legal, then how does it relate to other agencies who are following a similar....and if there is a legal question here, it seems to me that then we might find that we are faced with these other agencies in terms of the legality of it. I think we need to resolve the legal question on this if we are going to deal with this problem because this has been introduced as one of the issues that it is illegal, that we're actually dealing with an illegal issue.

MAYOR COCKRELL: The City Attorney, I think, is now looking over that dimension.

DR. NIELSEN: I think what it is basically, Claude, is a legal interpretation. I don't know whether Mr. Parker and the legal staff here looked at it but the management staff there and their non-legal opinion had looked at that particular piece of legislation and whether or not it finally ends up in the court or not, is not the point. But somebody's going to have to interpret that particular piece of law from an administrative, and if that can't be resolved then finally it's going to end up in the courts for some legal determination. I don't think that's the necessarily the primary decision right here and very candidly, Claude, even if there's some interpretation finally legally that says that somebody has been in error, it doesn't mean that we're going to automatically have to pick up any funding for anything. That's not the way I read, you know, the proceedings, the legal interpretations.

MAYOR COCKRELL: At this point, we'll come back to the two Council members apparently who wish to still speak, Mr. Pyndus.

MR. PYNDUS: The point of time. It appears that we're making a decision because of the time situation and not the nature of the problem. Was Ella Austin negligent in not submitting this to this Council when there would not be a time - a critical time situation.

MR. DONAHUE: No, not at all. I don't think Ella Austin was negligent. I think very candidly there was the question of procedure. Our original intent was a 24 hour day care program which has since changed. The most recent in the area of the charges (inaudible) is also a review thing. I think it's the way it has developed in stages perhaps that brought it to this point. This was not the original request. The original request was submitted at a very timely fashion.

MR. PYNDUS: Thank you, very much.

MAYOR COCKRELL: I would like to ask the executive director of the Ella Austin Community Center, Mrs. Dolores Ratliff, if she would outline from the point of view of her agency again, the procedure as she understands it.

MRS. DOLORES RATLIFF: Thank you, Madam Mayor. In fact, Ella Austin was one of the first agencies along with Miller to apply for the day care match money when it was first made available. Our application has been in the City's office since around February of last year and we've got no response and that has been of particular concern to us because we - it's our feeling that even if it's going to be a negative response, there should be some reaction to presentations made to the staff of the City. That's why we are particularly disturbed and at the last minute finally presented and then when the Council was forced to act on it, well, we were caught in this tremendous time frame whereby we were at the point of terminating a contract and we were hopeful of getting into another contract. Because if we had even known part of this time that the Council's action was not going to be positive, we would have been exploring other resources. And in terms of what our request is originally, we were trying to get a 24 hour program. The monies are not available in the State for a 24 hour program at this point. They are only allowing a six percent increase over current, over last year, for all day care services in San Antonio. So it's impossible for us to increase or expand our program to 24 hours.

So living within the six percent as all agencies within San Antonio our requests have been altered in terms of public money being used for day care or for educational purposes, Mr. Rohde. You've already done this. You've allocated monies to several agencies out of the day care match money. The essence of our request is to provide us with an opportunity to save some money for the City because there's no reason really for you to spend day care money for Ella Austin. Ultimately, we'll be able to get the rental plan going.

Another plan that was presented to the City Manager yesterday is a plan whereby using indirect costs that have involved in operating many of the programs in the City, you will not need to put up any match at all. So there are many ways that you can utilize the monies that we have in a more imaginative fashion without having to put up the kind of match that you're putting up for federal programs. We ask of you to allow us to assist you in doing this.

MAYOR COCKRELL: Mrs. Ratliff, do you see any circumstances whereby the City might have to pick up the funding that has previously been funded through United Way. I think this is one of the areas of concern that this Council might have.

MRS. RATLIFF: No, what has happened is United Way is violating federal regulations and the money that you have is in response to the letters that I received from Dr. Wilder which you said you would need a copy of. All I'm doing in that letter is pointing out to him what he's doing and the results of what he's doing. But the money is there for United Way agencies and there's no reason that the City would have to pick it up.

MAYOR COCKRELL: We were referring to the money that they funded to the local match of the day care program.

MRS. RATLIFF: The United Way agencies that they're funding right now, there would be no reason why the City to have to fund us now.

MAYOR COCKRELL: I'm talking about your agency.

MRS. RATLIFF: No, because when we get into the rental utilization plan, we don't have to come up with any match money at all. In fact, the City could even make a profit off of that program.

MAYOR COCKRELL: Isn't there some possibility that that might not be approved?

MRS. RATLIFF: No, it's already been approved. That's the point I'm making. It's been approved for several months now and we haven't been able to get action on it. The State Department of Public Welfare has a letter form indicated to us and those are the letters I shared with you at the last Council meeting that this was a workable plan and all we had to do was to pay you rent on a monthly basis and you would return a like amount out of another fund source, like the day care match that you've already made available to the center to use as match. Which means that you would not be putting any money at all. The State Department has approved it, HUD has approved it, it has been approved all the way down the line. Now all we need is for you to approve it.

MAYOR COCKRELL: So you do not see, spell it out, you - there's not any risks for the City in terms of having to match or come up with the monies that have previously been advanced from the United Way on a continuing basis.

MRS. RATLIFF: For Ella Austin. There's no risk involved at all.

MAYOR COCKRELL: Right. Okay. Let me ask if there are any additional staff comments at this point?

REV. BLACK: Madam Mayor, I'm particularly interested in this because this is a change from the way I heard it last time.

MAYOR COCKRELL: It's one of the key questions and so I wanted to ask for the record if we could get this to be sure we all understood what we were stating.

MRS. RATLIFF: Madam Mayor, one thing I'm particularly concerned about in general and then I'll release it to Bill, is that because we dare to raise these questions about the funding and we've made this request of the City. When it has come time to act on our request, we are the ones rather than four C's or United Way are told we have to wait to investigate this. But this has not stopped the Council from acting on a request made by the other two agencies and that's what I don't understand.

MAYOR COCKRELL: Thank you, Mr. Donahue.

MR. DONAHUE: Madam Mayor and Council, staff finds it particularly difficult to respond to additional suggestions when they are made the night prior to Council meetings. Staff has made recommendations. Staff made a recommendation to this Council which was acted upon December 23rd. That was our recommendation and that was that we fund all the money through Four C agencies with the exception of Miller, based upon the information we had at that point. We could not accomplish the answers to the questions that Council asked in four working days. Based upon that kind of information, nothing has changed information-wise since I spoke before you December the 23rd. I do not have sufficient information to suggest an alteration from the action taken by Council at its meeting December 23rd.

MR. PYNDUS: Thank you.

MR. HARTMAN: Thank you very much, Bill.

MAYOR COCKRELL: Mr. Manager, then the staff recommendation is that this not be acted upon today but that additional time be given so that a final report can be developed. Is that my understanding?

CITY MANAGER HUEBNER: That is correct, Madam Mayor, but there seems to be an interjection of a number of issues into this, you know, differences of opinion between the coordinating Council and an agency that falls under that. There's an issue about coordination of a certain kind of services here and eliminating one agency from that. We even appear to have, if I understand what everybody's saying correctly, some dispute of the facts of the issue. I think, given that circumstance, the staff just is not ready to say to the City Council go ahead and do this, we feel confident that it's an appropriate action. We don't, I certainly don't know that it is.

MR. HARTMAN: I interpret Mr. Donahue's statements to be fairly direct to the point with regard to the fact that the recommendations of the staff on the 23rd of December related to not contracting or not approving the section pertaining to Ella Austin. But it should continue to be as it has heretofore been under the Four C coordination and that's what I understood him to say just a few moments ago. Is that correct, Mr. Donahue? So, really I feel like we're at the point of action that would be consistent with that recommendation.

MAYOR COCKRELL: At this point we're going to have to - there are four persons registered to speak on the issue. We're going to have to pause though, to get the final report relative to the sale of the bonds. We'll get that report very briefly. Is - who is to give that report.

(At this point, Mr. Howard Freeman reported on the proposed sale of bonds. See page No. 21).

MAYOR COCKRELL: Staff had recommended that we have additional reports as they are not in the position to give a final recommendation at this time. The Ella Austin Community Center had requested that we act on the resolution today. The Council must make a determination as to whether it intends to do.

MR. HARTMAN: Madam Mayor, once again, I would like to make sure that I did understand Mr. Donahue correctly.

MAYOR COCKRELL: We do have four speakers that have to be heard.

MR. HARTMAN: Yes, I just wanted to raise the question with regard to his recommendation. You are not recommending, let me ask you just as an interrogative, are you recommending a delay or are you saying that the staff position established on the 13rd of December is still extant?

MAYOR COCKRELL: It still stands based on the fact that you have not had sufficient time to research or present any other recommendation.

MR. HARTMAN: But do you foresee any further research or forthcoming on this.

MR. DONAHUE: (Reply inaudible).

MAYOR COCKRELL: We have four speakers that...the first, Maria Nigretti.

MS. MARIA NIGRETTI: Excuse me, Council. I'd like to yield the time to our Board President, Oliver Sutton.

MAYOR COCKRELL: Fine. Mr. Oliver Sutton.

MR. OLIVER SUTTON: Madam Mayor, City Council members. I'm Oliver Sutton, Chairman of the Board of Ella Austin Community Center. As I understand it, we have three remaining spots to be occupied. I'd like to usurp two of those leaving one to follow my request. I would like to request that at this time considering the fact that this issue has been formulated or in effect, since February of last year, that the Council take a vote at this time and defer my last speaking position til after you vote. Thank you.

MAYOR COCKRELL: All right, you have no other comment. All right, we do not at this point have a motion. Some of our Council members have stepped out. I wish they would come back for the motion.

DR. NIELSEN: In the meantime, Madam Mayor, I would move the adoption of the ordinance. I had a bit of time spent on this off and on. I'm sorry, Mr. Huebner, that you know, it's all come about in your particular instance, I had hoped that perhaps and I can't speak for Mr. Madison, I do not know what was left on your desk from the meeting we had before you took over. I thought it was my understanding, Glen, you can bear me out, that the staff had agreed to - I can't speak for Mr. Donahue because he wasn't there but Mr. - I can't think of your name, I'm sorry, here, this young man was there from (inaudible) and I thought we had agreed that.....

MR. HARTMAN: Mr. Kuntz was there.

DR. NIELSEN: Kuntz, that's it, was present at that meeting and I thought we had agreed to begin the process - the one thing was done that was put on the agenda today and then, of course, we got this follow up memo from Mr. Donahue where he did not recommend the program. But I think, if you'll read very carefully, the last paragraph as such right before the final conclusion of the last sentence that it does leave open a very strong possibility of being able to effect this. I still advise that it's in the best interest of the City and all the agencies that we have any responsibility to and I, therefore, move for adoption.

MAYOR COCKRELL: Is there a second to the motion?

MR. TENIENTE: Second.

MAYOR COCKRELL: It's moved and seconded.

REV. BLACK: I'd like to offer a substitute.

MAYOR COCKRELL: We have a request for a substitute motion. Rev. Black.

REV. BLACK: I think there are unresolved issues within this and I think that the staff is proper in recommending that we would not consider this ordinance favorably, that we give the staff, of course, still operates under the mandate of the Council to continue to look at Four C's and then come back so I'm going to offer a substitute motion that we accept staff's recommendation.

MR. PYNDUS: I second the motion.

MR. HARTMAN: Second that motion.

MR. PYNDUS: And with the statement that there are some implications here that have not been answered. I think with the change in management that this delay, unfortunate as it is, is necessary.

DR. NIELSEN: Madam Mayor, I don't think it's been delayed. Staff recommendation is no. That's what he recommended.

MR. PYNDUS: That's right.

MAYOR COCKRELL: The staff recommendation is at this point, to deny and then continue pursuit of further investigation. Is that what you were moving, Rev. Black?

MR. PYNDUS: I understand that.

MAYOR COCKRELL: All right.

MR. PYNDUS: No, that's right.

MAYOR COCKRELL: Is there further discussion on this issue? Dr. Nielsen.

DR. NIELSEN: Madam Mayor, I just would suggest that not only because the poor president asked, but just that or anybody else for that matter, we have a great deal of documentation, the two most recent issues that have come about, the question of the letter relative to United Way and the whole Four C's thing are going to go on. There's not going to be any immediate resolve one way or the other and let me very candidly say to you all as I've said to Glen, the issue of the rise or fall, demise, progress or whatever of Four C's is not hinged on what happens here or candidly have been on that board for some time when Miller left the Four C's, a year and a half or so ago, there was a great deal of anxiety that that would be the demise of Four C's. It did not occur. I do not suggest in any way that if Ella Austin is able to fund through the HUD mechanism and everything else that that's going to be the demise of Four C's. That is not the serious issue we're dealing with here and I just would inform my fellow colleagues that now is the time to decide and I hope you would vote against the substitute.

MR. BILLA: Mayor, if I may.

MAYOR COCKRELL: Yes, Mr. Billa.

MR. BOB BILLA: I heard the discussion and I would ask the vote against the substitute. I think that the Council, of course, is - right now is putting a lot of credence in what staff recommends and we're not setting any new precedent. This Council has gone against staff recommendations many times. I think that what these people are employing is a sort of a new bold action, a new concept in the funding of this thing and the risks are there and Council still has the same control it had in determination and so forth. So, I think I'd have to be supportive of the program and would have to vote against any amendment to deny the funding. I would hope the Council would keep in mind that this is not the first time they've ever gone against staff recommendation.

MAYOR COCKRELL: Are there any other, are there any other comments? All right, Clerk will call the roll.

CITY CLERK: This is on the substitute motion.

DR. CISNEROS: No.

REV. BLACK: Yes.

MAYOR COCKRELL: The voting is on the substitute motion made by Rev. Black which is to accept the staff's report which is to deny the request at this time. So, you're voting no on the substitute. All right.

MR. HARTMAN: Yes.

MR. ROHDE: I have to vote yes. Until I get better proof and evidence in staff changed.

MR. TENIENTE: My vote is no. I'm not going to deny the good work that Ella Austin staff have done in their child day care center - denying the youngsters any money and as I say, it's a small amount for the good that they will do up there.

DR. NIELSEN: No.

MAYOR COCKRELL: No.

MR. PYNDUS: Yes.

MR. BILLA: No.

MAYOR COCKRELL: All right, the motion has failed. We now come back to the original motion which was to approve the ordinance. Clerk will call the roll.

MR. BILLA: Yes.

DR. CISNEROS: Yes.

REV. BLACK: Yes.

MR. HARTMAN: Yes.

MR. ROHDE: Yes.

MR. TENIENTE: Yes.

DR. NIELSEN: Yes.

MAYOR COCKRELL: Yes.

MR. PYNDUS: No.

MAYOR COCKRELL: All right, the motion has been approved and the resolution passed.

DR. NIELSEN: Now, there's another very serious responsibility we and in particular, the management has and Mr. Donahue, you are certainly involved in it. I can't speak to anybody - perhaps you, Mr. Huebner. There is a time problem in all of this and I would hope that the staff will be able to get together and work out this funding procedure. It's all very clearly documented in terms of how it can be done. As of the last meeting before you took office, I thought that the staff was already beginning that process. I do not know that they are but I would assume that they will because for one thing it's going to save us some money. The faster we get on it, the more we're going to save.

MAYOR COCKRELL: All right, Mr. Sutton had requested to speak after the vote was taken.

MR. SUTTON: Madam Mayor, City Councilmen, thank you.

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77-1 SALE OF \$60,000,000 CITY OF SAN ANTONIO,
TEXAS, ELECTRIC AND GAS SYSTEMS REVENUE
IMPROVEMENT BONDS, NEW SERIES 1977

At 11:00 A. M., the bids received for the sale of \$60,000,000 Electric and Gas System Revenue Improvement Bonds, New Series 1977 were opened and read as follows:

DONALDSON, LUFKIN & JENRETTE
SECURITIES CORPORATION

Total interest from February 1, 1977 to maturity	\$57,108,175.00
Less: Premium	-0-
Net interest cost	<u>\$57,108,175.00</u>

Effective Interest Rate 5.25422%

THE FIRST BOSTON CORPORATION

Total interest from February 1, 1977 to maturity	\$57,466,087.50
Less: Premium	764.75
Net interest cost	<u>\$57,465,322.75</u>

Effective Interest Rate 5.2870%

At this point, the bids were referred to the Director of Finance to verify the interest rates.

After verification of the bids, Mr. Howard Freeman, Assistant General Manager of the City Public Service Board, expressed his pleasure at the very low bids received. He recommended that the low bid be accepted.

Mr. Ronald White, a member of the Black Student Coalition, spoke in opposition to the sale of the bonds until the method of selecting members for the City Public Service Board of Directors is changed to allow appointments to be made by the City Council.

Rev. S. Clifton Byrd also insisted that approval of the bonds be withheld until the method of selecting board members is changed.

Mayor Cockrell explained that the new series of bonds being issued does provide for Council appointment of board members but this cannot take effect until all of the old issue of bonds is paid off. This will take about nine more years.

The matter was discussed by the Council members with Rev. Byrd after which, on motion by Mr. Billa, seconded by Mr. Pyndus, the following Ordinance was adopted by the following roll call vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: Black; ABSENT: None.

AN ORDINANCE 47,543

BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, AUTHORIZING THE ISSUANCE OF \$60,000,000 "CITY OF SAN ANTONIO, TEXAS, ELECTRIC AND GAS SYSTEMS REVENUE IMPROVEMENT BONDS, NEW SERIES 1977," FOR THE PURPOSE OF EXTENDING AND IMPROVING THE CITY'S ELECTRIC AND GAS SYSTEMS; PROVIDING THE TERMS, CONDITIONS AND SPECIFICATIONS FOR SUCH BONDS; MAKING PROVISIONS FOR THE PAYMENT AND SECURITY THEREOF; STIPULATING TERMS AND CONDITIONS FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS ON A PARITY THEREWITH; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; PROVIDING A DATE FOR THE SALE OF SAID BONDS; AND DECLARING AN EMERGENCY. (DONALDSON, LUFKIN & JENRETTE SECURITIES CORPORATION)

* * * *

Mayor Pro-Tem Billa recognized Mr. Ben Shaw, the new Bexar County Tax Assessor, who was in the audience and welcomed him to the meeting.

77-1 The meeting recessed for lunch at 12:00 O'clock and reconvened at 1:30 P. M.

77-1CITIZENS TO BE HEARDMR. VAN HENRY ARCHER

Mr. Van Henry Archer presented a proposed resolution to the Council and asked that it be approved by the City Council. The resolution opposes the sale of any article imported from any Communist nation. (A copy of Mr. Archer's resolution is included with the papers of this meeting.)

Mayor Cockrell stated that she is concerned on the plight of the Jews in Russia and had issued a proclamation in December declaring "Human Rights Day". She advised Mr. Archer that the City Council would review his resolution.

Councilman Pyndus advised Mr. Archer that he had abstained from voting on a previous resolution passed by the City Council with reference to the sale of the Krugerrand Coin and would also abstain from voting on this resolution for the same reasons.

ROBBEDBLACK STUDENT COALITION

A group of citizens representing the ROBBED Organization and members of the Black Student Coalition presented the Council with a list of requests in regards to community improvements, housing, parks, public services and drainage in the east side. (A copy of which is filed with the papers of this meeting.) The following citizens spoke:

Mr. Moses Williams, 2651 E. Commerce spoke of the need for sidewalks and curbs on East Commerce Street starting with the 2100 Block.

Mr. John Evans, 2658 E. Commerce, also spoke of needed sidewalks and curbs.

Mayor Cockrell stated that the City follows a standard procedure in regard to sidewalks. She explained that the school districts establish priorities for sidewalks around schools. She then referred this problem to the City Manager for staff to review and prepare a report.

Mrs. Patsy Graves, 3518 Willowood spoke about the serious drainage problems in her area.

Mayor Cockrell explained that inflation overtook many of the bond projects that were to be completed. She stated that the City Council has a definite commitment to see that each project on the 1970 Bond Issue be completed.

Mr. Richard McDonald, ROBBED, mentioned the streets on the list which was submitted and asked that the Council approve these improvements.

Mr. T. C. Calvert, member of the Black Student Coalition, stated that Community Development monies have not been distributed to the east side and further stated that parks are needed in the Belvedere area.

Ms. Jerri Williams, ROBBED, spoke of the drainage improvements that need to be made in the east side. She asked that these drainage improvements be placed on the Community Development list for 1977.

Mayor Cockrell stated that the City Council is holding public hearings on Community Development funds and explained the entire process. She further stated that there are so many worthy projects that need to be funded, and it is a very difficult selection process. The Council is in the process of reviewing the requests and it is their desire to see an equitable distribution of funds.

Councilman Pyndus asked that the list of streets submitted by ROBBED be referred to the Public Works Department for priority rating.

MR. MARIO SALAS

Mr. Mario Salas, representing the Committee Against the Sale of the Krugerrand Coin, stated there is no parallel between the resolution approved by the City Council against the sale of the Krugerrand Coin and the resolution proposed by Mr. Van Henry Archer. He described the treatment of Black South Africans in that country.

MR. KARL WURZ

Mr. Karl Wurz spoke against across the board cost-of-living pay increases which have been approved by the City Council. He stated that the average taxpayer must bear the cost of this unjust method. He said that raises should be applied by a flat across the board raise based on percent increase to the lowest paid employee. He presented a list of comments which he asked be referred to the City Manager for his review and investigation.

REV. CHRISTOPHER GRIFFIN

Rev. Christopher Griffin thanked the City Council for passing the resolution against the sale of the Krugerrand Coin. He then asked the City Council to investigate the drainage situation after a heavy rainstorm on East Houston Street from I.H. 35 to W. W. White Road.

Dr. Nielsen stated that the 1977 SABCUTS, which have been approved, includes major street and drainage improvements in this area.

MS. RENEE LAWRENCE

Ms. Renee Lawrence, representing the Black Student Coalition, addressed the matter of inadequate housing the east side.

MR. RON WHITE

Mr. Ron White, representing the Black Student Coalition, stated that Community Development Funds must be allocated for improvements in the east side by the City Council in 1977. He said he would call for federal investigation of Council's distribution of CDA monies if they fail to do so.

MR. DON GREEN

Mr. Don Green, 6019 Larkvalley, read his letter of resignation from the Bond Steering Committee on which he serves, a copy of which is filed with the papers of this meeting. Mr. Green stated that he could not support the proposed bond issue and that the Master Plan is being made to the exclusion of Southwest San Antonio.

Mayor Cockrell expressed her regrets at Mr. Green's action and invited him to meet with her and discuss this matter further.

Dr. Cisneros also asked Mr. Green to meet with Mayor Cockrell.

Mr. Green agreed to meet with the Mayor.

NORDHAUS COMPANY PROBLEMS

Mr. Robert Mauricio asked for a status report on the City's intentions with regard to the problem his neighborhood is having with the Nordhaus Company.

Mr. Manrique Riojas also spoke on the same matter.

Mr. Joe Madison, Administrative Assistant to the City Manager, reported to the Council that a memorandum was sent to the Public Works Director asking them to investigate the possibility of a higher street maintenance on Oriental. The Department of Public Works has already issued orders to the Service Center in that area to comply with this request. On the traffic problem, the Traffic Department has recommended the placement of an oversize warning sign and oversize speed limit sign to notify the trucks that they are entering a residential area. The flashing light was not recommended because it is felt that these lights are disruptive to the neighborhood. The Police Department was directed to start an active enforcement of speed limits on Oriental Street.

Mayor Cockrell suggested that a follow-up to the staff report be made and asked Councilman Cisneros to continue meeting with area residents to further resolve this matter. She then advised the residents that there are certain civil matters that cannot be handled by the City Council.

MR. GERALD MORGAN

Mr. Gerald Morgan stated that the resolution approved by the City Council on the Krugerrand Coin should be repealed if the Council fails to pass a resolution opposing the treatment of Christians and Jews in the Soviet Union. He also spoke in support of Mr. Van Henry Archer's remarks. He also stated that Black African University students are also discriminated against in the Soviet Union.

Mr. Morgan asked about the settlement of damages in the lawsuit against Coastal Lo-Vaca.

Mayor Cockrell made the following statement:

"I'll be glad to answer that. First of all, the damages will go directly to the consumers, but not in the form of cash payments that they will get at the time the damage suit is settled, if it is settled.

The City Council has passed a resolution which I requested, stating that the City government does not expect to receive any funds from the settlement. The funds will be - I used the word, funds, probably more correct title would be financial benefits or considerations that would be in a settlement package. I'm glad you mentioned this because I think it's an area that is very much misunderstood.

In the proposed settlement that is now under discussion, and we don't know at this point for sure if it will be accepted or not, but it is a settlement that consists of a number of different components and many of these components are long-range benefits that would accrue over a period of years. There are some short-term benefits.

I'm going to introduce and bring to the City Public Service Board, a resolution which will state that none of the benefits will accrue and be paid for administration costs at City Public Service, but all will be flowing through directly to benefit the consumers.

Now, as a practical matter, I don't see any way that each consumer at the time of the settlement could get a check, but I do see that it can be to his benefit in the terms of credit on the utility bills from whenever the benefits actually arrive. I think it's going to take if we had a settlement, say even today, or tomorrow, whenever, whenever it is, it's going to take some months to get the settlement completed in terms of the legal work, and it has to be approved by the Railroad Commission, I think, and the Utilities and Exchange Commission, and all of the different bodies, but at any point whenever any benefits begin to be received in San Antonio to the City Public Service Board, I am going to request that none of that remain with the City Public Service Board, that it go directly to the consumer in direct benefits. It could be a line item on the bill, it could say "Credit from Settlement" and whatever is applicable that month and each month that there are benefits flowing through, it could appear in that manner, and I think while I wish, personally, what my preference would be is that there is some way that we were going to receive maybe one lump sum, and we could give it back directly to every single consumer who had suffered that that apparently would not be possible when we're talking about long-term benefits, but it should directly benefit the consumers, and that I think we all agree that it has to benefit the consumers, we don't want the City to be getting any of the money for administrative costs, I don't want CPS to use a nickel of the money for administrative costs. I want whatever benefits to come in to go, to be applied to the consumers. The only thing is I just don't want to mislead anybody into thinking that if there is a settlement, that somebody is going to hand them a check, because, unfortunately, that's not the way.

I plan to introduce this resolution. The Council has already taken its action, and I think the City Public Service Board needs to spell out the fact that they are not going to retain any administrative money."

MS. LINDA RICHARDSON

Mrs. Linda Richardson, Member of the Association of Black Social Workers, emphasized the comments made by Mario Salas with reference to conditions experienced by Black South Africans. She said that there is no parallel between conditions in socialist countries and South Africa.

MR. JOHN W. STANFORD

Mr. John W. Stanford, a representative of the Communist Party, spoke in opposition to the resolution proposed by Mr. Van Henry Archer and

said it was meant to undermine the resolution approved by the Council opposing the sale of the Krugerrand Coin. He described conditions imposed on Black South Africans.

MR. VAN HENRY ARCHER

Mr. Van Henry Archer asked if the Council would vote on his proposed resolution at this time.

Mayor Cockrell explained the procedure the Council follows with reference to resolutions and the matter of the open meetings law.

January 6, 1977
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The Clerk read the following Ordinance:

AN ORDINANCE 47,544

AUTHORIZING THE CITY STAFF TO MAKE A STUDY OF DOWNTOWN HISTORIC DISTRICT PROPOSALS AND DOWNTOWN PARKING OVERLAY DISTRICT PROPOSALS AND ENACTING A TEMPORARY PROHIBITION OF THE GRANTING OF DEMOLITION PERMITS IN THE DOWNTOWN AREA FOR A SIXTY DAY PERIOD.

* * * *

Councilman Hartman read a memorandum dated December 30, 1976 regarding the Council's Downtown Predevelopment Plan, a copy of which is filed with the papers of this meeting. He explained this Ordinance prohibits the issuance of demolition permits in the central business district for 60 days while staff and Centro 21 committee research the need for further historic district and parking overlay zoning ordinances in this area.

Mr. Frank Adelman, attorney for All Right Parking, stated that they have no objection to this Ordinance and wants to cooperate with Centro 21.

Mrs. Nancy Negley representing the San Antonio Conservation Society, read a prepared statement in favor of the Ordinance, a copy of which is filed with the papers of this meeting.

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

77-1 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, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 47,545

ESTABLISHING CITY AD VALOREM TAX COLLECTION SUB-STATIONS FOR 1977.

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AN ORDINANCE 47,546

AUTHORIZING THE PURCHASE OF LIBRARY BOOKS FROM VICTOR HOTHO & COMPANY, A SINGLE SOURCE OF SUPPLY ITEM, FOR THE SAN ANTONIO PUBLIC LIBRARY, FOR A NET TOTAL OF \$4,202.45.

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AN ORDINANCE 47,547

AUTHORIZING THE PURCHASE OF MICROFILM FROM KTO MICROFORM, A SINGLE SOURCE OF SUPPLY ITEM, FOR THE SAN ANTONIO PUBLIC LIBRARY, FOR A NET TOTAL OF \$4,535.00.

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AN ORDINANCE 47,548

ACCEPTING THE LOW QUALIFIED BID OF ALAMO IRON WORKS TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH RIVETED CHAIN FOR A TOTAL OF \$4,663.20, LESS 1% - 10 DAYS.

* * * *

AN ORDINANCE 47,549

ACCEPTING THE LOW QUALIFIED BIDS OF BLAUER MANUFACTURING COMPANY, INC. AND KAUFMAN, INC. TO FURNISH THE CITY WITH CROSSING GUARD UNIFORMS FOR A TOTAL OF \$5,571.60.

* * * *

AN ORDINANCE 47,550

ACCEPTING THE LOW QUALIFIED BID OF BRENNER PRINTING COMPANY TO FURNISH THE CITY CONVENTION AND VISITORS BUREAU WITH PRINTING OF A VISITORS GUIDE FOR \$6,786.00, LESS ½% - 20 DAYS.

* * * *

AN ORDINANCE 47,551

ACCEPTING THE LOW QUALIFIED BID OF THE COMMERCIAL BODY CORPORATION TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH AN AIR SWEEPER FOR A NET TOTAL OF \$32,555.00.

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77-1

The Clerk read the following Ordinance:

AN ORDINANCE 47,552

ACCEPTING THE PROPOSAL OF HARLEY-DAVIDSON OF SAN ANTONIO, INC. TO FURNISH AND MAINTAIN EIGHTEEN SOLO MOTORCYCLES FOR THE POLICE DEPARTMENT AT A COST OF \$325.00 PER UNIT PER MONTH.

* * * *

In response to Dr. Nielsen's questions concerning the high cost of the motorcycles, Mr. John Brooks, Purchasing Director, gave the background of this ordinance. He explained that because of previous difficulties with foreign type motorcycles, the Police Department has justified the need for heavy-duty police type motorcycles. At the present time, the Harley-Davidson is the only large type heavy-duty police motorcycle. The cost of these motorcycles are as expensive as an automobile because they are not produced in mass production. A motorcycle must also be maintained and serviced more than automobiles.

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

77-1

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

AN ORDINANCE 47,553

AUTHORIZING CERTAIN PERSONNEL TO SIGN CITY CHECKS AND WARRANTS AND HAVE ACCESS TO LOCK BOXES IN THE CITY DEPOSITORY.

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77-1

TEXAS WATER QUALITY BOARD PUBLIC HEARING

Councilman Hartman announced that a public hearing will be held Thursday, January 13, 1977 in Uvalde on the Edwards Aquifer.

Mayor Cockrell asked Mr. Hartman to attend this meeting as the Council's representative.

77-1

SPECIAL MEETING JANUARY 17, 1977

Mayor Cockrell announced a Special Meeting to be held January 17, 1977 at 1:00 P. M. to canvass the returns of the Charter Revision Election of January 15, 1977.

77-1

The Clerk read the following letter:

December 30, 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.

December 21, 1976

Petition submitted by Mrs. Elisa L. Martinez, 218 Zavala Street, and signed by other residents in the neighborhood, requesting the City to make repairs to the 100 and 200 Blocks of Zavala Street.

December 22, 1976

Petition submitted by George Montgomery, General Contractor, requesting permission to erect a ten (10) foot chain link fence around a tennis court located at 8954 Carriage Drive.

December 28, 1976

Petition submitted by Ms. Marie R. Rios, 107 Glorietta Drive, and signed by other residents in the neighborhood, requesting street improvements for Glorietta Drive.

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

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There being no further business to come before the Council, the meeting was adjourned at 3:45 P. M.

A P P R O V E D



M A Y O R

ATTEST:



City Clerk

January 6, 1977
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