

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, NOVEMBER 6, 1975.

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

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75-66 The invocation was given by Councilman Glen Hartman.

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75-66 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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75-66 The minutes of the meeting of October 30, 1975, were approved.

75-66 SWEARING IN OF PARK RANGERS AS PEACE OFFICERS

Mr. Ron Darner, Director of Parks and Recreation, said that the legislature has passed a statute making it possible for Park Rangers to be recognized by the State as Peace Officers and certified as such. The swearing in ceremony is an important part of the process. Mr. Darner paid high compliments to the Park Rangers in San Antonio for their commendable performance.

City Clerk Jake Inselmann then administered the Oath of Office to 35 Park Rangers after which he offered congratulations.

Mayor Cockrell, speaking for the City Council, congratulated the Park Rangers and expressed her confidence in their ability to perform.

- - -  
75-66 The Clerk read the following Resolution:

A RESOLUTION  
NO. 75-66-99

COMMENDING THE EFFORTS OF ALL EMPLOYEES  
OF THE CITY OF SAN ANTONIO, BEXAR COUNTY,  
MILITARY UNITS, AND VOLUNTEERS FROM THE  
COMMUNITY AT LARGE WHO PARTICIPATED IN  
THE SUCCESSFUL OCTOBER "BRUSH-UP '75"  
CAMPAIGN.

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The Resolution was introduced by Councilman Cisneros who said that it was appropriate that individuals on the City's staff as well as the volunteers who worked each weekend in October on

November 6, 1975  
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"Brush-Up '75" be thanked for their efforts. He singled out particularly City Manager Sam Granata; Mr. Mel Sueltenfuss, Director of Public Works; Mr. Stanley Campbell, Campaign Coordinator; and Major Charles Bartlett, Military Coordinator.

Mr. Cisneros stated that as a result of this concentrated brush pick-up a different system might be inaugurated by concentrating in one quadrant of the City each week instead of scattering the effort all over town. This system is under study now.

Mayor Cockrell expressed appreciation to Councilmen Cisneros and Hartman who were instrumental in getting this effort organized.

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

75-66

COUNCILMAN PHIL PYNDUS

Councilman Phil Pyndus stated that he had requested an add-on item be placed on the agenda regarding funds for the United Organizations Coalition poverty program. He asked if this item could be heard first to accommodate persons he had asked to appear to speak on the subject.

Mayor Pro-Tem Teniente said that he needed additional information on this subject before acting on it, and suggested that the matter be heard as scheduled.

After discussion, it was agreed that the subject would be brought up later in the day.

75-66 The Clerk read the following Resolution:

A RESOLUTION  
NO. 75-66-100

IN SUPPORT OF SAN ANTONIO LIGHT EDITORIAL  
STAND ON THE CRIMINAL JUSTICE REFORM ACT  
OF 1975.

\* \* \* \*

The Resolution was introduced by Councilman Phil Pyndus who said that a bill pending in Congress contains certain stipulations that would not be acceptable to most Americans. This was pointed out in an editorial statement in the San Antonio Light.

Mr. Pyndus also stated that this Resolution supports the editorial request that Sections 541 through 544 of Senate Bill 1 be stricken from the bill and urged the Council's approval.

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

Mayor Cockrell recognized Ms. Carol Foley, President of the Women's Committee of the San Antonio Symphony Society and invited her to the podium.

Ms. Foley presented each Council member with a book "Meet the Orchestra" which contains a brief introduction to each of the 79 full time musicians in the orchestra. It also contains a complete schedule of the concerts to be played in the coming year. She expressed the hope that the book will develop a sense of pride in the orchestra by the citizens of San Antonio.

75-66 The following Ordinance was read by the Clerk and explained by Mr. Cipriano Guerra, Director of Planning and Community Development, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Billa, was passed and approved by the following vote: AYES: Pyndus, Billa, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Black.

AN ORDINANCE 45,915

AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE ECONOMIC DEVELOPMENT ADMINISTRATION TO FUND THE OPERATIONS OF THE OFFICE OF ECONOMIC DEVELOPMENT PLANNING SERVICES BEGINNING AUGUST 16, 1975 FOR A TERM OF 16 MONTHS, APPROPRIATING FUNDS, APPROVING A PERSONNEL COMPLEMENT, AND A BUDGET FOR SAID PROJECT.

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75-66 The Clerk read the following Ordinance:

AN ORDINANCE 45,916

AUTHORIZING ESTABLISHMENT OF THE INTERNATIONAL RELATIONS DIVISION IN THE CONVENTION AND VISITORS BUREAU DEPARTMENT, APPROVING A BUDGET AND PERSONNEL COMPLEMENT THEREFOR AND APPROPRIATING FUNDS FOR EXPENDITURE BY THE DIVISION IN THE CURRENT FISCAL YEAR FROM THE CONVENTION & VISITORS BUREAU FUND.

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The Ordinance was explained by Mr. Henry Nussbaum, Director of the Convention and Visitors Bureau, who said that the addition of an International Relations Division will provide a person who would not only take over the liaison with the Mexican Trade Fair, but would also be involved in the promotion of San Antonio in other international areas including Canada and Central America. He would also put added emphasis on promoting the medical facilities in San Antonio and also educational fields.

Mayor Cockrell suggested that the City and the Chamber of Commerce work toward getting more international air routes assigned through San Antonio.

Mr. Cisneros emphasized the importance of selecting the right person to fill this position, he will play a big role in representing the City to high officials.

Mr. Nussbaum agreed that great care should be exercised in selecting the Manager of this division. He said that already he has received several resumes from individuals who are fluent in both Spanish and French.

Mr. Hartman said that he would like to see this office pursue the establishment of an international trade zone.

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

75-66 The following Ordinance was read by the Clerk and explained by Mr. William Holtzinger, Assistant Director of Convention Facilities, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Cisneros, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Rohde.

AN ORDINANCE 45,917

AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH TEXAS HISPANIC-AMERICAN HISTORY INSTITUTE PROVIDING FOR LEASE OF SPACE AT HEMISFAIR PLAZA FOR A PERIOD OF TWENTY-FIVE YEARS.

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75-66

KUDOS TO MR. BILL HOLTZINGER

Mayor Pro-Tem Teniente said he wished to compliment Mr. Holtzinger for his efforts at HemisFair Plaza where he is doing an excellent job.

Mr. Holtzinger in turn paid high compliments to the Department of Parks and Recreation and the Department of Public Works for getting things moving.

75-66 The following Ordinance was read by the Clerk and explained by Mr. Ron Darner, Director of Parks and Recreation, and after consideration, on motion of Dr. Nielsen, seconded by Mr. Pyndus, was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black.

AN ORDINANCE 45,918

MANIFESTING AN AGREEMENT FOR A ONE (1) YEAR EXTENSION OF THE LEASE AGREEMENT BETWEEN THE CITY AND MRS. DUNCAN MCKINLEY FOR A CITY-OWNED BUILDING ADJACENT TO BRACKENRIDGE GOLF DRIVING RANGE.

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## AN ORDINANCE 45,919

EXPRESSING APPRECIATION FOR AND ACCEPTING  
A \$1,000.00 GIFT FROM THE SOUTHEAST BUSINESS  
AND PROFESSIONAL WOMEN'S CLUB, ESTABLISHING  
A SPECIAL TRUST FUND AND PROJECT BUDGET  
THEREFOR.

\* \* \* \*

The Ordinance was explained by Mr. Ron Darner, Director of Parks and Recreation, who said that it accepts a \$1,000 gift from the Southeast Business and Professional Women's Club for construction of a picnic pad in the Mission Parkway area.

Mayor Cockrell expressed appreciation for a citizen group donating funds to the City like this. She said that she hoped other organizations would do the same.

Mrs. Helen Dutmer, President-elect of the Southeast Business and Professional Women's Club, said that they were pleased to be able to make this contribution. In all, 20 picnic pads are planned, and it is hoped that this gift will encourage individual citizens to contribute just one dollar to this goal.

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

75-66 Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Teniente presided.

75-66 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, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Black, Cockrell.

## AN ORDINANCE 45,920

AUTHORIZING THE TRANSFER OF MANAGEMENT AND  
SUPERVISION OF THE HEMISFAIR PLAZA SECURITY  
GUARD ACTIVITY FROM THE DEPARTMENT OF HEMIS-  
FAIR PLAZA TO THE DEPARTMENT OF PARKS AND  
RECREATION RANGER ACTIVITY AND AMENDING THE  
CURRENT BUDGET.

\* \* \* \*

## AN ORDINANCE 45,921

CHANGING THE NAME OF SUTTON HOMES PARK  
TO RUTH WOODARD PARK.

\* \* \* \*

75-66 Mayor Cockrell returned to the meeting and presided.

75-66 The Clerk read the following Resolution:

A RESOLUTION  
NO. 75-66-101

PROVIDING THAT A PUBLIC HEARING BE HELD BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO ON THE 11TH DAY OF DECEMBER, 1975, AT 10:30 O'CLOCK A. M., IN THE COUNCIL CHAMBER OF THE CITY HALL IN THE CITY OF SAN ANTONIO ON A PROPOSED AMENDMENT TO THE URBAN RENEWAL PLAN OF THE NEIGHBORHOOD DEVELOPMENT PROGRAM, TEX. A-8, BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO; DIRECTING THE CITY CLERK TO ADVERTISE NOTICE OF SAID HEARING AS PRESCRIBED BY LAW; IDENTIFYING THE PROJECT AREA; STATING THE PURPOSE OF SAID PUBLIC HEARING AND OUTLINING THE GENERAL SCOPE OF THE URBAN RENEWAL PROJECT UNDER CONSIDERATION; AND PROVIDING THAT ANY PERSON OR ORGANIZATION WILL BE AFFORDED AN OPPORTUNITY TO BE HEARD AT SAID PUBLIC HEARING.

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75-66 The following conversation took place:

MR. EFRAM GARCIA, URBAN RENEWAL AGENCY: This is a Resolution requesting a public hearing by the San Antonio Development Agency for the purpose of changing the Urban Renewal plan to designate for acquisition a certain tract of land that will be acquired for eventual park use. A public hearing of this nature is required by Texas Urban Renewal law before we can proceed further in the acquisition of the property. The acquisition will be made using Neighborhood Development Program funds.

MAYOR PRO-TEM RICHARD TENIENTE: Did you all understand him?

DR. D. FORD NIELSEN: I move adoption of the Resolution.

DR. HENRY CISNEROS: I second the motion.

MR. PHIL PYNDUS: I would like to speak against the ordinance, if I may. Is this the Vexler property we're talking about?

MR. GARCIA: Yes, this is the Vexler property.

MR. PYNDUS: In view of the fact that this amendment is proposed for the purpose of designating this 9.7 acres for acquisition, there is a question as to whether we're paying too much for this land. We're talking about over a quarter of a million dollars and inasmuch as this ordinance would set the procedures in motion to acquire the land, I would vote against the ordinance.

MR. TENIENTE: Okay, do we have any other comments?

MR. AL ROHDE: Mr. Mayor, last week I made quite a discussion on this and I asked..I requested that the appraisals of this property be brought forward to my desk and that was over seven days ago to the Urban Renewal people and to date I have not received those appraisals and I will also vote no on this request.

MR. TENIENTE: Okay, I think for the benefit of the citizens who were not present at the meeting last week, the reason that I would support this is that we're talking about commercial property. We're talking about a parcel of property that has been industrial zoned for a number of years, over twenty or thirty years, at least thirty years. We're talking about a parcel of property that is adjoining a railroad track that enhances the value of the property and then we're also talking about an area that has been without parks and, I think, that it's a matter of where you place your dollar value. Certainly, I suggested to Urban Renewal that we try to negotiate and try to get this for a lower price. On the other hand, this will create an area of activity in the stockyard area that has long needed some sort of attention and if it's just a little bit more than what it's appraised at, you have to understand that you do not, and you can go to any building that you have in San Antonio and try to buy it for whatever it is appraised on the tax roll and they're not going to sell it to you. So, you're just being unrealistic when you say that you are paying more than it's appraised for so that's why I...

MR. ROHDE: Mayor, I have not seen the appraisals and I've asked to see them so I can make a responsible judgment in this matter with my vote and I've not received them. Now, what do you have to do to get them? I think I'm entitled to every information here when I make my vote and I have not received them and it was crystal clear to the staff and to the Urban Renewal Director that I wanted those appraisals and that's what I'm voting on. It's not against the park.

MR. TENIENTE: Do you think you can get the appraisals by this afternoon?

MR. ROHDE: I don't like to be blackmailed like this. I asked for them seven days ago.

CITY MANAGER SAM GRANATA: Mr. Rohde, may I ask, did you ask my staff or myself? I don't recall.

MR. ROHDE: You were present City Manager.

CITY MANAGER GRANATA: If I was, I'll read the transcript. I don't recall, sir, because I think full discussion was made that once it's consummated, they're available, and until it is consummated, they are not available.

MR. ROHDE: Are you telling me that they're not available to a City Councilman?

CITY MANAGER GRANATA: Joe just reminded me that Winston told you that he would get them. If he didn't, then we'll be...

MR. ROHDE: When did he tell me this? Seven days ago and he hasn't got them here yet.

MR. JOE MADISON: We'll see that you get them, Mr. Rohde.

MR. BOB BILLA: I just think it is of such importance.

MR. ROHDE: I call the question, Mayor.

MR. BILLA: I think it ought to be postponed until we have a full Council here. I think that this is something that is controversial apparently, and I would not like to act on it unless a full Council is present. Mayor, I so move.

MR. ROHDE: I make a motion we deny it.

MAYOR PRO-TEM TENIENTE: There is a motion, Mr. Rohde, that it be postponed.

DR. NIELSEN: There has been a motion and seconded for the ordinance to simply call a hearing if certain procedures....(inaudible)....and that we have that privilege...(inaudible)...

MR. CISNEROS: I withdraw my second.

MR. PYNDUS: Where do we stand?

MAYOR PRO-TEM TENIENTE: Well, we have now lost the motion. The motion is without a second.

MR. PYNDUS: I second his motion.

MAYOR PRO-TEM TENIENTE: Is there a second to the original motion that we set up the hearing?

MAYOR COCKRELL: The original motion has been withdrawn because the second has been withdrawn.

MR. PYNDUS: I second it.

MAYOR COCKRELL: Then will you restate the original motion - who was the maker of the motion? All right, Dr. Nielsen, will you restate your motion for us, please.

DR. NIELSEN: That we authorize setting up a hearing next week, that's all this motion says.

MAYOR COCKRELL: It authorizes the setting of the hearing.

MR. PYNDUS: That is not correct.

DR. NIELSEN: That's what it says here, Phil, read it, number 9.

MR. PYNDUS: May I please read it.

MAYOR COCKRELL: All right, the resolution providing that a public hearing be held on the 11th day of December on a proposed amendment to this neighborhood and providing that any person or organization will be afforded an opportunity to be heard.

MR. PYNDUS: As I understand it, Mayor Cockrell, this amends an act and this amendment provides for the setting aside of this acreage for acquisition. Now, is this correct?

MR. GARCIA: No, it is not correct, Mr. Pyndus, the Texas Urban Renewal Law states that before property can be added or acquisition to an existing Urban Renewal Plan, a public hearing must be held for that purpose, so all this resolution is doing is establishing a public hearing at which the addition of these properties for acquisition will be the matter of discussion.

MAYOR COCKRELL: All right, and then in clarification, in other words, the public hearing will occur first, then based on the public hearing and the information provided the Council could either vote yes or no on the actual ordinance which would make the amendment.

MR. GARCIA: That is correct.

MR. HARTMAN: Madam Mayor, I would like to second Dr. Nielsen's motion.

MAYOR COCKRELL: All right, we have a motion and a second that sets the - that calls for the public hearing on December 11, 1975. Is there any other discussion on the motion? Yes, Mr. Rohde.

MR. ROHDE: Madam Mayor, my voice must be heard sometime, but I just got a message here at 9:20 today saying that I will receive these appraisals, but I don't think this is the way to do business at City Hall from the Urban Renewal Agency. Mr. Martin said he is ill today, and I'm sorry to hear that, but he said these deeds would be delivered at my desk tomorrow. I asked for these appraisals seven days ago and every member of the Council was present and heard that request. I made a very nice request, I didn't make a demand or anything like this, but I have a question as an experienced realtor, as a businessman that I want this information. Further, I've been advised that before the Council meeting was over last week that a decision had been written to the Attorney General in the area of the confidentiality and in the area of the right to know as a citizen in this particular matter, and I'd like to suggest that we postpone this matter until the Attorney General addresses himself to this issue because I do feel that this is under a ledge of clouds that a right to know, even Councilmen have a right to know these appraisals, that I urge this Council not to make any decisions until they have all the information available to them.

MAYOR COCKRELL: May I ask if the gentleman who is at the microphone to identify himself for the record.

MR. EFRAM GARCIA: Efram Garcia, Planning Manager for the San Antonio Development Agency.

MAYOR COCKRELL: All right, thank you. Is there further discussion on the motion? Yes, Dr. Nielsen.

DR. NIELSEN: Just for clarification, Al, I don't think anybody's ever denied Council members access to that kind of information in all of the hundreds and hundreds of condemnation proceedings that I've been through in the past couple of years and the few this time. Nobody ever shows us those appraisals, nobody ever asked for them, I don't think that - well, there was so much discussion that day that maybe somebody maybe misunderstood, so I don't think that the question of a right to know has anything to do with setting up a hearing.

MR. HARTMAN: I would strongly like to support that - we're talking here in terms of establishing a hearing with the.....

MAYOR COCKRELL: The motion is then simply on setting a date for a public hearing and at that time the merits or demerits of the proposition as presented will be debated and considered. All right. The Clerk will call the roll.

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On roll call the motion, carrying with it approval of the Resolution was passed and approved by the following vote: AYES: Billa, Cisneros, Hartman, Teniente, Nielsen, Cockrell; NAYS: Pyndus, Rohde; ABSENT: Black.

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CLERK: The motion carries.

MAYOR COCKRELL: All right, the motion is carried and the public hearing will be on December 11, 1975, and all persons wishing to speak for or against will be permitted to speak at that time.

MR. ROHDE: I didn't want anyone to think that my no vote was on the park matter, it's the issue of the citizens' right to know and a Councilman's right to know the official conduct of business at City Hall.

CITY MANAGER GRANATA: I just got a letter from the Attorney General which was delivered to me by my secretary which Jim will address.

CITY ATTORNEY PARKER: It's a copy of a letter that was written to one of the members of the Hardeburger firm in response to the request of the Attorney General and at that point he's actually advising that the Attorney General has no authority to issue an opinion on the request as made by them because they do not come under the group of people under the statute that are authorized to request opinions.

DR. NIELSEN: You mean Urban Renewal does not come under.....

CITY ATTORNEY PARKER: Urban Renewal does not come under.....

MR. ROHDE: Does the City come under the authority of it?

CITY ATTORNEY PARKER: No, sir.

MAYOR COCKRELL: All right, Mr. Pyndus.

MR. PYNDUS: I would like to clarify my posture on this thing. I am not against parks. I think that we are buying very valuable industrial property, and we're paying over a quarter of a million dollars for this particular piece of property, and I do not have enough facts to know whether it's worth it. To me, I think we are acting pretty hastily.

MAYOR COCKRELL: All right, then we have then set the public hearing. We call for Item 9.

MR. ROHDE: Thank you, Mayor.

\* \* \* \*

## AN ORDINANCE 45,922

APPROVING PRICE AND CONDITIONS OF SALE  
BY THE URBAN RENEWAL AGENCY OF THE CITY  
OF SAN ANTONIO OF CERTAIN SINGLE FAMILY  
RESIDENTIAL LOTS LOCATED WITHIN THE NDP  
PROJECT, TEX. A-8.

\* \* \* \*

The Ordinance was explained by Mr. Roy Doyle of the San Antonio Development Agency who said that the Council is being asked to approve the terms and conditions of sale of 12 lots in the project area rather than approve each one individually. In answer to Mr. Rohde's question, Mr. Doyle said that the lots have all been cleared off and are in the process of being replatted.

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

75-66 The Clerk read a proposed ordinance to authorize a contract with Robert C. Maxham for updating and producing audio-visual presentations pertaining to today's energy problems and appropriating \$11,000.00.

Mr. Stewart Fischer, Director of Traffic and Transportation, said that as part of an energy conservation program there is a slide program to show to prospective clients for carpooling. It has been shown over 300 times in the last year and has become outdated. This contract is for the purpose of updating that presentation. It will also include a brochure and the art work for two bumper stickers.

Councilman Hartman questioned this expenditure. He said that for awhile energy conservation was a fad but now feelings have changed. He said that this appeared to be a "band aid" approach to the problem.

Dr. Nielsen moved that the Ordinance be adopted. There was no second.

Mr. Teniente offered a substitute motion that the ordinance be rejected. The motion was seconded by Mr. Pyndus and on the following roll call vote was passed and approved: AYES: Pyndus, Billa, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Black.

The ordinance was defeated.

75-66 The following Ordinance was read by the Clerk and explained by Mr. George Vann, Director of Building and Planning Administration, and after consideration, on motion of Mr. Pyndus, seconded by Mr. Billa, was passed and approved by the following vote: AYES: Pyndus, Billa, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Black.

75  
AN ORDINANCE 45,923

PERMITTING ERECTION OF A FENCE IN EXCESS  
OF SIX FEET AT 10022 I. H. 35 NORTH.  
(TO MR. ROBERT W. JENKINS OF ABC PEST  
CONTROL)

\* \* \* \*

75-66 The Clerk read the following Ordinance:

AN ORDINANCE 45,924

AMENDING ORDINANCE NO. 45450 WHICH ACCEPTED  
THE GRANT FOR THE FIRST YEAR OF THE SAN  
ANTONIO COMMUNITY DEVELOPMENT BLOCK GRANT  
PROGRAM TO PROVIDE THE PERSONNEL COMPLEMENT  
FOR THE DEMOLITION OF UNSAFE STRUCTURES  
ACTIVITY.

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The Ordinance was explained by Mr. George Vann, Director  
of Building and Planning Administration, who said that this Ordinance  
creates two employee positions for the demolition program. He re-  
commended approval of the Ordinance.

Mr. Hartman said that some time ago there was a discussion  
about the City demolishing buildings which should rightfully be done  
by the property owners. He asked for a status report on this and  
suggestions as to what can be done to force the owners to pay.

Mr. Vann said that last year 14 out of 685 buildings were  
demolished by the owners. New state statutes are needed to establish  
a lien on the property.

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

75-66 The Clerk read a proposed ordinance which would amend the  
minimum space requirements for nurseries for children.

Mr. George Vann, Director of Building and Planning Adminis-  
tration, said that this ordinance had been discussed two weeks ago.  
The staff has contacted HUD and HEW and were advised that their standards  
are the same as the state - 35 square feet per child. The purpose of  
this ordinance is to make the City's standards conform to the state's  
standards.

Mr. Hartman expressed opposition to lowering City standards  
to meet the state statute. He said there was supposed to be some  
expert testimony to explain it to the Council.

After considerable discussion, Dr. Nielsen moved that the ordinance be approved. The motion was seconded by Mr. Billa and on the following roll call vote the motion was defeated: AYES: Pyndus, Billa, Nielsen, Cockrell; NAYS: Cisneros, Hartman, Rohde, Teniente; Absent: Black.

The ordinance was defeated.

75-66 The following Ordinances were read by the Clerk and explained by Mr. W. S. Clark, Director of Right-of-Way and Land Acquisition, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Black.

AN ORDINANCE 45,925

ABANDONING PORTIONS OF DON STREET AND  
AUTHORIZING QUITCLAIMS TO ADJACENT  
OWNERS.

\* \* \* \*

AN ORDINANCE 45,926

CLOSING AND ABANDONING RENDON PLACE  
RIGHT-OF-WAY AND AUTHORIZING A QUIT-  
CLAIM DEED TO SAN ANTONIO DEVELOPMENT  
AGENCY FOR THE CONSIDERATION OF \$1.00.

\* \* \* \*

75-66 Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Teniente presided.

75-66 The following Ordinances were read by the Clerk and explained by Mr. W. S. Clark, Director of Right-of-Way and Land Acquisition, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Cisneros, Black, Cockrell.

AN ORDINANCE 45,927

CLOSING AND ABANDONING SOUTH CIBOLO STREET  
RIGHT-OF-WAY FROM COLIMA STREET TO VERA CRUZ  
STREET, AND AUTHORIZING A QUITCLAIM DEED TO  
SAN ANTONIO DEVELOPMENT AGENCY FOR THE  
CONSIDERATION OF \$1.00.

\* \* \* \*

AN ORDINANCE 45,928

APPROPRIATING THE SUM OF \$137,837.00 OUT  
OF VARIOUS FUNDS, FOR THE PURPOSE OF  
ACQUIRING TITLE AND/OR EASEMENTS TO CERTAIN  
LANDS; ACCEPTING THE DEDICATION OF EASEMENTS  
AND ACCEPTING A LICENSE AGREEMENT OVER CER-  
TAIN LANDS; ALL TO BE USED IN CONNECTION WITH  
CERTAIN RIGHT-OF-WAY PROJECTS.

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75-66 The Clerk read the following Ordinance:

AN ORDINANCE 45,929

AMENDING ARTICLE III OF CHAPTER 20 OF THE CODE OF THE CITY OF SAN ANTONIO TO PROVIDE PROCEDURES FOR REMOVAL OF JUNKED VEHICLES LOCATED ON PRIVATE PROPERTY; PROHIBITING THE KEEPING OF JUNKED VEHICLES ON REAL PROPERTY IN THE CITY; PROVIDING A PENALTY FOR ANY VIOLATION BY FINE OF NOT MORE THAN \$200.00; AND PROVIDING FOR SEVERABILITY.

\* \* \* \*

The Ordinance was explained by Mr. James Parker, City Attorney, who said that it will bring the City Code into conformance with the state statutes so that it does not conflict and also to provide certain procedures to improve enforceability of the Ordinance.

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

75-66 Item 19 of the Agenda being a proposed ordinance to retain a consultant for Centro 21 was withdrawn from consideration.

75-66 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Black, Cockrell.

AN ORDINANCE 45,930

ACCEPTING THE LOW QUALIFIED BID OF CLOSNER EQUIPMENT COMPANY, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH A TOWED PAVER FOR A NET TOTAL OF \$4,945.00.

\* \* \* \*

AN ORDINANCE 45,931

ACCEPTING THE LOW QUALIFIED BID OF BRENNER PRINTING COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH PRINTED VISITORS MAPS FOR A TOTAL OF \$14,500.00, LESS 1/2% - 20 DAYS.

\* \* \* \*

The Clerk read the following Ordinance:

AN ORDINANCE 45,932

ACCEPTING THE LOW BID OF BEXAR AGRICULTURAL ENTERPRISES, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH SLUDGE REMOVAL SERVICE AT A PRICE OF \$9.50 PER 1,000 SQUARE FEET.

\* \* \* \*

The Ordinance was explained by Mr. John Brooks, Director of Purchasing, who said that this Ordinance is a two year contract for removing sewage solids at the treatment plant to the storage area. He recommended approval of this Ordinance.

Mr. Hartman said that he questioned why something like this is contracted out rather than performed by City crews.

Mr. Brooks stated that this has been contracted for several years but that he would get a report on it for Mr. Hartman.

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

77

75-66 The following Ordinances were read by the Clerk and explained by Mr. John Brooks, Director of Purchasing, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black.

AN ORDINANCE 45,933

ACCEPTING THE LOW QUALIFIED BIDS OF RENTAL EQUIPMENT COMPANY AND COOPER EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH HYDRAULIC POWER EQUIPMENT FOR A TOTAL OF \$4,510.50.

\* \* \* \*

AN ORDINANCE 45,934

ACCEPTING THE LOW QUALIFIED BID OF TRANS-TRONICS, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH A TRAFFIC ADJUSTED MASTER CONTROL SYSTEM FOR A NET TOTAL OF \$18,834.00.

\* \* \* \*

75-66 The Clerk read the following Ordinance:

AN ORDINANCE 45,935

AUTHORIZING THE CITY MANAGER TO TERMINATE CONTRACTS WITH THE UNITED ORGANIZATIONS COALITION, INC., FOR WHICH FUNDS HAVE BEEN PROVIDED BY THE CITY OF SAN ANTONIO TO CARRY OUT THE MINORITY CONTRACTORS ASSISTANCE CENTER PROJECT, AND THE MANPOWER INSTITUTIONAL TRAINING PROGRAM.

\* \* \* \*

The following conversation took place:

MR. JOHN RINEHART: This is the subject we discussed yesterday in the Executive Session and what it does, it directs the City Manager to terminate the existing contract now existing between the City of San Antonio and the United Organizations Coalition.

MAYOR LILA COCKRELL: What kind of notice? Would you discuss the notice that is given?

MR. RINEHART: It would be a 20 day notice in each case on each contract.

MAYOR COCKRELL: All right. In other words, there will be 20 days before it becomes effective, and if during that time there's any additional evidence that any of the organizations wish to offer, they would still have the opportunity to do so.

MR. RINEHART: That's correct, they have that period of time in which to show cause for it not to be terminated.

MR. AL ROHDE: Does the Ordinance express the intent of that, Mayor? That's what I was questioning - the intent - is that in the ordinance?

MR. RINEHART: Yes, it is. I've seen it. I don't have it here but....

CITY ATTORNEY JAMES PARKER: Under Section 2, I believe, Mr. Rohde, is where the.....

MR. ROHDE: (Inaudible) to show cause, it doesn't state.....

MR. RINEHART: That's in the contract itself.

MAYOR COCKRELL: Mr. Pyndus.

MR. PYNDUS: I would like to acknowledge first of all, I would like to say that the charges that are made and the allegations that have been substantiated are very serious. The program that has been set up to help minority contracts, in my estimation, has been abused and many people suffer. The people that the program was intended to help are not benefited, and they lose confidence in the spirit of the program. It's my intent to attempt to continue this program, to actually change the management, and I'd like to state my case because we had the cooperation of many people, and I'd like to recognize those people.

The audit started as a result of a City Council committee chaired by former Councilman Bill O'Connell. The history is not confidential and as far as the investigation is concerned, Mayor Cockrell asked me a pertinent question whether...

MAYOR COCKRELL: I just am asking since there is some investigation going on.

CITY ATTORNEY PARKER: There is an on-going investigation. It is my understanding there is an on-going investigation by the Federal Bureau of Investigation into the matter. When anything gets into a factual area, of any nature, I would heartily recommend no further discussion be had on it until the investigation has been completed by the Federal authorities.

MR. TENIENTE: That is my point, Mrs. Cockrell.

MAYOR COCKRELL: All right, the point by the City Attorney is well taken, so in other words, there should be very limited discussion at all.

MR. PYNDUS: I will see if I can word it in such a manner that it is not offensive or illegal.

MAYOR COCKRELL: May I just recommend that.

MR. TENIENTE: I would consider it in executive session again. There are certain things here that have brought out that are nothing but charges and there's no doubt about it that they are serious charges except that the charges have not completed, and I'm just like...

CITY MANAGER GRANATA: I suggest that we make no further comments on this matter, and if you desire, we go back into Executive Session, as has been suggested or if further information is desired, that we contact the United States Attorney.

MR. PYNDUS: All right, I will confine my remarks merely to the fact that an investigation has been made of the United Organizations Coalition, and a desk audit made by the OMBI Federal agency, the office of...

MAYOR COCKRELL: May I just suggest that on the advice of the attorney and the City Manager that we not go any further into this discussion.

MR. PYNDUS: I would decline to break any laws, Mayor Cockrell, the point that I want to make, I think, it's not necessary to return to an Executive Session. I think that the experience of our Evaluation and Monitoring Personnel who are in this office who have contributed to some of the facts that we have obtained are sufficient.

CITY MANAGER GRANATA: Madam Mayor, Mr. Pyndus, Mr. Johnny Kaznowski from the Personnel Office has facts that are releasable at this time. He's been working in close contact with the problem and the FBI.

MR. PYNDUS: I want to recognize him. Would you mind if it's permissible. I'd like...

MAYOR COCKRELL: Yes.

DR. NIELSEN: Before we do this, I didn't look fully through the packet of material until finally last night. In the miscellaneous section there was this thing, I guess it's from Mr. Pyndus, this thing right here which I had not seen until last night, dated November 3, yeah, it's from Phil. I would suggest...I don't know if everybody else has seen it before, this thing came up yesterday or not, but in light of this that we do go back into Executive Session. There has been some documentation presented at least to me that totally disagrees with what's presented, and don't quite understand all this either, and this came from Mr. Pyndus. We do need to resolve that first between the staff and Council which one of these documents we are looking at that means anything.

MR. PYNDUS: I would like to hear from...

MAYOR COCKRELL: All right, let me just bring us up to date at this point. There was an Executive Session yesterday as a result of this item that was placed on today as an emergency item. The item does give 20 days to show cause why it should not take effect. Now, the Council can either act on this or it can go back into Executive Session, and I think that is the question at this point that the Council needs to decide.

MR. TENIENTE: Mrs. Cockrell, this is very serious because I received a letter from Bill O'Connell making real strong allegations that I was using this as a means of hiding certain things and hiding certain projects, and in the same letter he requested that he be placed on this Board. A man who's fighting us, it seems to me, there's some sort of a special interest in this thing. Here he is a contractor, here he was on the City Council, he was fighting a program and then he leaves the Council, and then asks his name to be placed as one of the Board members. Now, if there are some wrongs, I want them corrected. If there's something drastically wrong, fine, but some of the charges go back two years ago, when some of the people that were heading the program now were not even in charge of the program. This is why I think that they're using information that was two or three years old and coming back and just fighting it. I'd just like to be able to discuss it a little further, and if there is something wrong, certainly I want to correct. I don't want to hide a thing, but I see some sort of a smoke screen here by a contractor wanting to be placed on this thing, wanting to place his own name plus five other names which he recommended, and one of the names that he recommended still owes money for the Model Cities project. So, where are we?

MR. PYNDUS: I'll tell you where we are. Quite obviously, you don't have sufficient facts because you're wandering away from the intent of this ordinance, and you're actually questioning the integrity of a former City Councilman.

MR. TENIENTE: I most certainly am.

MR. PYNDUS: You certainly are, and I think you're out of line.

MR. TENIENTE: I may be questioning your integrity.

MR. PYNDUS: I'd welcome it.

MAYOR COCKRELL: Gentlemen.

MR. PYNDUS: I'd like to say that we mentioned the fact that this happened two years ago, and the incidents that I have record of happened less than a year ago, and the seriousness of the matter as well as the fact that the Federal Bureau of Investigation was called in and took the case shows that it has merit, and they have substantiated the charges that I put in this letter.

MR. TENIENTE: ...inaudible...at President Nixon, too, and look where he is now.

CITY MANAGER GRANATA: May we just allow John Kaznowski to...

MAYOR COCKRELL: All right, just a moment, gentlemen. Mr. Pyndus has the floor and we'll ask for no interruptions.

MR. PYNDUS: I would say to this Council that there's been a serious neglect of duty. There has been criminal implications involved, and that we should act on it. The integrity of this Council is at stake. I would say that this man who has worked hard and help bring this thing out to be listened to before this Council takes some immature, hasty judgment. I'd like to commend the City Manager for the fact that he worked with me because everything is not right in that organization. It needs being cleaned up, and this is the first step, and I can assure you that there are other organizations that are involved in some of these implications that will be looked into, too, but this is the first step, and it must be made today. It should not be delayed and it should not go into executive session, and I would like to hear from the man that worked with me, his testimony is vital, and I would certainly like to hear from him.

MAYOR COCKRELL: Mr. City Manager, the testimony has been called for. I think it should go through you. This person is on your staff.

CITY MANAGER GRANATA: Well, all he was going to do is give you facts that are permissible to be released so that you will have some background data, and I think you should hear that.

MR. JOHN KAZNOWSKI: Let me explain something, my name is Kaznowski, and the investigations I conducted prior to it being turned over to the FBI, that information is releasable. I was asked to look into one allegation, that two members went to Colorado during October 1974. This was done, not job-related, it was done on their own as a vacation. They were paid for this trip. It was not charged against their leave. I was able to verify this information by three different phone calls that were made from Colorado by one of these members. The first was made on the tenth of October from Dolores, Colorado. The next one was done from - on the fourteenth of October from Cortez, Colorado, and the third one on the eighteenth of October from Dolores, Colorado. Another allegation that you have copies of that, Mr. Pyndus went ahead and gave you is the slush fund that was alleged to be used for wining and dining persons who were or could influence the funding of the OC. Now this is releaseable because we were able to go ahead and do this before turning it over to the FBI. Once it was accepted by the FBI, which they did, they are conducting investigations, and I've been told that they do have quite a bit of information that probably will involve criminal prosecution of violation of federal statutes. That's all I have.

DR. NIELSEN: Well, that's all they said yesterday, Madam Mayor?

MAYOR COCKRELL: Dr. Nielsen.

DR. NIELSEN: I want to ask, Mr. Rinehart, when I talked to you earlier this year, and I don't remember when, regarding the Detour II thing you mentioned something about the non-vacation business or something about some vacation time which didn't have anything to do with Detour II, right? Some other program that was funding somebody and they took vacation and it never had been straightened out. Remember that one?

MR. JOHN RINEHART: It was a vacation that Mr. Kaznowski just referred to related to two employees, neither of which had anything to do with Project Detour II because at that point in time the project hadn't even been funded by anybody.

DR. NIELSEN: Okay, okay, I remember though, in that discussion there were two things that you did point out that you were distressed somewhat with some things but that was the one specific thing you addressed was the question of some leave time that had never been either paid back or accounted for or whatever. I said, "well that doesn't have anything to do with Detour II", but your response was, "yes, but it's the same organization". Then I said, "well, can't that vacation thing be resolved", and you replied, "I assume it can". It's the best I recall, you said "I assume that vacation thing can be resolved". Why has it not been resolved?

MR. RINEHART: Because at the time the employee took the vacation, he had neither enough annual leave or sick leave or the combination of both to cover the time taken. So that only left one alternative, and that was to charge it to leave without pay since it was non-job related. However, the employees both in this case were paid full wages for all the time that they were gone.

DR. NIELSEN: Why did we not pursue getting back the monies?

MR. RINEHART: We have sir, and we have received the monies back.

DR. NIELSEN: Then what is all this here about, then? That one point?

MR. RINEHART: Well, it relates..well that's one particular incident that relates to ineligible cost but if the organization hadn't been paid, the City of San Antonio would have been responsible to repay it.

DR. NIELSEN: When was it paid, John?

MR. RINEHART: To the best of my knowledge it was in the spring of this year. Now, it came in two different parts.

DR. NIELSEN: Long before Detour II came up then, right? Before the final action at least. Not in the early stages of Detour II, but before any final action. That had been repaid way back then.

MR. RINEHART: Well, I don't know what you mean by final action on Project Detour? When the City Council contracted with them to carry it out? Yes sir it happened prior to that time, okay.

MAYOR COCKRELL: All right, let me ask this. You are, of course, familiar with the ordinance, you have information regarding the background, the circumstances of the investigation. Is it your recommendation to the Council that this step is appropriate at this particular time?

MR. RINEHART: It certainly is, yes, Madam.

MAYOR COCKRELL: Thank you, sir. Are there any other questions before  
.....

MR. BILLA: I think we keep working around what we're actually trying to vote on. It's just an ordinance and it would in effect authorize the manager, I presume, provided the discrepancies are proven to discontinue funding of this particular organization.

DR. NIELSEN: But my only concern about this is if at the end of twenty days nothing is still resolved, it's going to be terminated.

MAYOR COCKRELL: All right, may we ask the City Attorney to clarify the meaning and intent of the ordinance.

CITY ATTORNEY PARKER: The meaning and intent of the ordinance is authorizing the City Manager, is directed to terminate the contract and give the notice that the contracts are to be terminated in accordance with the contract provision. That would mean that certain of the contracts have a time limit, certain of them don't, so to make it uniform, they went to the twenty days. Under the terms of the contract as I also understand it, that they have provisions in there that they can come forward with explanations that would justify the non-termination, the reason why the thing should not be terminated. The Council, at that time could reinstate and rescind that action if it should so prove that they want to do that.

MR. BILLA: It's not automatic, the termination.

MAYOR COCKRELL: All right, just a minute. We're asking the City Attorney.

CITY ATTORNEY PARKER: It's automatic in it would terminate but it is set into procedural steps. Termination of the contract in accordance to the terms of the contract.

MR. RINEHART: They have twenty days in which to submit evidence that would disspell the allegations or the charges both the City have at this time and the FBI have. If during that time they cannot do that, then the contract terminates.

MR. PYNDUS: Is that explicit in the contract more so than it says there?

MR. RINEHART: They have twenty days in which to show cause, yes sir.

MAYOR COCKRELL: We ask the City Attorney to clarify another point. The Council, of course, is weighing the alternatives and what is there to everyone. In the event that the City were to not pass this ordinance today, having been put on notice there is some investigation going on, would the City be incurring any liability?

CITY ATTORNEY PARKER: Madam, we would be incurring the loss, complete loss at that point in time of any funding that we spent in that interim that would be dis-allowed by the Federal people on their audit. Plus one other aspect of it that we discussed yesterday is to whether certain funds have ever been legally spent in that area.

DR. NIELSEN: That's a whole different issue. We've had two different attorney's opinions. That doesn't at all get into the question of immoral, illegal or otherwise. It simply boils down to a definition or interpretation between two different City Attorneys as to whether to appropriate those funds or not.

CITY ATTORNEY PARKER: Well, I don't think in truth and in fact, I don't think it was ever an opinion by any city attorney that those funds could ever been legally spent in that manner.

DR. NIELSEN: That was not what we said yesterday.

CITY ATTORNEY PARKER: Well, I think, I heard the statement made but I think at that time it was made that the authorization or agreement was that I was not the one in office at that time that said that, but I think that if you'll notice on most any ordinance that's approved that the City Attorney does not approve it as to form and content, it's only approved as to form.

MAYOR COCKRELL: All right, Mr. Teniente.

MR. TENIENTE: Mayor, I see some sort of a power play that's surfacing on this thing, Mrs. Cockrell. Look, Monitoring and Evaluation have supported these organizations when it came time for refunding supposedly, according to the figures that have been give us. Some of the information was available even before then. Why did our director give us the okay on this thing at the time it came for refunding if some of these things were surfacing? Why weren't these brought to our attention to the point that we could have delayed it, stopped it, or not even funded it? And I'm just, I'm just seeing a power play on the part of a few people just picking on a couple of programs that perhaps, and I don't know, all we're talking about is the allegations, but they have not been proven and if the investigation shows that this is correct then I would support it. We're trying, we're judging and we're executing the program here and they haven't even had a full day in court.

MR. PYNDUS: Mayor Cockrell.

MAYOR COCKRELL: Mr. Pyndus.

MR. PYNDUS: In responding to that, the Commerce Department has recommended that the funds for this project be discontinued as of February, 1976. This is in report that has gone to Dallas, and I can assure you that they have taken action. I believe based on their action and this evidence and the work done by the Evaluation and Monitoring Department of San Antonio, we have justifiable evidence to call the halt to these funds from these people who have flagrantly violated the principles of administration, the spirit of the program and have done some acts that are contrary to law. I think that it would be a dark day for this Council if they don't move in today and cut those funds and let them show cause why it should continue.

MAYOR COCKRELL: All right, at this point may we...

MR. RINEHART: Madam Mayor, I'd like to address the comments that Mr. Teniente made. He indicated that the staff recommended this project. The record will reflect that when the program that was funded under the Revenue Sharing Fund was applied or a proposal was submitted to be funded out of the General Fund, the record will reflect, and there is documentation to this fact, that the staff did not recommend continuation of funding of the MCAC Project in the General Fund.

CITY MANAGER GRANATA: Now, you're speaking about two, three years ago, correct?

MR. RINEHART: I'm speaking of 1974. The 74-75 funding year. The record will also reflect our same recommendation for the 75-76 year which is the current year. In addition to that, the record also will reflect that the staff did not recommend the funding of the MITP Project which is funded by CETA funds. The MAPC recommended to the Council that project be funded and be part of the plan, but the staff did not.

MAYOR COCKRELL: Thank you for the clarification.

MR. RINEHART: I want to clear the record in that respect.

MAYOR COCKRELL: Dr. Cisneros.

DR. CISNEROS: I just have a procedural question. I just wonder, it seems to me that there is something of a question of whether we're operating in the best interest for the best form of our judicial process which is innocent until proven guilty. I just wonder whether or not, if for instance a policeman for example, who had done something in the police force, the way we would react would be with a suspension while the investigation is going on and either then, either a reinstatement or termination. I just wonder whether there is any precedent at all in this kind of case where suspension is opposed to automatic termination if say, for example, it goes for twenty days and nothing is..inaudible..at twenty days ends..

MR. ROHDE: It puts it on them.

DR. CISNEROS: Well not, I'm not, I don't believe there's a power play and I don't attribute maliciousness to either side of this debate. I'm just wondering whether as a procedural matter if there isn't a principle involved here of due process.

MR. PYNDUS: Yes, I can answer that.

MAYOR COCKRELL: All right, next we should ask the City Attorney about it.

MR. PYNDUS: We don't need him.

MR. BILLA: Good, I'll buy that.

MR. PYNDUS: I need you, Jim. I didn't mean on that question. As John Rinehart has stated, in the contract that we have with this organization, it is stated if that contract is violated, it will be terminated. And Henry, that is the procedure we go through, and they violated the contract, according to his judgement and that's his job and he has given recommendations.

MAYOR COCKRELL: All right. May we ask the City Attorney to clarify from the legal point of view our procedure. The question is in regard to Dr. Cisneros' comments on procedural matters is this is in effect due process.

CITY ATTORNEY PARKER: I think it's due process within in terms of the contract. If during this period of time that they come forward or somebody comes forward in these organizations to show it's really shifting a burden of proof.....

DR. HENRY CISNEROS: What about suspension?

CITY ATTORNEY PARKER: Well, in effect, what you're doing is putting a suspension on.....

DR. CISNEROS: (Inaudible) if nothing happens within 20 days..... it is still terminated.

MAYOR COCKRELL: Just a moment, there's too many talking. Are there any additional questions of the City Attorney regarding this position? All right, will you restate the question, Dr. Cisneros.

DR. CISNEROS: A termination with a date of termination is different from an indefinite suspension for the course of the investigation.

CITY ATTORNEY PARKER: It's optional with the Council whether they want to do it or not.

DR. CISNEROS: Is it possible to do the latter?

CITY ATTORNEY PARKER: If you do the latter, then you can do, I would have to check the contract on suspension of, I don't know...what you are talking about as far as suspension, does that mean that they agree not to spend more funds, that it's not going to be funded anymore during that period of time or what? That I don't know.

MR. RINEHART: The contract does provide for a suspension of funds.

DR. CISNEROS: That would accomplish the same thing but still allow due process.

MR. RINEHART: What suspension of funds does, in effect, is termination of the program. They can't pay the rent, they can't pay their employees. You know, they can't do anything.

DR. CISNEROS: Just a suggestion.

MAYOR COCKRELL: There were three hands over here...and which was first?

MR. ROHDE: I was. Mayor, this issue is very clear to me. As a Councilman, we have alleged substantial violations of City fiscal rules that have accrued, also improper conduct has been alleged, and while we're not taking the criminal intent matter into our consideration, we know that there's a contract here that says that all City agencies must work within the rules that are laid down by the City Manager. The City Manager has recommended this action and this Council action is desirable and necessary to be on the public side of this issue and I so move that this ordinance be adopted.

MR. PYNDUS: I second the motion.

MAYOR COCKRELL: Question moved and seconded. Mr. Hartman.

MR. GLEN HARTMAN: Madam Mayor, to address again the procedural question one more time, gentlemen, if we may. According to what Mr. Rinehart has said, there is a provision for suspension of funding. Now, can that suspension of funding also be tied to a notice period comparable to what this ordinance would provide?

MR. RINEHART: No. The contract does not detail that. We suspend funds all the time. If we get an invoice that is wrong, we suspend the funds until such time as it is corrected.

MR. HARTMAN: Question number two, could this Council delineate that there be a suspension, you know, to allow the same period of time for showing cause that the funds would be suspended at that time. In other words, we could indicate that in our.....

CITY MANAGER SAM GRANATA: That's what I think we're doing for 20 days.

MR. HARTMAN: Well, except that I think the main objection is.....

CITY MANAGER GRANATA: And what Henry says in 20 days it terminates.

MR. HARTMAN: The fact that there's sudden death at the end of that 20 day period, if nothing happens, it dies and so I think the reason I'm asking is that whether the suspension route with a time period to show cause would be a reasonable and more equitable way to proceed, and I'm asking this strictly as a procedural item.

CITY MANAGER GRANATA: Let me assume that that was. All that we brought you to for is to put you on notice that there's some wrong doings we think. Now we may be wrong and if they're right, fine.

DR. CISNEROS: (Inaudible)

CITY MANAGER GRANATA: I don't know when we'll find out but if we do find out that they're wrong and we let it keep going, we're liable for everything they've done and we've got to give the federal money back and it all comes out of the General Fund.

MR. HARTMAN: The next question, if I may continue this line of questioning, is if we pass this ordinance, and nothing has transpired in 20 days, could this Council then take a renewal action, which, in effect would then extend it 20 more days, in other words, so it would be a matter of us being able to act at that time. Now, the last question is what can we anticipate getting in the way of hard information in 20 days. Perhaps that should have been asked first. Is that a reasonable.....

MR. RINEHART: I don't think so. I think maybe Mr. Kaznowski might address that as it relates to what the FBI is doing.

MR. KAZNOWSKI: I was told yesterday that if a request is directed by Mr. Parker to the U. S. Attorney's office, that they won't give you any detailed information but they will give you some information.

(INAUDIBLE)

MR. KAZNOWSKI: I couldn't answer that because with an FBI investigation, they take their time and go into detail.

MR. HARTMAN: So, the message I'm getting if I may conclude is the fact that with this ordinance, we're, in effect, saying that nothing realistically can happen in 20 days so we're looking at this program terminating in 20 days from now.

MR. KAZNOWSKI: We can get up-to-date information, in other words, we can get information prior to the investigation being completed by the FBI.

CITY MANAGER GRANATA: It would appear to me that if something was not wrong, and this was my contract, I would be here next week before you.

MR. HARTMAN: That's what I think. So, in effect, we have the option. My concluding thought here is the fact that we do have the option, if we're not satisfied with what happens in 20 days, we can extend it.

MAYOR COCKRELL: Mr. Teniente was next.

MR. TENIENTE: Mayor Cockrell, the question I would direct to our City Manager and possibly Mr. Rinehart might know about this too. I've known of cases in the past where certain funds in certain agencies have been overspent or have been spent in areas that were not to be spent in, and had to be paid back and I can research this. I don't have the names of the groups that might have spent money out of their funds, that were not allowed to be spent later, so they were paid and I don't believe that the programs were terminated. I think we're talking about termination of the programs where it involves many employees who are nothing other than just employees, and I don't know why some of our people insist on just chopping the heads of all of the people that are involved in the program. I don't know really what's happening and this is why I would say that until actual charges are made on actual persons, I don't see why all of the people have to bear the brunt of this thing. We've got all kinds of counselors, all kinds of people doing good work over there and I just don't understand.

MR. BILLA: I'm just concerned myself because I think what we're saying is either that the program is bad, too or that there are some people who have misdirected the program and I'm inclined to go along with Mr. Hartman even though Mr. Teniente seems to think we might have to wait, but if we can vote on the ordinance to initiate a process for them to show cause, that they do have legitimate reasons that they're not guilty of the allegations, why then I could vote for the ordinance, provided that what Mr. Granata says is true, that we can extend this period of time.

CITY ATTORNEY PARKER: The Council can always extend the time.

MR. BILLA: Well, I don't see any problem then.

MR. PYNDUS: With regards to realistically having some results in 20 days, the report from the Office of Minority Business Enterprises will be available to you and it was the substance of this report that made me go to the FBI, so I can assure you you'll have something to substantiate it.

MR. HARTMAN: Madam Mayor, if I may, just to go back briefly to the point that Mr. Teniente made here with regards to the matter of improperly suspending funding for a program unnecessarily, the only thing that concerns me there is the fact that if indeed it is found later and that the charges are substantiated and this Council has not taken action, then I think that this Council would be subject to severe criticism. So I think there has to be a guard in both directions - those with fairness to the program on the one hand, as well as making sure that we take proper action here.

MAYOR COCKRELL: We've had at least one citizen who's requesting to be heard on this issue and is there another council member, Mr. Rohde.

MR. ROHDE: Mayor, in making the motion, I want to pledge this to my fellow Councilmen, so they won't get alarmed but I would certainly look at any hard evidence. I would certainly give anybody here a fair shake in these programs but these allegations are so gross that they should not be overlooked and I want this Council to accept its responsibility in a matter like this and the mechanism is this, the mechanism is there to be fair about it and the mechanism is on the Council, I feel, to give this thing an impartial and a fair hearing when it comes.

CITY MANAGER GRANATA: Mrs. Cockrell, one more comment that ought to be brought to your attention. As the ordinance is written, it says they should have 20 days from the day the notice is sent. Now, since the ordinance does not include a certain provision, actually it doesn't become effective for 10 days. So, in effect, they have 30 days in which to show cause.

MAYOR COCKRELL: All right. Mr. Summerville.

DR. NIELSEN: While he's on his way, I just want to remind Phil, that it was but a couple of months ago that we did in fact approve some \$70,000 for the current funding of this program.

MR. PYNDUS: They have disapproved it since. I would like to recognize MR. Bill O'Connell and if he wishes to speak, I would hope that he would be able to.

MR. JOHN SUMMERVILLE: Thank you, Mayor Cockrell, ladies and gentlemen, you talk about fairness. Where's your fairness, Mr. City Manager or you, Mr. John Rinehart or you, some members? If you really investigated this particular thing you will find that none of those checks were signed by me. I have been an advisory to this City before under other programs. I don't think that I have to put a track record in which I stand or I stand for. If the dirty linen is going to come out, let it come all the way to five, six, maybe ten years ago. You're not being fair. Where is your professionalism, ladies and gentlemen? We are board members. I am the ex-president and as far as I'm concerned, you're crucifying me personally when I have to read it in the papers like this. There are procedures to go for the City funds. And if you don't know it, let me tell you what it is. We submit a proposal for your consideration. You discuss through your staff. Whether you like it or not, it's up to you to make the final decision. Once you make it, this gentleman right here which I understand his name is Sam Granata, he signs the paper and I sign a paper. At that moment it's between him and I.

When these allegations came from last year that was because there was a million dollars involved that is wide open for contractors. What has the contractors in this City or the City Council or United States government done for the minority contractors and God only knows that we have tried our best. But the point that I'm trying to put across is this. Where is the courtesy of you ladies and gentlemen and you, sir and you, John Rinehart, want to recognize the board which doesn't get a doggone penny out of this program into their pockets? Where is the courtesy? You're talking about twenty days to terminate this, to hang this and to hang that. When is the board going to be recognized? The contract was signed between you sir and us. You are authorized by this City Council to sign the contract and my board members also asked me to sign on behalf of ours. Anything that is not complied with that particular contract should be referred to us, not the staff.

You gentlemen, some of you gentlemen I have met you for many years in other programs and we have believed in professionalism. We deal together from the staff level. You leave the staff, in other words, the other little work. But policy matters we handle it. Come on, ladies and gentlemen, be fair with us. That's all I'm asking you. Be a professional in the way that you deal, you represent the City, deal with us the Board. Give us a chance to answer this before you take any question. I have a suggestion. Table it. You want to get together here publicly later this afternoon, tonight, tomorrow morning, we are available because we have nothing to hide. God help us. Thank you very much ladies and gentlemen.

DR. NIELSEN: John, yesterday there was a brief discussion about the fact that the City Council does have a direct responsibility to the UOC Board. There's no question about that. We did discuss that.

MR. SUMMERVILLE: Excuse me, Doctor.

DR. NIELSEN: Some of us were trying to get this all into executive session so that we could be a little better organized about how we were going to deal with this. That didn't happen this morning and I'm sorry we're just a little disorganized.

MR. SUMMERVILLE: But it's never been mentioned. All we got was the bomb shell.

DR. NIELSEN: I can't tell, I can't direct what the newspapers are going to print or not.

MR. SUMMERVILLE: All right, another thing for a matter of information Mr. Pyndus, the information that they've given you, are the FBI... excuse me .....We have nothing to hide, sir. As far as the contract is concerned.

MR. PYNDUS: If you have nothing to hide, John Summerville, you'll welcome the investigation.

MR. SUMMERVILLE: I do welcome it as long as you deal with us, sir.

MR. PYNDUS: I'll deal with you.

MR. SUMMERVILLE: Don't deal with some of these guys that got a..... like I told you, now they've got an axe to grind. I know some of these gentlemen.

MR. PYNDUS: I don't think that the hard work that they put in should be criticized nor should they be put on the stand. They worked to get us some details. They evaluated, they monitored this thing and that's their job.

MR. SUMMERVILLE: He answered your questions as far as some of these funds that you allege in the FBI. We want the FBI investigation. We've been through that.

MR. PYNDUS: I know you do. Then you will let this go through.

MR. SUMMERVILLE: We were investigated with the FBI under another agency. This is not new Mr. Pyndus. We're familiar with it. We don't like it.

MR. PYNDUS: It's new to me and I don't like it.

MR. SUMMERVILLE: But give us a chance to deal with this, let us correct our mistakes when we get it. That's your responsibility. At the moment that he found this thing wrong, I get a letter which I don't know this gentleman. I get a letter from John Rinehart and a letter from Mr. Carl White. I got a letter from Mr. McCollough. I never got one decent letter from this gentleman. Isn't he supposed to be the top boss?

MR. PYNDUS: I might suggest.....

MR. SUMMERVILLE: What are these guys doing? Are they violating the City Charter somewhere along the line by not going through this gentleman?

MR. PYNDUS: I suggest that if you aren't familiar with the activities of this group that you are in charge of that perhaps you weren't doing the job you were supposed to do.

MR. SUMMERVILLE: (Inaudible).

MAYOR COCKRELL: We're not going to get into personal discussions.

MR. SUMMERVILLE: But anyway, all I was trying to put the point was this Mrs. Cockrell, before you do anything like this in the papers, give us a chance. You do have a board. We demand at least some courtesy as citizens.

MAYOR COCKRELL: Thank you, Mr. Summerville. I understand the point that you are making. On the side of the Council's problem is that we have been officially put on notice by this action and by having been put on notice we have certain legal and fiscal responsibilities that the City Attorney has advised us on.

MR. SUMMERVILLE: I would question a million dollars more than I would question \$600,000. With that, I'll let you take it. I would elaborate more in any station that you want me to elaborate on, Madam. Thank you again.

MAYOR COCKRELL: You are most willing to elaborate on it if you would like to.

MR. PYNDUS: Yes, sir, John, I'd like it to go on record if you've got a million dollars that's been misappropriated.

MR. SUMMERVILLE: Come again.

DR. NIELSEN: Oh come on, Phil.

MR. SUMMERVILLE: No, come again, Phil.

MR. PYNDUS: You said there was a million dollars that you wanted to talk about.

MR. SUMMERVILLE: If you want to.

MR. PYNDUS: All right, if you have that evidence, I'd like you to put it on record.

MR. SUMMERVILLE: Oh, no, no, we're not going to go by evidence. You didn't go by evidence. You went with shotgun...But yet again I want to be courteous to this Council because I do respect whatever you may have to do. I don't want to get into a name calling deal until it's necessary. All I want you to do is that whatever action you may take be sure you don't come in and cut us off completely without having our day in court. Give us this opportunity. Set a time limit, make some provisions that in case we do clean house that we have to do whatever we have to do that this program would be in operation, because we are talking about a big jungle called the construction industry. Don't knock us down, please.

MAYOR COCKRELL: Mr. Summerville, if this ordinance this morning passes, the City Manager has advised that it would be 30 days now. It takes ten days before it becomes effective because it did not contain an emergency clause and then it provides for 20 days in addition to that. So it gives 30 days and during the 30 days I feel sure that the Council would honor your request for a meeting with you or with the Board when you would have the opportunity to discuss the thing.

MR. SUMMERVILLE: That I would appreciate very much. But my understanding from the back of the room was this, that within 20 days if we don't play ball, you are going to leave up to this gentleman of your staff to cut us off without a fair hearing with you people. We made a contract with you, the City Council, it should be up to you to listen to us. Of (inaudible) that this gentleman may have to bring it to attention and give us a fair shake why, for instance, you may cut us or why you are going to extend it under what conditions. But just don't say 20 days and you're out.

MAYOR COCKRELL: You would have 30 days and during that time you have the opportunity to show any information that you would have on why you feel that the City is not moving fairly in terms.....

MR. SUMMERVILLE: Shall we call it by a brand new ball game. Can we talk business now, as professionals, you might say? First of all, there is not one thing in black and white to our knowledge that we have on the Board level about any charges in writing. Not one, Mrs. Cockrell, not one. This gentleman of his staff has not given us one piece of paper.

CITY MANAGER GRANATA: My staff represents me. Carl White and them have the authority to write for me. I don't monitor each program.

MR. SUMMERVILLE: You still haven't got anything to write Mrs. Cockrell.

CITY MANAGER GRANATA: You said you received a letter from us Mr. Rinehart and Mr. White...

MR. SUMMERVILLE: Did I get it?

MAYOR COCKRELL: There was nothing in the letters you received?

MR. SUMMERVILLE: I haven't received one notice, Madam. Not one.

MAYOR COCKRELL: You just said.....

MR. SUMMERVILLE: This was from last year...that we got. From last year, yes, Madam, but this year no Madam, nothing.

MAYOR COCKRELL: All right.

MR. SUMMERVILLE: Whatever charges, can we get it in writing? What do you want from us?

MAYOR COCKRELL: If the City Attorney would like to make any further comments.

CITY ATTORNEY PARKER: Well, I think maybe the reason he didn't get any notice is that it would be my understanding from the Federal Bureau of Investigation they asked that nothing be given out to anybody until they complete their investigation.

MR. SUMMERVILLE: But the charges...Mrs. Cockrell.....

DR. NIELSEN: I didn't see this until last night. I didn't even know...

MR. SUMMERVILLE: May I see it, sir?

DR. NIELSEN: I'll give you my copy. There are three findings here. One relates back to the thing we talked about earlier that out of state trips that was done last year. That apparently has been resolved.

MR. SUMMERVILLE: Right, you heard it from John.

DR. NIELSEN: The second thing is that it goes into this business about 15 employees to contribute from their federally funded wages certain funds for a special fund. Okay. The third one is, it says again, all three of these say sufficient evidence to substantiate that this organization received kick backs from contractors who have been successful in (Inaudible). That's the only three things that are presented on this. I don't even recall yesterday in the executive session that the third one was even discussed at all. So, you know, it's all gotten to be a bit of.....

MR. SUMMERVILLE: I don't have nothing officially, sir. Could there be some way, somehow that officially you could instruct somebody to give me a copy of that so we know exactly what you want and we go from there.

MAYOR COCKRELL: May I ask the audience to please remain quiet please. Now then, at this point, may I ask if Mr. O'Connell, I think, wanted to be recognized and is there any other question that we should ask Mr. Summerville? Any other question any member of the Council has?

MR. TENIENTE: Mrs. Cockrell, just one thing for Mr. Summerville because earlier in the day we had Councilman Rohde questioning the appraisal and wanting to make sure that he get sufficient information before he votes on anything. I would request the same thing. If there are alleged kick backs, I'd like to know who they were. They must have the name. They must have the person who got it and how much. I would like to have all this. If this is wrong and John agrees, I'd like to know about it so that we could find out who it is and how much and then correct it or at least charge him officially. But a piece of paper saying this alleged thing happened and charges are not proof enough for me to vote on an issue.

MR. SUMMERVILLE: Only one thing, Mrs. Cockrell, excuse me, only one thing I have requested, I'm leaving empty handed. When could I expect or we could expect something in writing officially of the, on the violation of the contract.

MAYOR COCKRELL: Let me refer that to the City Manager.

CITY MANAGER GRANATA: If you pass the ordinance today after ten days, Mr. Rinehart will write the appropriate letters to the four telling them that they have 20 days.

MR. SUMMERVILLE: You're not giving us a chance in court.

MAYOR COCKRELL: Can we have the rest of it, please.

CITY MANAGER GRANATA: Is that correct, John?

MAYOR COCKRELL: After ten days then you will when the ordinance becomes effective, then what will Mr. Rinehart do?

CITY MANAGER GRANATA: He will be sending the parties involved a letter advising them of the action taken by this Council and the reason for it. Section 2 and 3 of the ordinance, he'll even attach a copy of the ordinance if you like.

MAYOR COCKRELL: I see and at that time the information will be stated as to the reasons.

CITY ATTORNEY PARKER: You can supply him the reasons before hand if he wants them.

MAYOR COCKRELL: I see and then following that there would be another 20 days when they could come back to make any additional comment or present any additional evidence that they would have.

CITY MANAGER GRANATA: If they request it, they can come by.

MAYOR COCKRELL: All right, that explains the procedure.

MR. SUMMERVILLE: Yes, madam, but are we - they use the word "if". The gentleman said if you request it. Watch the little words. This guy is tricky. I know him already.

MR. PYNDUS: That's not funny.

CITY MANAGER GRANATA: This won't be a request. This will be.....

MR. SUMMERVILLE: Well, I'm saying this right now. Do I have the understanding of you, ladies and gentlemen, right here, that you will instruct the City Manager to give us specific charges of what we are in violation of, our contract, etc., etc.

MAYOR COCKRELL: Mr. Granata will you comment on that?

CITY MANAGER GRANATA: Yes, that's what Mr. Rinehart will do, if you pass the ordinance. That's what we'll be doing after ten days, we'll send them Section 2 notice of termination shall be sent according to the terms of each contract, each one of these agencies

has a contract. I might say that three of the four could have been terminated immediately. In order to be fair, we've given them all 20 days or the 30 days. Only one of the contracts said it required 20 days but to be fair, we're giving them all 30 days. If I'm wrong there, I've been misinformed. Am I correct or am I not right? Okay.

MAYOR COCKRELL: All right, so is there any.....

MR. SUMMERVILLE: May I have an answer.

MAYOR COCKRELL: Your answer was the City Manager will release the information to you. He will do so through Mr. Rinehart, who is on his staff, and that will be done ten days after today when the ordinance is passed.

MR. SUMMERVILLE: Would it be pretty hard, Madam, since he signs the contract, that he should sign a courtesy copy to Mr. Rinehart. I think his position is in question.

CITY MANAGER GRANATA: I just sign on behalf of the City.

MR. SUMMERVILLE: In our city, we can do that.

MAYOR COCKRELL: Would you repeat that point, I sort of lost the point there.

MR. SUMMERVILLE: If you want to get the contract, Madam, if any of these gentlemen got it, he signs on behalf of the City.

CITY MANAGER GRANATA: I will be happy to have - I'll co-sign. I just sign on behalf of the City, whenever you pass an ordinance.

MR. SUMMERVILLE: Thank you, very much.

DR. CISNEROS: If I may, I just wanted to say, John, who I have known for a long time and who I know has worked real hard on behalf of the community. John, in this instance I think that now some objective investigative bodies are being called in and I expect that they will do a credible job of what needs to be done, which is very thorough and rigorous investigation. I would suggest as a friend that you use your influence, which is considerable, among the people who have worked on programs over the years to lead the way in opening everything to the light of day. Open all the doors and show the public that if there's been anything done, and if it has, then it needs to be corrected because it has spill-over effects to all the other programs. We might have this particular program struggling for life and perhaps succeeding but it will be at a great cost to many other manpower programs and many other people who have spent an awful lot of time, often for which they are not paid, to work the poverty programs in San Antonio. The results of something like this are bad for a lot of people. I would say, John, you are here today to open the way, to open the doors and allow an objective, honest investigation.

MR. SUMMERVILLE: We will sir, we welcome it.

DR. CISNEROS: I'm sure you will.

DR. NIELSEN: Madam Mayor, just briefly, I would assume that there's at least a majority of this Council, John, who do have a very sincere somewhat long maybe and in some cases short-term interest in not only minority contractors development but the training that goes with that, the whole question of Detour II, and a lot of other things. I know you and your staff and everybody else in your board are committed to. I'm sorry that under the circumstances that this whole thing has been mishandled, in my opinion, extremely badly, partly on the Council's part and partly perhaps on the shortness of time yesterday and everything else. Politics aside, I'm sorry that it was done this way. It was not right. I would also hope that the next time anybody either John or somebody from

Personnel or anything else has some serious charge to bring that it doesn't necessarily come through one Councilman. I'm not just picking on you, Phil, but any one of us that comes from the City Manager. I think that was a serious blunder in this particular case. It's happened and I'm sure going to do all I can to see that it does not happen again.

MR. PYNDUS: May I respond, Mayor Cockrell. First of all, John, I will personally work with you to see that the program is run correctly. You can count on that. Secondly, this was not a blunder. An investigation had to be made and there's justification for it. Councilman Nielsen had this information and if he didn't read it, he missed it, but it wasn't a blunder. It's an important thing and how it started and if somebody had the nerve enough to start it, that's a good thing. I think we ought to talk about what's wrong here and all the semantics and all the rhetoric about how we should go about it and what we need to get this thing cleaned up, I think, is the most important thing. And if your heart is in the program for the people it's supposed to help, you will agree with me and I expect your cooperation because I'll help you.

MR. SUMMERVILLE: I appreciate remarks like this, Phil. Thanks a lot for going by my neighborhood. I come from (inaudible).

MAYOR COCKRELL: Mr. Ferari, I believe, was motioning to get recognition.

MR. PYNDUS: I think Bill O'Connell wanted to say something.

MAYOR COCKRELL: Yes.

MR. JOE FERARI: Madam Mayor, City Councilmen, I'd like to address you as the new president of the UOC. My name is Joseph A. Ferari. I think I've been accused of collaborating with Madam Mayor and City Councilmen Cisneros, Alfred Rodriguez and everybody else, on the war on poverty. But I've heard some accusations that are completely false today and I've kept quiet. I heard one from Mr. Phil Pyndus. The reason that we've been funded for six months is because they're putting it out on private contract from MOMB. In case you didn't know it, you can call Mr. Zuniga, you can go to Dallas or Washington and you can find that out, sir. You have crucified us in the newspapers and that's no good. You've tried, judged us in the newspapers and you don't even know me. Why? You have never sent anybody, you have never stated one name yet. Who are you accusing?

MR. PYNDUS: May I respond to that.

MR. FERARI: Who are you accusing, sir? Are you taking up for Mr. Rinehart? You asked Mr. Rinehart who signed him the checks and paid him off the debts that were owed by other contractors that we paid off which is the only organization that's paid off, is us. You ask this investigator you got right here, that Sam Granata got over here. Sure they work for you. They've got to bend to you. But you're accusing us and you've tried us by the Deborah Kerr right here in the newspapers. Yes, sir, she's tried me before. Right on the westside when I beat Mario Compean. She was there. What can you say for that. You don't go to the westside, do you? Nobody knows what I am, Mexican, Jew, Greek. Well, I'm people. I'm like you. I'm for the poor people. I'm going to tell you one thing, I don't crucify nobody and I don't judge nobody in the newspapers.

And allegations can be made. I can make an allegation against you right now. And I can go right down to the Federal Bureau of Investigation and they will have to investigate you, sir. Whether I got rights or wrongs, they will investigate you. The National Labor Relations Board will investigate you whether I'm right or wrong, they have to go by the allegations that I made, but you very appropriately put me in the newspapers that the FBI is on the case, which most of the people right away will say, if the FBI is on the case, there's something to it. Well, you're wrong sir because everybody, I don't care who it is, you, me, any citizen in the United States can make an allegation and they by law have got to follow through. They've got to present themselves to you and ask you questions. Thank you very much. I appreciate your hearing me.

MR. PYNDUS: Mayor, may I please respond to some of your remarks, Mr. Ferari. First of all, you said that they were transferring the funds.....

MR. FERARI: They are not transferring them until February, that was six months ago.

MR. PYNDUS: What was the reason that you stated that they were transferring the funds?

MR. FERARI: They're putting them out on private, they're not coming through the City, they're putting them on private contracts. Corpus is one that's not going to be done that way.

MR. PYNDUS: I have a letter - a written letter - from the Field Representative from OMBI, stating their violations of this contract.

MR. FERARI: I had that letter from you, sir.

MR. PYNDUS: I have this letter and they say that the reason that they do not recommend refunding is because of the violations.

MR. FERARI: We just got funded last week, sir, we got the money from Washington.

MR. PYNDUS: I will show you the letter and that might change. And this came from the Commerce, not from me.

MR. FERARI: You cannot prove that, sir.

MR. PYNDUS: The FBI was brought into this case last May and it was revitalized this month. If they had no substance, they would not take the case. They told me they had substance. They asked me in writing not to bring the probe to public until they had completed their investigation. They did not want me to hinder the investigation. I take it at their word plus the proof that I had.

MR. FERARI: Did you think that by putting it in the newspaper you didn't hinder the investigation?

MR. PYNDUS: It's being hindered here today.

MR. FERARI: You hindered it, sir, by putting it in the newspaper.

MR. PYNDUS: No. If it didn't come out in the newspaper, it would not be done.

MR. FERARI: You did it, sir, because they quoted you specifically as saying that.

MAYOR COCKRELL: Thank you, Mr. Ferari.

MR. FERARI: Another thing I'd like to say if I may, Mayor Cockrell, that why didn't you bury this bone a year ago? Why didn't Mr. Rinehart bury it? Why didn't he come through this man as the City Manager? These men are paid \$30,000, \$40,000 a year and you mean to tell me they let things like that go by. And we citizens got to pay for it. Something's wrong somewhere. I think the housecleaning has got to start here. Right there.

MAYOR COCKRELL: Thank you very much, sir.

MR. FERARI: Thank you, very much. If we're going to do any housecleaning, you're being mislead, Mr. Pyndus. I think you're a very sincere and good man but I think you're mislead by Mr. O'Connell, the ex-Councilman, and by his subordinates who still have a bone to pick.

They have all the staff vote against us being funded. But the Council voted for us to be funded and that's a thorn in their side and they're still going to fight us every time they get a chance. They're bringing bones and they're bringing skeletons out of the closet from two or three years ago and that's wrong. And God bless you and thank you for listening to me.

MAYOR COCKRELL: Thank you sir. Mr. O'Connell.

MR. W. J. O'CONNELL: Madam Mayor and Council, I'm not going to start a counterattack here. I think this thing has been talked long enough. I believe really and truly that I've been frustrated about some of these things, about some of these programs that I saw and have related to the Councilmen that were here last year. I'd like to correct one thing. Richard, you mentioned that I would be a party to a committee. I believe that you're reading it out of content. I will make the letter available publicly now because in the last part of the letter, it said, Richard, that I would not want anything to do with it if it would hurt the program. Take my - withdraw my name, read the last paragraph, I said if I can help, I will help and I still believe that and I'm still sincere about that. But if anyone objects to my name being on a board which would help the minority contractors, I want it removed and that's exactly what the last paragraph says. Now there's a statement here about the funds that people have been charged. They say they've paid the funds back. That's exactly what I think this investigation is. Where did the funds come from that were being paid back? What happened, how did they accumulate these funds that were paid back? I, too, have been visited by the FBI. I'm privileged to know some information that I can't disclose today. I would sincerely recommend that you take the action because if there is error in the accusations that have been made, I believe that certainly they will come out. They'll be aired and they'll be corrected. If there is something wrong with the accusations, I think that the systems building of the funding of these programs allows for this 20 day period. If the people that are not guilty, they have nothing to hide. Certainly the program should go on and continue as they have in the past.

The disclosures being made I guarantee you that there are some very, very questionable things. I think that possibly you're going to look into things that are contrary to the program's intent which will be far more as serious as the breaking of the laws that they are now investigating. The FBI is not investigating the programs, how they work and how many people they work because as you know, I've told you before last year that even by the Board's own minutes, in the answer to a question how many people do they help with these \$300,000, they help 30 people. These 30 people they help over spend many thousands of dollars. Truly some of these people may not have known what was going on but they were helping these people. So I'm saying that there's two things here in question. One is the intent of the program, is it really doing the job and then what laws were broken. I think both of these are going to have to come out and it's going to be aired. I would heartily suggest that all people get their day in court by taking the provisions of the contract allowing the 20 days which actually now is 30 days and I would suggest, if I may, that since there is a 10 day period to give the people the benefit of a doubt. Allow them to have - you know, what the letter's going to say today or tomorrow, give them the extra ten days, allow them to prepare themselves. They know the letter's coming that wouldn't be too - you could give them a draft of the letter and then officially deliver a letter later. These people want the time to answer them. Let them have the extra time. But meanwhile I think that the people who are being hurt most are the people who are not being helped because the funds are being spent for things other than helping people. I thank you very much.

MAYOR COCKRELL: Thank you very much. Is there any further discussion? Yes, sir.

November 6, 1975  
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-35-

MR. REMIGIO VALDEZ: Mayor Cockrell, again I want to thank you because you've always been very considerate and to all you members of the City Council. My name is Remigio Valdez. I'm the legislative chairman of the Mexican-American Betterment Organization. Mr. Pyndus, this is nothing, you know, what I want to do is tell you like I've told you the last time when I came before the Council. You talk about helping the poor and now all of a sudden you're talking about dissolving a certain organization that I know that have been helping the poor. Okay. I was one of the poor first Board of Directors members of the EODC, the Economic Opportunity Development Corporation, which you are well aware of..... Okay. At one time, certain individuals took a trip to Washington, D. C., in order to be able to save the program. When we went to EODC, right away they said that is misappropriation of funds. They said you used the money illegally so we got an interpretation from Washington. We let them know our case and they said that we had done the right thing because we had too many obstacles and we had no other choice but to go directly to Washington. Okay, we talk about slush funds. I've never heard slush okay, anyway. Right now we have in Civil Service, we have people that ask to put money into the United Fund, a certain percentage of their paycheck. You have other funds too. Political funds to begin with. You ask a politician, he comes out, you know, and if you want to donate to a politician, that's your prerogative and this is what I'm getting at. It's a person's prerogative if he wants to donate to a particular slush fund but if we are going to call this a slush fund when the people are the participants, I mean the employees, excuse me, the employees themselves want to put money out of their pocket into this fund. Then if you want to chastise them, then you just go ahead and get rid of everything, including the politicians that are asking for funds and all that to take care of, you know, their political thing, okay.

We have talked about the membership okay. Well, not the membership, we've talked about the program and we talked about the employees, you know, okay. But we haven't said anything about the participants and this is very important, ladies and gentlemen, because the participants are the ones that are really are getting something out of this. They are because I've been out there, Mr. Pyndus, and I've seen the program and I've talked to the people and I'll bring you some people down here if you want them. This is not only a demand, these people, some of them going into, Mayor Cockrell, into this as a husband and wife team where the husband is able to do minority contractor work and his wife can do the bookkeeping for him.

Now, they say this investigation from the FBI - I talked to my neighbor the other day, he said there was an FBI agent over there telling him how to go about taking care of the Internal Revenue Service, how to work out their papers. So I'm asking Mr. Pyndus and I'm asking all of you members here today that we're not all - what do you say - the best in the West. Of course, we're in Texas. But just remember one thing. We have worked and Mayor Cockrell knows this, we have worked hard to help these people and if you cut these people completely off, completely off, it's going to be a setback. I see and I know and I have to say this, I see what is wrong here. I know it's been the same thing, Mr. Pyndus, when a person wants to upgrade himself, he wants to upgrade himself, there's got to be somebody there that always wants to degrade him. And this is all this program is trying to do. There is a (inaudible) just like Mr. Summerville said, he's apt to meet with you and I think that this thing can be settled in a round table discussion. This is why I came here today and I want to thank you, Mayor, because I think this is what our duly elected officials are here for is to take care of this problem. Thank you very much.

MAYOR COCKRELL: All right, we have a motion and a second on the floor. We need to see if the members of the Council would like to return for the vote.

MR. ROHDE: I call the question Mayor.

DR. NIELSEN: Madam Mayor, I'd like to amend the motion to in the ordinance to exclude one and two, contract operation of Project Detour II authorized by Ordinance 45760, and number two, and it all has to do with Project Detour II. Some of us on this Council, CJC and everyone else are working extra hard in the intent of the program, some people involved and I don't think it's a got a darn thing to do other than perhaps some case of personality with the other allegations that have been made. Not one thing of these three findings have anything to do with Project Detour II and ... inaudible.

MAYOR COCKRELL: All right, your motion then is to delete sub-items one and two under section one. Is there a second to the amendment?

MR. TENIENTE: I second the motion to amend.

MAYOR COCKRELL: The amendment has been seconded. Is there discussion on the amendment?

MR. PYNDUS: I would like to speak against the amendment. Mayor Cockrell, I think that the programs themselves are not being criticized here but the administration of the programs are being criticized. To me certain people in charge of those programs should certainly have this investigation go through before these funds are eliminated from this ordinance. I feel very strongly that the ordinance will be meaningless if the largest portion of the funds remain and I strongly urge the Council to defeat the amendment.

MAYOR COCKRELL: All right, may I ask for a clarification? I would like to ask for comment further from staff as to exactly the relationship of the Project Detour to the entire question. Would you clarify that part of the issue.

MR. RINEHART: Project Detour is one of three programs that are operated by the organization which the City has the contract with, United Organization Coalition, in other words they are the legal entity which we have contracted with. They have three programs on-going, Project Detour is one of those. It's under the same Board, the same administration of the organization. It's just one of three programs that are operated. Each has its own specific director for that particular phase of that operation.

DR. NIELSEN: I'm not sure yet whether these allegations relate to the Board or to the overall executive director or to individual program heads or the individual programs. The first finding so called, I understood from you, has been resolved sometime ago, right? The money was paid back.

MR. RINEHART: The funding element has been resolved. The intent, as originally implied, has not been resolved.

DR. NIELSEN: What do you mean by intent, John?

MR. RINEHART: Well, this is what the FBI is looking into, Dr. Nielsen, and I can't address myself to that at this time.

DR. NIELSEN: Well, that's too vague. Number two has to do with something about the Hobbles Act and number three is a little more specific.

It says something about contractors which would only have to do with either the not the MITP but the other one MCAC or whatever those initials are.

MR. RINEHART: It's not my intent to prove guilt or innocence. My intent is I have found some things that don't look right. I furnished that information to the decision makers. Of course, at the same time other people have gotten involved because Federal funds are involved. Now, my only concern is for the best interest of the City. If and I don't know that this be the case, but if the allegations ultimately prove to be true, it will involve amongst other things ineligible costs and the City of San Antonio is responsible for repayment back to the Federal government of ineligible costs.

DR. NIELSEN: How could they realistically have anything to do with Detour II when Detour II has only been going on for a month?

MR. RINEHART: The cost element doesn't relate to Detour II that much. It's the management of the program, of the organization.

MAYOR COCKRELL: All right, we've had an informal call for the question. Is there any objection to closing debate? All right, then the question is on the motion to amend by deleting sub-sections one and two which relate to the contract for operating Project Detour. Clerk will call the roll on the motion to amend.

DR. CISNEROS: What would be the implications, Ford, or exempting Detour II? Does that mean that suspension or something would be applicable there but not the full implication of the 20 day termination.

DR. NIELSEN: Okay, I have no specific evidence. There's some three general findings that have been presented.

DR. CISNEROS: I don't even have what you have, I don't think...

DR. NIELSEN: Well yeah, it's in your packet. I'm sorry to say I didn't find it until last night because it was in the miscellaneous section. Maybe I should read miscellaneous first, but I didn't. There's nothing..

DR. CISNEROS: But what I'm asking is a simple question. The implication of your motion would be then that nothing happens to Detour II at all.

DR. NIELSEN: Not at this time.

MAYOR COCKRELL: All right, then the motion is to delete Sections 1 and 2, sub-sections 1 and 2 under Section 1. Clerk will call the roll.

On roll call the motion by Dr. Nielsen to delete sub-sections (1) and (2) from the ordinance was passed and approved by the following vote: AYES: Billa, Cisneros, Hartman, Teniente, Nielsen; NAYS: Pyndus, Rohde, Cockrell; ABSENT: Black.

MAYOR COCKRELL: All right, the motion has carried. We now vote on the main motion as amended.

On roll call the amended motion carrying with it adoption of the ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Nielsen, Cockrell; NAYS: Teniente; ABSENT: Black.

DR. NIELSEN: With the understanding that this is simply to put on notice that we don't automatically terminate and we have the right to amend this or whatever within 20 or 30 days, I vote yes.

MR. PYNDUS: I do not agree with that, and I don't know why you can put it in there.

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75-66

NORTH SAN ANTONIO CHAMBER OF COMMERCE

Mayor Pro-Tem Teniente read a Resolution passed by the North San Antonio Chamber of Commerce on November 6, 1975, complimenting the Mayor and City Council for their efforts and urging citizens to be understanding of the Council's problems. (A copy of the Resolution is included with the papers of this meeting.)

Mr. Leon Slaughter, speaking for the Chamber of Commerce, said that the specific issue which they compliment and fully support the Council is that of permitting construction of a shopping mall over an infinitesimal portion of the Edwards Aquifer as it is based on factual analysis and not on emotional pressure.

75-66 The meeting recessed for lunch at 12:45 P. M. and reconvened at 2:15 P. M.

75-66

CITIZENS TO BE HEARD

STEPHAN HARVESTY

Mr. Stephan Harvesty read a prepared statement criticizing members of the City Public Service Board. He said that management of the CPS is in poor hands and should be terminated immediately. He also said that City officials as well as CPS Board members have lost the confidence of the general public. Mr. Harvesty also said that \$5 million of bond funds are to be paid to the City in lieu of taxes. (A copy of Mr. Harvesty's statement is included with the papers of this meeting.)

MR. PHIL KOEHNE

Mr. Phil Koehne, 402 Mary Louise Drive, again spoke to the Council about his proposed solar energy project in South Texas. He said that he had had a meeting with representatives of CPS and that Mr. Poston will arrange a meeting of utility engineers from Austin and Corpus Christi within the next three weeks to discuss the matter further. He said that he had also discussed this project with the National Radio Astronomy Observatory. Dr. Lancaster, who is in charge of the radio telescope now under construction in New Mexico, expressed great interest in the project.

Certain aspects of design detail were discussed between Mr. Koehne and members of the Council.

Mayor Cockrell thanked Mr. Koehne for bringing the Council up to date on the project.

75-66 Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Teniente presided.

DR. HERMAN LEVINE

Dr. Herman Levine spoke to the Council again about solar energy. He said that last week he had proposed that the Council adopt certain ordinances requiring that buildings henceforth be required to make provision for use of solar energy in the future and also that companies using large amounts of hot water be required to provide for solar energy. He urged the Council to take action on his requests.

Dr. Levine also expressed opposition to CPS using its revenue to advertise in opposition to the recent petition drive.

MRS. HELEN DUTMER

Mrs. Helen Dutmer, 739 McKinley, took exception to the Council's decision to listen to complaints about police brutality in open Council. If persons wish to speak about police brutality in general terms it would be different than making specific charges against a police officer.

Mrs. Dutmer also took exception to the Resolution presented to the Council earlier in the meeting by the North San Antonio Chamber of Commerce. She said that not all of the people who oppose building over the Aquifer are opposed to development in the City nor are they trying to redirect the growth of the City.

75-66 Mayor Cockrell returned to the meeting and presided.

KARL WURZ

Mr. Karl Wurz, 820 Florida, read a prepared statement regarding the public's right to know. He was referring specifically to reappraisal documents for the Vexler properties which the Urban Renewal Agency proposes to purchase. Mr. Wurz said that he had listened to a tape of Mr. Winston Martin's presentation in "B" Session on October 30th and took issue with a number of his statements. (A copy of his statement is included with the papers of this meeting.)

Councilman Rohde asked that a copy of Mr. Wurz' comments be made available to Mr. Martin so that he could reply to it.

RAUL RODRIGUEZ

Mr. Raul Rodriguez read excerpts from Article 6252-17 supporting his demand that all information is open to the public. He complimented Councilmen Rohde and Pyndus on their recent actions and said that he hoped they continued their work.

INDIAN CREEK ELEMENTARY SCHOOL SIDEWALK

A group of citizens appeared before the Council requesting that a sidewalk be constructed along Pearsall Road a distance of approximately 1500 feet. Those persons appearing were:

Mrs. Sybil Kane, 5550 Aspen Valley  
Mr. Jerry Strickland, Principal

Mr. William A. Holland, 8431 Big Creek  
Mrs. Norlam Chilawalski  
Mr. L. Johnson  
Mr. Gene Sprague, 6119 Haven Valley

This area was annexed in December, 1972. Under the sidewalk funding program, it should have been eligible for funding in 1973 and 1974. Requests were mailed to the City requesting this sidewalk but apparently the requests failed to get to the proper office. These people are aware of the Council's policy on school sidewalks but asked special consideration in view of the circumstances.

It was also brought out that there are 800 children going to Indian Creek School and the majority of them must walk along Pearsall Road where the speed limit is 50 miles per hour. There is also a great need for a foot bridge over Indian Creek.

Mr. Cipriano Guerra, Director of Planning and Community Development, said that he has discussed this matter with Mrs. Kane and told her that this project would be considered for funding next year. In fact a double allocation would be considered due to the circumstances. Between the two years' allocations, there would be roughly a total of \$4,000. The area has not been accurately surveyed, but he felt that the sidewalk could be funded. The foot bridge would have to be taken up with Public Works.

After discussion, Mayor Cockrell summarized the situation by saying that even though the requested sidewalk would exceed the combined two year total of funds that could be allocated, it was felt that the project could be accomplished next summer.

Mr. Guerra asked to be given time to survey the area to see exactly what is needed and report back to the Council. The earliest construction could begin would be at the close of this school year.

Mayor Cockrell requested that the Traffic and Transportation Department survey the traffic patterns around Indian Creek School and see if the situation calls for any other protective measures such as signs or signals or School Crossing Guards.

Mr. Pyndus said that he felt that the sidewalk program is inadequate. He suggested that the Council review the sidewalk procedure.

MR. E. L. RICHEY

Mr. E. L. Richey spoke of the ever increasing costs for everything.

MS. RENA McCALLEBB

Ms. Rena McCalebb had left a note with Mayor Cockrell saying that the City's Civil defense plans may need review.

MRS. MARIA DOMINGUEZ

Mrs. Maria Dominguez, 250 Freiling, stated that someone had stolen all of her children's clothes and she suspected a neighbor. She said that sidewalks should be constructed when subdivisions are put in. She said that there is too much secrecy in City and County government. The City should be run like a business.

MR. ERNEST MUDD

Mr. Ernest Mudd, representing veterans in the San Antonio area, said that there will be a Veteran's Day Parade on Tuesday, November 11, 1975, and invited Mayor Cockrell and other Council members to participate in it.

MR. HUGH MAHONEY

Mr. Hugh Mahoney, representing Associated Builders and Contractors, said that a prevailing wage survey had just recently been completed in the building trades. The results of the survey were published in the Daily Register on October 24. He distributed prepared figures to illustrate present union rates and those that are reflected in the study.

Mayor Cockrell told Mr. Mahoney that when the Council adopted the prevailing wage rates, it was agreed that they would be reviewed when the survey became final.

75-66 The Clerk read the following letter:

October 31, 1975

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

Madam and Gentlemen:

The following petitions were received by my office and forwarded to the City Manager for investigation and report to the City Council.

October 29, 1975

Petition submitted by Mr. Elias Pena Gomez, Jr., 511 Chalmers, requesting the closing of Short Alley between Ranmar Street and Chalmers Street, which runs along side his property.

October 31, 1975

Petition submitted by Mr. H. J. Fentress, President of the Windcrest Development Corporation, Box 18367, requesting a permit to erect a six foot concrete fence with a simulated brick surface along Randolph Boulevard.

J. H. INSELMANN  
City Clerk

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75-66 There being no further business to come before the Council, the meeting adjourned at 4 P. M.

A P P R O V E D

*Llew Cockrell*  
M A Y O R

ATTEST: *[Signature]*  
City Clerk

November 6, 1975

-42-

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