

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, OCTOBER 14, 1976.

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

76-48 The invocation was given by The Reverend Peter M. Miller, St. Cecilia Catholic Church.

76-48 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

76-48 LOWELL MIDDLE SCHOOL JOURNALISM CLASS

Mayor Pro-Tem Pyndus recognized an Eighth Grade journalism class of 36 students from Lowell Middle School accompanied by Ms. Linda Haigler, Instructor, and welcomed them to the meeting.

76-48 SYMPHONY SOCIETY OF SAN ANTONIO

Mrs. Elizabeth Bishop, President of the Symphony Society of San Antonio, thanked the City Council for allowing the Symphony to perform concerts in the parks and missions. She then introduced Mr. Roger Malone, Associate Conductor of the Symphony, to the City Council. In celebration of the opening of the 38th Season of the San Antonio Symphony and in appreciation to the Council, Mrs. Bishop and Mr. Malone presented each Council Member with a Special T-shirt representing the Symphony.

Mayor Pro-Tem Pyndus, on behalf of the City Council, thanked Mrs. Bishop and Mr. Malone and wished them much success for the new season.

76-48 The minutes of the meeting of October 7, 1976 were approved.

76-48 The Clerk read a proposed resolution supporting the recommendation of the Governor of Texas to provide adequate funding for the basic highway transportation needs of Texas.

Mr. Stewart Fischer, Director of Traffic and Transportation, explained that the resolution would support the proposals of the Governor to assign three-fourths of the State automobile sales tax and the auto parts excise tax to the Highway Fund to assign \$100 million of State Revenue Sharing Funds to the Highway Fund and to limit the payment of Department of Public Highway costs for the Highway Fund to \$20 million a year. This resolution merely expresses the Council's support of this proposal. The proposal does not call for any tax increase on state level.

Councilman Glen Hartman stated that this action is to be commended, but would like to see a Resolution developed more in line with the one passed by the City of Dallas, which addresses the adequacy of funding and the equity of funds in terms of distribution.

Dr. Nielsen stated that the Resolution should be adopted now and could see nothing gained by delaying action for two weeks and moved for adoption of the resolution. Mr. Billa seconded the motion.

In response to a delay of this item, Mr. Fischer stated that the only thought would be whether or not there could be any misinterpretation of what the Council's intention is through the postponement of an item that is a routine one.

Mr. R. E. Stotzer, District Engineer, stated that this resolution does not address distribution of funds. It simply says that the funds are sorely needed.

After further discussion, Mr. Hartman made a substitute motion that consideration of this item be postponed two weeks. Mr. Rohde seconded the motion. On roll call, the motion prevailed by the following vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Teniente; NAYS: Billa, Nielsen; ABSENT: Cockrell.

The item was postponed two weeks.

76-48 The following Ordinance was read by the Clerk and explained by Mr. Stewart Fischer, Director of Traffic and Transportation, and after consideration, on motion of Mr. Teniente, seconded by Mr. Billa, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 47,259

AUTHORIZING AN AGREEMENT WITH THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION FOR THE RECONSTRUCTION AND SIGNALIZATION OF PLEASANTON ROAD/MOURSUND BLVD. FROM IH 410 NORTH TO E. PYRON AVENUE UNDER THE FEDERAL AID URBAN SYSTEMS PROGRAM, ESTABLISHING A FUND FOR THE PROJECT AND AUTHORIZING PAYMENT TO THE STATE OF \$1,675,000 FOR THE CITY'S SHARE OF THE PROJECT, FROM 1970 STREET IMPROVEMENT BONDS.

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76-48 The following Resolution was read by the Clerk and explained by Mr. Stewart Fischer, Director of Traffic and Transportation, and after consideration, on motion of Mr. Billa, seconded by Dr. Nielsen, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

A RESOLUTION
NO. 76-48-79

REQUESTING THE STATE HIGHWAY AND PUBLIC TRANSPORTATION COMMISSION TO DECLARE CERTAIN PORTIONS OF AN EXISTING DRAINAGE CHANNEL EASEMENT APPURTENANT TO INTERSTATE HIGHWAY 35 IN THE CITY OF SAN ANTONIO SURPLUS TO THE NEEDS OF THE STATE AND TO EFFECT THE RELEASE OF SAID PORTIONS TO THE OWNER OF THE FEE IN THE LAND.

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76-48 The following Ordinance was read by the Clerk and explained by Mr. Jack W. Curington, Assistant Executive Director of San Antonio Development Agency, and after consideration, on motion of Mr. Teniente, seconded by Mr. Rohde, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente; NAYS: None; ABSENT: Nielsen, Cockrell.

AN ORDINANCE 47,260

APPROVING THE PRICE AND CONDITIONS OF THE SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF DISPOSITION PARCEL L-a-4, LOCATED WITHIN THE URBAN RENEWAL VISTA VERDE PROJECT, TEX. R-109, TO ELMYRA C. BURKS, CONRAD BURKS AND KATHLEEN WALKER FOR THE SUM OF \$55,802.70, BEING \$.90 PER SQUARE FOOT.

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76-48 The following Ordinances were read by the Clerk and explained by Mr. Ron Darner, Director of Parks and Recreation, 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; NAYS: None; ABSENT: Nielsen, Cockrell.

AN ORDINANCE 47,261

TERMINATING THE CITY'S CONTRACT WITH ELECTRIC CARRIER CORPORATION FOR OPERATION OF THE ELECTRIC GOLF CART CONCESSION AT WILLOW SPRINGS GOLF COURSE AND PROVIDING FOR THE PAYMENT OF \$8,000 TO THE CONTRACTOR AS CONSIDERATION FOR SUCH TERMINATION.

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AN ORDINANCE 47,262

AUTHORIZING ADDITIONAL ARCHITECTURAL SERVICES FOR THE SOUTHSIDE LIONS PARK PROJECT.

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76-48

RESURFACING OF TENNIS COURTS

In response to Mr. Teniente's question, Mr. Ron Darner, Director of Parks and Recreation, stated that the six tennis courts located off of Pecan Valley have been resurfaced at five different times, and requires more than re-surfacing. The entire base would have to be torn up and the whole complex be redone. They are contemplating a new tennis complex in the Master Plan for the Southside Lions Project.

76-48

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

AN ORDINANCE 47,263

ACCEPTING THE LOW QUALIFIED BID OF \$297,980.00 OF CHARLES C. MADDEN CO. FOR CONSTRUCTION OF IMPROVEMENTS AT DENVER HEIGHTS PARK, AUTHORIZING EXECUTION OF A CONTRACT FOR THE JOB AND PAYMENT OF SAME; AUTHORIZING PAYMENT OF ADDITIONAL ARCHITECT FEES TO C-G-R INC.; AUTHORIZING PAYMENT OF CONTINGENT EXPENSES; ESTABLISHING A FUND FOR THE PROJECT AND AUTHORIZING A TRANSFER OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS.

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The Clerk read the following Ordinance:

AN ORDINANCE 47,264

AUTHORIZING THE CITY MANAGER TO EXECUTE A
LEASE AGREEMENT WITH HELEN JOHNSON D/B/A
HELEN JOHNSON GALLERY FOR THE LEASE OF
BUILDING 301 AT HEMISFAIR PLAZA.

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Mr. Bill Holtzinger, Assistant Director of Convention Facilities, explained the proposed Ordinance, which would authorize a contract with Helen Johnson. It will be for a four year period with a one year option in compliance with City Ordinance 47,006. There are two cancellation clauses connected with this contract. One being Paragraph 7 of the Standard Provisions for Contracts. The second clause is on Page 5 of the contract.

After consideration, Mr. Teniente moved to adopt the Ordinance. Mr. Rohde seconded the motion.

Mr. Jeff Wentworth, Attorney representing Mrs. Helen Johnson, stated that they were under the impression that this would be a five year lease with an option for five year renewal. They also had a question with regard to the standard form contract's clause on the hours of operation. They would like to insert a clause to the effect that that clause should in no way limit the number of hours she can be opened. They also want access to the rear of their building in an alley way and have been denied this by the Police Department.

In response, Mr. Raffety stated there have not been any five year leases with five year options at similar structures in HemisFair Plaza. Secondly, this is a standard form with reference to the hours of operation. He suggested that this lease remain a standard lease. Mr. Raffety suggested that rather than the amendment Mr. Wentworth suggested, that the minimum hours of operation be agreed upon between the lessee and the Director of Convention Facilities. This can be put in writing in accordance with the operational policies.

Mr. Holtzinger spoke in relation to accessibility of the building.

Mr. Teniente stated that the clause on the hours should be further considered and withdrew his motion for adoption. He then asked that this item be postponed for a short while so that Mr. Wentworth can have an opportunity to review the lease.

Later in the meeting, Mr. Wentworth stated that they would agree to the standard four year lease with one year option. He also agrees with the parking ordinance so the accessibility matter is cleared up. However, they would like the following clause inserted at the end of Paragraph 10 on Page 4 of the contract; "Nothing contained herein shall serve to limit the days of the week or the hours of the day which lessee may operate on the premises".

In response to Mayor Pro-Tem Pyndus, Mr. Raffety would not recommend that because of security reasons. He suggested rather a letter of intent. The Director of the Convention Facilities can direct a letter to Mr. Wentworth saying it is our intent that the lessee will provide to this office a schedule of hours and days on which lessee intends to have the operation open.

After discussion, Mr. Teniente then moved that the Ordinance be approved, with the additional clause proposed by Mr. Wentworth.

Mr. Raffety then stated that another clause be inserted to the general effect that the hours which the lessee decides to operate will not in any way increase the cost of the City or cause inconvenience to the City, to serve as a protection to the City.

After further discussion, the Council concurred with Mr. Raffety's suggestion of a letter of intent rather than an amendment to the contract.

After further consideration, on motion of Mr. Teniente, seconded by Mr. Rohde, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Black, Cockrell.

76-48 The Clerk read the following Ordinance:

AN ORDINANCE 47,265

ACCEPTING A GRANT OF \$74,000.00 FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY IN SUPPORT OF OPERATION OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AIR POLLUTION CONTROL PROGRAM IN 1976/77, ESTABLISHING FUNDING OF \$170,935.00 FOR THE PROJECT AND APPROVING A PERSONNEL COMPLEMENT, AND AUTHORIZING THE CONTRIBUTION OF \$86,101.21 TO THE PROJECT FROM THE GENERAL FUND AND \$5,463.79 FROM THE 1975/76 AIR POLLUTION CONTROL PROGRAM FUND.

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Dr. C. N. Rothe, Director of the Metropolitan Health District, explained the proposed Ordinance which accepts a grant from the Environmental Protection Agency for the Air Pollution Control Program for the period August 1, 1976 through July 31, 1977.

In response to Mayor Pro-Tem Pyndus, Mr. Fred Bell, Director of Environmental Health, gave a brief report to the Council on the Air Pollution Control Program's effectiveness.

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

76-48 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Teniente, Nielsen; NAYS: None; ABSENT: Hartman, Rohde, Cockrell.

AN ORDINANCE 47,266

PERMITTING A BONFIRE TO BE HELD ON OCTOBER 21, 1976 BY HIGHLANDS HIGH SCHOOL STUDENT COUNCIL IN CONNECTION WITH THE SPIRIT WEEK FOOTBALL GAME.

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AN ORDINANCE 47,267

PROVIDING FOR THE REFUND OF \$3,254.98 TO SAN ANTONIO SAVINGS ASSOCIATION DUE TO OVERPAYMENTS OF REAL ESTATE TAXES.

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AN ORDINANCE 47,268

CLOSING AND ABANDONING CERTAIN STREET RIGHTS OF WAY, DRAINAGE AND UTILITY EASEMENTS AS SHOWN ON THE VACATING PLAT OF PORTION OF VALENCIA, UNIT 5, AND AUTHORIZING A QUITCLAIM DEED TO MORTON SOUTHWEST, INC., FOR THE CONSIDERATION OF \$1.00 AND DEDICATION OF REALIGNED STREETS, DRAINAGE AND UTILITY EASEMENTS IN THAT CERTAIN UNRECORDED PLAT OF VALENCIA, UNIT 6, DATED JUNE 7, 1976.

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AN ORDINANCE 47,269

AUTHORIZING EXECUTION OF FIELD ALTERATION NO. CWB 2 IN THE AMOUNT OF \$21,172.96 FOR NECESSARY WATER MAIN RELOCATIONS AND CONSTRUCTION IN CONNECTION WITH ARROYO LARGO DRAINAGE PROJECT.

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76-48 The Clerk read the following Ordinance:

AN ORDINANCE 47,270

SETTING A DATE FOR A PUBLIC HEARING REGARDING INTERIM REQUIREMENTS FOR DEVELOPMENT OVER THE EDWARDS AQUIFER RECHARGE ZONE.

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Mr. Mel Sueltenfuss, Assistant Director of Public Works, explained that this Ordinance sets a joint public hearing of the City Council and the Planning Commission to receive citizens' views relative to interim requirements for development over the Edwards Aquifer Recharge Zone. The hearing is set for November 17, 1976 at 2:30 P. M.

Mrs. Helen Dutmer appeared to speak in opposition to the public hearing being held on a work day and would prefer an evening hearing.

After consideration, the Council concurred that the public hearing be held Thursday, November 18, 1976, at 5:00 P. M.

Mr. Billa then moved to adopt the Ordinance. Dr. Nielsen seconded the motion. On roll call, the motion prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen; NAYS: None; ABSENT: Teniente, Cockrell.

76-48 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Mr. Billa, seconded by Dr. Nielsen, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Nielsen; NAYS: None; ABSENT: Teniente, Cockrell.

AN ORDINANCE 47,271

ASSIGNING THE CURRENT CONTRACT FOR TRACTOR PARTS AND SERVICE FROM INTERNATIONAL HARVESTER, INC. TO MISSION INTERNATIONAL, INC.

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76-48 The following Ordinance was read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion of Mr. Billa, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 47,272

ACCEPTING THE HIGH QUALIFIED BID OF EDEL ENTERPRISES, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH A CONTRACT FOR A FOOD AND BEVERAGE CONCESSION AT BRACKENRIDGE GOLF COURSE CLUBHOUSE FOR 24.1% OF THE ANNUAL GROSS RECEIPTS.

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76-48 At this point in the meeting, the discussion on Item 8 resumed. See page 4 of these minutes.

1.

RESOLUTION REGARDING THE CENTENO PLAN

Dr. Henry Cisneros asked for a consensus from the Council that the staff be instructed to draft a Resolution on the plan being advanced by Mr. Eloy Centeno on utility bills for consideration at Council's next regular meeting.

City Manager Raffety suggested a "B" Session discussion as well as it being on the "A" Session.

DISCUSSION OF SINGLE MEMBER DISTRICTS

The following discussion took place:

MAYOR PRO-TEM PHIL PYNDUS: I would like to set a 15-minute recess and come back to discuss the results of the public hearing and what the Council will do as a result of that hearing.

MR. AL ROHDE: Mr. Mayor, could I recommend that the press had requested a statement from Council because they've got it as an addition, and can we go ahead and proceed with it now.

MAYOR PRO-TEM PYNDUS: No, I am requesting a recess so I can get some direction from staff.

MR. ROHDE: Well, we know what to do. I'm not challenging you, but what direction do we need?

MAYOR PRO-TEM PYNDUS: What do you propose as a direction?

MR. ROHDE: I propose that as a direction, Mr. Mayor, that we tell the Justice Department that we're not going to have an election if they're going to keep [redacted] votes in the closet of 60,000 people in the area, that they have to have a voice in vote in this area of the annexation for the City Charter Election. I think it's that simple. I'm at the position now that I will not vote unless the matter has been resolved as to the issue of we're going to take the annexed votes and count them.

MAYOR PRO-TEM PYNDUS: The statement that you've made has legal implications that I thought the Council needed direction on with reference to a inquiry that should be made by this Council to the Justice Department, and I thought that we could get this input if we took the recess.

MR. ROHDE: Mr. Mayor, I would like to work with the Justice Department, we're going to tell them that this is what we'd like to do, not what they want us to do, and I think that would be the position that I'd like to take.

DR. D. FORD NIELSEN: Al, I'm in a pretty fundamental point of disagreement to begin with. My suggestion was that we send as quickly as possible a plan or plans even, you know, one, two priorities, whatever they are, to the Justice Department concurrent vote and all that sort of thing and then we at that time if you wish inform them that it is a majority or greater, I hope, opinion of this Council that we are going to count all of the ballots. There may be segregation, but we're in no way going to put the residents in the newly annexed areas in some unique category. They are going to have to at some point, I hope very quickly, respond to that.

Then, my second suggestion is that if, in fact, they say no, you are going to have to not only segregate them but wait until you see what the vote is and find out whether they're going to ever count or not, we then at that point have a brief prepared just dealing with the declaratory judgment question of their right for full participation in the vote, and then

begin the court process. But I'm not saying at all that we're not going to go ahead and have that election.

MR. ROHDE: Ford, I have problems with that because what we're trying to do is to declare these annexed citizens second class citizens.

DR. NIELSEN: No

MR. ROHDE: Sure you are, you are not giving them a voice in the vote and then we are asking this Council to go ahead and set the vote to the people when to vote we have got to set it for all the people and not just for a few.

MAYOR PRO-TEM PYNDUS: Before I recognize other Council people and Mr. Hartman and then Mr. Teniente wished to speak, there has been a meeting set prior to the Mayor's departure from the country that we would have on October 26th a meeting with the Charter Revision Committee, and I intend to see that that meeting is held and we cannot in any way send the Justice Department a plan as a result of Council's action today. It was my hope that we could clear some of the legal implications with reference to those disfranchised voters how their votes would be counted, and I had hoped that we could discuss this with legal counsel after a recess and have some action on it. Now, if it is not the Council's wish to take a recess but to handle the matter now, we will do it. Now, I think Mr. Hartman had his hand up.

MR. GLEN HARTMAN: Well, Mr. Mayor, first of all I think the two issues that we are getting mixed up with here are, can be dealt with separately. I am fully in accord with Dr. Nielsen's position with regard to the matter of how we deal with the segregation or non-segregation of votes. I am fully in support of Dr. Nielsen's position. On the other hand, I agree with you, Mr. Mayor, the fact that we have set the 26th as a date in which we would consider the districting plan, and this is what we announced some week and a half or two weeks ago, and I think we should stick with that and I would certainly feel that it would be proper at this time to discuss the first half of the problem, that is dealing with the segregation of votes with our legal counsel, and I would so suggest that we now do that, recess and then seek this legal discussion.

MAYOR PRO-TEM PYNDUS: You would approve a recess?

MR. HARTMAN: Yes, I would.

MAYOR PRO TEM PYNDUS: Mr. Teniente, you were next.

MR. TENIENTE: I have no problem with a recess and have no problem on waiting to the suggested date that we had of the 26th. The problem is that I see in the comments that I have heard of, I see a move on perhaps some people to again to try to use certain means to hide behind the single member district concept that we as a majority of Council have approved, and I think that if we do this and delay this issue, we are going to be in a situation where we will be forced to delay an election, and I have no problem with what Mr. Hartman has made, the statements that he has made and the statements that Dr. Nielsen has brought out, and I don't think that, I myself am not pushing on a vote for this thing today, but I do recognize the fact that there are certain individuals that would be pleased as punch not to have a vote come out at all on this issue, and this is what I am trying to make sure that doesn't happen.

MAYOR PRO TEM PYNDUS: If I may wade through that, you would also be agreeable to a recess?

MR. TENIENTE: Wade through that, what expression is that?

MR. ROHDE: Reverend Black, I would yield to him.

REV. BLACK: Mr. Mayor, it seems to me that we have two very significant issues in our democratic process. One is the right to the individual to participate in its government in terms of voting. The other is the right to equitable representation. Now it seems that these two issues have been brought into conflict with each other. Whenever two issues, two democratic issues have been brought in conflict with each other, it seems to me that we can create a condition that will make the matter even more complex because there are going to be those in this community who are going to insist upon voting but there are also going to be those in this community who are going to insist that there will be equitable representation. So, I don't know that we are, it's going to take a lot of deliberate and reason consideration for us to get through this dilemma, and I hope neither of those parties that are identified will feel like their position is going to be the only position held because those persons who don't feel that who feel really that there has been a dilution of minority representation they are going to insist that this matter be remedied. Those individuals who are caught up in a situation in which they are not allowed to vote are certainly going to insist that they vote.

Now, it seems to me that possibly the approach that we should make is to follow the direction of the Justice Department, and what I think is the significant way of resolution and that is go on with the election. Now, the remedy of those who would be caught in a denial of the Justice Department for participation would be a remedy that those individuals would have with that Justice Department certainly involving a city and which meant that they would go into Court not to deny equitable participation, but they would go into Court to protect their rights as citizens in terms of the voting process. Now, what the Courts would say in this would be entirely left up to the Courts. But, I certainly would not like to see the issue of equitable representation be clouded by this separate issue at the initial period of the election. I would like to say, okay, we are going to follow what the Justice Department is saying, and then we are going to let the Justice Department deal with what the limitations that it has imposed, and we are going to let them deal with it in terms of the Courts itself and then we have what I would call the process resolving the two conflicting issues.

MAYOR PRO TEM PYNDUS: Dr. Nielsen.

DR. NIELSEN: The two problems I have with that, Claude, one is a philosophical problem and the other is just a practical legal problem and I think Mr. Parker, and I may be wrong, but I think he can help us all on this one. Philosophically, the only problem I have with that is that we have a responsibility for every citizen in this community. I don't think any of us deny that and it just not rhetoric, I mean that very sincerely, whether it's one person with a particular kind of problem, one hundred, two percent, five percent, ten percent, whatever, we have a responsibility to

REV. BLACK: I have advocated that for many years.

DR. NIELSEN: Right, and I have too, okay, I don't think we can let the sins, if you will, of just the sheer fact as I hear it somewhat argued that because a group of citizens who have recently been annexed regardless of their ethnic composition, their rights should not be in jeopardy. Now, very practically, you are suggesting that they go to Court cannot take place until, in fact, and is this right, Mr. Parker, until there is some determination at some legal point that they can't even file a suit right now. That's the problem. They have got no legal recourse because the Justice Department has so cleverly couched their qualifications, their verbal statements, or whatever to the point that we don't know what is going on.

REV. BLACK: This is what I am saying, let's proceed with the Justice Department's, what they are advocating and then you have created the situation by which you will seek a legal remedy.

DR. NIELSEN: But the problem with that, Claude, is the fundamental problem with that is that unless we pressure them, in my humble opinion, they are not going to make any decision until after the vote and then probably depending on the outcome of that vote, that's right, until after the vote then they can make, is that right, Mr. Parker, then they can render a decision and then depending on what decision they render the outcome of the vote could be affected, one way or the other. I am not going to get into the merits of that discussion, no, that is not justice. That's a political game. If that is going to be played, then I think we should participate in it and play it in the Courts, not let the Justice Department do that, honestly. That's just my humble opinion.

MAYOR PRO-TEM PYNDUS: Mr. Rohde.

MR. ROHDE: Councilman Black, I have this problem and maybe you can relate and help me, but I think all of a sudden the issue, of the 62,000 people votes that wants to be called a closet vote, is an expression, this disturbs me and may become the biggest issue in the thing because what has happened now the Council is being asked to set an election. And you and I have to vote on that election but at the same time we are saying that we are not going to let 62,000 people vote in this possible election without it being a clear mandate from the Council. Now, how do you live with that vote to say yes or no and treat these people. Are they first class citizens or second class citizens?

MAYOR PRO-TEM PYNDUS: Mr. Hartman.

MR. ROHDE: I have asked Reverend Black to answer.

REV. BLACK: You know, I have great experience in being treated as second class citizen, so I don't, I certainly can't advocate anybody being treated as a second class citizen. The only thing that I have learned though in the process of many years and when you find yourself in conflict with that legal position that denies you certain rights, that you have got to proceed with that process and then correct that process in the Courts. That is the only way we have ever been able to resolve any of our issues. So this is what I am simply saying here. I am not trying to deny. I am simply saying if you are going to get it at a legal base, then you have got to proceed based upon the directives that you have been receiving. Once you have acted upon that, then I would simply say then they have a case then you can take that in which I think is a much stronger case because you have denied certain people certain rights.

MAYOR PRO-TEM PYNDUS: Mr. Hartman.

MR. HARTMAN: Right, Claude, to address that matter and to explain my rationale in support of Dr. Nielsen's position is the fact that it would appear to me that by addressing the question of the 62,000 deannexed voters, so to speak, beforehand, it would seem to me that we would lessen the risk of the whole matter becoming tied up later if we merely followed the procedures that has been laid out. And that is basically my concern is the fact that we can clarify the matter ahead of time and get it out of our way, we run less of a risk of having this jump up and give us a problem when the election takes place.

MAYOR PRO-TEM PYNDUS: Let's see if we can get a consensus on the steps we'll take if I may, Mr. Parker, if we are moving off target on some illegal manner, I would like your guidance. Now is the Council agreed that they will hold as a result of the public hearing, that they will hold an election on January 15, would you say that would be our starting point? Now, as far as the mechanics involved for holding that January 15th election.

DR. CISNEROS: Let me ask a question real quick, just a hypothetical, let's say we seek clarification from the Justice Department and we get clarification, roughly what they're already said.....

MAYOR PRO-TEM PYNDUS: One at a time.

DR. CISNEROS:that the annexed areas could not vote.

DR. NIELSEN: They haven't said that. If they would say that, they could file a class action suit.

DR. CISNEROS: What does it mean for the election

MAYOR PRO-TEM PYNDUS: All right. If we're going to clarify the issue for any citizen in this town, we're going to have to have a fair and legal response, and I think that the procedure that we should follow this morning is to go to the Justice Department with certain questions, and it was my hope that we could get advice and guidance from the Legal Department in a recess, and if you want to have that guidance now, well, we can request it.

DR. CISNEROS: You see, my question, Phil, was this, you start out with the idea of having an election on January 15th. I want to know whether the Council committed to having an election on January 15th either way irrespective of what the answer is. If this answer is no, they will not be counted, well, are we still going to have an election January 15th? I think that's the question that needs to be asked going in.

DR. NIELSEN: My position has been that we're going to hold that election January the 15th. I hope either administratively or, if it comes to that, I guess the speediest process there is in the declaratory judgement thing of dealing with that issue, that by the time of that vote, we will know one way or the other whether or not everybody's vote is going to count the same. Now, if we don't know at that time, we're still going to have an election, and I realize at that point, Claude, if that's still all up in the air, that is a little bit of an obfuscating of whatever they call it, an obscuring or whatever, extraneous matter, but I think the principle of it is so dang important that you want the risk, it's worth it and I realize it. And let me just quick finish it, the, we are going to have the election because this Council, Al, has not said that we are not going to deny a vote to anybody, it has been the Justice Department that has in a sense by not directly addressing the matter is saying well maybe their votes are going to count and maybe it's not, we want to wait and see. That's it, it has not been the Council, Al, that has said they are not going to get to vote, we are assuring them of their right to vote, but is it going to be counted or not.

MR. ROHDE: When you set the election, you put them on a doubt, you treating those people that ought to be....

MAYOR PRO-TEM PYNDUS: Let's address the Chair, if we may.

DR. NEILSEN: Who knows, they know they may get to vote, the question is does their vote count or how or under what circumstances, that's all.

MAYOR PRO-TEM PYNDUS: Did you want to respond to that, Henry, you started the conversation.

DR. CISNEROS: No, I just, it seems to me that again I'm not trying to take a position because my position is not clear and, therefore, I would not want to be, you know, to take particular responsibility for thinking outloud, and that's what I'm trying to do for a minute but it seems to me that there are several issues here. One of them is and I asked Mr. Raffety a couple of days ago for a figure on what is the amount of taxes that are paid in the annexed areas. He gave me a figure that for this fiscal year roughly, very broadly, this is not something that would stand up after analysis, perhaps, and is now being analyzed, but roughly in the vicinity of two and a half million dollars. Now if the issue is, in fact, taxation without representation without an opportunity to vote, there might be one way to deal with that by looking at that. Again, just thinking outloud, some of these are a little wild and a little absurd, but I think they need to be dealt with in front of the table. By some possibility that we could involve in some sort of legal forgiveness of that amount in exchange, no, not exchange, but as a means to deal with the question.

Okay, another issue it seems to me is this, we set an election on January 15th, the Justice Department says everybody votes, no sweat. Great. Now if they answer, however, is that there's a problem and there will not be - and that their votes will not be allowed to be counted or something like that, then I think we have an issue of principle as to whether or not we're going to have an election under that kind of situation. Now, if the answer is no, one course of action would be not to have the election but to speed forthwith into the MALDEF suit.

MR. HARTMAN: Mr. Mayor.

MAYOR PRO-TEM PYNDUS: Let him finish his comments, please.

DR. CISNEROS: And, but the problem is, again we're thinking outloud and the kind of things that politicians don't like to talk about outloud, but the point is that with respect to the MALDEF suit, if the election should fail, the MALDEF suit, as an option, becomes a very unattractive option both politically and to the community's spirit and well-being, you know. The community sense of itself. So, what I'm saying is this, there's two sides but there's a kind of a decision point out there as to what happens to the annexed areas. If the answer is they can vote, let's go to the election and the whole thing. If the answer is they can't vote, then we have an issue of principles that either swallow or regurgitate. And if we're going to swallow it, then we're going to have - then we eat the issue of principle, and we go ahead with the election and we separate the votes and the whole thing. Now if, however, we decide we can't swallow that issue of principle, then one route that is available to us is not to have the election but to ask MALDEF and ourselves to head on into the MALDEF suit and get this matter resolved by a district federal court hearing. And that would (inaudible). But once the districts are imposed by a federal government for example...

CITY ATTORNEY PARKER: (Inaudible)

DR. CISNEROS: But assuming that it would be.

MAYOR PRO-TEM PYNDUS: Mr. Parker, would you speak a little closer to the microphone.

CITY ATTORNEY PARKER: You're presupposing that they will prevail.

DR. CISNEROS: That's right.

CITY ATTORNEY PARKER: You have to take the other side of the coin.

DR. CISNEROS: (Inaudible).....over the last 15 years legislative districts, counties, school boards and cities.

CITY ATTORNEY PARKER: But there are other cases that go the other way, too.

MAYOR PRO-TEM PYNDUS: Mr. Hartman.

MR. HARTMAN: Thank you. The - this Council has at this point the very basic obligation of it, of trying to insure as clean an election as possible, I mean, that's what we're talking about. And it is in that context, I feel that Dr. Nielsen's point is extremely pertinent because what we're trying to do here is to remove as much cloud as possible if we can from this election, and I think that the only way to do it is to pursue it along those lines, and I don't think there's any way - my second point is, that I don't think there's any way we can roll out the whole scenario at this time. And there are an infinite number of options as we go along and the questions that Dr. Cisneros has posed, granted they may become problems, but I think at this juncture the only thing we can really address ourselves to is to try to provide the opportunity for as clean election as possible in a clean in a sense as unclouded and then if we get to that next point where we do have another real hard decision to make we consider that decision, but we can't make this decision now on the fear of what kind of decision we may have to make down the line, so let's just get on with the first point which I think is to proceed as Dr. Nielsen has indicated.

MAYOR PRO-TEM PYNDUS: Mr. Rohde.

MR. ROHDE: Yes, and I will express my concern. But what a bicentennial gift to San Antonio is to have the federal government of 200 years of our constitution to say that this has happened probably for the first time in that we're asking voters to go to the polls, 62,000, to take an issue that's very vital to the blue print of their government of their City and saying that well, we'll decide later whether your voice and vote is going to count and I think that this is the issue that this Council has to resolve before we do because these people are going to defeat this issue at the polls and I'm going to predict now that the Charter Revision will fail if we do not clear this matter 100 percent crystal clear, and it must be done, the clock is ticking, and I recommend we start on it today, Mr. Mayor. Never in the history of our country have people been denied the right to vote and say we're going to keep them in the closet. I disagree with that.

REV. BLACK: Uncle Sam, you've made an error.

MAYOR PRO-TEM PYNDUS: Mr. Parker. I'm wondering if you would state the City's legal position. One, with the advantages or disadvantages of contesting the Justice Department ruling by going to court. The other, stating the advantages of responding or requesting the Justice Department to give us a ruling on whether these citizens can vote in this important election. You have two actions, one if we're just delaying an inevitable action of going to court, whether that should be done now. And the other, if we do not decide to go to court, what would be the best means

of getting another ruling clarifying the voting rights of our citizens.

CITY ATTORNEY PARKER: Well, let me respond to it this way. In the first meeting with the Justice Department, there was an indication that they were going to prohibit the people that lived in the objected areas voting at all. Following additional comments with them, they said no, that they would vote but you would separate the vote totals within that area. That's the way we have been proceeding ever since. The Legal Department, I think, Mr. Reeder appeared before Council at a session and spoke in favor of instituting a challenge to the Attorney General's opinion some time back. That motion did not carry by the Council, accordingly, we have not pursued that area. Accordingly, the additional information and conversation has been carried on with the Justice Department have indicated that we are permissible to proceed as we are proceeding at the present time. That we can call an election for districting provision which we have announced every way I've known that we are going to do. The problem - real problem, as I see it, is going to occur after the balloting, and that is going to be if the ballots or if the counted ballots within the objected-to annexed areas will affect the outcome of the total elections and then that is where the real point and time is going to come to the forum. At that point, if the entire election, counting the objected-to areas as well as the non-objected-to areas, cast in favor of going to a district election, we're in a district configuration. If they don't and the - if you have the objected areas which so influence the question of whether it passes or it not passes, that in a point of time is where the legal, real legal problem is going to occur.

MAYOR PRO-TEM PYNDUS: Mr. Rohde.

MR. ROHDE: Yes, I want to be very firm on this and I want to express a public declaration on behalf of the 62,000 prospective voters who are citizens of San Antonio. I'm going to call on the Governor of the State of Texas is for the Texas citizens that these people are with the help of the Attorney General to do some action in this area. I want to call on our three Congressmen, that's Congressman Gonzalez, Kazan, and Bob Krueger to help the citizens of San Antonio in this dilemma. Also, I want to call on Senator Bentsen and Senator Tower because this is a big issue that can help us and maybe resolve an issue before we go to court, but we are asking the help of our government, the help of our state and the City Government will resolve it and we hope we can keep out of court on this matter and get this issue cleared up.

MAYOR PRO-TEM PYNDUS: All right. As the issue now stands, I think the Council really needs some legal guidance with reference to communications with the Justice Department, would you agree that that's the course of action that we should initiate?

MR. HARTMAN: We're back at the point I guess we were about 20 minutes ago when you said let's have a recess and get some legal advice. I think that perhaps was half an hour ago. I think that we're at the point where we need to try to focus this thing and see about pursuing along the matter of clearing up this cloud if we can beforehand.

MAYOR PRO-TEM PYNDUS: All right. We have had a half an hour's discussion and I'm wondering if we're agreeable to a 15-minute recess.

DR. CISNEROS: What do we hope to do in this 15 minutes?

MAYOR PRO-TEM PYNDUS: We hope to have the City Legal Department give us some legal approach to the Justice Department and ask them the status of these citizens that are going to vote in the election that we're going to hold.

DR. NIELSEN: Are you talking about an executive session?

MR. ROHDE: No, let him do it right here. Right here, I'll listen to him. Let's do it here.

CITY ATTORNEY PARKER: As I've stated before, I don't know exactly what you're talking about because the people, the Justice Department has said that those areas are in the City that we have full police power over all those areas. They have said that if we try to call an election and did not separate the votes within the objected areas from the rest of the City, they would interpose objections to the holding of that election, and you wouldn't hold the election. They would do it before the fact is what they were - if we didn't agree - if we called an election without agreeing to segregate those votes, they're going to come in and object to the election under the Voting Rights Act...from holding that election. That's what they would do. And that court, that cause of action is filed in the district court in Washington, D. C. where we're going to be in the 99 and 9/10 percent of the options in any event. So to hold the election that's why they said well, fine, you can hold the election, and part of the election called and so forth that you're going to segregate those votes within the objected area so that they can analyze and see what effect that they would or would not have had on the election.

MAYOR PRO-TEM PYNDUS: I received a note this morning that we had sent a telegram to the Justice Department. All right. I'd like to read this telegram. I understand that staff has forwarded a wire to the Justice Department stating that number one, we are going to hold an election on January 15. Number two, we are going to segregate the ballots. Number three, we are going to count them all.

CITY ATTORNEY PARKER: That's right.

DR. NIELSEN: You made a very simple declaratory statement.

MAYOR PRO-TEM PYNDUS: All right. As far as this communication to the Justice Department, do you suggest we add anything else?

CITY ATTORNEY PARKER: No, sir, I don't, I can't see any value of adding anything or subtracting anything from it.

MAYOR PRO-TEM PYNDUS: All right. You see no value and further discussion as far as Council action is concerned.

DR. NIELSEN: Yeah, well, I do.

CITY ATTORNEY PARKER: That gets into an area that goes beyond the legal.

MAYOR PRO-TEM PYNDUS: That's a policy beyond the legal. Now you heard the telegram, now would you like to comment on that? We'll start with you, Ford.

DR. NIELSEN: Well, of course, in the Council's wisdom as quickly as we can we would choose also to send another declaratory statement that if, in fact, the response to this on the part of the Justice Department is no that you are not going to count them all or, however else they would count them is that this Council would go on record still setting the date for the election and doing everything else, even agreeing to segregate them, as far as the mechanics of it are concerned. And that we would if they say no or clouded or whatever, that we would immediately file a declaratory judgement in the federal district court in Washington

seeking of a legal opinion, a court opinion, on their right to vote. That does not say that we could not hold the election. Now, if the Justice Department enjoins us or something, that's something else, I'm not looking for that. I hope we don't get into that kind of position.

MR. HARTMAN: We're still seeking information.

MAYOR PRO-TEM PYNDUS: One second, please. I would like to get this clarified so that we can either go with it or not go with it. You wish for another wire to be sent to the Justice Department. If the consensus of the Council stating that we're going to seek through the courts if they do not allow us to count all the votes, a declaratory judgement. All right. And what is your response to that, Mr. Parker?

CITY ATTORNEY PARKER: As far as counting all the votes ahead of time, I don't think that they're going to grant that permission because that's the purpose of the Voting Rights Act. The Voting Rights Act itself said that they have - shall object. Now what we are caught up, Glen, is the retroactive aspect of it that was really not contemplated, I think, within the statute was when it was originally enacted except that the fact that they made it retroactive and when they did, then you have a hiatus that nobody really knows the question. The Supreme Court in the past has said that the retroactive part of it is constitutional, in another case. So, your reply to annexation I think it would be there. And so, as far as the Justice Department's position is that this is a corrective matter that can be corrected within the thing to remove their objections and single member districts.

DR. NIELSEN: Don't you really think, Mr. Parker, and maybe we shouldn't be discussing this because it's go to do with legal maneuvering and strategy and everything else but they probably aren't even going to respond even if we send the telegram saying that - depending on your response we may pursue it in the courts. They're probably not even going to say anything, right?

CITY ATTORNEY PARKER: It's very questionable whether they will or will not.

DR. NIELSEN: Okay, then, we still have another constitutional principle and legal question to decide at that time, okay.

MAYOR PRO-TEM PYNDUS: All right. Reverend Black. If I may clarify that. Now, as I understand you, Mr. Parker, sending a telegram of the nature suggested by Councilman Nielsen would have little effect...

CITY ATTORNEY PARKER: In my opinion, it would.

MAYOR PRO-TEM PYNDUS: I beg your pardon.

CITY ATTORNEY PARKER: In my opinion, it would have little effect.

MAYOR PRO-TEM PYNDUS: Thank you. Reverend Black.

REV. BLACK: This is why this is a basic assumption that I have made, and this is why I have accepted the recommendations that I'm saying. Is that here you have two conflicting basic rights.

MAYOR PRO-TEM PYNDUS: Let's let each speak or be heard.

REV. BLACK: An agency is not going to take a position outside the court on their position that will be declared by a court. So what I'm simply

saying, let's move the matter as the Justice Department have given right. You are, you and I may make assumptions about what will happen in the courts. Now I'm not simply saying that you will only have the right of - be discussing the right of - voting, you will be discussing the right of diluting minority, you may be discussing either of those rights in the courts. I mean, I'm not saying that it's going to win or lose, I'm simply saying, follow the procedure, get the issue clearly defined, and then go to court with it. Then go to court with it, don't simply try to initiate a court action before you have gotten the issues defined.

DR. NIELSEN: Except, Claude, the practical timing of the politics of these very fundamental, constitutions, legal, and voting principles is very important also and the practical political timing of it can be very, very important for every citizen in this town.

REV. BLACK: Yes, I think those of us who support....

DR. NIELSEN: I know you're not denying that either.

REV. BLACK: And those of us who support districts recognize that we're taking a great chance not to clarify all of these issues by projecting the fact that you vote on districts at this time. It would be better for us if we had the matter cleared up and you had a clearer debate on the issue of districts. If you could clear all of this up. But what I'm simply saying is that I think you have been placed in a position as a result of these conflicting rights, and that they are only going to be resolved in court so you've got to create the situation in which makes the issues clearer for a definition in the courts.

MAYOR PRO-TEM PYNDUS: Mr. Rohde.

MR. ROHDE: Councilman Black, are you saying that they should be cleared after the voting or before the voting?

REV. BLACK: After the voting.

MR. ROHDE: But how will people go to the polls when they don't know that their votes going to be....

REV. BLACK: Well, that's exactly what this telegram has said. You said you would do it just like the telegram and said follow that procedures. Then you can decide whether or not you're going to - if you're going to count them then you've got the issue. You've got the issue, the Justice Department says you can't count them. All right, now you've got the issue, carry it to court. Now you've got the issue.

MAYOR PRO-TEM PYNDUS: I would, if the Chair may, if I say, if you want to take the initiative, and if you want to respond in defense of constitutional rights, that we already have this question before us. We're only talking about procedure and other constitutional rights. But I think if we're going to go to court ultimately, that the time to go to court is now.

REV. BLACK: It may not be necessary.

MAYOR PRO-TEM PYNDUS: You say it may not be necessary.

CITY ATTORNEY PARKER: It may not be necessary if the electorate votes for districts, then there's no question anymore to be resolved.

MAYOR PRO-TEM PYNDUS: You're forcing the plan upon us.

CITY ATTORNEY PARKER: Well, I mean, but that's been there all along.

MAYOR PRO-TEM PYNDUS: Let's discuss the action.

I.

DR. CISNEROS: As I understand and I think Reverend Black's suggestion is eminently wise. I think what has been suggested, as I understand it is the following, and I would like to, if I understand it correctly, support it and formalize it today. And that is, first of all the formal declaration of our intent and that has been in part done by the telegram, it may be that there is some embellishment required. But that doesn't put us in a position of asking questions or permission or anything like that, it tells us what we're going to do. We're going to have an election because we feel that districting would be in the best interest of the City. We're going to have an election, and we're going to allow all the citizens of San Antonio to vote. Now, if after that election and furthermore we will set the date of the election and if that's possible to do today, I think we ought to do that and if it hinges upon waiting on the outcome of the Charter Revision discussion then perhaps we ought to wait a little longer, but I think we need to make it very clear that on January 15 it's our intention to have an election and all citizens will vote. Now, if they were to enjoin us from having the election, we'll deal with that when we get there. If they - if after the, if they want to enjoin us two days before the election from having the election, then we'll deal with that when we get to that point. If they want to stipulate at some stage that the election is invalid because the outcome was not in a certain way or was not structured in a certain way, we deal with that when we get there. If it passes in both areas then there's no problem. But, there's no sense in really attacking those issues until they become a problem

MAYOR PRO-TEM PYNDUS: Let me clarify it further.

DR. CISNEROS: They not, Phil, they're not a problem because the Justice Department has never told us formally or taken a legal position on the issue. We've just had private conversations with our lawyers and such. So, we will just proceed as if they hadn't told us anything at all and if they want to respond to us then

MAYOR PRO-TEM PYNDUS: Let me add something that may clarify it, and really the Council may not have to take any action. And this is a letter that Mr. Parker has just given me and it's in writing, and it's dated October 13 and it's addressed to the Department of Justice and it states: "The City of San Antonio is planning to call a Charter Revision Election to propose a districting plan to the voters of San Antonio. The following procedure for the selection is proposed:

1. Call the election pursuant to Texas Law for January 15, 1977.
2. Segregate the ballots for the elections into two groups:
 - (A) Voters in the City of San Antonio including non-objective areas.
 - (B) Voters in the objected areas of the City of San Antonio.
3. Count all the votes of the electors in the City of San Antonio.

We would appreciate your prompt approval of this plan of action. Thank you for your attention to this matter". And I think that precludes any action by the Council.

DR. NIELSEN: Now, just a moment. Let me ask - the one thing. Let's just assume this that they do say no to it.

DR. CISNEROS: Ahead of time?

DR. NIELSEN: Yeah, let's assume ahead of time they say no to that

DR. CISNEROS: By letter or injunction or

DR. NIELSEN: However they do it. I think we have both the principle and the practical political decision to make.

DR. CISNEROS: At that stage.

DR. NIELSEN: No, I think we should just in terms of very, very straight-forward politics be as clear now as we can to them, because it could influence their decision that we, in fact, have only a couple of options, we're either gonna sue or we're not. And I think we're in a better, practical, political position and principle too, if we say clearly to the Justice Department, not being righteous or anything else but that if your decision is no, we're prepared to move immediately for declaratory judgment on behalf of all the citizens of San Antonio.

DR. CISNEROS: I disagree, I think that what we do both tactically to our advantage and politically is to say we are, we're going to have an election and our position is that all the citizens of San Antonio vote and all their votes count equally.

MR. ROHDE: That's what I'm saying.

DR. CISNEROS: Period and if they - and why deal with the question of what they might do before they do or don't do it.

DR. NIELSEN: Because unfortunately they may wait until, just for their own tactical reasons until too close to the election to enjoin it, and then we don't have an election. Okay, now that's something I No, no, I think we can enhance our position, very candidly.

MAYOR PRO-TEM PYNDUS: Mr. Hartman.

MR. HARTMAN: I think we're down finally to the very key point. I think it basically, Dr. Cisneros and Dr. Nielsen, I think are pursuing along the same line is the question as I interpret both views is the question as to whether there has developed a need to clarify or to try to remove the cloud ahead of time and reduce the risk of process or of taking the risk, going ahead with the process and then maybe have it stopped, you know, right at it's peak point. I think that's the only difference we're really talking about here and again I tend to feel that we ought to try to see if we can't remove as much of the cloud as possible before hand.

MR. PYNDUS: Could I hear a motion, please? You think we have discussed it adequately?

DR. NIELSEN: Well, my only motion would be that we specifically instruct, well, ask the Manager to instruct the Legal Department to move post-haste on the final brief preparation relative to this issue. I would at this time defer because I know there's some concerns on the part of some of the Council members that we immediately confer this to the Justice Department. I'm not saying, Henry, we've got to right now tell them but, I'm, I hope that we're ready prepared to at some point maybe have to decide to give final instructions to the Legal Department to go ahead.

MR. PYNDUS: All right, let's see if we can put this in a form of a motion if you think it's needed.

DR. NIELSEN: I would so move

MR. PYNDUS: Set it specifically, please

DR. NIELSEN: Through the Manager instruct the Legal Department to get a comprehensive declaratory judgment brief relative to the issue of people's vote counting of all the citizens of San Antonio on the January 15th election. That's all.

MAYOR PRO-TEM PYNDUS: Reverend Black and then Mr. Billa.

DUCK
REV. BLACK: Would you add to that that they would also be prepared legally in the event that the matter did not pass that we would have to go into some legal action, assume some legal responsibility for districting.

DR. NIELSEN: Oh, yes, I - you know, sure it's a political risk but

REV. BLACK: What I'm saying is they're two issues, two very democratic issues involved. That's the only thing. I think you've got to wait until those issues are defined. That's why I just can't

MAYOR PRO-TEM PYNDUS: Mr. Billa.

MR. BILLA: Mayor, I've been listening to all the discussion. I was out, and you all have said many, many words about districting and what we should do with the Justice Department, but I'm certainly not an attorney, but I don't have any problem with the Justice Department's allegations. They have no legal bearing. I think that we ought to proceed with what we want to do. Then, if they try to restrain us from doing those things or prevent us from having an election or certain votes being counted, then I think we have a course of action to choose, and I see no reason for all these discussion and suppositions that may happen.

MAYOR PRO-TEM PYNDUS: Dr. Cisneros.

DR. CISNEROS: I'd like to make a substitute motion.

MR. HARTMAN: I'd like to second Ford's motion.

MAYOR PRO-TEM PYNDUS: You'd like to second Ford's motion. All right, we have a motion and a second and now discussion.

DR. CISNEROS: This is a substitute motion I'd like to make and it states simply the following. It is the intention of the City Council of San Antonio to have an election that will deal with the districting question on or about January 15. The presumption is that all the citizens of San Antonio will have an equal opportunity to vote irrespective of their place of residence and all votes will be counted and counted equally. That irrespective of any action taken, any opinion held by the Justice Department, short of legal action which is to say an injunction or some other statement that has legal standing. That is our intention, and that we'll proceed forthwith.

MR. TENIENTE: I'll second that.

MAYOR PRO-TEM PYNDUS: All right, now this motion is, now give the distinction between the two motions, please, Mr. Jackson.

MR. BILLA: We need a legal opinion.

MAYOR PRO-TEM PYNDUS: All right, now. Now, as I understood Ford's action it's identical to yours with the exception that you made a presumption that all citizens will vote and unless an opinion

DR. CISNEROS: I think the difference, Phil, is that Ford is talking about getting in touch with the Justice Department first, and getting an opinion and responding to that opinion. And if the opinion is a negative one that they're going to take a course of action then he seeks a declaratory judgment to get it firmed up. What I'm saying is irrespective of their opinion, the only thing that has bearing on anything we do is a formal legal action on their part to enjoin us. And if they don't, then we proceed.

MR. BILLA: I agree with Dr. Cisneros.

MAYOR PRO-TEM PYNDUS: All right, Mr. Hartman had his hand up first then ...

MR. HARTMAN: To make a - just as I see again, the distinction between the two courses of action which are going basically along the same lines except that in the motion which I seconded the fact that you are prepared to go and try to clear up any cloud up through a declaratory judgment procedure before you actually get into the election process which merely I think again insures the fact that you will get as an objective an election as possible. My concern is that unless that is cleared up that there will be prejudices held that will be carried over into the election. And that's what I think we want to avoid.

MR. BILLA: I want to hear from the City Attorney, Mr. Mayor.

CITY ATTORNEY PARKER: Frankly, I don't think it's any way that you're going to get a declaratory judgment, a definite answer within that time period between now and January 15.

MR. HARTMAN: You don't think it's possible.

CITY ATTORNEY PARKER: Within a court system. I do not think you'll get it there.

MAYOR PRO-TEM PYNDUS: Let's get that stated clearly. The declaratory judgment will not be worthwhile because of the time factor?

CITY ATTORNEY PARKER: I don't think you can ever get a definite - you might get a District Court but that thing is subject to appeal. You wouldn't have a final decision in any event. And so, then you're in the midst of something else.

MAYOR PRO-TEM PYNDUS: All right, now Mr. Teniente had his hand up first.

MR. TENIENTE: I'm speaking in favor of the substitute motion, and I think that in that I would just like to ask our Legal representative here whether this would be, the, in his opinion the way to approach the matter and that is to do exactly as the substitute motion states in order to proceed without any delay, any legal delay because of legal action, any delay in our election in January. Would this be about - in your opinion, the best way to approach it?

CITY ATTORNEY PARKER: In my own opinion, right now. The system that had been set in motion was determined several months ago when the decision was made at that time not to sue the Justice Department at that time. And we've been proceeding in that method every since then, and to - that's my understanding the procedure we've been following. That's what we've actually been following ever since then.

DR. CISNEROS: I'd like to say one other thing.

MAYOR PRO-TEM PYNDUS: All right. Dr. Nielsen and then Mr. Hartman and then Dr. Cisneros.

DR. NIELSEN: They're, of course, you know, legal opinions to the contrary that you say you could not get a final declaratory judgement, there have been instances relative to elections where in, you know, sixty days there have been appeals the whole process has been dealt with. It can be done. It's not - there's no guarantee one way or the other that it could or could not. I still want to emphasize - to the Council that the fundamental difference between, as I interpret it, his motion or mine is that we are in a - we are one step ahead, if you wish, second guessing the Justice Department to a legal course of action. That's all I am saying, and I think it is worth the, if you will, even if just communicating to them that we would be prepared, I think in terms of the politics of this we are ahead, I think in terms of our overall responsibility we are ahead. I am not threatening the Justice Department, I just think it puts us two steps ahead as far as the initiating thing.

MAYOR PRO-TEM PYNDUS: Mr. Hartman.

MR. HARTMAN: I get back again to the point, I think the main benefits of pursuing the course of action of advising them, as Dr. Nielsen suggested, with and be prepared to go to the route of the declaratory judgement that this thing and this thing only it removes a cloud hopefully before the election that I think unless it is removed gives us or provides an opportunity for the election to be inaccurate, I guess is the word I am groping for. In other words, the fact that there is a cloud there that I think could influence the election unfairly. And the whole thing could fail. Whereas, if we approach it ahead of time I think then there is a good opportunity a good chance to clear it up and if I correctly understand your motion, Dr. Nielsen, in that respect.

MAYOR PRO-TEM PYNDUS: Dr. Cisneros.

DR. CISNEROS: Well, I was just going to say simply that Councilman Hartman referred earlier to the politics of it, and I think that from the point of view of the politics of it and getting something passed, it makes a heck of a lot more sense for the citizens of San Antonio in those annexed areas to know unequivocally that their City government isn't thinking about them in any different way. That we're proceeding in such a way that they are going to vote. We are in agreement on that. They are going to vote, period. Unless the Justice Department comes with federal marshals and enjoins us from allowing us to count their votes or some other legal process, they are going to vote, period. And we are not going to make any decisions between now and then as to whether they can or might not, or whatever, they are going to vote, period. And if they enjoin us, then we will deal with that issue at that time, you know, then.....

MAYOR PRO-TEM PYNDUS: Mr. Rohde.

MR. ROHDE: Mr. Mayor, I will support the, Dr. Nielsen's amendment because of the - it makes it clear. In other words, by that citizen going to vote he either knows when he votes to whether that vote will be counted, or it won't be counted. And, I think that is the issue here, and I will support his motion.

MAYOR PRO-TEM PYNDUS: Any other discussion?

MR. ROHDE: No, but I predict the four - four votes on both motions.

MAYOR PRO-TEM PYNDUS: All right, we will vote on the substitute motion first and, will you restate your motion, please, Dr. Cisneros.

DR. CISNEROS: The motion is that the City Council will declare formally its intent to hold an election on January 15 and the intention, implicit in the intention is the motion that all the citizens of San Antonio irrespective of their geographic residence will have an opportunity to vote, that their vote will be counted, and it will be counted equally with all the votes of the rest of the citizens of the City, that there will be no deviation from that course unless there is a legal position, a legal statement, a legal action taken and at that point we have a decision to make but our intention is to proceed.

MAYOR PRO-TEM PYNDUS: Would you now restate your motion, Dr. Nielsen?

MR. TENIENTE: Well, let's vote on the substitute now. I needed to talk on the first motion.

MAYOR PRO-TEM PYNDUS: All right, you clarify your motion, please.

DR. NIELSEN: There really isn't any difference in that other than in addition to simply, if you will, inform the Justice Department that the City Council instruct the Manager to have a brief prepared in the event that there is a determination. I am not going to say what that looks like, but there as a determination to deny full right to vote on the part of any citizens of San Antonio on this up-coming single member Charter election that we will immediately go to court.

MAYOR PRO-TEM PYNDUS: Before we call the vote, Mr. Teniente.

MR. TENIENTE: It seems to me that the clause, the idea that Dr. Nielsen has is assuming that we will be facing some sort of problems with the Justice Department, and it is very clear in my mind if we just follow the recommendation that Dr. Cisneros has made and the idea that Reverend Black has presented and that is if we just allow all people to vote, we will have an election and there will be no clouding of the issue unless someone who opposes single member districts would do so. And this is what I see. So, I would favor the substitute motion because it clearly states that everyone will vote, every area will be represented, every area's vote will be counted and not until we have a legal document preventing us from holding the election, an injunction of some sort, will this be in jeopardy and I see no problem and I see no problem with this and all that we will, I think, have is some of the people that will support perhaps Dr. Nielsen's well-intention motion with the opponents of single member districts cloud up the issue and delay it and delay it and delay it and delay it, and let's just move on. We are facing obstacles all of over the place and that's my feeling.

MAYOR PRO-TEM PYNDUS: Councilman Black.

REV. BLACK: I would simply say that I am for the substitute motion. I am against the original motion because I think it would be presumptuous of us to advise the Justice Department our legal rights. I think they know what our legal rights are, and they know that we have the right to do that and it would then be looked upon as a threat to them and I don't think that that is what we want. They know that we know what our legal rights are.

MAYOR PRO-TEM PYNDUS: Mr. Hartman.

MR. HARTMAN: Thank you, Mr. Mayor. Mr. Teniente, to address your point with regard to, you know, at such time as an injunction occurs, we will deal with it then. That's the part that bothers me.

MR. TENIENTE: It may not be coming.

MR. HARTMAN: Well, I know, but I think the probability is, the possibility is and the probability is reasonably strong, and I think that this does, the fact there could be an injunction placed as the process continues. And then we would have lost a lot of valuable time, we have lost a lot of valuable effort and the whole thing will be tied up, and I think taking the course where we indicate to the Justice Department that we are prepared to go to the declaratory judgment route, we clear

the decks ahead of time and we remove, hopefully remove the cloud, and everybody is able to go to the polls and cast a hopefully more, I see you're waiving a white flag, a more objective vote at the time that vote takes place.

MAYOR PRO-TEM PYNDUS: After Councilman Teniente speaks, I think Mrs. Dutmer, did we have someone else in the audience who would like to speak to this issue? Would you sign in order of priority so you can be recognized, Helen. Mr. Teniente.

MR. TENIENTE: Mr. Chairman, if I would, if I may, I would yield to Mrs. Dutmer because she has had her hand up about an hour, and I have only had mine about five minutes.

MAYOR PRO-TEM PYNDUS: Mrs. Dutmer, would you approach the Council.

MRS. HELEN DUTMER: Well, I don't want to supersede my other friend down here, Helen, however, this Council is sitting up here and acting as though the City of San Antonio is guilty of something before they have even started. The burden of proof does not rest upon the City of San Antonio. In this case, the burden of proof rests upon the United States government. They have said that they will not count the vote of the people of the annexed area unless it affects the outcome of the election. In other words, if it defeats districting, then they won't count those votes. However, they have not given us the right of if it does defeat it then, you know, it doesn't give you both sides of the coin and you know where I stand on this. I am not hiding behind anything. I am against districting.

All right, secondly, under states' rights, the Constitution of the United States says that the states have the right to local government as long as it is in a Republican form of government and so long as it adheres to the Constitution of the United States of America. We of the City of San Antonio say we have not annexed with the purpose of watering down any minority vote. The government says we have annexed with this intent, and again I say we don't have to file any suits. The burden of proof of this rests within the Justice Department of the United States of America. Let's go on about our business. If they want to sue us, let them come. If MALDEF wants to sue us, let us come. Let it come. Then if the courts say yes, the City of San Antonio is in the wrong, then let's proceed with our business accordingly. As long as the courts do not tell us we are wrong, let's go about our business and forget it.

MR. BILLA: Thank you, Helen. I agree with you.

MAYOR PRO-TEM PYNDUS: Mrs. Walter.

MRS. HELEN WALTER: My name is Helen R. Walter, and I live at 5286 Round Table Drive, and I live in one of these 13 areas in contention. Mrs. Dutmer has put it quite well, and so I won't repeat it. I would like to express my opinion because I wasn't able to be there the other night and that was if you present the public with an all districting plan, I venture to say it is going to fail. You are not giving them an at large and a districting. I think you are going to have to consider that when you get ready to fix up your ballot. But that is in the future. I would like to make a request that I have a copy of this portion of the tape if you will, please, for me. And I would just like to conclude by saying, by looking at this, you know, Reverend King had a dream...and he came a long way. And here we are involved now the right to vote on account of race or color, but by golly, nobody put in there the street you live on. And all of a sudden we are being denied the right to vote because of the street we live on, or the area we live on. I have missed it by one block. So, I thank you.

MR. ROHDE: You are right.

DR. NIELSEN: You might be. It is still totally unknown.

MRS. WALTER: That's right.

DR. NIELSEN: Not as far as this Council is concerned, but as far as the Justice Department up there. You don't know. We don't even know, unfortunately, what they are going to say, if anything until, unfortunately, after the fact.

MRS. WALTER: Okay, and could I ask you one more question? Suppose I want to file for City Council race next spring. What's somebody going to say to me then? You aren't in the City, you are in the City, you can't run for City Council, you can run for City Council. You know, there is a multitude of, like opening up Pandora's Box. Thank you.

MR. PYNDUS: Mr. Teniente.

MR. TENIENTE: Just to comment on Councilman Hartman's statement a minute ago, and that is the reason I, again continue supporting the substitute motion on this is that in spite of the substitute motion passing and moving on as has been suggested on the steps that Councilman Cisneros has proposed, this is not to prevent any one individual or individuals or groups of individuals to file an injunction that would go into the matter that Dr. Nielsen has stated or even to block the election as, perhaps, some of our Councilmen have stated. So I think what we've got to do is state it clearly that there will be an election that the - that everyone will vote and right, I know, but I'm saying that the injunction, that these things are going to be brought out any way, I believe. That's why I was hoping we could move on.

MR. ROHDE: I call for the vote.

DR. CISNEROS: We're really very close I think. The critical issue is the word that Helen Dutmer used a moment ago and that's the burden of proof. In the substitute motion, I think, that we're trying to suggest is the following. I mean, after all the talk and after all the opinions and after all the telephone calls, the only thing that should have any bearing on our intention would be an injunction. Other than that, the burden of proof rests with the Justice Department to stop our election because our intention is to have an election and it is to have it and to have all the citizens vote and if they think they can stop it, then that's up to them to try it. But our position is to proceed.

MR. PYNDUS: We have one other citizen to be heard. Mr. Krellwitz, did you wish to speak?

MR. HARTMAN: Mr. Mayor, could I just - I think.....

MR. PYNDUS: I think, Mr. Hartman, if you would hold it, we have two citizens to be heard.

MR. HARTMAN: Well, it's in response to Dr. Cisneros on a very small point.

MR. PYNDUS: All right, if you would make it quickly.

MR. HARTMAN: Okay, just very quickly, Henry, I agree with you completely. I think the burden of proof is with the Justice Department. I'm saying that I think that I grant you the burden of proof rests with them. My only concern is the fact that the possibility of an injunctive action could jeopardize the process which we've come a long way in bringing about. That is my feeling in a nutshell. That's what I'm trying to prevent and that's where I see the advantage of Dr. Nielsen's motion.

MR. PYNDUS: Thank you. Mr. Krellwitz.

MR. KRELLWITZ: Yeah, Guenter Krellwitz, 5518 Chancellor. I think that's pretty well known. If I remember right, the Justice Department said already that if we vote our vote would have to be segregated, and if it is contrary to the City electorate prior to 1972, it will not count. I think that has already been said. And I think we ought to make it perfectly clear. I talked about an injunction before. An injunction about enjoining the Justice Department from interfering in an election,

but this other injunction which you have put forward to make sure that the electorate in the annexed areas can vote is a new one, and I probably would think that we should pursue that sort of thing. I concur with it with interfering in our counting of the votes in the annexed areas. An injunction from interfering, if that is possible. Again, I'm not.

MR. PYNDUS: Mr. Krellwitz, so we can get through with this.

MR. KRELLWITZ: Yes, thank you.

MR. PYNDUS: Are you through?

DR. NIELSEN: Mr. Mayor, I think what you're trying to say is that the seeking of a declaratory judgement, I think that's the only kind of action we can take anyway. I guess it's kind of what you're saying. What I heard you saying from the very beginning when we first talked about this was the fact that you were very upset about the possibility of your vote finally being denied. We don't know yet whether it has or not. You have no legal recourse one way or the other.

MR. KRELLWITZ: I have no legal recourse until it happens, until it happens, and I think we ought to also remember here, Mr. Mayor, that whatever plan you're going to put forth to the voters is going to determine what the area as a whole is going to do. If you put forth a reasonable plan which everybody can accept, the southside, the northside, the eastside and the westside, you might have no problem. But if you're going to put like I said on Tuesday evening a monster in front of the electorate, you're going to be voted down, I know that. If you're going to put 10 or 14 districts, I know we'll be voted down there's no way because you have never looked into the actual working of a Council with 10 or 14 district Council members. You haven't even conceived what is going to happen. So Mr. Cisneros made a very good point the other day, and I think he sticks by it. He said we should put forth to the electorate a plan which they will all buy and that was what makes the difference.

MR. PYNDUS: We're going to call the roll. Is there anyone who would wish to speak to this issue? We've allowed four citizens.

MR. TOM FANCHER: This question of whether the votes are going to be counted or not really doesn't seem to apply. The votes in the annexed areas are going to have to be counted twice in fact. Once for the impact, well, they're going to have to be counted twice to compare the results of the election with the annexed people voting and without and if the results are the same, then the single member districts votes carries or fails whichever way, you see what I'm saying.

MR. PYNDUS: I think we may have missed your interpretation but we appreciate your input. Would you give your name for the record please, sir.

MR. FANCHER: Mr. Tom Fancher.

MR. PYNDUS: Is the Council ready to call the question? Oh, I'm sorry, Mr. Billa.

MR. BILLA: Mayor, I want to speak in support of the substitute motion. I always like to follow my colleague, Dr. Nielsen's advice, but I don't think we really have a case for what he pretends will happen may never happen, and I think that the City has a right on the basis of the information that I have to proceed with our election and as Dr. Cisneros has pointed out that all the votes will be - all the citizens votes will be counted and then let the Justice Department come in if they want to but I'm really firm of the opinion that if we proceed with our districting plan that if it's successful, and if it passes, well, we won't have any problems.

MR. PYNDUS: Would you call the roll, Mr. Jackson.

CITY CLERK: This is on the substitute motion?

MR. PYNDUS: Substitute motion.

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

CITY CLERK: The motion carried.

MR. PYNDUS: The original motion is automatically out. Okay. I would like to state I'm not quite sure whether the motion is a practical instrument to accomplish, what we want but it's going to bring us closer to the courts and I think if that helps us move it to the court then I'm for it.

MR. BILLA: I don't think that's right, Mayor.

DR. NIELSEN: Bring it closer to the courts?

MR. PYNDUS: Yes, well, I think we're going to force them to take the court action one way or the other.

DR. NIELSEN: Mr. Mayor, yeah, that may be, but we haven't enhanced our position unfortunately.

MR. HARTMAN: Mr. Mayor, all I want to say in closing is the fact that I think we are embarked upon a little bit of a risky course that could involve us in undermining what has been put together very, very carefully.

MR. PYNDUS: I think if we are defending the voting rights of some citizens that have been paying taxes, we can take the risk. We're going to adjourn this meeting until we.....

DR. CISNEROS: No, we need to deal with the question of when we're going to look at the alternative plans that was discussed here and also to deal with the issue of.....

MR. PYNDUS: Okay, we'll come back to the Chamber. We're recessed the "A" meeting and come back to the "A" session or "B" session. We'll have citizens to be heard at 1:45.

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76-48 The meeting was recessed for lunch at 12:15 P. M. and was reconvened at 1:45 P. M.
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76-48

CITIZENS TO BE HEARD

I.
MR. RALPH LANGLEY

Mr. Ralph Langley, attorney for Mr. Arthur Arranaga and Mr. Charles Siegel, owners of a store building located at 2555 S. W. Military Drive, spoke to the Council requesting a temporary variance from a requirement of the Fire Code. He reviewed the history of the building saying that it was occupied for 10 years by Shoppers World, a discount department store, which finally went bankrupt. Messrs. Arranaga and Siegel now plan to reopen a similar operation and have advertised the opening to be Sunday, October 17. Mr. Langley explained that now the Fire Marshal is requiring that a sprinkler system be installed before a Certificate of Occupancy is issued although a sprinkler was not required while the store operated for 10 years. He asked the Council to authorize a short term variance to allow time to determine whether the operation will be able to afford the installation of the system. At the end of the allotted time, a firm commitment will be made for the installation or the store would cease operating. The business will employ about 175 persons.

Mr. George Vann, Director of Building and Zoning Administration, described the building and explained that the building code is not involved, only the fire code. The building was built prior to the present fire code and no sprinklers were required. Mr. Vann said that because of the type of construction, the use of the building and the fact that it is situated on a very large tract of land, he would recommend that the requirement be waived.

Assistant Fire Chief Charles Show also reviewed the history of the case from the Fire Department's point of view and said that the code does require a sprinkler system. He said that he would recommend an extension of time if a firm commitment were made to install a sprinkler at a definite time.

City Attorney James Parker said that if a variance were granted, the City could have a liability in the event of a fire.

After a full discussion of the matter, Council agreed to a 90 day variance, provided that the City is named as an insured in the insurance policies carried by the owners.

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NICK PENA - FARMERS MARKET

Mr. Nick Pena made a request that the Southwest Migrant Association be allowed to use the Farmer's Market free of charge on November 13 and 14 for a fund raising event.

Acting City Manager Tom Raffety said that he would recommend against changing the policy of rental charges for use of the Farmers Market.

Mr. Cliff Edgar, Director of Market Square, said that he has had numerous similar requests. The fees were set by the Council and only when the Council authorizes it are there any exemptions.

After consideration, the Council concurred in denying the request.

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NICK PENA - STREET BANNER

Mr. Nick Pena asked the Council to have a street banner hung by the Fire Department. The banner advertises the Southwest Migrant Association celebration.

City Manager Raffety said that this service is no longer provided by the City and it would be necessary to have an outside firm do the work.

The request was denied.

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KARL WURZ

Mr. Karl Wurz read excerpts from a book to illustrate that statistics can be misleading.

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HELEN DUTMER

Mrs. Helen Dutmer complimented the City on the installation of the new street signs on collector streets. They are being installed near signal lights where they are easily seen.

Mrs. Dutmer asked the current status of the Lone Star Drainage Project and whether additional funds have been found for it.

Mayor Pro-Tem Pyndus suggested that Mrs. Dutmer contact the staff to get the required information.

Dr. Nielsen asked if the City has any official position relative to the hearing next week in the House sub-committee on National Parks.

City Manager Raffety said that the Committee will be in San Antonio and will be greeted by the Mayor. Complete information will be given to the Council.

MR. R. SPROTT

Mr. R. Sprott, 614 Royal Court, said that he has been trying to talk with Chief Peters but is always sidetracked by other police officers in his office. He said that police pay too much attention to stop signs and should be trying to stop crime.

MR. GENE SPRAGUE
MRS. KAY BROWN

Mr. Gene Sprague and Mrs. Kay Brown, residents of Valley-Hi area spoke in protest of the possible exclusion of their votes in the forthcoming Charter Revision election. They commended the action taken by the Council in this meeting. Mr. Sprague said that the area should not be taxed if it is not allowed to vote.

MR. J. W. ANDERSON, JR.

Mr. J. W. Anderson, Jr., spoke to the Council regarding a man-made drainage problem in Dreamhill Estates. He described the area and said that dirt moved by City crews had blocked drainage severely. He asked that the area be cleared so that it can drain properly.

The matter was referred to the City Manager for his review with a request that a report be made to the Council.

GLEN HORTON

Mr. Glen Horton criticized the news media for not giving a full report on all of the proposed districting plans. He said that his group had made a telephone poll of 100 people and gave the Council his findings.

76-48 The Clerk read the following letter:

October 8, 1976

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

Madam and Gentlemen:

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

October 6, 1976

Petition submitted by Paula Wagner,
Resident Manager, Pennystone Apartment
Complex, 4700 Stringfellow,
requesting permission to establish
a fire zone at the apartment complex.

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

* * * *

There being no further business to come before the Council,
the meeting was adjourned at 4:00 P. M.

A P P R O V E D

L. L. Cockrell

M A Y O R

ATTEST:

00031 *G. V. Jackson Jr.*
C i t y C l e r k

October 14, 1976