

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO, HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
WEDNESDAY, NOVEMBER 23, 1977.

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The meeting was called to order at 1:00 P. M., by the presiding officer, Mayor Lila Cockrell, with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, ORTIZ, ALDERETE, PYNDUS, HARTMAN, STEEN, COCKRELL; Absent: NONE.

77-59 The invocation was given by The Reverend Leslie Huebner, Beitel Memorial Lutheran Church.

77-59 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

77-59 Consideration of the minutes of the meeting of November 17, 1977, was postponed one week.

77-59 U. S. PENTATHALON TEAM

Mayor Cockrell recognized Col. Jim Moore, in charge of the U. S. Pentathlon Team.

Col. Moore introduced some of the Pentathlon athletes:

Capt. Greg Losey  
Spec. 5 Jim Cherry  
Spec. 4 Sandy McPherson  
Ms. Gina Swift

He then read a letter from the Mayor of Warendorf, West Germany, addressed to Mayor Cockrell in which he responded to greetings from Mayor Cockrell which the team conveyed last August. A ceramic plate from Warendorf was also presented to Mayor Cockrell. She accepted the presentation and thanked members of the team for their service as goodwill ambassadors.

77-59 The Clerk read the following Ordinance:

AN ORDINANCE 48,743

CLOSING A PORTION OF GAWAIN STREET.

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The Ordinance was explained by Mr. Stewart Fischer, Director of Traffic and Transportation, who said that in planning the subdivision near Roosevelt High School and Windsor Park Mall it was intended that Gawain Street be a cul-de-sac. Somehow plans changed and the street was constructed to connect with Mordred Street. He said that heavy traffic generated by the mall has ruined it as a residential street and the residents are requesting that the street be closed at Mordred.

Mr. Joe Vinson, 5110 Gawain Street, described traffic conditions in vivid detail and furnish photographs to show the serious congestion. He urged the Council to approve the Ordinance.

After consideration, on motion of Mr. Pyndus, seconded by Mr. Eureste, the Ordinance was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

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77-59 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

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AN ORDINANCE 48,744

AMENDING CHAPTER 38 (TRAFFIC REGULATIONS) OF THE CITY CODE; SETTING FORTH LOCATIONS AT WHICH ELECTRIC TRAFFIC CONTROL SIGNALS ARE IN FULL OPERATION; DESIGNATING ONE-WAY STREETS; DESIGNATING STOP SIGN LOCATIONS; DESIGNATING YIELD RIGHT-OF-WAY LOCATIONS; SETTING MAXIMUM SPEED LIMITS ON CERTAIN STREETS; ESTABLISHING PARKING METER ZONES; PROHIBITING PARKING AT ALL TIMES ON CERTAIN STREETS; PROHIBITING STOPPING, STANDING OR PARKING DURING CERTAIN HOURS ON CERTAIN STREETS; PROHIBITING LEFT TURNS DURING CERTAIN HOURS AT CERTAIN INTERSECTIONS; AND PROVIDING THAT VIOLATION HEREOF BE PUNISHABLE BY A FINE OF NOT LESS THAN \$1.00 NOR MORE THAN \$200.00.

\* \* \* \*

77-59 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Ortiz.

AN ORDINANCE 48,745

DECLARING CERTAIN BUILDINGS AT INTERNATIONAL AIRPORT TO BE SURPLUS AND AUTHORIZING THEIR REMOVAL.

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AN ORDINANCE 48,746

AUTHORIZING EXECUTION OF FIELD ALTERATION NO. 1 TO THE CONTRACT WITH J. J. FALBO CO. FOR CONSTRUCTION OF THE LIONS FIELD SENIOR CITIZENS CENTER, AT A TOTAL COST OF \$32,496.00.

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AN ORDINANCE 48,747

AMENDING AND AUTHORIZING A ONE YEAR EXTENSION OF THE LEASE TO GILBERT M. DENMAN, JR., OF A PORTION OF THE BEAUTIFIED SECTION OF THE SAN ANTONIO RIVER FOR THE OPERATION OF A RESTAURANT.

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AN ORDINANCE 48,748

AUTHORIZING EXECUTION OF LEASE AGREEMENTS WITH U.T.S.A. FOR LEASE OF FIFTEEN BUILDINGS AT HEMISFAIR PLAZA.

\* \* \* \*

77-59 The following Ordinance was read by the Clerk:

AN ORDINANCE 48,749

AUTHORIZING PURCHASE OF LOT 1, NCB 14489  
(ALSO KNOWN AS DISPOSITION PARCEL C-C-19)  
LOCATED IN THE ROSA VERDE PROJECT, TEX.  
R-78, FROM THE URBAN RENEWAL AGENCY OF THE  
CITY OF SAN ANTONIO FOR A TOTAL CONSIDERATION  
OF \$650,000.00, AND AUTHORIZING PAYMENT FOR  
SAME FROM FEDERAL REVENUE SHARING FUNDS.

\* \* \* \*

Mr. Winston Martin, Executive Director of Urban Renewal, explained that in the beginning of the Rosa Verde Project the City was paid \$467,000 for the Market buildings which were in a rather dilapidated condition. Urban Renewal Agency then completely rehabilitated the buildings using federal funds. The buildings are now being returned to the City.

After consideration, on motion of Mr. Steen, seconded by Mrs. Dutmer, the Ordinance was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Ortiz, Alderete.

77-59 The Clerk read the following Ordinance:

AN ORDINANCE 48,750

ACCEPTING AN E.P.A. GRANT FOR CONTINUING  
THE AIR POLLUTION CONTROL PROGRAM.

\* \* \* \*

Mr. Eureste asked for an explanation of what is being done to abate odors, especially around rendering plants.

Mr. Walter Harrison, Air Pollution Control Officer, explained the procedures used in assuring compliance with pollution control regulations. He said that citizens are invited and urged to file their complaints about odors with his office where prompt action will be taken.

Mr. Hartman expressed his concern about odors and fumes coming from the cement plant. He said that usually there is a discharge late at night and asked how that could be controlled.

Mr. Harrison said that his office receives good cooperation from the cement plant. However, he said that if a complaint were filed at any hour of the night it would be responded to.

After consideration, on motion of Dr. Cisneros, seconded by Mr. Webb, the Ordinance was passed and approved by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Pyndus, Alderete, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Dutmer, Ortiz.

77-59 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Webb, Wing, Eureste, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Dutmer, Ortiz; ABSTAIN: Cisneros.

AN ORDINANCE 48,751

AUTHORIZING EXECUTION OF AN AGREEMENT, NOT  
TO EXCEED \$30,000, WITH C. THOMAS KOCH, INC.,  
FOR CONSULTANT SERVICES IN CONNECTION WITH  
DEVELOPING A DATA MANAGEMENT SYSTEM WITHIN  
THE CITY'S PLANNING DEPARTMENT.

\* \* \* \*

77-59 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mr. Eureste, was passed and approved by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Pyndus, Hartman, Steen, Cockrell; NAYS: Alderete; ABSENT: Dutmer, Ortiz.

AN ORDINANCE 48,752

AN ORDINANCE PERMITTING CONSTRUCTION OF APPROXIMATELY 500 LINEAL FEET OF 7' HIGH CHAIN LINK FENCE WITH THREE STRANDS OF BARBED WIRE AT 5507 OLD HIGHWAY 90 WEST. (Mr. Joe Van De Walle, Jr.)

\* \* \* \*

77-59 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Dutmer, Ortiz.

AN ORDINANCE 48,753

AMENDING ORDINANCE NO. 48577 OF OCTOBER 13, 1977, GRANTING INTERCONTINENTAL FOODS, INC. PERMISSION TO CONSTRUCT A CANOPY AT 159 E. COMMERCE.

\* \* \* \*

AN ORDINANCE 48,754

GRANTING PERMISSION TO DR. A. G. BRADFORD, JR., TO CONSTRUCT 112 LINEAL FEET OF 8' HIGH FENCE ALONG THE WEST PROPERTY LINE AND 360 LINEAL FEET OF 10' HIGH CHAIN LINK FENCE TO ENCLOSE A TENNIS COURT AT 3510 MARY MONT.

\* \* \* \*

77-59 The Clerk read the following Ordinance:

AN ORDINANCE 48,755

AMENDING ORDINANCE NO. 46749 OF JUNE 10, 1976 WHICH ADOPTED THE 1973 EDITION OF THE UNIFORM MECHANICAL CODE, PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, WITH CERTAIN AMENDMENTS AND ADDITIONS REGULATING THE INSTALLATION OF HEATING, REFRIGERATION, VENTILATION, AND AIR CONDITIONING EQUIPMENT AND SYSTEMS WITHIN THE CITY OF SAN ANTONIO; PROVIDING FOR THE CREATION OF A HEATING AND AIR CONDITIONING REFRIGERATION CODE BOARD OF APPEALS; PROVIDING FOR THE LICENSING OF CONTRACTOR PERSONNEL; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE COLLECTION OF FEES THEREFOR; PROVIDING THAT VIOLATIONS HEREOF SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$200.00 AND MAKING EACH DAY'S OFFENSE A SEPARATE VIOLATION; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

\* \* \* \*

Mr. Pyndus said that there appeared to be some confusion over this Ordinance and asked Council to hear discussion of it. He asked that changes in the City Code as reflected in this Ordinance be considered separately.

Mr. Wade M. Smith, representing the air conditioning contractors, said that he had been out of the city when the Ordinance was discussed in "B" Session and said he would like time to study it.

Mr. George Vann, Director of Building and Zoning, said that five minor changes are being sought. He said that he would recommend adoption of two of them but the Council would have to decide on the others.

Mr. Smith said that the contractors would prefer to have two contractors on the Board rather than two professional engineers.

Mr. Vincent Gillette, also representing the air conditioning contractors, discussed the proposed change to \$100,000 liability insurance.

After a thorough discussion of the matter, Mr. Pyndus moved to postpone action on this Ordinance for one week. The motion was seconded by Dr. Cisneros but failed to carry on the following roll call vote: AYES: Cisneros, Pyndus, Hartman, Steen, Cockrell; NAYS: Wing, Eureste, Ortiz; ABSENT: Webb, Dutmer, Alderete.

After further consideration, on motion of Dr. Cisneros, seconded by Mr. Webb, the Ordinance was passed and approved by the following vote: AYES: Cisneros, Wing, Eureste, Ortiz, Alderete, Hartman; ABSTAIN: Dutmer, Pyndus; NAYS: Steen, Cockrell; ABSENT: Webb.

77-59 The following Ordinance was read by the Clerk and after consideration, on motion of Dr. Cisneros, seconded by Mr. Alderete, was passed and approved by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb.

AN ORDINANCE 48,756

AMENDING SECTION 22 OF CHAPTER 12 OF THE CITY CODE BY PROVIDING FOR THE REGISTRATION OF APPRENTICE ELECTRICIANS AND FURTHER PROVIDING FOR A FEE FOR SUCH REGISTRATION TO COVER THE CITY'S EXPENSES.

\* \* \* \*

77-59 The Clerk read the following Ordinance:

AN ORDINANCE 48,757

ACCEPTING A GRANT IN THE AMOUNT OF \$139,700.00 FROM THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPROPRIATE DOCUMENTS OF ACCEPTANCE OF SAID GRANT; AUTHORIZING THE TRANSFER FROM CETA TITLE I, 4TH YEAR FUNDS OF \$139,700.00 FOR THE CITY'S MATCHING CONTRIBUTION; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH UNITED ORGANIZATIONS COALITION, INC., TO IMPLEMENT A PROGRAM TO BE KNOWN AS PROJECT DETOUR II; ESTABLISHING ACCOUNTS AND APPROPRIATING FUNDS.

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Mr. Pyndus said that in the past there had been some reports on Project Detour which were unfavorable and asked for a status report.

Mr. Sam Dominguez, Acting Assistant Director of Comprehensive Economic and Manpower Planning, said the project has been operating for two years. It has been receiving good reports.

Mr. Genaro Cano, Director of Project Detour, explained its function saying that first time violators of misdemeanors are referred to this project rather than being criminally prosecuted.

The project was discussed at some length.

After consideration, on motion of Mr. Alderete, seconded by Mrs. Dutmer, the Ordinance was passed and approved by the following vote: AYES: Cisneros, Wing, Eureste, Ortiz, Alderete, Webb, Hartman, Steen, Cockrell; NAYS: None; ABSTAIN: Dutmer, Pyndus; ABSENT: None.

77-59 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 48,758

AUTHORIZING THE CITY MANAGER TO EXECUTE AN EMPLOYMENT CONTRACT WITH MR. EUGENE RODRIGUEZ, JR. TO SERVE AS MANAGEMENT CONSULTANT TO THE CITY AND SERVE AS INTERIM DIRECTOR OF THE ECONOMIC AND EMPLOYMENT DEVELOPMENT DEPARTMENT FROM DECEMBER 1, 1977 THROUGH JANUARY 31, 1978, FOR THE CONSIDERATION OF \$3,000 PER MONTH.

\* \* \* \*

AN ORDINANCE 48,759

AUTHORIZING THE REFERRAL TO THE SAN ANTONIO URBAN RENEWAL AGENCY OF ALL PROJECTS REQUIRING RELOCATION SERVICES IN CONNECTION WITH LAND ACQUISITION PROJECTS TO BE ACQUIRED UNDER COMMUNITY DEVELOPMENT PROGRAMS USING FEDERAL FUNDS.

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77-59 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb.

AN ORDINANCE 48,760

APPROPRIATING FROM CERTAIN FUNDS AMOUNTS IN THE TOTAL SUM OF \$3,567.02 IN PAYMENT FOR EXPENSES INCURRED IN CONNECTION WITH YOLANDA DRAINAGE PROJECT #58G, 36TH STREET IMPROVEMENT, COLISEUM ROAD IMPROVEMENT, CULEBRA-MARTIN DRAINAGE PROJECT #58C, VALLEY FORGE SUBDIVISION UNIT 10 SANITARY SEWER, RIVER BEND PARKING STRUCTURE, WEIR AVENUE DRAINAGE #39G, ARANSAS STREET DRAINAGE PROJECT #14A, 14B, 14C, AND NORTH CASTLE HILLS UNIT II OFF-SITE SANITARY SEWER MAIN.

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AN ORDINANCE 48,761

AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE FOR SEVEN MONTHS WITH SOUTHWESTERN BELL FOR PARKING PURPOSES ON CITY-OWNED PROPERTY, FOR A TOTAL CONSIDERATION OF \$2,100.00.

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77-59 The following Ordinance was read by the Clerk and after consideration, on motion made by Mrs. Dutmer and seconded by Mr. Alderete, was passed and approved by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb, Ortiz.

AN ORDINANCE 48,762

MAKING AND MANIFESTING A ONE-YEAR LEASE WITH THE B.O.Y.S., INC. FOR A PORTION OF THE FORMER ST. JOHN BERCHMAN PROPERTY LOCATED IN NEW CITY BLOCK 6803, BEING KNOWN AS 1000 WEST HARRIMAN, FOR USE AS A RESIDENTIAL FOSTER GROUP HOME.

\* \* \* \*

77-59 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Webb, Ortiz, Hartman.

AN ORDINANCE 48,763

AUTHORIZING PAYMENT OF \$1,338,980.00 TO SAN ANTONIO RIVER AUTHORITY TO BE USED IN THE CALL AND REDEMPTION OF \$1,296,000.00 IN SAN ANTONIO RIVER AUTHORITY--CITY OF SAN ANTONIO WASTE DISPOSAL BONDS.

\* \* \* \*

AN ORDINANCE 48,764

AMENDING THE PORTION OF ORDINANCE NO. 48464 AWARDED A STANDARD PROFESSIONAL SERVICES CONTRACT FOR "PASEO DEL RIO IMPROVEMENTS" BY DELETING THE NAME STEPHEN J. CANTY ASSOCIATES AND ADDING THE NAME JAMES E. KEETER, LANDSCAPE ARCHITECT.

\* \* \* \*

AN ORDINANCE 48,765

AUTHORIZING EXECUTION OF FIELD ALTERATION NO. 23 IN THE AMOUNT OF \$41,000.00 TO THE CONTRACT WITH MEADOR CONSTRUCTION CO., INC., FOR VISTA VERDE PROJECT TEX. R-109; AND APPROPRIATING \$50,000.00 OUT OF FUND 41-001 FOR CONTINGENT CONSTRUCTION EXPENSES.

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AN ORDINANCE 48,766

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ACCEPTING THE LOW QUALIFIED BID OF ALLIED FENCE COMPANY TO FURNISH THE CITY OF SAN ANTONIO TRAFFIC & TRANSPORTATION DEPARTMENT WITH GALVANIZED TUBING FOR A NET TOTAL OF \$3,252.09.

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AN ORDINANCE 48,767

ACCEPTING THE LOW BID OF RAYMOND S. ELIZARDO, dba RAY'S INSTALLATION SERVICE TO FURNISH THE CITY OF SAN ANTONIO HUMAN RESOURCES AND SERVICES WITH FLOORING FOR A NET TOTAL OF \$3,614.97.

\* \* \* \*

AN ORDINANCE 48,768

ACCEPTING THE LOW QUALIFIED BIDS OF AMFAC ELECTRICAL SUPPLY COMPANY AND GRAYBAR ELECTRIC COMPANY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH ELECTRICAL MATERIAL FOR A TOTAL OF \$12,230.00.

\* \* \* \*

AN ORDINANCE 48,769

ACCEPTING THE LOW QUALIFIED BID OF AMERICAN BRISTOL IND., INC. TO FURNISH THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH A MOBILE AIR CHARGER FOR A NET TOTAL OF \$21,680.00.

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77-59 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Webb, Hartman.

AN ORDINANCE 48,770

ACCEPTING THE LOW QUALIFIED BIDS OF GENERAL ELECTRIC COMPANY AND MOTOROLA, INC. TO FURNISH THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH UHF AND VHF PORTABLE RADIOS FOR A NET TOTAL OF \$25,530.00.

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AN ORDINANCE 48,771

ACCEPTING THE LOW QUALIFIED BID OF DAVIS TRUCK AND EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO AUTOMOTIVE OPERATIONS DIVISION WITH REFUSE COLLECTION UNITS FOR A NET TOTAL OF \$31,600.00.

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77-59 The following Ordinance was read by the Clerk and after consideration, on motion of Mrs. Dutmer, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb, Alderete.

AN ORDINANCE 48,772

ACCEPTING THE LOW QUALIFIED BID OF HUGHES HELICOPTERS TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH A TURBINE POWERED HELICOPTER FOR A NET TOTAL OF \$206,635.00.

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77-59 The meeting recessed at 3:00 P. M. and reconvened at 3:15 P.M.

77-59 The following Ordinance was read by the Clerk and after consideration, on motion of Dr. Cisneros, seconded by Mr. Eureste, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Ortiz, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Wing, Alderete.

AN ORDINANCE 48,773

ACCEPTING THE QUALIFIED BID OF TELE-TRIP COMPANY, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH TRAVEL INSURANCE CONCESSION FOR INTERNATIONAL AIRPORT ON A CONTRACT BASIS.

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77-59 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mr. Webb, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Ortiz, Alderete, Hartman, Steen, Cockrell; NAYS: Wing; ABSENT: Pyndus.

AN ORDINANCE 48,774

ACCEPTING THE LOW QUALIFIED BID OF PAT'S JANITORIAL SERVICE TO FURNISH THE CITY OF SAN ANTONIO CONVENTION FACILITIES WITH THE CONTRACT FOR JANITORIAL SERVICE AT THE CONVENTION CENTER.

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77-59 SPURS Basketball

MR. Eureste raised a question about the difference in receipts from the San Antonio Spurs and the cost of services. He said that the City is now paying \$998 per game for janitorial service plus police and utility expense but not getting back much in the way of rentals.

City Manager Huebner said that the Spurs pay \$500 per game for rental and the City's share of concessions is about \$390,000 per year.

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Councilman Henry Cisneros spoke to Mr. John Brooks,  
Purchasing Agent:

John, I am, on the one hand impressed with the way in which you go about your job and on the other impressed with the difficulty of it. You have got a heck of an important job.

We have to ask you for everything that we want to know about a particular purchase. There's really very little way for us to get around the positive knowledge that you are.

What I'm saying is you also have a job that is a difficult one because you must have great pressures on you from the sellers of items. There are cities where the job has been used wrongly--you know, corrupt.

I just want to compliment you on the one hand but also urge you to just really hang in there and keep your principles and standards just as high as you possibly can. I don't know how you go about doing that because it must, after all these years, get to be a kind of weighty, routine thing. I hope that you are able to keep those high standards. We depend on you an awful lot.

Mr. John Brooks replied, "That is the way we operate our department. Thank you."

77-59 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 48,775

AUTHORIZING SUBMISSION OF AN APPLICATION TO THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE FOR A GRANT TO FUND PURCHASE OF EQUIPMENT FOR AN EXPEDITER SYSTEM FOR THE POLICE DEPARTMENT.

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AN ORDINANCE 48,776

AUTHORIZING THE ACCEPTANCE OF THE ALLOCATION OF \$39,772.00 IN CIVIL DEFENSE PROGRAM FUNDS BY THE TEXAS DEPARTMENT OF PUBLIC SAFETY, DIVISION OF DISASTER EMERGENCY SERVICES, TO THE CITY IN SUPPORT OF ONE-HALF OF THE COST OF THE SAN ANTONIO CIVIL DEFENSE OFFICE DURING THE FEDERAL FISCAL YEAR BEGINNING OCTOBER 1, 1977; AND ESTABLISHING A FUND TO ACCOUNT FOR SUCH COLLECTIONS.

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AN ORDINANCE 48,777

PROVIDING FOR FREE PARKING ON SATURDAY MORNINGS AT METERED PARKING SPACES IN THE DOWNTOWN AREA.

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The Clerk read the following Resolution:

A RESOLUTION  
NO. 77-59-88

NAMING A CROSSOVER BRIDGE FOR MR. PEDRO  
ROMERO.

\* \* \* \*

Councilman Ortiz introduced this Resolution for consideration. He said that Mr. Pedro Romero is a long-time resident in the area. In past years, he had observed school children getting wet in inclement weather and the dangers in crossing Castroville Road. Mr. Romero was instrumental in persuading the City to build a foot bridge across Castroville Road which now serves some 8,000 school children.

Mr. Romero spoke to the Council in Spanish saying that he was pleased to have had a hand in the construction of this foot bridge and expressed his appreciation for having the bridge named in his honor.

After consideration, on motion of Mr. Ortiz, seconded by Mr. Alderete, the Resolution was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

The Clerk read the following Ordinance:

AN ORDINANCE 48,778

MAKING AND MANIFESTING A CONTRACT WITH  
TOUCHE ROSS AND COMPANY AND FRANK J. LEAL  
AND ASSOCIATES, INC., CERTIFIED PUBLIC  
ACCOUNTS, FOR A CONTINUOUS AUDIT OF CITY  
FINANCIAL STATEMENTS FOR FISCAL YEARS ENDING  
1978 THROUGH 1982 AND CONTAINING A THIRTY-  
DAY CANCELLATION PROVISION.

\* \* \* \*

The following discussion took place:

MAYOR LILA COCKRELL: All right, I would just like to refresh the Council's memory. We did have a City Council Committee that reviewed this matter first, made a recommendation but it was a split decision and there was a minority report submitted. The Council then heard from those persons who were interested and would like to have been heard on the issue. Following that discussion, a six person majority voted to have placed on the agenda today the Ordinance in the form in which it is now reading. We do have two citizens, I see, who are signed up who wish to be heard on this matter before it is voted upon by the Council. At this time, I will call on Mr. James Windlinger.

MR. JAMES WINDLINGER: Madam Mayor and members of the City Council, I am James E. Windlinger, Managing Partner of the San Antonio Office of Peat, Marwick, Mitchell and Company. Unfortunately, last week, when this matter was considered, I had to be in New York City and was out of the City so I just want to take a moment today to reaffirm my firm's interest in the City audit contract. We have had an office here in San Antonio since 1958. We have an office of approximately 60 people. Our predecessor firm dates back to the year 1942 and we have never represented the City of San Antonio in audit or financial cycle.

This year our firm has been engaged by a number of cities across the country, including New York, Memphis, Knoxville, Philadelphia and the like. I just wanted to go on record as saying that we have a continuing interest in the financial affairs of the City of San Antonio and we have a continuing interest in having the contract to audit the financial statements of the City of San Antonio. Thank you, very much.

MAYOR COCKRELL: Thank you, Mr. Windlinger. Mr. Bill Pope.

MR. BILL POPE: Honorable Mayor, Council, I appreciate this chance to visit with you. I was particularly grateful that our firm, Alexander Grant and Company, did receive the recommendation of the Audit Committee after a rather exhaustive investigation and some rather searching questions. All of the Committee, including the gentleman against us, were conscientious and deep in their probe and we felt that, not only do we have an interest, but we felt that our proposal was favorably considered by the Audit Committee because we are the only firm that I am aware of that has all local talent in a Municipal Department that does nothing but municipal work. Our partner in charge of that department, Mr. Cormie, has been recognized nationally and internationally. He has been appointed Chairman of the C.P.A. Committee on Water District Accounting. He has been appointed by the Texas Education Agency to the Financial Advisory Committee on Accounting and Recording. He was recently selected by the Texas Municipal Advisory Committee which passes on bonds and such things for cities as auditor for that district.

The reason I am reiterating a few of the highlights of the things we presented to the Committee, it was my fear that the Councilmen, with the exception of the Committee, did not have the opportunity to perceive all of the qualities that we presented to the Committee.

He has been a speaker at Municipal Finance Officers' Committees for seven out of the last eight conventions. He has recently reviewed for the bond sale of the City of New Orleans; recently participated in some special work for the City of El Paso. The thing we felt we have in San Antonio is a department--one of the things we noted that night was two of the people who participated in the firm that received the 6 to 4 vote was from out of town were Bill Charmin of Corpus Christi and another gentleman from Houston. All of our people were local. We wanted to refresh some of these points to the Council, bring to the attention of the Council that we felt that maybe there might be a chance that Council knowing in context some of these facts might wish to consider our firm as did the Audit Committee. In any event, regardless of the outcome, I pledge to you that our firm are citizens of San Antonio--50 strong--will support the City, win or lose, and, again, I thank you for your attention.

MAYOR COCKRELL: All right, we have an Ordinance before us. Is there any further discussion?

MR. PHIL PYNDUS: Thank you, Mayor, I was absent last week and the sub-committee that reported to you had a minority report and a majority report. Then there was the full Council vote that was split 6 to 4. I feel that the vote is very important and that my vote might count at this point if someone changes their mind. I am wondering if I could have some comments from the sub-committee with reference to their choice. The Council sub-committee that...

MAYOR COCKRELL: Let me call on the Chair of the Committee, Mr. Alderete, for comment.

MR. JOE ALDERETE: The Committee met as the gentleman pointed out with the auditing groups that we felt could handle the audit contract for the City. There were some eliminated because of past contracts with the City of San Antonio. All of these gentlemen, as I pointed out, made excellent presentations and we questioned them and screened them. There was a deadlock on the Committee and it was brought forward to the Council. There was a recommendation from the Committee--Councilman Steen and Councilman Wing in support of Alexander Grant. I then issued a minority report from the Committee in favor of Touche Ross and Leal and Associates. There was a Resolution passed last week with the intent to hire Touche Ross and Leal. Do you have other specific questions?

MR. PYNDUS: Yes, about the minority report and I am wondering about the majority report.

DR. HENRY CISNEROS: In respect to the report that has been made, he indicated that the Committee's recommendation, the majority was in favor of Alexander Grant. I asked--I think it was the night before and at that point there was no Committee recommendation. Do you know when did the Committee in formal session vote on Alexander Grant?

MR. ALDERETE: No. I was going to come up with a presentation. Henry, the original deadlock was myself in favor of Touche Ross and Leal and Associates--correct me, if I'm wrong--Councilmen Steen favored Peat, Marwick and Mitchell and Councilman Wing favored Alexander Grant. The day of the meeting--the day of the vote--Councilman Wing and Councilman Steen caucused and they came to me and told me they had a recommendation.

DR. CISNEROS: So there never was a final Committee meeting at which there was some decision made?

MR. ALDERETE: No. That's why we were going to bring it up to Council because it was in a deadlock fashion.

MR. FRANK WING: Is it all right if I speak for myself?

DR. CISNEROS: To represent it as a Committee report is really more of sort, not a committee report but a decision...

MR. ALDERETE: Well, there wasn't a formal meeting but yet two members, which was a majority of the Committee, did express a favorite auditing firm which was Alexander Grant and Company. That does constitute a majority.

MAYOR COCKRELL: Mr. Wing, would you like to speak for the majority of the Committee?

MR. WING: Yes, I'd like to refresh Councilman Alderete's recollection, if I may. We had decided that evening that we would meet the following day--all three of us--to go ahead and agree on a firm. We tried to get together and, of course, we...(interruption)... getting the meeting accomplished. We did get together. I thought we got together. I spoke to Joe and I spoke to Mr. Steen. We came up with the majority recommendation based on the presentation, of course. They were all good but my thought is that the national, international and technical expertise of Mr. Don Cormie, the compatability of the electronic data processing package and the inroads that Mr. Cormie has made, particularly in the field of electronic data processing, was enough, I guess, to swing Mr. Steen and myself in that direction. But we did meet.

MAYOR COCKRELL: Mr. Pyndus, does that address...

MR. PYNDUS: Yes, Madam. I want to ask one other question, if I may, Mayor. Frank Leal and Associates have performed audits for E.O.D.C. AND M.A.U.C. I'm wondering if their audits have been reviewed by the Committee. I asked for a copy of the audits for both of these organizations and, due to the confidentiality between client and customer, they were unable to give me a copy of their audit but I'm wondering because the majority last week went with Touche Ross and Leal and Associates whether the quality of their work had been examined.

MR. ALDERETE: Let me point out something I should have added earlier. Touche, Ross is a national and international firm - will be the primary auditor for the City of San Antonio and will assume responsibility for the audit. Frank Leal and Associates will work in conjunction with this group, but the primary auditor and full responsibility as pointed out by Mr. Pete McClure, is going to be assumably Touche Ross. I was just going to tell you the set up of just how they are submitting a proposal.

MR. PYNDUS: Mayor Cockrell, if I may conclude? I had released a story to the papers that I was concerned about the vote, particularly Glen Hartman's vote, because his campaign people had been associated with Frank Leal and Associates. I want to explain emphatically that I have been associated with Glen for 2½ years counting the previous Council and this Council and that there is not one shred of doubt on his character or his honesty or integrity and I would like to make that publicly known. I felt that it was not a matter of conflict of interest. It just doesn't look right to me to have a contract involved with a campaign associate and I made the statement in that respect. I also attempted to get additional information and to catch up with the qualifications of the firms involved and I was unable to do that. I do not wish to hold the majority of the Council back but if I could get the item pulled this week I would so move unless the Council has all the facts and I would acquiesce to their wisdom and their previous caucus.

MAYOR COCKRELL: Mr. Pyndus has made a motion.

MR. STEEN: I would second that motion.

MAYOR COCKRELL: To postpone for one week?

MR. PYNDUS: Yes, madam.

MAYOR COCKRELL: To postpone the item for one week. Is there discussion on this motion? Mrs. Dutmer.

MRS. DUTMER: Madam Mayor, not particularly on the postponement, I would so want to postpone otherwise, however, always comes up this business of conflict of interest. I am going to state once more, categorically, that I have never charged Mr. Hartman with a conflict of interest. Now, Don Waldon, who is a newspaper person here, has stated to Mr. Hartman in my office that it was he, not I, who made this statement and I want to say it for once and for all.

MAYOR COCKRELL: Thank you, Mrs. Dutmer. Now, Mr. Hartman.

MR. HARTMAN: Madam Mayor, inasmuch as my name has been used in vain here, perhaps I should say something. I deeply appreciate the statements of both Mr. Pyndus and Mrs. Dutmer. I think that the term "conflict of interest", it is starting to get like the American term "rip-off". We throw it around a lot without realizing what it means. I think the term conflict of interest has to be very carefully identified as it is in the Charter of the City of San Antonio. I would just like to read Section 141. It says that, "no officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or services, except on behalf of the City as officer or employee. Any willful violation," etc. and proceeds with the penalty clauses. We are dealing here specifically with financial interest. Unfortunately, the term sometimes, although the term may not be used, there are implications of something being wrong like terms Mrs. Dutmer, I think you used "cloud over your vote", "hand in the cookie jar", and other somewhat descriptive terms. These terms, although they may not say "conflict of interest", certainly imply something that is, if not grotesque, at least bizarre.

I think the unfortunate thing is that once any kind of implication like this is made the damage has already been done. I think that because it has been made, the very fact that the implication has been made, because there are always people around who will believe anything they hear without bothering to check the validity or even the logic of a particular charge. I think that many of us remember a period in our history where this has been used time and again. A charge is not made but an innuendo is made that carries with it the weight as though charge is made. Once that's been made the damage has been done. I think this is unfortunate. I think we have to be very careful in use of terms like "conflict of interest" or any connotative innuendo that relates to it.

Now, unfortunately, I think we recall the time during President Truman's administration where there was a certain senator whose name escapes me at the moment, who by innuendo did more damage than by charge. I think it is significant, though, that that particular senator is not remembered as nearly as much as President Truman and certainly I don't think we remember very many of the people that that particular senator smeared.

I think all of this obscures the real facts of the case and I would like to just merely state them again. Mr. Perez was, indeed, a member of my campaign, as I am sure we have a lot of people in town who were various participants in campaigns of this entire council. I had about 800 people working for my campaign at one time or another. The person is an employee, an employee, of the Leal firm. I would say, indeed, Mr. Perez is a friend of mine and a friend whom I hold in the highest regard because of his absolute honesty and his high moral character and his penchant for hard work. He was, indeed, one of my campaign members and I am proud he was on my side.

I am totally unfamiliar with the Leal firm as far as any sort of financial understanding might be; but I will say if that the rest of the firm is made of people like Mr. Val Perez that Touche Ross has selected an excellent local accounting firm. If they are all like Val, I think they are outstanding people.

I think in all the furor that this innuendo and discussion caused, I think we escaped the real fact and that is the fact that we are always saying that we need to participate or bring in participation of local talent in local business. I think the fact that we have here a local firm that is going to be a participant with, and under the guidance of the nation's third largest accounting firm certainly provides an opportunity where local talent can be utilized and I think that is a net plus.

During the questioning last week, Mrs. Dutmer indicated that I had done some persistent questioning. I did that persistent questioning, as I do in all cases, to make sure as to whether or not a particular proposal will work. I asked a very specific question if the partnership would provide any sort of difficulty on the part of supervision or on the part of cost. The response was from management that this would be the same in either case and that they were quite comfortable with the contract.

On the other hand, I have nothing against the Alexander Grant firm. I recognize the fact that they are high in the nation and rated number nine. I don't know what their political connections may be with the members of this council and I really don't care as long as we don't violate the Charter. Suffice to say that they, like every other accounting firm in the country, probably have some kind of association with some politician or someone in the public service but I don't think that in itself is a bad situation because people who work with accounting firms certainly don't live in a social vacuum. They deal with people throughout the community and I gather that either of the firms that were selected we would have selected people with great honesty, integrity, and the selection would have been equally good on that score. As to my decision, I think that it is a case of do we involve local interest, local business, local people, a local firm, and I think that this was a key and factor in my

view. I still think that's the case and I would hope that we would henceforth be very careful when we use terms like "conflict of interest", "hand in the cookie jar", "cloud over your vote", or any other innuendo that could mislead people if they don't read the total facts. Thank you, Madam Mayor.

MAYOR COCKRELL: Mrs. Dutmer.

MRS. DUTMER: While we are getting cards on the table let's get them on top of the table. Glen, there was never an innuendo made. If I want to say something I say it. I don't hint. I say it. I told you I thought you had a politically biased vote and that is exactly what I meant.

Furthermore, my feelings toward Leal and Associates and Touche, Ross and Associates are simply on the matter that it was a hastily drawn up partnership and, Frank Leal Company was too small to handle the City audit. Touche Ross had not handled any Texas City accounts before. So they got together and all of a sudden they formed a partnership.

Now, if we are looking for local talent, as you say, what's wrong with Peat, Marwich and Mitchell, or Alexander Grant or any of the others who have local talent. That was not one of the basis considered.

Secondly, the criteria for a Texas City that they have handled - Frank Leal did handle a Texas City. I had to pull it out like pulling hens teeth that it was Crystal City that they handled here in the State of Texas. That's nothing in itself. That casts no shadow as far as I'm concerned.

All right, as far as innuendos as I said, you are a past master at the art and I think you protest a little bit too much, Mr. Hartman.

MAYOR COCKRELL: All right. Is there any further discussion? What we are discussing at this point is Mr. Pyndus' motion to postpone - to pull this item today and to postpone it until next week. Is there any further discussion on this question?

MR. PYNDUS: I call the question.

MR. STEEN: I second the motion.

MAYOR COCKRELL: We have a motion and a second to close debate and to move the previous question.

On roll call the motion failed to carry by the following vote:  
AYES: Dutmer, Wing, Pyndus, Hartman, Steen; NAYS: Cisneros, Webb, Eureste, Ortiz, Alderete, Cockrell.

CITY CLERK: The motion failed.

MAYOR COCKRELL: The motion failed. I would like to say that I voted "no" simply because I felt that there were other persons who wanted to be heard and I would give them the opportunity. Now, then, Mr. Hartman, you had introduced the subject, would you like to speak?

MR. HARTMAN: I think simply if Mr. Pyndus or any other members of this Council feel that there is need for additional time I certainly would respect that and Mrs. Dutmer's statement that this was a quote "hastily contrived contract" and I would give her an opportunity to question that. I would be in favor of a delay if that would facilitate an understanding.

MR. EURESTE: Mr. Hartman, I am going to appeal to you, sir, to let's get on with the vote on the motion to award this contract. I think delays only serve to further the aggravation that we have on this Council over matters like this. I think the votes are here to get this matter done one way or the other. I would like for us to proceed. I think there has been adequate time for people to debate this matter. The person that is calling

for the delay is Mr. Pyndus because he is asking for more information. He was out of town on the date that we debated it. If I had gone out of town I would not be asking for this Council to wait for me to get - to be brought up on the facts. I think every Council Member is elected to serve and to come to the meetings of this Council and if they can't make it well, fine, that's the breaks. I would prefer that we proceed with the vote on the awarding of this contract.

MR. ALDERETE: Madam Mayor, I would like to clear something up because - these two firms meet all the staff criteria. There is no question about it. Both of the groups that were proposed met that criteria because of the national firm Touche Ross as well as Alexander Grant. They both were up to par and I really see - it is nothing hasty because there has been a precedent set in school districts abroad, in cities abroad about a combined venture in auditing the city. New York, for example, has five different firms auditing their city. The Los Angeles School District has more than one firm auditing their school - its money. So I don't think there is any - I see no basic wrong with it. I would again urge Councilman Hartman to proceed with the vote at hand because I think Councilman Eureste has pointed out very well - when you have a problem like this where there is innuendos and allegations just prolonging it will fester the problem. I don't think it would help and benefit this Council to add to this problem.

MAYOR COCKRELL: All right, the debate, the discussion at this point is just to Mr. Pyndus' motion which is the matter of the postponement. Mrs. Dutmer.

MRS. DUTMER: As for the matter of postponement it doesn't make any difference to me whether we vote now or whether we vote later. Since reference was made to the hastily gotten together combination - as a matter of fact both of these companies submitted separate bids and combined at the committee hearing.

MR. ALDERETE: That's right.

MR. PYNDUS: In support of the motion, first of all, I stated that because of my absence I would certainly agree with the Council majority if they decide to go ahead. I think you overlooked that.

Secondly, there were some unusual circumstances with this contract. The Council went with the minority position and I thought that clarification would be necessary. I don't think that we should have a personal, emotional element in this. It is a contract with the City and it should be a clean contract and so I would like to take more time to look at it myself but I would go with the Council majority if they feel that they have all the facts.

MR. STEEN: I wanted to say that some of our Council people seem to think that some of these firms are not local firms. Just because they operate nationally or internationally all over the world, they seem to say that they are not local firms. I think that every firm that submitted a bid for the contract is local because they all have people who work within the firm that live here. Some of them have lived here all their lives. They pay taxes. They own homes. They do the whole deal from "A" to "Z" so let's not try to disqualify any of the firms by saying that they are not local because I think they are all more or less local.

The other thing that I wanted to say is that, and Joe knows this, you just said this, that the thing that I was upset about was the fact that the last people to come in to talk at this committee hearing were the two firms that were awarded the contract back in "B" Session, more or less which we are voting on formally today. I did not know that they were going to submit a bid together until Joe brought them into the room that night. He said these two firms have decided to combine their resources and they are going to submit one bid.

Well, I object to that because I think we should have known about that before the last minute. We did not know about that, Joe. I thought that we were sticking with the original main presentations and you have to admit that they waited rather late to start meeting with the committee because we waited a number of months before we had our first meeting, but I thought we were going to stick with the original recommendation from each auditing firm which would have meant that Touche Ross would have submitted an individual presentation and so would have Frank Leal and Associates and therefore, we would have had two presentations from two firms rather than combined. Since I did not know until a minute before the meeting that night that we were not going to do that, I object to that.

MAYOR COCKRELL: All right, is there any further discussion before we vote on this motion for postponement?

MR. ALDERETE: I was not exactly sure as to the content of the proposal. Touche, Ross and Leal Associates told me they wanted to make a combined proposal. The exact makeup was of how they were going to present it, I was not aware of. I would like to, at this time, to, Madam Mayor, to make a substitute motion that we award the contract to the firm of Touche Ross and Leal and Associates for the audit purposes of the City.

MAYOR COCKRELL: There was an original motion, as I understood it, let me refresh my memory, that was to that effect. Then Mr. Pyndus' motion is a motion to postpone and will have to be disposed of first. If it is defeated then we go back to the original motion. Dr. Cisneros.

DR. CISNEROS: It appears that all of the discussion is occurring even though you conducted debate on a motion to postpone. Would you prefer that we hold substantive questions until after .....

MAYOR COCKRELL: I have repeatedly said that we will ask that the debate at this point be confined to the motion to postpone and then each time persons have gotten away from that.

DR. CISNEROS: I would just like to ask for the opportunity to ask some more questions afterward.

MAYOR COCKRELL: Is there any other discussion on the motion to postpone?

MR. ALDERETE: There was no original motion. Garland doesn't have a record of it.

CITY CLERK JACKSON: There was no motion. If I might review, Mayor Cockrell. We had a motion to postpone for one week and then there was a motion to close debate. The motion to close debate failed. Then the debate continued.

MAYOR COCKRELL: It had been my recollection that we had an original motion and that was erroneous. The motion to postpone is, in effect, a procedural motion and I would rule that this is not a germane substitute motion - the motion to approve the original contract. Postponement is more of a procedural motion.

MR. EURESTE: The motion to postpone is not in order if there was not a motion on the floor at the time it was made because, in effect, there is no motion to postpone.

MAYOR COCKRELL: It was to pull the item, in effect, from today's agenda and postpone it.

MR. HARTMAN: On the question of postponement, as I stated at the beginning if there were any members of the Council that felt that something could be gained by an additional week I think certainly we should provide it to them. Mrs. Dutmer has indicated it is immaterial with here either today or postponement. Mr. Pyndus has indicated his interest in reviewing

other performances of the Frank Leal firm I understand. If that be a question then we have people here today who could respond to that. So I would suggest that they be asked today.

MAYOR COCKRELL: You are now speaking against the postponement?

MR. HARTMAN: No. I'm saying that the question was raised as to additional time. The point is that that information is available here.

MAYOR COCKRELL: Mr. Pyndus, are you going to speak to the motion for postponement?

MR. PYNDUS: I am going to speak to the motion because I think the bids were presented irregularly. According to Mr. Steen, after he had heard individual bids he received notice of a combined bid they had hastily put together, as I understand it. Is that correct, Mr. Steen?

MR. STEEN: I don't know when it was put together. I just know that I knew about it a minute before they made the presentation.

MAYOR COCKRELL: May we call back to order, I think we simply want to speak to the motion to postpone as against deciding today.

MR. PYNDUS: I think that the facts that have been brought out that we need a clarification for the public and I would support a postponement at this time.

MAYOR COCKRELL: Is there any further discussion on the motion to postpone. The Clerk will call the roll.

On roll call the motion failed by the following vote:

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

CITY CLERK: The motion failed. Five to five.

MAYOR COCKRELL: The motion failed. Mr. Alderete.

MR. ALDERETE: I make a motion that we accept the audit contract of Touche, Ross and Leal and Associates. The motion was seconded by Mr. Ortiz.

MAYOR COCKRELL: The clerk will call the roll.

(At this point the tape was changed and a portion of the conversation lost.)

MR. WING: (inaudible) after we heard the companies we debated for I would imagine about two and a half hours and decided to wait until the following day to come up with a consensus.

DR. CISNEROS: Was there a final committee meeting held?

MR. WING: If you want to call it that. We had set it up for 4:30 and the Edward Aquifer study was set up at 4:00 unknown to us.

DR. CISNEROS: You and Mr. Steen .....

MR. WING: No, no, no. Let me speak for myself. Joe, Mr. Steen and myself met, if you may, in the hall. I spoke to Joe. I spoke to Mr. Steen, and we agreed. I told Joe that Steen and I had agreed.

DR. CISNEROS: Where did you meet?

MR. WING: Right here in the hall.

DR. CISNEROS: Right in the hall. So, that's the point I wanted to make.

MR. WING: The point I want to make, too, is that the minority report must have obviously been the same.

DR. CISNEROS: Okay. All I wanted to say was that when we get to the business of very, very formal committee reports that are taken as somehow the basis upon which the Council then must act that what we're really talking about is a meeting in the hallway.

MAYOR COCKRELL: Any other discussion?

MR. ALDERETE: Mayor, I might add that's why it wasn't written up as an ordinance last week because of the fact that there was a deadlock committee at the time, and there was a recommendation that came out of the committee that day, okay? But it was a deadlock committee that's why we were going to bring it to Council. So, that the Council could decide upon it.

MAYOR COCKRELL: Mr. Eureste.

MAYOR PRO-TEM EURESTE: I didn't appreciate the remarks of Dr. Cisneros on how this report came out. I think that the report came out - I accept it as the committee report. There's a majority side; there's a minority side, and if they met in the hallway, this is fine. But I think that Dr. Cisneros' remarks tend to downgrade how this report came to this Council. I never knew that we had instructed this committee to give us a written report, and if we had I think we should have staffed them properly with a secretary, etc, etc. and had them keep minutes of all their meetings. We have several Council committees here that meet, and I don't know that we have any written reports that ever came back to this Council. I don't think that's a fair statement to make or remarks to make with regards as to how this committee operated. I think they gave us the best they had with regards to the information that they had to make that decision on.

MAYOR COCKRELL: Mrs. Dutmer.

MRS. DUTMER: Yes, Madam Mayor. Since the vote to postpone has failed, I also want to point out that at the meeting that we heard these various people before the Council I believe that Mr. Carl White had a little bit of problem, too, with two firms handling the audit of the committee, and I would like to have Mr. Pyndus enlightened on his views.

MAYOR COCKRELL: Mr. Pyndus, would you like to hear his comments before we have the final vote.

MR. PYNDUS: Yes, Madam.

MAYOR COCKRELL: Is Mr. White available?

CITY MANAGER HUEBNER: Yes.

MAYOR COCKRELL: Mr. White, would you clarify whatever comment you made relative to the contracts to the Council?

MR. CARL WHITE: Since last week I have had the opportunity to sit down with both firms and discuss the matter with them exactly how the contract would operate, who would be responsible for what, and that sort of thing. Prior to last week, I had not had that opportunity. I didn't know, as was brought here today, that the two firms had gotten together until last week. So it came as quite a surprise to me. We have never worked with two firms before. So I was a little apprehensive because of the unknown because we've just never worked with two separate firms. The way this thing is structured now, I think it's something that's workable. As the

contract spells out in the first paragraph - Touche Ross will serve as the principal auditor. All of our contacts will be with that firm. We will not actually have any contact at all with the Leal firm other than through the Touche, Ross firm. So, we had some problems in just trying to get it clear in our minds and the way the thing came up as to how it would operate. So that's - I hope I've addressed the question.

MRS. DUTMER: I have another question. Why are we giving the contract then to Touche, Ross and Leal, Inc. when one firm is going to be the responsible party, and it's a large firm. Should we not be negotiating a contract with Touche, Ross?

MR. WHITE: Well, I'll just make this one comment. It doesn't directly address your question. All of the firms have contacted me since the decision last week by the Council. When we asked for proposals back in April of last year we just asked for proposals from firms separately. We did not open it up or suggest to the firms that they may want to consider teaming up with a local firm to give it a local minority firm. You know, they're all local firms as Mr. Steen has pointed out. They all live here, they all own homes here. They're taxpayers just like everyone else so that part is really not a valid point, just because they're a national firm they do have people that live here and own homes and all that sort of thing. We did not in our request for proposals, we did not bring this aspect out. It came as the two firms got together later.

MRS. DUTMER: All right, Carl, you advertised for specific firms .....

MR. WHITE: That's correct.

MRS. DUTMER: Was the bid process ever charged to combine firms legally by the City?

MR. WHITE: Not officially, no madam.

MAYOR COCKRELL: All right, at the same time I think to clarify it, it was never ruled out as being ineligible, is that correct?

MR. WHITE: There's nothing to preclude that from happening, no madam, not at all. As a matter of fact, we don't care as far as the Finance Department and the City Manager's Office, we don't care who the auditors are. We can work with any of them. They work for the Council.

MAYOR COCKRELL: All right, any further .....

MRS. DUTMER: I still have one more question. There's another aspect to this. In their duties, how are the duties specifically set out. It had come to my attention, and it may be or may not be true, I'm not saying one way or the other. It has come to my attention that Touche, Ross itself was going to audit the City's finances and that Leal was going to audit the programs or the agencies that the City deals with. Is this right?

MR. WHITE: No, madam. As I understand it, it will be just - it's just one contract and they'll audit whatever our requirements are.

MR. HARTMAN: Who asked whom to join who.

MR. WHITE: I don't know.

MR. HARTMAN: I mean, was it by invitation by the national firm, the small firm saying, hey, we'd like to join with you.

MR. WHITE: I don't have any idea. They just both got together.

MAYOR COCKRELL: Mr. Alderete.

MR. ALDERETE: Let me just point out, Helen, because before Touche Ross got together with Leal and Associates, Haskins and Sells had attempted the same venture. It wasn't, I guess, suitable to those parties after they met and then Touche Ross, if I'm not mistaken, made the approach to the local firm, and they did meet and they did work something out that was suitable to both parties. But I was just saying - it had been approached, Leal and Associates had been approached by another major firm by the one that is presently holding the contract with the City.

MRS. DUTMER: Joe, I am not casting asperations upon any of these companies. I don't know any of them and could care less except that it did not come to this Council as a clear, cut issue.

MAYOR COCKRELL: I think we do need to wind it down. Is there any further comment.

CITY CLERK JACKSON: Mayor Cockrell, I want to make a correction. Mr. White called to my attention that the copy of the Ordinance I read awhile ago had a typographical error. I read that, "for continuous audit of City financial statements for fiscal years ending 1978 through 1983. It should have been through 1982.

MAYOR COCKRELL: All right, with that understanding of that correction, any further comment? Mr. Pyndus.

MR. PYNDUS: The length of the contract, is it from 1977 to 1982?

MAYOR COCKRELL: It's a five year contract. Mr. Ortiz.

MR. ORTIZ: Move the question.

MR. EURESTE: Second.

MAYOR COCKRELL: There's a motion which has been seconded. Those in favor of moving the previous question say Aye. Any opposed No.

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

NAYS: None

ABSENT: None.

MAYOR COCKRELL: Clerk will call the roll on the motion to award the contract.

AYES: Alderete, Hartman, Cisneros, Webb, Eureste, Ortiz; NAYS: Pyndus, Steen, Cockrell, Dutmer, Wing; ABSENT: None.

MAYOR COCKRELL: We have six favorable votes and the contract has been awarded.

All right, we will now have Citizens To Be Heard.

O'CONNOR ROAD IMPROVEMENTS

Mrs. Irene Bolton, representing a group from the Valley Forge area, spoke to the Council regarding needed improvements on O'Connor Road.

Mr. Stewart Fischer, Director of Traffic and Transportation, reported on his review of the problems on O'Connor Road. He stated that about \$98,000 in County funds are available now for improvements to O'Connor Road. Initial estimate to do this job was \$660,000. Later, the federal government said a grade separation was required, and this raised the cost to \$1.2 million. He then stated that the \$660,000 is available, but is not sufficient to do the entire job. He then cited different types of jobs that could be done on O'Connor Road. A complete job would cost over \$2.3 million, including drainage, curbs, walks, driveways, etc.

Mr. Fischer then stated that the Council had previously indicated its interest in funding this project and the Council could pass a resolution expressing its intention to:

1. Want O'Connor Road to be improved to an adequate standard including curbs, sidewalks, bicycle paths, underground drainage and a railroad overpass on a new alignment.
2. Include enough funds in the upcoming bond issue to pay the City's part of this project.
3. Include in the next Urban Systems Improvement Program enough additional funds to complete the project as desired.

Mr. Fischer stated that the Department of Highways and Public Transportation have agreed to begin the necessary public participation and environmental efforts upon receipt of this resolution.

Mr. Fischer further explained in detail other alternatives. (A copy of this complete report is on file with the papers of this meeting.)

After discussion by Council, Mr. Hartman moved to approve the resolution as outlined by staff. Mr. Steen seconded the motion.

Mr. Eureste spoke against the motion because he felt it was circumventing the Bond Steering Committee and the charge that was previously given to them.

A discussion then took place whether a resolution should be passed by the Council approving the funding for O'Connor Road although the Council has not yet received the Bond Committee's final report.

Mr. Pyndus also spoke against the resolution as presented. He felt that the resolution did not have any concrete funding outlined.

Dr. Cisneros then moved to amend the staff's resolution to include the words, "Or in other municipal sources," in Item 2 so that the sentence would read: "Include enough funds in the upcoming bond issue or in other municipal sources to pay the City's part of this project."

Mr. Bill Stout then addressed the Council. He spoke of other resolutions passed by previous Councils which were never honored. He also spoke of the needed improvements on O'Connor Road.

On roll call, the motion to amend carried by the following vote: AYES: Dutmer, Ortiz, Pyndus, Hartman, Steen, Cockrell, Cisneros; NAYS: Wing, Eureste; ABSTAIN: Alderete; ABSENT: Webb. Mr. Pyndus stated he voted "yes" with the understanding in the record that he was not committing the future bond issue.

On roll call, the main motion as amended carried by the following vote: AYES: Cisneros, Ortiz, Pyndus, Hartman, Steen, Cockrell; NAYS: Webb, Dutmer, Wing, Eureste; ABSTAIN: Alderete; ABSENT: None. Mrs. Dutmer stated that she voted "no" with a qualification.

The following discussion then took place:

MRS. HELEN DUTMER: I voted "no" on the resolution because if this money is not forthcoming, I don't want anyone to feel that I have committed money from the bond issue prematurely. Secondly, if it doesn't come to fact, I don't want them to come back in a few years from now and say that that's a hollow promise.

MAYOR PRO-TEM EURESTE: Madam Mayor, I also wanted to make one more final comment. I think this is probably the most unfair thing we could have done as far as that bond issue is concerned, and I have stated this over and over again. I think we have done damage to the process. There are a lot of people who are waiting in the wings with projects that they would like to see funded, and I think we made a very terrible mistake here today.

MAYOR LILA COCKRELL: Let me respond to that, Mr. Eureste, since I was one who voted for it. I felt that by adding the alternative that, if through the bond process the money does not become available, and I think that gives full opportunity for the bond process to work as is the contingency of the City, then we will commit to finding it--our part of it--in another source. I felt I had to make that commitment because I participated previously in Council deliberations that identified this as a priority item. I feel that it is a priority item. Partial funding is available. It simply requires additional funding to complete the funding for the project. I felt that somewhere in the City budget, if the bond process does not produce this project, that I wanted to make a commitment in finding that money. I think that's my sentiment.

MR. RUDY ORTIZ: In voting affirmatively for this resolution, I did so because I really believe that this City Council is making a real sincere effort to address the particular problem of this neighborhood, and I feel that I have enough faith in the sincerity of this Council that I feel we are going to be able to go through with that particular project, and I would hope that people will give us a little bit of credit for some of the sincerity we are trying to provide here, and give us the time to work on the problem, and we'll solve it.

MR. JACK DEVORE

Mr. Jack Devore read a prepared statement to the Council regarding the use of brick in construction. (A complete copy of Mr. Devore's statement is on file with the papers of the meeting.)

Mr. Wing complimented Mr. Devore's explanation of the different types of brick used in construction.

Mr. Alderete stated that many home buyers are complaining about the overall products used in home construction.

77-59 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Pyndus, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Ortiz.

AN ORDINANCE 48,779

APPROPRIATING THE SUM OF SEVEN THOUSAND FIVE HUNDRED SEVENTY-THREE AND 50/100 (\$7,573.50) DOLLARS OUT OF COMMUNITY DEVELOPMENT FUNDS, FUND NO. 66-001016, INDEX NO. 558,197, PAYABLE TO THE COUNTY CLERK OF BEXAR COUNTY, TEXAS, SUBJECT TO THE ORDER OF THE NAMED DEFENDANTS IN CONDEMNATION CAUSE NO. C-1418 IN PAYMENT OF THE AWARD OF THE SPECIAL COMMISSIONERS AND FOR PAYMENT OF THE COURT COSTS IN SAID CAUSE FOR THE ACQUISITION OF EASEMENTS TO CERTAIN REAL PROPERTY FOR THE UNSEWERED AREA NO. FIFTY-THREE PROJECT.

\* \* \* \*

77-59 The following Resolutions were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Ortiz.

A RESOLUTION  
NO. 77-59-89

MANIFESTING THE DETERMINATION OF THE CITY COUNCIL THAT KUPER PROPERTIES, INC. HAS VESTED RIGHTS UNDER THE PROVISIONS OF ARTICLE THREE OF ORDINANCE NO. 48484 OF SEPTEMBER 8, 1977 TO SIXTY-EIGHT (68) BUILDING PERMITS IN HILLS AND DALES SUBDIVISION, AND DIRECTING THE BUILDING AND ZONING DEPARTMENT TO ISSUE SAID BUILDING PERMITS UPON COMPLIANCE WITH ALL PROVISIONS OF THE CITY CODE.

\* \* \* \*

A RESOLUTION  
NO. 77-59-90

MANIFESTING THE DETERMINATION OF THE CITY COUNCIL THAT GREAT AMERICA CONSTRUCTION COMPANY HAS VESTED RIGHTS UNDER THE PROVISIONS OF ARTICLE THREE OF ORDINANCE NO. 48484 OF SEPTEMBER 8, 1977 TO THE RENEWAL OF THIRTY-FIVE (35) BUILDING PERMITS AND INSTALLATION OF NECESSARY WATER FACILITIES IN PARK FOREST SUBDIVISION (UNIT THREE).

\* \* \* \*

A RESOLUTION  
NO. 77-59-91

MANIFESTING THE DETERMINATION OF THE CITY COUNCIL THAT GREAT AMERICA CONSTRUCTION COMPANY HAS VESTED RIGHTS UNDER PROVISIONS OF ARTICLE THREE OF ORDINANCE NO. 48484 OF SEPTEMBER 8, 1977 TO REPLAT A 7.361 ACRE TRACT CONSISTING OF THIRTY-NINE (39) INDIVIDUAL LOTS IN THOUSAND OAKS GARDEN HOMES SUBDIVISION AND DIRECTING THE PLANNING COMMISSION TO PROCESS SAID PLAT.

\* \* \* \*

657

A RESOLUTION  
NO. 77-59-92

MANIFESTING THE DETERMINATION OF THE CITY COUNCIL THAT KUPER PROPERTIES, INC., HAS VESTED RIGHTS UNDER THE PROVISIONS OF ARTICLE THREE OF ORDINANCE NO. 48484 OF SEPTEMBER 8, 1977 TO DEVELOP SEVENTY (70) ACRES OF RESIDENTIAL PROPERTY IN WESTERN HILLS UNIT NUMBER THREE AND FIFTY (50) ACRES OF COMMERCIAL AND MULTI-FAMILY PROPERTIES IN UNIVERSITY HILLS.

\* \* \* \*

A RESOLUTION  
NO. 77-59-93

MANIFESTING THE DETERMINATION OF THE CITY COUNCIL THAT WILLIAM J. DRAKER HAS VESTED RIGHTS UNDER THE PROVISIONS OF ARTICLE THREE OF ORDINANCE NO. 48484 OF SEPTEMBER 8, 1977 TO THE ISSUANCE OF ONE BUILDING PERMIT UPON COMPLIANCE WITH ALL OTHER PROVISIONS OF THE CITY CODE.

\* \* \* \*

A RESOLUTION  
NO. 77-59-94

MANIFESTING THE DETERMINATION OF THE CITY COUNCIL THAT RONALD J. BEAL HAS VESTED RIGHTS UNDER THE PROVISIONS OF ARTICLE THREE OF ORDINANCE NO. 48484 OF SEPTEMBER 8, 1977 TO THE ISSUANCE OF ONE BUILDING PERMIT AND THE INSTALLATION OF NECESSARY WATER FACILITIES.

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77-59 Item No. 45 being a proposed ordinance to establish a Commander's House Senior Citizen Center Advisory Board pursuant to Ordinance No. 48424, passed and approved on August 25, 1977; and appointing persons as members of the Board was withdrawn at the request of the City Council.

— — — — —

77-59 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Ortiz.

AN ORDINANCE 48,780

EXPANDING THE MEMBERSHIP OF THE INSURANCE ADVISORY COMMITTEE FROM FIVE (5) TO ELEVEN (11) MEMBERS, AND APPOINTING AND REAPPOINTING PERSONS AS MEMBERS OF THE COMMITTEE.

\* \* \* \*

Ralph Cardenas -- reappointed for term expiring November 23, 1979.

Alfred Rodriguez, Murrene Gilford, Jerry Beauchamp, Jesse Diaz, Fred Bergman and Joe Nigrelle -- appointed to terms expiring November 23, 1979.

\* \* \* \*

AN ORDINANCE 48,781

ESTABLISHING A HANDICAPPED ACCESS ADVISORY COMMITTEE; DESIGNATING THE FUNCTIONS OF THE COMMITTEE; AND APPOINTING PERSONS AS MEMBERS OF THE COMMITTEE.

\* \* \* \*

Representing Consumers of Handicapped Services:

Mr. Hal King, Mr. Woodrow Banks, Mr. Arturo Sanchez, Mr. Leo Ramas, Ms. Pam Peterson, Mr. Larry Johnson, Ms. Christine Pacetti, Dr. Robert Bottenberg -- appointed as members.

Representing Providers of Handicapped Services:

Mr. Raul Hernandez and Mr. Bob Blase -- appointed as members.

Architect Member:

Mr. Carlos Flores -- appointed as member.

\* \* \* \*

77-59 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros.

AN ORDINANCE 48,782

AMENDING SECTION 204 OF THE UNIFORM BUILDING CODE BY ENLARGING THE MEMBERSHIP OF THE BOARD OF EXAMINERS AND APPEALS FROM FIVE TO ELEVEN MEMBERS; AND APPOINTING AND RE-APPOINTING INDIVIDUALS TO SAID BOARD.

\* \* \* \*

Mr. Calvin Dudley, Mr. Avelino Esparza, and Mr. Robert Moczygemba -- appointed or re-appointed for terms ending October 20, 1978.

Mr. Joe P. Martinez, Mr. Carlos Madrid, Jr., and Mr. William McCarthy -- appointed or reappointed for terms ending October 20, 1979.

Mr. John Hawley, Mr. Louis Fischer, and Ms. Janet Ahmad -- appointed or reappointed for terms ending October 20, 1980.

\* \* \* \*

AN ORDINANCE 48,783

AUTHORIZING EXECUTION OF AN AGREEMENT WITH PLAZA DE LAS ARMAS, INC. FOR LEASE OF OFFICE SPACE IN THE PLAZA DE LAS ARMAS OFFICE BUILDING.

\* \* \* \*

77-59

SALES TAX

Mayor Cockrell stated that she had met with the State Comptroller, Mr. Bob Bullock, regarding the collection of the ½ cent sales tax in connection with the newly approved Metropolitan Transit Authority. She stated that Mr. Bullock is planning a trip to San Antonio to publicize and call attention to this fact.

77-59

COUNCIL AND CITY MANAGER'S SEATING ARRANGEMENTS

Mayor Cockrell asked the Council for their opinions regarding the current seating arrangements of the Manager and the Council. After discussion, Council concurred to decide this issue next week.

77-59

RAILROAD COMMISSION HEARING

In response to Councilman Webb, Mayor Cockrell reported to the Council that she had attended a Railroad Commission hearing at which it was stated that a ruling would be handed down in the Good Hope Case in about two months.

They also agreed to have a hearing on the matter of Io-Vaca selling gas interstate.

The Railroad Commission also agreed to hear the matter of the Lone Star Gas Company overestimating its requirements.

77-59

C.P.S.B. DEPOSIT REQUIREMENTS

Dr. Cisneros expressed concern over the fact that the City Public Service Board is intending to increase their deposit requirements from a present \$10.00 to the equivalent of a two month bill amount. He asked that the Council review this matter.

Mayor Cockrell stated that the City Council had already approved this action but will ask the City Public Service Board to report to the Council on this matter.

77-59

SIDEWALK CLEAN-UP

Mr. Mel Sueltenfuss, Director of Public Works, outlined the area and experimental procedure to be used in the downtown sidewalk clean-up scheduled for Monday evening, November 27.

Dr. Cisneros asked that the staff schedule a report for Council in three weeks on their long-range downtown clean-up program.

77-59

The Clerk read the following letter:

November 18, 1977

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

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

November 15, 1977

Petition submitted by Mr. George Whitfield and other residents in his neighborhood, requesting immediate action to be taken to alleviate the flooding situation on Debbie Drive and its vicinity.

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

\* \* \* \*

There being no further business to come before the Council,  
the meeting adjourned at 6:10 P. M.

A P P R O V E D

*Lela Cockell*

M A Y O R

ATTEST:

*H. J. Jackson*  
C i t y C l e r k