

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MAY 5, 1977.

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The meeting was called to order at 8:00 A. M. by the presiding officer, Mayor Lila Cockrell, with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, ORTIZ, ALDERETE, PYNDUS, HARTMAN, STEEN, COCKRELL; Absent: NONE.

77-23 The invocation was given by The Reverend C. Elliott Means, Travis Park United Methodist Church.

77-23 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

77-23 The minutes of the meetings of April 21, 1977, and April 28, 1977, were approved.

77-23 Mayor Cockrell opened the meeting by stating that this was a very historic meeting since eleven Council members are serving instead of nine, ten of which were elected by districts. This was also the first time two women would be serving on the Council and the first time five Mexican Americans would be serving at one time. She then welcomed the new members of the Council.

77-23 DELEGATION FROM MONTERREY, MEXICO

Mayor Cockrell recognized an official delegation of City officials from our Sister City, Monterrey, Mexico, who were present at the meeting.

Mr. Ernesto Gonzalez, Councilman, then introduced the Mayor of Monterrey, Sr. Cesar Santos and wife; Councilman Sr. Lic. Martinez Torres and wife; Councilman Sr. Chavez and wife; Councilman Sr. Ricardo Arpee and wife.

Mayor Cockrell welcomed them to the City and expressed her appreciation for their attendance at the first meeting.

The Mayor of Monterrey, Sr. Cesar Santos, then spoke, in Spanish, to the Council bringing greetings from the City of Monterrey to the City of San Antonio. He expressed his appreciation on behalf of the entire delegation to the Mayor and City Council for their hospitality.

Mayor Cockrell then presented the Mayor and the Council from Monterrey gifts as a token of the City's esteem.

77-23 SELECTION OF MAYOR PRO-TEM

The following discussion took place:

MAYOR LILA COCKRELL: At this time, we will proceed with the organizational matters for the City Council. I would like to point out that one of the early items that is taken care of by each incoming City Council is the decision on the organization and how the Mayor Pro-Tem seat is to be assigned by the Council. In the past, we have had two systems that have each been used. One where one member of the Council has been designated to serve through the entire term. The other plan where the office of Mayor Pro-Tem has been rotated among the Council members where each has the opportunity to serve in turn. I think we all realize that each plan has some advantages that it offers and some disadvantages. I know the members of the

Council have been giving this matter their thought and attention and, at this time, we would proceed by having any motions that are to be made relative to the decision by the Council on the office of Mayor Pro-Tem. At the time the decision has been made through motion, we will then have the adoption of having a caption read and the necessity for a formal ordinance which will put in ordinance form the decision that will have been indicated by the City Council. So, at this time, the floor is open for any motions that may be made relative to the office of Mayor Pro-Tem. Mr. Pyndus.

MR. PHIL PYNDUS: I have publicly stated my preference for the rotating Mayor Pro-Tem position. I felt that, in the past, it has worked as far as the last Council was concerned. I feel that, with the new type of districting that San Antonio has adopted for electing its City Council people, they can learn about the overall view of the City if each Council person is rotated in this important office. I think it represents the position of Mayor at times when the Mayor is out of town or the Mayor is unable to perform certain duties, and I would move for the adoption of the rotating Mayor Pro-Tem.

MR. JOE WEBB: Second that motion.

MAYOR COCKRELL: O'k, it has been moved by Mr. Pyndus and seconded by Councilman Webb that the matter be resolved by having a rotating Mayor Pro-Tem with each Council member serving in the office of Mayor Pro-Tem. Mr. Hartman.

MR. GLEN HARTMAN: Madam Mayor, I would like to have the Mayor's permission to read a brief statement.

MAYOR COCKRELL: Yes, sir, go ahead.

MR. HARTMAN: Madam Mayor, Members of the Council, as you stated earlier, the citizens of San Antonio have elected a new Council to direct the affairs of their City for the next two years. And, as you have also pointed out, Madam Mayor, for the first time in history, the Council equally represents all sections of the City and its members represent many of the ethnic groups and races that give San Antonio its multi-cultural flavor. While each of us represents a part of the City, our more important collective role is to represent the whole City. As individuals, we are Mexican-Americans, Anglo-Americans, or Black Americans. As a Council, we are San Antonians, collectively and individually concerned with the future of our City and the many problems that face us all. There are those in our community who believe districting will ultimately fractionalize our community along sectional or ethnic lines. There are others, the majority of our citizens, who have placed their trust in this Council believing that a Council elected from districts will be more responsive to the needs of the total community. I believe it is our underlying responsibility as the duly-elected representatives of the people of San Antonio to prove that the majority of you is right and that those who believe otherwise have nothing to fear.

I am proud to have been a member of the Council that laid the groundwork for real change in San Antonio. This Council, by working as a team and building on the foundation that has been completed, can become the hallmark of progress in the government of San Antonio. Teamwork, cooperation and full attention to the issues should become the creed of this Council.

The problems before us are many, and not all of them will be achieved or solved in the next two years or even the next ten. Many of our problems stem from decades of neglect and one does not remedy such problems overnight. There will be frustrations and disappointments and a great deal of criticism about what we do; but, so long as we act only in what we honestly believe to be the best interest of the City, we can do no more. As Winston Churchill once observed, democracy is a very inefficient form of government but it is, nevertheless, the best form ever devised by mankind.

Madam Mayor, I would speak in favor of this motion on the basis that it would provide, to all members of this Council, an opportunity to observe and to absorb the problems of the community as a whole. Madam Mayor, I, therefore, respectfully speak in favor of the motion and recommend its approval to my colleagues.

MAYOR COCKRELL: Thank you, sir. Are there other comments or other...

MR. RUDY ORTIZ: Madam Mayor, does anyone have a copy of the City Charter, perhaps, to read what the City Charter has to say to guide us along what the intent of the City Charter is on this matter.

MAYOR COCKRELL: That matter, of course, came up about two Councils ago under Mayor Becker, and we will call on the City Attorney to read the Charter. Under Mayor Becker, I think the first turning to the rotation system was adopted at that time. And I will ask the City Attorney to read the Charter and to comment upon it.

CITY ATTORNEY JAMES PARKER: Yes, ma'am. The Mayor Pro-Tem is addressed in Section 9 of the City Charter, and it says under Paragraph 2 thereof, "The Mayor Pro-Tem shall act as Mayor during the absence or disability of the Mayor should a vacancy occur in the office of the Mayor, the Mayor Pro-Tem shall act as Mayor until the Mayor position has been filled as provided in Section 8 above and while serving as Mayor, the Mayor Pro-Tem shall receive the same compensation as the Mayor." The selection of the Mayor Pro-Tem will be at the election of the Council.

MAYOR COCKRELL: And that has been interpreted, in the past two Councils, as meaning that the Council could designate for a stated time, and at the expiration of that term, could then designate the next person to serve.

CITY ATTORNEY PARKER: That is correct. The designation of it is at the pleasure of the Council so the Council can elect any method that they choose for that designation.

MAYOR COCKRELL: Thank you, sir. Are there any other questions at this time?

MR. RUDY ORTIZ: Madam Mayor, having read the City Charter on that particular issue, then having my memory refreshed again by our City Attorney, I can't help but feel that my interpretation of that particular passage would be that it would be advocating a permanent Mayor Pro-Tem who would be in a position to take over the reins of City government were any misfortune to befall and, for that reason, I would like to offer a substitute motion to this City Council to the effect that Councilman Henry Cisneros be appointed permanent Mayor Pro-Tem for the next two years.

MAYOR COCKRELL: All right, a substitute motion has been moved. Was there a second?

MR. FRANK WING: I second it.

MAYOR COCKRELL: And it has been seconded that a permanent Mayor Pro-Tem be designated and that Councilman Henry Cisneros be designated as the permanent Mayor Pro-Tem. Are there any further discussions by members of the City Council?

MR. PYNDUS: Yes, Mayor, I would like to speak against the motion. I have seen evidence of the past system work; and I think it is important, and I think it is good for us whether we know it or not, that we are exposed to the whole--we are a part--we have been elected by a part of our City now for the first time in the last 20 to 30 years. And, I think it is important that each member, in order to make--give priorities to our City and to set the priorities straight to see that the overall City has priorities over its individual parts--over the districts. It is important that we are each exposed to these problems, and I would ask the Council to vote against the substitute motion.

MAYOR COCKRELL: All right, is there any other discussion? Mr. Wing.

MR. WING: Realizing the importance and the size of San Antonio and the importance that continuity of government in the absence of the Mayor, I do speak in favor.

MAYOR COCKRELL: Thank you, does any other person wish to speak?
Dr. Cisneros.

DR. HENRY CISNEROS: Madam Mayor, since the motion concerns my name, I want to simply indicate that I have given this matter a good deal of thought and attention, obviously, over the course of the last number of weeks. And I want, formally, to place my name as a candidate for the post of Mayor Pro-Tem and I will articulate the reasons why. San Antonio is the tenth largest city in the nation now, and we are embarking on a new form of government. There are many in San Antonio who expect this particular form of government not to succeed. I bear great responsibility. I feel a great responsibility for this form of government having come to pass by articulating the notion that we ought to have an election for this purpose, and then by participating strongly to urge the passage of this system of government. I feel strongly that I can help as Mayor Pro-Tem to make this particular system of government truly productive for San Antonio. I offer my candidacy, not on any basis other than merit and the record. And I would ask the support of my colleagues on the City Council on that basis--my record over the last two years has indicated that my speciality is getting things done and trying to produce and trying to make this City Council the most effective Council possible. Now, the office of Mayor, as Mayor Cockrell, you have conducted it over the last two years by necessity involves a good deal of travel and involves a good deal of time spent on matters of state relating to ceremony, etc. It is my firm belief that I can help you and help the Council in making sure that this is a truly productive City Council. My speciality lies in matters of substance of planning and community development and economic development and energy problems, and I want to work with the new members of the City Council as I have proven I can work with the old members of the City Council, strictly on the basis of capacity and merit, and, in that spirit, put forward my candidacy for the place of Mayor Pro-Tem.

MAYOR COCKRELL: Thank you. Are there other persons to speak?
Mrs. Dutmer.

MRS. HELEN DUTMER: Yes, Mayor. As you know, I was not a proponent of districting. I did not vote for it; I did not work for it. For this very reason--I was afraid that it would polarize or divide the City of San Antonio. When the Mayor Pro-Tem came from the body elected at large then I would have addressed and demanded that we have a Mayor Pro-Tem of a permanent nature. However, since we have districting, it is my thought that, rather than polarize or divide the City of San Antonio in any way, I will have to go along with the rotating Mayor Pro-Tem.

MAYOR COCKRELL: All right, does any one else wish to make a statement or comment? Mr. Steen.

MR. JOHN STEEN: Mayor, I think we should go ahead and vote on the substitute motion.

MAYOR COCKRELL: All right, we have the motion now pending for the substitute motion. The Clerk will call the roll.

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

MAYOR COCKRELL: The motion failed. The vote is now on the main motion and will the Clerk call the roll.

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

CITY CLERK: The motion carried.

MAYOR COCKRELL: The motion has passed to have a rotating Mayor Pro-Tem. What is now in order is the determination of the order in which the members will serve in the office of Mayor Pro-Tem. Now, the way that has been done in the past is that numbers "1" through "10" have been prepared and members have selected their position in the order of rotation. If that method is agreeable with the members of the Council, we will ask that the Clerk have that ready. Is that ready at this time, or do you need to prepare that? We will ask that the Clerk prepare then numbers "1" through "10" and then permit each of the Council members, in turn, to draw a number and that will set the order in which they serve in the office of Mayor Pro-Tem. We will then ask that the Ordinance be prepared designating the person who draws number "1" to be appointed for the first term.

(The Council then proceeded to select positions for term order as Mayor Pro-Tem.)

MAYOR COCKRELL: May we ask at this time to have the order checked. The person drawing number "1" -- Dr. Cisneros.

#2 -- Mr. Alderete
#3 -- Mr. Eureste
#4 -- Mr. Steen
#5 -- Mr. Pyndus
#6 -- Mr. Ortiz
#7 -- Mrs. Dutmer
#8 -- Mr. Wing
#9 -- Mr. Webb
#10 -- Mr. Hartman.

All right, do you have the Ordinance ready now? We will now have the formal Ordinance appointing Dr. Cisneros to serve in the first term as Mayor Pro-Tem.

CITY CLERK: Mayor Cockrell, we will put this all in one Ordinance.

MAYOR COCKRELL: All right, fine. Will you state the period of time?

The Clerk read the following Ordinance:

AN ORDINANCE 47,976

DESIGNATING CERTAIN MEMBERS OF THE COUNCIL
AS MAYOR PRO-TEM FOR DEFINITE PERIODS OF
TIME FROM MAY 5, 1977, THROUGH APRIL 30,
1979; AND DECLARING AN EMERGENCY.

* * * *

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

SECTION 1. The following named members of the Council are hereby designated as Mayor Pro-Tem of the City of San Antonio to serve during the periods indicated.

May 5, 1977 through July 16, 1977 -- Henry Cisneros
July 17, 1977 through September 26, 1977 -- Joe Alderete
September 27, 1977 through December 8, 1977 -- Bernardo Eureste
December 9, 1977 through February 19, 1978 -- John Steen
February 20, 1978 through May 3, 1978 -- Phil Pyndus
May 4, 1978 through July 14, 1978 -- Rudy Ortiz
July 15, 1978 through September 24, 1978 -- Helen Dutmer
September 25, 1978 through December 5, 1978 -- Frank Wing
December 6, 1978 through February 16, 1979 -- Joe Webb
February 17, 1979 through April 30, 1979 -- Glen Hartman

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SECTION 2. An emergency exists necessitating the immediate designation of a Mayor Pro-Tem, and upon the passage of this Ordinance by the affirmative vote of eight members, same shall take effect immediately.

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MAYOR COCKRELL: All right, may we have a motion on the adoption of the Ordinance?

MR. PYNDUS: So moved.

MR. WEBB: Second the motion.

MAYOR COCKRELL: It has been moved and seconded, any discussion? Those in favor, say "aye.". Those opposed, "No."

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

NAYS: None.

ABSENT: None.

MAYOR COCKRELL: The motion is carried, and I know that this has been a difficult decision for members of the Council. The decision having been made, I feel that we will now unite and move forward in consideration of all the matters of business that are pending before the Council.

(Mr. Karl Wurz submitted a prepared statement against a permanent Mayor Pro-Tem to the City Clerk, a copy of which is filed with the papers of this meeting.)

77-23

COUNCIL MEMBERS' RELATIVES AND FRIENDS

Mayor Cockrell asked each Council member to introduce members of their families and friends who were present for this first meeting of the new City Council.

Each member of the City Council, as well as the Mayor, then introduced family, relatives, and friends who were present in the audience.

77-23

The Clerk read the following Resolution:

A RESOLUTION
NO. 77-23-33

REAPPOINTING G. V. JACKSON, JR. AS
CITY CLERK OF THE CITY OF SAN ANTONIO
TO SERVE DURING THE PLEASURE OF THE
CITY COUNCIL OF THE CITY OF SAN ANTONIO.

* * * *

Mr. Hartman commended City Clerk G. V. Jackson, Jr. for his outstanding service to the Council and, in particular, the manner in which the past City Council elections were handled. He then moved for approval of the Resolution. Mr. Pyndus seconded the motion.

On roll call, the motion, carrying with it the passage of the Resolution, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

Mr. Jackson thanked the City Council for their confidence.

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77-23 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 47,977

AUTHORIZING A CEREMONIAL BONFIRE AT ALLENA CHRISTIAN CHURCH, 910 ALLENA DRIVE ON SATURDAY, MAY 7, 1977 AT 7:00 P. M.

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AN ORDINANCE 47,978

ACCEPTING THE LOW-QUALIFIED BID OF LLOYD ELECTRIC COMPANY, INC. FOR THE INSTALLATION OF RUNWAY REGULATORS AT INTERNATIONAL AIRPORT FOR A NET TOTAL OF \$20,763.00.

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AN ORDINANCE 47,979

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THOMAS VELA FOR OCCUPANCY OF A RESIDENCE LOCATED AT STINSON MUNICIPAL AIRPORT.

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AN ORDINANCE 47,980

AUTHORIZING THE CITY MANAGER TO EXECUTE FIELD ALTERATION NO. 15, IN THE AMOUNT OF \$11,675.00, TO THE VISTA VERDE TEX \$-109 PROJECT CONTRACT.

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77-23 The Clerk read the following Ordinance:

AN ORDINANCE 47,981

AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH CERTAIN GOVERNMENTAL UNITS FOR ENGINEERING STUDIES IN CONNECTION WITH THE OLMOS DAM STABILIZATION PROJECT; APPROPRIATING THE AMOUNT OF \$20,000.00 FOR THE COST OF ONE SUCH ENGINEERING STUDY; AND AUTHORIZING PAYMENT AS SPECIFIED HEREIN.

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Dr. Cisneros moved the adoption of the Ordinance. Mr. Webb seconded the motion.

Dr. Cisneros introduced Mr. Fred Pfieffer, Executive Director of the San Antonio River Authority, and Ms. Sara Jane Warren, Staff member of the River Corridor Committee, who were present in the audience for this Ordinance. Dr. Cisneros then explained that this Ordinance is very important because it authorizes the City to enter into agreements with the Cities of Alamo Heights and Olmos Park, and the San Antonio River Authority. These agreements will allow the River Authority to perform engineering studies to determine the best vehicular routing across the Olmos Basin on the premise that overall stabilization work on the Olmos Dam will require the removal of the existing roadway. The study is a necessary requisite to receiving

Economic Development Administration assistance with the Olmos Dam's rehabilitation. He urged the Council to approve the Ordinance.

Mayor Cockrell also commented on the importance of this Ordinance.

On roll call, the motion, carrying with it the passage of the Ordinance, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

77-23 The Clerk read the following Ordinance:

AN ORDINANCE 47,982

ABOLISHING TEN POSITIONS OF POLICE OFFICER
IN THE POLICE DEPARTMENT.

* * * *

In response to Mayor Cockrell, City Manager Huebner explained that, in the Police Department, personnel are covered by Article 1269m of the Texas State Statutes. It has one provision which requires that no vacancy can be left unfilled longer than 90 days. Therefore, to avoid having to fill these vacancies, and to maintain the Police budget, an ordinance is periodically passed to simply eliminate the vacant positions. This ordinance provides for the abolition of the ten Police Officer positions.

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

77-23 The Clerk read the following Ordinance:

AN ORDINANCE 47,983

AUTHORIZING THE CITY MANAGER TO SUBMIT TO THE
U. S. DEPARTMENT OF LABOR A GRANT APPLICATION
IN THE AMOUNT OF \$600,000 FOR THE EMPLOYMENT
AND TRAINING PROGRAM OF THE SPECIAL SEGMENT:
WOMEN UNDER TITLE III OF THE COMPREHENSIVE EM-
PLOYMENT AND TRAINING ACT (CETA) OF 1973.

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Mr. Pyndus stated that he had written a memo to the City Manager asking him to investigate the use of vocational schools or colleges to perform this task and, perhaps, making it possible to train more women at less cost. He further stated that he would prefer this information prior to the expenditure of more funds.

Mr. Sam Dominguez, Manpower Program Director, explained that this is the application which the Council directed the staff to submit to the Department of Labor to help offset the lay-off of the Farah workers. He stated that the City does not have an agency designated as yet. The staff will come back to Council with a recommendation of the type of job, length of training and so on. This is just the application.

On roll call, the motion, carrying with it the passage of the Ordinance, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

77-23 The following Ordinance was read by the Clerk and after consideration, on motion of Dr. Cisneros, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 47,984

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE TITLE AND TEMPORARY CONSTRUCTION EASEMENTS TO CERTAIN PRIVATELY OWNED REAL PROPERTY SITUATED IN SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE, TO-WIT: THE LOCATION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, RELOCATION, REPAIR AND MAINTENANCE OF PUBLIC FACILITIES DESIGNATED THE WEIR AVENUE DRAINAGE PROJECT; AND DIRECTING THE CITY ATTORNEY TO INSTITUTE AND PROSECUTE TO CONCLUSION CONDEMNATION PROCEEDINGS TO ACQUIRE RIGHT OF WAY THAT CANNOT BE ACQUIRED BY NEGOTIATION.

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77-23 The following Resolution was read by the Clerk and after consideration, on motion of Mr. Pyndus, seconded by Mr. Hartman, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

A RESOLUTION
NO. 77-23-34

ENDORING AND SUPPORTING LEGISLATION TO ASSIST SMALL AND MINORITY BUSINESSES IN OBTAINING STATE CONTRACTS.

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77-23 The Clerk read the following Resolution:

A RESOLUTION
NO. 77-23-35

ENDORING AND SUPPORTING LEGISLATION PERMITTING POLITICAL SUBDIVISIONS TO DEVELOP EMPLOYMENT OPPORTUNITIES BY ISSUING INDUSTRIAL REVENUE BONDS.

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Mr. Pyndus moved the adoption of the Resolution.
Mr. Hartman seconded the motion.

Mr. Karl Wurz read a prepared statement to the Council in opposition to the passage of the Resolution. (A copy of Mr. Wurz' statement is filed with the papers of this meeting.)

Dr. Cisneros spoke in favor of the Resolution. He explained that a Task Force on Economic Development had been set up during the last Council term. He stated that this Resolution supports HB 1990 and HJR 101 which would allow cities to issue industrial revenue bonds. These bonds would allow a city to promote new employment opportunities by providing land, buildings, and equipment to new industries locating in the city. He urged approval of the Resolution.

Mayor Cockrell stated that the City of San Antonio would be highly selective with the use of these revenue bonds in each instance.

Mr. Hartman also spoke in favor of the Resolution.

On roll call, the motion, carrying with it the passage of the Resolution, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

77-23 The Clerk read the following Resolution:

A RESOLUTION
NO. 77-23-36

ENDORISING AND SUPPORTING LEGISLATION ALLOWING
POLITICAL SUBDIVISIONS TO USE TAX INCREMENT
FINANCING IN ECONOMIC DEVELOPMENT PROJECTS.

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After consideration, Mr. Pyndus moved to approve the Resolution. Mr. Steen seconded the motion.

Mr. Stanley Rosenberg, representing the Chairman of the Governmental Affairs Council of the Greater San Antonio Chamber of Commerce, urged the City Council to approve the proposed Resolution. He said that this Resolution would allow cities to use tax-incremental financing. He said that this would aid in the redevelopment of the downtown area. He urged the Council to approve the Resolution.

On roll call, the motion, carrying with it the passage of the Resolution, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

77-23 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 47,985

ACCEPTING THE LOW QUALIFIED BID OF JOE A. LEMMONS TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH BUTYL TUBING FOR A TOTAL OF \$6,730.00, LESS 10% - 30 DAYS.

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AN ORDINANCE 47,986

ACCEPTING THE PROPOSAL OF NATIONAL GEOGRAPHIC SOCIETY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH FILMSTRIPS AND CASSETTES FOR A TOTAL OF \$4,780.50.

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77-23 The Clerk read the following Ordinance:

AN ORDINANCE 47,987

ACCEPTING THE PROPOSAL OF AUTOMATIC SIGNAL DIVISION TO FURNISH THE CITY OF SAN ANTONIO TRAFFIC & TRANSPORTATION DEPARTMENT WITH TRAFFIC SIGNAL CONTROL EQUIPMENT FOR A TOTAL OF \$60,295.00.

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

Mr. Hartman asked that the City Manager set us a "B" Session to discuss priorities for the evaluation of this traffic signal equipment.

77-23 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Pyndus, seconded by Mr. Webb, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 47,988

ACCEPTING THE HIGH QUALIFIED BID OF C & S TREE SERVICE TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH A CONTRACT FOR PECAN TREE SPRAYING AND HARVESTING AT CITY PARKS AND GOLF COURSES WITH THE CITY TO RECEIVE 26.5% OF GROSS RECEIPTS OF PECAN SALES, LESS AMOUNTS EXPENDED FOR SPRAY MATERIALS.

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77-23 The Clerk read the following Ordinance:

AN ORDINANCE 47,989

ACCEPTING THE PROPOSAL OF FROST NATIONAL BANK TO ACT AS THE DEPOSITORY AND FISCAL AGENT FOR THE CITY, AND TO LEND MONEY TO THE CITY DURING THE FISCAL YEARS BEGINNING AUGUST 1, 1977 AND ENDING JULY 31, 1979.

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In response to Mayor Cockrell, City Manager Huebner stated that the City's bank accounts are so large that they cannot be handled solely by one bank. The primary contract is for \$70,000,000 and, in response to the City's request for bids, bids were received from Frost Bank and the National Bank of Commerce. The other portion of the funds are dealt with by the smaller banks. This bid has already been awarded. The staff has recommended that the bid from Frost Bank be accepted.

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

77-23

RESOLUTION ON THE PROTECTION OF THE STATE'S GROUNDWATER RESOURCES

The Clerk advised the Council that an add-on Resolution was prepared urging passage of H.S.R. 31 providing for a Legislative Committee to study needed legislation for protection of the State's groundwater resources.

Mayor Cockrell asked that this be discussed at the "B" Session prior to voting on its passage.

Mr. Hartman stated that this Resolution is a follow-up on an earlier Resolution which had previously been approved by the City Council on March 17, 1977.

The following discussion then took place:

MR. GLEN HARTMAN: If I may, Madam Mayor, I can just very briefly explain what the intent of this is. I believe it was on the 17th of March, this Council--the 17th of March of this year--the Council passed a Resolution supporting legislation to provide for an interim period study of matters pertaining to the Edwards Aquifer. We stated the fact that the Metcalf and Eddy Study was in progress and the fact that the results of that study and others, perhaps, should be reviewed to see what additional legislation may be required to properly address the problem of polluting the Edwards Aquifer.

It also addressed the matter of withdrawal of water from the Edwards without any control whatsoever.

Since that passage of that Resolution on the 17th of March--which I had a copy of and which I think I cannot find here before me--but since the passage of that Resolution there has been introduced a H.S.R. 31 by Representative Ron Bird which would provide for this specific type of interim study. Among other things, it would provide for the exploration of the need for control of groundwater legislation. As we're probably aware in the State of Texas, there is absolutely no legislation pertaining to ground water. We operate by the old English rule, "the right of capture." If you have a square foot of ground, then you can drill a hole, take the water from it and send it anywhere you want to. Inasmuch, as we are...our sole source of water is the Edwards Aquifer, and, inasmuch as the water is being taken from the Edwards that is not being used by people adjacent to the Edwards Aquifer, there has been some thought that we at least need to look at the need for, and the prospects of, legislation for control of groundwater, and this would be one of the areas to be explored during this interim study period and that, basically, is what the Resolution deals with, Madam Mayor, H. S. R. 31. It is in support of that bill which is up for debate in the Texas House and, which as I mentioned earlier, was introduced by one of our legislators, Representative Ron Bird. So I would move for its adoption.

DR. CISNEROS: Second.

MAYOR COCKRELL: it has been moved and seconded. I do want to point out this one area, since I serve as an ex officio member of the Water Board, that has been a matter of concern to the Water Board and that is, particularly, the area of groundwater legislation. I think, quite obviously, we would be in favor of groundwater legislation if it turns out that it protects and benefits the City of San Antonio and that we protect our right to withdraw for now and the foreseeable future. There has been some concern relative to the manner in which such groundwater might be allocated, and I think this is the only area of concern, and as to whether or not there should be any tendency to relate it to the ownership of the land immediately above the Aquifer. And, so this is one area where there has been concern, and I know you are aware of this. Mr. Hartman, do you want to comment on that?

MR. HARTMAN: The thing is, and I agree with you, that it would be a matter of concern, which has been discussed by the City Water Board, also during earlier committee meetings of this last Council and also with Representative Bird. This study proposal, this H.S.R. Resolution, study provision would merely provide for the accumulation of information pertaining to ground water legislation. It would not actually--it would not actually preclude the alternatives that could logically be necessary on groundwater control legislation. It would simply be to develop some data which, unfortunately, now we don't have in Texas and that would be the purpose of H.S.R. 31.

MAYOR COCKRELL: Mr. Steen.

MR. JOHN STEEN: Mayor, I don't understand Mr. Hartman. Have you read this H.S.R. 31?

MR. HARTMAN: Yes, I have read it. I think copies were passed out to the Council earlier and, I think, perhaps, I would certainly be

amenable, Madam Mayor, to discussing this further during the "B" Session. I was not trying to head that off, I was merely trying to explain what I could about what it provides.

MR. STEEN: Right, well I appreciate that, Mr. Hartman, because I would like to look at the bill before we pass on it here in the City Council Meeting and see what it contains because I have never seen the bill, and I don't know what it is all about and I would like to read it over and maybe we could talk about it in the "B" Session and then bring it up for a vote. Is the City Water Board in favor of passage of this bill? Do you know?

MAYOR COCKRELL: We could ask the Executive Director to come over or the Legal Counsel to come over. They, as I have pointed out, that the Water Board has had some serious concern, I guess, fearful that there might be a correlation between the land ownership and the allocation of the water which would not work to the advantage of San Antonio, and so I just report that to you as an area where there has been past concern.

MR. PHIL PYNDUS: I would concur with Councilman's Steen's approach, Mayor. I think that the intent is good, but I think the substance of of that bill should be explained and I would like...

MAYOR COCKRELL: If it is agreeable then, we will...we will be recessing the "A" Session anyway because the Citizens to be Heard is at one o'clock, and we could discuss it in our "B" Session and then come back and act on it during the day, at a later time, after we have discussed it in the "B" Session.

MR. PYNDUS: Mayor, we had set the "B" Session at 2 o'clock, and I am wondering if I can request the "B" Session to start after a 15-minute break because we have some time and we finished early. Is that permissible?

MAYOR COCKRELL: It was my intent that we would start immediately, or after a short recess, to conserve the time of the Council members. There will not be many days when we are in the happy position of having completed our business so speedily. But since we have today, we will then have a brief recess and then reconvene in "B" Session and then we will be coming back at 1 o'clock for Citizens to be Heard and the balance of the "A" Session.

CITY MANAGER TOM HUEBNER: You want us to reconvene at a quarter to ten in the "B" Room.

MAYOR COCKRELL: All right, is there any further business. We did have a motion and a second on the Resolution. May we have a motion to postpone until the afternoon session?

MR. PYNDUS: So moved.

MR. STEEN: Seconded.

MAYOR COCKRELL: We have a motion and a second to postpone consideration of the Resolution until the afternoon session.

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

NAYS: None.

ABSENT: None.

MAYOR COCKRELL: The matter is postponed until the afternoon session. We are now in recess.

77-23 The meeting was recessed at 9:30 A.M. and reconvened at 1:00 P. M.

CITIZENS TO BE HEARDMR. KARL WURZ

Mr. Karl Wurz read a prepared statement to the Council regarding the many issues he has presented in previous appearances to the Council since May of 1974. He then asked the new City Council not to follow the staff's recommendations blindly. (A copy of Mr. Wurz' statement is filed with the papers of this meeting.)

MR. E. L. RICHEY

Mr. E. L. Richey spoke of the many dangers faced by pedestrians and stated many of his personal incidents. He also stated that speed limits are not enforced.

Mayor Cockrell asked the City Manager to review the current laws affecting pedestrians.

MS. ADELA NAVARRO

Ms. Adela Navarro welcomed the new Council members and pledged her support to the Council.

MR. RAUL RODRIGUEZ

Mr. Raul Rodriguez stated that the Council members had been elected from within the City limits and City employees should also be required to live within the City limits. He objected to many City employees not having to pay City taxes. He asked the City Council to rescind Ordinance 35501 and require all employees of the City to live within the City limits.

Mayor Cockrell mentioned that the staff had been instructed to make a report on this matter.

City Manager Huebner stated that the staff is in the process of completing the report.

Mayor Cockrell asked the City Manager to bring back to the City Council as part of his report his recommendations on current policy versus previous policy.

In response to Mr. Ortiz, City Attorney Parker stated that outside of Fire and Police who have collective bargaining, the City can require City employees to live within the City limits.

In response to Mayor Cockrell, City Attorney Parker explained how the Ordinance could be written so as to include "grandfather" clauses, etc.

After discussion, Mayor Cockrell asked that the City Manager present a report and his recommendations to the Council on this matter as soon as possible.

MR. H. GORDON DAVIS

At the request of Council members, Mr. Davis' presentation to the Council is included verbatim in the minutes:

MR. H. G. DAVIS: Madam Mayor, Council members, my name is Herbert Gordon Davis. I am an attorney. I have some observations regarding appointments to the Zoning Commission, Planning Commission, Zoning Board of Adjustment and Board of Equalization. My pertinent background includes service as Attorney for the City staff in the aforementioned boards and commissions. I later served as one of the three board members of the Board of Equalization. Throughout the years

since I left employment in the City, I have represented clients before those boards and commissions. I will refer to the boards and commissions as boards.

The objective of each board is to fulfill its assigned function with competency and fairness. It is appropriate that the persons having an interest in the proceedings should have a proper opportunity to be heard and, hopefully, that all parties be treated with courtesy and consideration. I can say that the boards and commissions get good scores on courtesy and providing a reasonable opportunity to be heard; but, that is not enough. The boards must do a good job considering the fact that they consist of citizens who are non-professionals. Still further, they must perform with fairness and impartiality and they, additionally, must do everything possible to have the confidence of the public in their fairness and impartiality.

I have two recommendations. My first recommendation relates to the needs of the board members for competent assistance from the City staff. Parenthetically, when I say competent assistance for the boards, I do not mean to suggest the hiring of outside individuals, whether attorneys or otherwise. I think all such professionals should be on the City payroll and, most certainly, that applies to the attorneys. The boards need careful and full orientation and briefing. They need continuing guidance from administrative staffs. From my knowledge, the staff of the Zoning Commission does a superior job. They are courteous, prompt, professional. All of the boards particularly need the guidance of the City Attorney's staff. One of the weakest links now existing is the continuing failure of the City Attorney's staff to competently assist the boards and assist at the board meetings. Laws, policies, and procedures relating to boards are highly specialized. Additionally, this is not a very glamorous type of legal service. But, it is important and it is important that the City Attorney's staff have the kind of people adequately qualified to serve the need and to be there and to have the kind of temperament as should the professional staff and the board that will allow them to advocate the citizen's position because their employment is on behalf of the citizens of the City of San Antonio; just as readily as they would advocate the position, if proper, of the staff member, City Council member, or City Manager. The boards want to know what their authority and responsibility is. The City Attorney can be very helpful if he is knowledgeable and interested.

Now, to my second and most important recommendation. I am convinced that it is of the highest importance to name to the stated boards, citizens who are not in a position of personal gain with regard to the matters that come before them. I submit that the Zoning Commission, Planning Commission and Board of Adjustment do not need expertise of any particular calibre to serve as board members compared to the need to have public confidence in what they do. I recommend that certain categories of individuals be excluded from appointment to those specific boards. It would be difficult to work out guidelines in the brief moments allowed me. I suggest, however, consideration that certain groups such as lawyers, title company executives, architects, surveyors, engineers and real estate men be eliminated from consideration for those boards. In the case of the professionals I have just named, I am referring to those in general practice. I do not object to consideration of professional people who work for the government or, in some cases, even for private industry. The apparent place to make an exception might be the Board of Equalization. But, in order to start with a clean slate, I would recommend that all of the above named be excluded from consideration for the Board of Equalization as well as for matters involving zoning, planning and variances. I think the biggest contribution this Council could make to public confidence in boards is to follow the guidelines of my last recommendation. If my first stated recommendation about assisting them and giving them legal guidance are accepted, then even those board members who are not highly skilled can do the job. I hope that I have been helpful and I thank the Council for its courteous attention to my remarks.

MAYOR COCKRELL: Thank you, Mr. Davis. Mr. Hartman.

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MR. HARTMAN: I would like to state that that is one of the most substantive presentations I have ever heard on the Council, and I thank you for it. Both parts of it are very, very pertinent. One is the support to the boards and commissions which has been of concern, I think from time to time. And I think the second aspect, that is in effect what you are saying, is conflict of interest. Would you feel that, if the City had a good, sound conflict of interest ordinance, could perhaps accomplish what you are wanting to do with your second...

MR. DAVIS: No.

MR. HARTMAN: You do not think so.

MR. DAVIS: No, my problem is that when I have a client who is looking for a surveyor or a title company or an architect, and we are going to have variances and zoning matters before the City--subdivision, plat matters before the City, I am compelled to take it into consideration for him, and I think it would be much healthier if people who are in title companies and surveying because, in many cases, there is no direct conflict of interest. You can't keep them from doing business in one case or another and the fact that they don't vote which is the usual procedure--the buddy system is still there...the fact that they don't vote because they need affirmative votes, it's still there.

MR. HARTMAN: That leads to two questions that I have. Number one with regard to--are you saying, in effect, conflict of interest then it would actually extend into conflict of propriety. I guess that what you are saying, if you are to exclude...

MR. DAVIS: Like Caesar's wife...

MR. HARTMAN: Perhaps...

MR. DAVIS: I think that would be in order.

MR. HARTMAN: O'k, now I am wondering...the next question is whether, and you as an attorney and perhaps our City Attorney could both answer this, and I would be interested in having two attorneys' opinions at the same time. The matter of excluding certain categories--how that would stand up in court.

MR. DAVIS: No legal problem.

CITY ATTORNEY PARKER: There is no legal problem whatsoever because the Council appoints who they want to and there is no--that is the prerogative of the Council itself.

MR. HARTMAN: If you made it a matter of policy of exclusion of those categories, there would be no legal problem.

CITY ATTORNEY PARKER: It would still be...it is still your own prerogative who you want to appoint and I don't think there is a court anywhere that could mandamus you to appoint some specific category unless it was a part of the requirement of the set-up, say like, some statutes require that you have certain types of people or certain people in certain categories appointed. You have to follow within those guidelines, but where there are no statutory guidelines that say that you have to expressly appoint, you could appoint 12 newspaper... there...or, say nine newspaper reporters to a committee, there would be nothing illegal about that.

MR. HARTMAN: Oh, heaven help us.

CITY ATTORNEY PARKER: As long as...

MR. HARTMAN: I would like very much to see us follow up on this.

MAYOR COCKRELL: Thank you very much. You have made some very substantive suggestions here and I think the Council members are quite interested in your comments. Dr. Cisneros.

DR. CISNEROS: Would it be possible to get a written copy of...either you or the City Clerk could see that we get individual written copies of your remarks.

MR. DAVIS: I would be very happy to.

MR. WALTER PARK

Mr. Walter Park spoke representing Mr. Franklin Keilmann, high bidder on the City's wrecker contract. He said that the Council had rejected all bids, and that his client's high bid had been exposed.

Mayor Cockrell reviewed the minutes of last week's Council Meeting on the subject for the new Council members.

After discussion, Mayor Cockrell advised Mr. Park that the bids were no longer pending and the question had been settled by the last Council. She asked Mr. Park to contact the City Attorney about the criteria for the new bids because the process had begun for rebidding.

77-23 At this point in the meeting, consideration of the Resolution first discussed on Page 11 of these minutes took place.

The Clerk read the following Resolution:

A RESOLUTION
NO. 77-23-37

URGING PASSAGE OF H.S.R. 31 PROVIDING FOR
A LEGISLATIVE COMMITTEE TO STUDY NEEDED
LEGISLATION FOR PROTECTION OF THE STATE'S
GOUNDWATER RESOURCES.

* * * *

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

77-23

SURFACE WATER DISCUSSION

Dr. Cisneros asked if City staff would schedule a "B" Session discussion on surface water as soon as possible.

Mr. Hartman stated that a memorandum was sent to staff three weeks ago addressing three aspects of the problem.

- 1) The option of Canyon water--the possibility of the City going directly for a permit;
- 2) The necessary action needed in order to re-start the Cibolo Project again;
- 3) Staff response and the feasibility of the Planning Commission's development of a Water Master Plan.

City Manager Huebner stated that staff is working on this and will report back to the Council.

Mayor Cockrell stated that the City Council needs to adopt a set of goals and objectives and suggested that the Council set up a work session. She also mentioned the reactivation of the Council's Planning and Policy Objective Committee.

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Mr. Hartman mentioned three areas of concern where Council subcommittees could perhaps be utilized:

- 1) A policy objectives or priorities;
- 2) Need for Council to work with management on fiscal matters--a committee on fiscal policy;
- 3) A committee to look at economic development aspects of the community.

Dr. Cisneros suggested that the Council first work as a whole in work session to define priorities and goals and after that establish individual subcommittees.

City Manager Huebner stated that he had experience relative to this subject and would get some material for the Council in next week's packet.

77-23

BOARDS AND COMMISSIONS BOOK

Councilman Pyndus asked the staff for a report on the Boards and Commissions relative to outdated boards with a view toward revising some of these boards.

City Clerk Jackson stated that the City Clerk's staff is working on bringing the Board Book up to date and will have this ready for Council for next week's packet.

Mr. Eureste asked for a breakdown by district of the membership of the Board and Commission Book.

Staff was instructed to prepare the necessary information for Councilman Eureste.

77-23

The Clerk read the following letter:

April 29, 1977

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

Madam and Gentlemen:

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

April 26, 1977

Petition submitted by Mr. Ovidio G. Lopez and his wife, Rosa B. Lopez, requesting the City of San Antonio to improve approximately 200' on McArthur Avenue.

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

* * * *

There being no further business to come before the Council, the meeting was adjourned at 2:10 P. M.

A P P R O V E D

Lila Cockrell
M A Y O R

ATTEST:

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

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