

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, FEBRUARY 5, 1987.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Henry Cisneros, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, VERA, HARRINGTON, LABATT, HASSLOCHER, CISNEROS. Absent: NONE.

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87-06 The invocation was given by Reverend Eddie Bernal, Assumption Seminary.

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87-06 The 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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87-06 DEPUTY POLICE CHIEF EDWARD M. FORESMAN

Mayor Cisneros spoke of the recent passing of Deputy Police Chief Edward M. Foresman and introduced members of his family and friends present in the audience. The Mayor then read the following Resolution of Respect:

A RESOLUTION 87-06-04

WHEREAS, Three full decades of unselfish public service with the San Antonio Police Department came to a close for Deputy Police Chief Edward M. Foresman on Friday, January 22, 1987, and

WHEREAS, fully half of Chief Foresman's service to San Antonio involved command of the two largest divisions of the Police Department, the 600-person Patrol Division and the Administration Division, and

WHEREAS, a record of outstanding achievement elevated him through the ranks of the Police Department throughout his 30-year career, bringing him into final command

of the Investigation Division, and

WHEREAS, his ability to lead by quiet example was a hallmark of not only his police career, but his life, as well, a trait that will be sorely missed by the people of San Antonio, who have lost a true and valuable public servant and close friend;
NOW, THEREFORE:

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

SECTION 1. That with the death of Deputy Chief Edward M. Foresman, the City of San Antonio has lost a valuable asset to its past, present and future.

SECTION 2. That this City Council joins with his family and friends in their sorrow over his death, and extends its sincerest sympathy and prayer of comfort to those who were near him.

SECTION 3. And it is hereby directed that a copy of this Resolution be spread upon the minutes of this meeting and a copy thereof be presented to his family as a token of our deepest sympathy.

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Mrs. Dutmer made a motion to approve the proposed Resolution. Mr. Hasslocher seconded the motion.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Berriozabal, Webb.

Mayor Cisneros and members of the City Council then presented the Resolution of Respect to Mrs. Foresman and extended their own personal condolences in his passing.

87-06

MS. AARONETTA PIERCE

Mayor Cisneros spoke of the success of the Martin Luther King Day

celebration held recently in San Antonio and of the prestigious persons who attended the local celebration. He then lauded Ms. Aaronetta Pierce for chairing the entire operation and he then read the following citation:

IN SINCERE APPRECIATION FOR OUTSTANDING SERVICE TO THE COMMUNITY AS CHAIRPERSON AND MEMBER OF THE CITY/COUNTY COMMISSION FOR THE 1987 MARTIN LUTHER KING, JR. BIRTHDAY CELEBRATION.

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Mayor Cisneros and members of the City Council then jointly presented the citation to Ms. Pierce and individually offered their congratulations to her for her fine work.

Ms. Pierce thanked the Mayor and Council for the honor and noted that the many volunteers who worked and marched should also be recognized. She then spoke of the inspiration of Dr. Martin Luther King and singled out several San Antonio persons for their individual efforts. She especially thanked Ms. Teree Caldwell-Johnson for coordinating city staff efforts and asked that she be recognized by the city for her work.

Mayor Cisneros then spoke of Ms. Caldwell-Johnson's background.

Mr. Webb thanked Ms. Pierce and Ms. Caldwell-Johnson for their outstanding work and spoke of the impact of all of the volunteers involved.

Councilmembers Martinez, Dutmer and Berriozabal each recalled individual significant events of the celebration and thanked Ms. Pierce and Mrs. Caldwell-Johnson for their work.

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JOHNNY BUSH AND DARRELL MCCALL
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Mayor Cisneros spoke of the involvement of Country music performers Johnny Bush and Darrell McCall in San Antonio's Stock Show and Rodeo and he introduced the two along with the Bexar County Clerk Bob Green who accompanied them to the City Council meeting today. The Mayor then spoke of the individual backgrounds of Mr. Bush and Mr. McCall, and presented each with an Emisario de Las Musas.

Mayor Cisneros and the City Council presented official San Antonio books and belt buckles in addition to the Emisarios to Mr. Bush and Mr. McCall.

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Mr. Hasslocher asked Mr. Bush's daughter and granddaughter to join the honorees at the podium.

Mr. Bush noted that both he and Mr. McCall both live in San Antonio by choice and he on behalf of Mr. McCall thanked the Mayor and Council for the honor. He then presented to the Mayor the new album recorded by himself and Mr. McCall.

Mr. McCall and Mr. Bush then discussed their songs and their individual backgrounds in music and spoke of the performance schedule of the upcoming Stock Show and Rodeo.

87-06

HENRY VALADEZ

Mayor Cisneros spoke of the events of January 16, 1987 and of Mr. Henry Valadez' role in those events speaking of his courageous instincts. The Mayor then read the following citation:

IN RECOGNITION OF THE QUICK THINKING AND DETERMINATION OF HENRY VALADEZ IN PURSUING THE DRIVER OF A HIT-RUN DEATH CAR AND AIDING IN HIS CAPTURE BY POLICE.

ON JANUARY 16, 1987, MR. VALADEZ OBSERVED AN UNLIGHTED AUTOMOBILE SPEED PAST HIM ON FREDERICKSBURG ROAD, CRASH INTO ANOTHER AUTOMOBILE CROSSING THE DE CHANTLE ROAD INTERSECTION, CAREEN INTO ANOTHER AUTOMOBILE, THEN FLEE THE SCENE AT A HIGH RATE OF SPEED. DISREGARDING HIS OWN SAFETY, MR. VALADEZ GAVE PURSUIT INTO BALCONES HEIGHTS, AT THE SAME TIME NOTIFYING THE KENS-TV NEWSROOM AND ASKING FOR POLICE ASSISTANCE. WHEN THE DEATH CAR SMASHED INTO A TRAFFIC SIGN AT GILL ROAD, MR. VALADEZ PULLED HIS VAN BEHIND THE AUTO, BLOCKING ITS ESCAPE UNTIL BALCONES HEIGHTS OFFICERS ARRIVED ON THE SCENE TO MAKE THE ARREST.

THE CITY COUNCIL, ON BEHALF OF A GRATEFUL CITIZENRY, OFFICIALLY COMMENDS MR. VALADEZ AND EXPRESSES ITS SINCERE APPRECIATION.

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Mayor Cisneros and members of the City Council then presented the citation to Mr. Valadez and offered their individual congratulations. The members of the audience then joined the City Council in a round of applause for Mr. Valadez' deed.

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Mr. Valadez then briefly outlined the sequence of events that took place on the night of January 16th.

Mr. Thompson thanked Mr. Valadez for his courageous efforts.

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87-06

BILINGUAL EDUCATION WEEK

Mayor Cisneros introduced Ms. Ninfa Gamez Poole as well as other members of her staff of the San Antonio Area Foundation for Bilingual Education present in the audience and read the citation designating Bilingual Education Week in San Antonio.

Mayor Cisneros then presented the proclamation to Ms. Poole.

Ms. Poole thanked the Mayor and Council for their individual and collective support and for this award.

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87-06 The minutes of the regular City Council Meeting of January 22, 1987 were approved.

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87-06 CONSENT AGENDA

Mrs. Dutmer made a motion to approve Agenda Items #5 - 35, constituting the Consent Agenda, with the exception of Items #13, 14, 19 and 24, which were pulled for individual consideration. Mr. Harrington seconded the motion.

Agenda Item #18 was previously pulled from consideration by the City Manager.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Cisneros; NAYS: None; ABSENT: Hasslocher.

AN ORDINANCE 64,446

ACCEPTING THE LOW BID OF ISCO, INC., TO FURNISH THE CITY OF SAN ANTONIO ENVIRONMENTAL MANAGEMENT DEPARTMENT WITH WASTEWATER SAMPLERS FOR A TOTAL OF \$9,710.00.

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AN ORDINANCE 64,447

ACCEPTING THE LOW BID OF STEWART & STEVENSON SERVICES, INC., FOR THE REPLACEMENT OF A TRANSMISSION ON A FIRE PUMPER FOR THE CITY OF SAN ANTONIO FIRE DEPARTMENT FOR A TOTAL OF \$9,950.00.

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AN ORDINANCE 64,448

ACCEPTING THE BID OF THE TRANE COMPANY TO MAKE EMERGENCY REPAIRS TO THE AIR CONDITIONING SYSTEM FOR THE CITY OF SAN ANTONIO POLICE DEPARTMENT FOR A TOTAL OF \$8,414.75.

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AN ORDINANCE 64,449

ACCEPTING THE LOW QUALIFIED BID OF RANCHO SOLEDAD NURSERY TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH PLANT MATERIAL FOR THE CONSERVATORY FOR A TOTAL OF \$5,053.00.

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AN ORDINANCE 64,450

EXERCISING THE CITY'S BUY-OUT OPTION, RESELLING, AND EXTENDING THE LEASES OF COMPUTER DISK DRIVES WITH CHICORP FINANCIAL SERVICES AND CMI.

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AN ORDINANCE 64,451

ACCEPTING THE LOW QUALIFIED BID OF NATIONAL ADVANCED SYSTEMS TO FURNISH THE CITY OF SAN ANTONIO INFORMATION RESOURCES DEPARTMENT WITH A DIRECT ACCESS STORAGE SUBSYSTEM FOR A TOTAL OF \$19,036.00.

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AN ORDINANCE 64,452

ACCEPTING THE LOW QUALIFIED BIDS OF LOPC, MARSHALL CLEGG, PAUL ANDERSON COMPANY, SMITH OFFICE FURNITURE, WITTIG'S OFFICE INTERIORS AND WILSON

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BUSINESS PRODUCTS TO FURNISH THE CITY OF SAN ANTONIO WITH OFFICE FURNITURE IN THE BASEMENT AND FIRST FLOOR OF CITY HALL FOR A TOTAL OF \$35,433.92.

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AN ORDINANCE 64,453

AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH LANDCORP-BECHTOL, HOFFPAUIR AND EHRLER, INC., KIRBY GRIFFITHS AND ASSOCIATES, INC., BURLESON/RUSSELL, INC., AND EPSEY HUSTON AND ASSOCIATES, INC., FOR PLANNING AND DESIGNING THE SOUTHSIDE MUNICIPAL GOLF COURSE, IN THE AMOUNT OF \$166,250; AUTHORIZING \$30,000 FOR CONTINGENCIES: AND AUTHORIZING PAYMENT.

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AN ORDINANCE 64,454

ACCEPTING THE PROPOSAL OF MILTON BABBITT & PARTNERS DATED JANUARY 7, 1987, IN THE AMOUNT OF \$6,790.00 TO PROVIDE ARCHITECTURAL DESIGN FOR THE EASTSIDE MULTI-SERVICE CENTER ROOF REPLACEMENT PROJECT.

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AN ORDINANCE 64,455

AUTHORIZING FIELD ALTERATION NO. 14 ON THE SAN ANTONIO RIVER NUEVA STREET DAM, MARINA AND BRIDGE PROJECT, IN THE AMOUNT OF \$21,953.29, FOR ADDITIONAL ELECTRICAL AND EXTERIOR WORK OMITTED FROM THE PROJECT PLANS.

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AN ORDINANCE 64,456

APPROPRIATING \$2,000.00 FROM THE PEDESTRIAN ACCESS PROGRAM - COUNCIL DISTRICT 6 FOR DRAINAGE RELIEF ALONG THE WEST SIDE OF ACME ROAD BETWEEN OLD HIGHWAY 90 WEST AND COMMERCE STREET; AND APPROPRIATING \$600.00 FROM THE PEDESTRIAN ACCESS PROGRAM - COUNCIL DISTRICT 6 FOR THE PINN OAK BAPTIST DRIVE APPROACH REPAIR PROJECT.

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AN ORDINANCE 64,457 .

AUTHORIZING CITY PUBLIC SERVICE TO INSTALL, OPERATE,
AND MAINTAIN ELECTRIC DISTRIBUTION AND SERVICE LINES
ON THE BITTERS ROAD FIRE STATION PROPERTY.

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AN ORDINANCE 64,458 .

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$19,775.00
OUT OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF
ACQUIRING TITLE AND/OR EASEMENTS TO CERTAIN LANDS
AND FOR PAYMENT OF APPRAISAL FEES; ALL IN CONNECTION
WITH CERTAIN RIGHT-OF-WAY PROJECTS.

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AN ORDINANCE 64,459 .

AUTHORIZING THE PURCHASE OF THE HELICOPTER LIABILITY
AND HULL DAMAGE INSURANCE FOR THE PERIOD JANUARY 20,
1987 TO JANUARY 20, 1988, IN THE AMOUNT OF
\$80,331.00.

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AN ORDINANCE 64,460 .

APPROPRIATING FUNDS AND AUTHORIZING PAYMENT TO
SOUTHWEST RESEARCH INSTITUTE FOR LABORATORY SERVICES
IN THE AMOUNT OF \$25,960.00.

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AN ORDINANCE 64,461 .

AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTION
CONTRACT WITH THE SOUTHSIDE INDEPENDENT SCHOOL
DISTRICT.

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AN ORDINANCE 64,462 .

ACCEPTING GRANT FUNDS FROM THE TEXAS DEPARTMENT OF
PUBLIC SAFETY - DIVISION OF EMERGENCY MANAGEMENT,
DURING THE FISCAL YEAR 1986 THROUGH 1987.

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AN ORDINANCE 64,463

AMENDING THE AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO APPROVED BY ORDINANCE 62498 TO PROVIDE THE FIRE DEPARTMENT EMERGENCY MEDICAL SERVICES DIVISION WITH MEDICAL ASSISTANCE AND TRAINING.

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AN ORDINANCE 64,464

AMENDING ORDINANCE NO. 58954 OF JUNE 28, 1984 TO AUTHORIZE EXPENDITURE OF PRIOR APPROPRIATED MONIES FROM VARIOUS SOURCES TALLING \$20,294.35 PAYABLE TO MDC SYSTEMS CORP. FOR CONSTRUCTION CLAIMS ANALYTICAL SERVICES PROVIDED TO THE CITY OF SAN ANTONIO IN RESOLUTION OF CONSTRUCTION LITIGATION PURSUANT TO CITY COUNCIL ACTION BY AND THROUGH ORDINANCE NO. 63457 OF AUGUST 14, 1986.

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AN ORDINANCE 64,465

ESTABLISHING A MAINTENANCE FUND FOR BASIC REPAIR AND GROUNDS SERVICE.

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AN ORDINANCE 64,466

APPROVING PRICE AND CONDITIONS OF SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF CERTAIN SINGLE-FAMILY RESIDENTIAL LOTS IN COLONIA AMISTAD COMMUNITY DEVELOPMENT PROJECT LOCATED WITHIN THE BOUNDARIES OF THE NEIGHBORHOOD DEVELOPMENT PROGRAM, TEX. A-8.

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AN ORDINANCE 64,467

REINSTATING FIVE (5) DAYS OF SICK LEAVE CHARGED TO POLICE OFFICER LARRY BODIFORD.

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AN ORDINANCE 64,468 .

AUTHORIZING REIMBURSEMENT TO NATIONAL LEAGUE OF CITIES FOR \$95,001.34 OF EXPENSES RELATED TO AUDIO-VISUAL EQUIPMENT AND SET-UP OF EQUIPMENT FOR CONFERENCE SESSIONS; AND ESTABLISHING A BUDGET FOR THE NLC CONFERENCE TRUST FUND.

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AN ORDINANCE 64,469 .

AUTHORIZING PAYMENT TO CATERING BY ROSEMARY FOR SERVICES RENDERED DURING THE NATIONAL LEAGUE OF CITIES CONFERENCE.

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AN ORDINANCE 64,470 .

AUTHORIZING PAYMENT TO CATERING BY ROSEMARY FOR SERVICES RELATED IN CONNECTION WITH THE MARTIN LUTHER KING CELEBRATION IN THE AMOUNT OF \$10,068.25.

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87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,471 .

APPROPRIATING FUNDS IN THE AMOUNT OF \$89,610.00 AND AUTHORIZING PAYMENT TO THE DEVELOPER OF THE WINDCHASE 90 ACRE TRACT ON-SITE OVERSIZE SEWER MAIN PROJECT, FOR CONSTRUCTION COSTS INCURRED IN OVERSIZING THE ON-SITE MAIN.

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Mr. Harrington made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Frank Kiolbassa, Director of Environmental Management, briefly explained how the Windchase 90 acre tract on-site oversize sewer main project dovetails with current regulations for protection of the water supply in the Edwards Aquifer.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb,

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Dutmer, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS:
None; ABSENT: Wing, Martinez.

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87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,472

ACCEPTING THE BID OF SOUTH TEXAS CONSTRUCTION FOR THE CONSTRUCTION OF THE WINDCHASE 90 ACRE TRACT OFF-SITE SANITARY SEWER MAIN IN THE AMOUNT OF \$118,681.00; AND PROVIDING AN ADDITIONAL \$17,819.00 FOR A CONSTRUCTION CONTINGENCY.

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Mr. Harrington made a motion to approve the proposed Ordinance. Mr. Webb seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Wing, Martinez.

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87-06 Agenda Item #18 being an ordinance accepting the bid of Meader Construction company, Inc., for the nine-block Pine Street (Houston Street to Southern Pacific Railroad) Project, in the amount of \$867,850.45; providing a miscellaneous construction contingency in the amount of \$60,749.53; and authorizing \$3,884.30, payable to Flores and Company, for construction phase services, was previously pulled from consideration by the City Manager.

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87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,473

AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LEASE AGREEMENT FOR TWENTY-FIVE (25) YEARS WITH SAN ANTONIO CITY EMPLOYEES FEDERAL CREDIT UNION FOR PARKING PURPOSES UNDER THE VIADUCT ON WEST COMMERCE STREET BETWEEN MEDINA AND SALADO STREETS ACROSS THE OLD MISSOURI PACIFIC DEPOT BETWEEN NEW CITY BLOCKS 264 AND 265.

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Mr. Thompson made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

In response to a question by Mr. Labatt, Rolando Bono, Assistant City Manager, discussed how this will affect the day laborer pickup site on the city's near westside and also addressed city's plans to relocate that site after the task force investigating the day laborer pickup site matter comes up with a permanent solution to that site. Mr. Bono noted that the contract with the San Antonio City Employees Federal Credit Union does not take affect in substance until January 19, 1988.

Mayor Cisneros stated that he personally would like to have a permanent day laborer pickup site with such amenities as a warm new location with a covered driveway and restrooms located in the facility. He stated that he feels that City Employees Credit Union employees and other persons going to the Credit Union site may possibly be verbally abused by persons who use the present day laborer pickup site now being leased to the Credit Union for parking. He stated that he feels the city must come up with a staff solution to permanently relocate the site.

Mr. Bono stated that city staff has worked with several City Councilmembers over the past months and now is seeking a permanent site for this facility.

In response to a question by Mr. Martinez, Mr. Bono discussed possible construction on the Commerce Street overpass and what impact it might have on the Credit Union parking operations below.

Mr. Martinez stated that he feels development in this area is affecting the entire traffic plan in the vicinity and that he feels that immediate plans should be drawn up to cope with increased traffic in this area.

Mr. Labatt spoke of the type of persons who utilize this day laborer pickup center and the need for a master plan for development of this entire area.

Mr. Thompson spoke to the Metropolitan Planning Organization's Railroad Subcommittee and of that groups interest in overall development of this area and of the need for prioritizing all applicable efforts here.

Mrs. Dutmer stated that she feels that the city should not remove the Commerce Street overpass too quickly.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

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87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,474

AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH RABA-KISTNER, INC., IN THE AMOUNT OF \$37,675.00, TO PROVIDE ENVIRONMENTAL MONITORING AND TESTING OF WATER WELLS AT THE PEARSALL ROAD, WETMORE ROAD AND RIGSBY AVENUE LANDFILLS; AND APPROPRIATING FUNDS.

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Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Thompson seconded the motion.

Mrs. Dutmer stated that she would like to have this same type of an agreement implemented at the Southeast and West Avenue landfills.

Mr. Frank Kiolbassa, Director of Environmental Management, noted that city staff does similar work at the West Avenue landfill site itself.

Mrs. Dutmer asked to have a city staff report on this particular operation.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Martinez, Thompson, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb, Wing, Vera, Harrington.

87-06 ZONING HEARINGS

36. CASE Z87010 - to rezone the north 200' of Lot 18, Block 5, NCB 7447, In the 6200 Block of West Commerce, from "B-3R" Restrictive Business District to "B-3R" S.U.P. Restrictive Business District Special Use Permit for a paving contractor with outside storage, located 150' north of W. Commerce Street, being 119.5' west of the intersection of Hortencia Street and W. Commerce Street, having a width of 124.5' and a depth of 200'.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

Mr. Martinez made a motion to approve the recommendation of the Zoning Commission provided that 13-feet of dedication is given along West

Commerce Street, and that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Labatt seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Labatt, Cisneros; NAYS: None; ABSENT: Webb, Vera, Harrington, Hasslocher.

AN ORDINANCE 64,475

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTH 200' OF LOT 18, BLOCK 5, NCB 7447, IN THE 6200 BLOCK OF WEST COMMERCE STREET, FROM "B-3R" RESTRICTIVE BUSINESS DISTRICT TO "B-3R" S.U.P. RESTRICTIVE BUSINESS DISTRICT/SPECIAL USE PERMIT FOR A PAVING CONTRACTOR WITH OUTSIDE STORAGE, PROVIDED THAT 13-FEET OF DEDICATION IS GIVEN ALONG WEST COMMERCE STREET, AND THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

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37. CASE Z87005 - to rezone Lots 21, 22, 23, and 24, Block 14, NCB 3282, from "B" Residence District and "F" Local Retail District to "B-2" Business District, located on the westside of N. New Braunfels Avenue, between I.H. 10 East and Drexel Avenue, having 200' on I.H. 10 East and Drexel Avenue, with 155' on N. New Braunfels Avenue.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

Mrs. Dutmer made a motion to approve the recommendation of the Zoning Commission provided that off-street parking is provided and submitted for approval by the Traffic Engineering Division; that a six-foot solid screen fence is erected and maintained along the west property line; that landscaping is provided along the west and south property lines; and that a one-foot non-access easement is imposed along the south property line of Lot 21 only. Mr. Thompson seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt,

Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

AN ORDINANCE 64,476

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 21, 22, 23 AND 24, BLOCK 14, NCB 3282 FROM "B" RESIDENCE DISTRICT AND "F" LOCAL RETAIL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT OFF-STREET PARKING IS PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION; THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE WEST PROPERTY LINE; THAT LANDSCAPING IS PROVIDED ALONG THE WEST AND SOUTH PROPERTY LINES; AND THAT A ONE-FOOT NON-ACCESS EASEMENT IS IMPOSED ALONG THE SOUTH PROPERTY LINE OF LOT 21 ONLY.

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38. At the request of Mayor Cisneros, the City Council concurred to temporarily bypass Agenda Item #38 at this time.

39. CASE Z86319 - to rezone Lots 1 and 2, NCB 10330, In the 600 block of Roland Avenue, from "B" Residence District to "B-2NA" Non-Alcoholic Sales Business District, located on the east corner of Hammond Avenue and Roland, having 260' on Hammond Avenue and 205' on Roland, with a maximum depth of 150'.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

Mr. Hasslocher made a motion to approve the recommendation of the Zoning Commission provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

AN ORDINANCE 64,477

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 AND 2, NCB 10030, IN THE 600 BLOCK OF ROLAND AVENUE, FROM "B" RESIDENCE DISTRICT TO "B-2NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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40. CASE Z86182 - to rezone Lot 4 and the remaining portion of Lot 1, Block 1, NCB 17788; Lot 5, Block 1, NCB 17788, from Temporary "R-1" One Family Residence District to "B-2" Business District; Lot 2, Block 1, NCB 17788; Lot 1, Block 2, NCB 17789, from Temporary "R-1" One Family Residence District to "B-3" Business District, located on the northwest corner of Judson Road and Stahl road, having 572.01' on Judson road and 1285.06' on Stahl Road with a maximum depth of 756.27'. Subject property is also located east and west of East Angelique and west Angelique and north and south of Forrester Lane.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

Mr. Hasslocher made a motion to approve the recommendation of the Zoning Commission with the exception of Lot 1, Block 2, NCB 17789 to be rezoned to "B-3R"; further provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division; a six foot solid screen fence is erected and maintained along the northwest property line of Lot 4, NCB 17788. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

AN ORDINANCE 64,478

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE

CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 4 AND THE REMAINING PORTION OF LOT 1, BLOCK 1, NCB 17788 FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT; LOT 2, BLOCK 1, NCB 17788 FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT; AND LOT 1, BLOCK 2, NCB 17789 FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF STREET PARKING ARE SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION, FURTHER PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTHWEST PROPERTY LINE OF LOT 4, NCB 17788.

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87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,479

ACCEPTING THE HIGH BIDS RECEIVED IN CONNECTION WITH CITY FUNDS AVAILABLE FOR DEPOSIT IN INTEREST-BEARING CERTIFICATES OF DEPOSIT.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Thompson seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb; ABSTAIN: Labatt.

87-06 At this time, it was the concensus of the City Council to temporarily bypass Agenda Items #42A, 42B, 43, 44, 45, 46, and 47.

87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,480

APPOINTING BEE SIERRA TO SERVE ON THE BOARD OF
REVIEW FOR HISTORIC DISTRICT FOR A TERM TO EXPIRE ON
NOVEMBER 24, 1988.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr.
Hasslocher seconded the motion.

After consideration, the motion, carrying with it the passage of
the Ordinance, prevailed by the following vote: AYES: Berriozabal,
Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher,
Cisneros; NAYS: None; ABSENT: Webb.

87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,481

APPOINTING JOE RIVAS TO SERVE ON THE CABLE
TELEVISION ADVISORY COMMITTEE FOR A TERM TO EXPIRE
ON DECEMBER 31, 1987.

* * * *

Mr. Harrington made a motion to approve the proposed Ordinance.
Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of
the Ordinance, prevailed by the following vote: AYES: Berriozabal,
Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher,
Cisneros; NAYS: None; ABSENT: Webb.

87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,482

APPOINTING RUSSELL KYSE AND DAN HERNANDEZ TO SERVE
ON THE SAN ANTONIO CENTRO 21 TASK FORCE FOR TERMS TO
EXPIRE ON DECEMBER 31, 1987.

* * * *

Mr. Hasslocher made a motion to approve the proposed Ordinance.
Mrs. Berriozabal seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,483

APPOINTING JOE CACE TO SERVE ON THE CONVENTION AND VISITORS BUREAU ADVISORY COMMITTEE FOR A TERM TO EXPIRE ON JUNE 30, 1987.

* * * *

Mr. Thompson made a motion to approve the proposed Ordinance. Ms. Vera seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,484

APPOINTING INDIVIDUALS TO SERVE ON THE INDUSTRIAL WASTEWATER REVIEW BOARD FOR A TERM TO EXPIRE ON JANUARY 17, 1989. (MARVIN KENNEDY (2), RUTH LOFGREN (3), TONY CARRANZA (5), SHERRI GONZALEZ (7), DR. RICHARD HOWE (9), BOB PEDRETTY (10).

* * * *

Mr. Hasslocher made a motion to approve the proposed Ordinance. Ms. Vera seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,485

APPOINTING VIRGINIA MACRAE TO SERVE ON THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM TO EXPIRE ON DECEMBER 15, 1987.

* * * *

Mr. Hasslocher made a motion to approve the proposed Ordinance. Ms. Vera seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,486

APPOINTING INDIVIDUALS TO SERVE ON THE VIA METROPOLITAN TRANSIT AUTHORITY BOARD. (BEN ALEXANDER, FERNANDO RODRIGUEZ, JAMES M. DIETZMANN)

* * * *

Mr. Hasslocher made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,487

APPOINTING INDIVIDUALS TO SERVE ON THE BOARD OF TRUSTEES OF THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY. (REV. LAVALLE LOWE, JR. (2), KATRINA MEREDITH (3), FERNANDO CENTENO (5), JAMES SMITH (6), THOMAS J. SAGEHORN (8), OSCAR GALINDO (4), ROBERT O.

CHIDGEY (9).

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Hasslocher seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

87-06 The Clerk read the following Resolution:

A RESOLUTION 87-06-05

ENDORSING THE MAYOR'S CRIMINAL JUSTICE TASK FORCE
AND TEXAS WAR ON CRIME AS A PART OF THE CITY OF SAN
ANTONIO STATE LEGISLATIVE PROGRAM.

* * * *

Mr. Hasslocher made a motion to approve the proposed Resolution. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,488

AUTHORIZING THE PAYMENT OF \$5,000.00 TO THE SAN
ANTONIO AMATEUR SPORTS ASSOCIATION FROM THE DISTRICT
9 PEDESTRIAN ACCESS FUND.

* * * *

Mr. Labatt made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

Mr. Labatt briefly explained the details of this ordinance designed to assist amateur sports in sports in San Antonio and he spoke to

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the need to demonstrate for the United States Olympic committee that San Antonio is hard at work on amateur sports.

Mayor Cisneros lauded Mr. Labatt for his hard work on behalf of the amateur sports.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

ZONING HEARINGS cont.

38. CASE Z87004 - to rezone Lots 16 and 17, NCB 10760, In the 200 Block of Bonair Avenue, from "A" Single Family Residence District to "R-6" Townhouse Residence District, located on the southeast corner of Elaine Street and Bonair Road, having 314.15' on Bonair Road and 277.4' on Elaine Street.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

Mrs. Dutmer made a motion to approve the recommendation of the Zoning Commission. Mrs. Berriozabal seconded the motion.

Mr. Alex Roberts, 3800 Willow Wood, asked for a postponement of the case at this time because of neighborhood concerns that had been raised about the rezoning request as well as what he called unfounded rumours circulating concerning the rezoning. He stated that he would be willing to meet with all concerned during a postponement in order to work out a solution.

Mayor Cisneros noted that in order to obtain a postponement the persons registered in opposition who are present in the audience must first agree or a Councilmember must make a motion for postponement.

Mrs. Dutmer stated that she had advised Mr. Roberts yesterday to seek a postponement before the City Council meeting began.

Mr. Roberts provided the City Councilmembers with a brief handout description of the rezoning request. He described the property and plans for a townhouse development, stating that, in his opinion, single family homes were not economically sound on this property. He stated further that he plans to erect some 32 single family patio homes on the property and stated further that he feels the eastside needs this type of residential development.

Mayor Cisneros read a list of names of citizens registered in opposition to this rezoning proposal.

Mr. J. Forester, 146 Elaine Road, spoke of the zoning history of the property concerned and addressed the proposed housing density and the parking requirements of the construction projected under the rezoning request. He stated that he feels he could build the patio homes as planned along with other planned eminities on the property given its size. He then spoke against allowing any zoning on the property other than single family residential.

Mr. Darrell Harkins, 155 Elaine Road, stated that he wants the neighborhood preserved in its current residential configuration and he spoke in opposition to what he called the blight of patio homes. He noted that the area currently has total ethnic mix already.

Ms. Callie Lane, 4606 Wildt, noted that she purchased the first property in this area in 1942 and she spoke of the subsequent development of area properties around her home. She then spoke of the intrusion of apartments nearby, and of her fear that more of the same may be erected in the area and thus devalue the properties.

Mr. Robert Forbrich, 202 Elaine Road, stated that he fears more intrusion of more apartment type development as well as more traffic in the area.

Ms. Janice Harkins, 155 Elaine Road, stated that she personally visited many of the residents of the neighborhood discussing the case with them and stated that she feels the injection of more traffic in the area will adversely affect the ability of handicapped persons in the area using the street for recreation because of the increased traffic flow.

Mr. Milton Tyler, 506 Bonair, spoke against more traffic in the area and stated that he was confused by the rezoning proposals. He further stated that crime already in rising in the area.

Ms. Elvira Garcia, 4303 Boxwood Road, stated that the area is a quiet residential neighborhood and she spoke against the intrusion of any planned patio homes.

Mr. Tom Wadlington, 227 Elaine Road, spoke against increased traffic in the neighborhood.

Ms. Mary Benavidez, 131 Elaine Road, stated that she is not opposed to growth but does oppose this rezoning request.

Mr. Roberts stated that he feels that patio homes will be good to the area. He displayed an engineers model of the proposed structures and the overall layout on two acres of land and spoke to the low rate of occupancy in many eastside businesses at present. He stated further that

he feels that this development will provide more economic development for the city's eastside.

In response to a question by Mrs. Dutmer, Mr. Roberts spoke to specifics of his proposed development.

Mrs. Dutmer then spoke of the San Antonio Police Department's recent problems with a small apartment project already in this area and noted that this is why area residents are against more multi-family structures in this vicinity.

The motion, failed to carry by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Cisneros; NAYS: None; ABSENT: Webb, Hasslocher.

Zoning Case Z87004 was denied.

87-06 The Clerk read the following Resolution:

A RESOLUTION 87-06-06

ADOPTING ADDITIONAL LEGISLATIVE ISSUES FOR THE CITY OF SAN ANTONIO STATE LEGISLATIVE PROGRAM.

* * * *

Mrs. Karen Kliever, Director of Intergovernmental Relations, explained the city's recommended stance on two pending legislative issues including landfills and fines in municipal court.

Mrs. Dutmer made a motion to approve the proposed Resolution. Mr. Wing seconded the motion.

Mrs. Dutmer discussed the proposed stance of the city in regard to municipal court fines including auto liability insurance.

Ms. Vera spoke in support of the Resolution and discussed the current range of minimum fines, charges and fees to be allowed under the proposed legislation.

In response to a question by Mr. Thompson, Mrs. Kliever stated that there has been no reaction on the proposed change to speed limit laws. She also stated that no legislation has yet been introduced to authorize so called "road side cameras".

Mayor Cisneros spoke in support of the police package of some eight items now before the state legislature noting that it will be heard some time between February 8th and the 10th.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb, Wing.

87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,489

PROVIDING FOR A FINE OF NOT LESS THAN \$100.00 FOR A FIRST CONVICTION, \$200.00 FOR A SECOND CONVICTION, AND \$300.00 FOR A THIRD OR SUBSEQUENT CONVICTION AND NOT MORE THAN \$1,000 FOR CONVICTION OF ORDINANCES PERTAINING TO MINIMUM HOUSING/BUILDING STANDARDS, ANIMAL CONTROL, THE FIRE CODE, FAULTY SEWER CONNECTIONS, JUNKED YARDS OR LOTS, AND UNLAWFUL DUMPING.

* * * *

Ms. Vera made a motion to approve the proposed Ordinance. Mr. Harrington seconded the motion.

Ms. Vera spoke in support of the ordinance which deals with increases in minimum fines, noting that the city needs to take a firm stance on this. She also stated that she would like to have a more detailed breakdown on activities of the Environmental Court.

Mayor Cisneros voiced his concern with the current rate of dismissals of cases in Environmental Court part of the Municipal Court's system and stated that personally he feels the ratio of convictions to cases should be higher.

Ms. Vera noted that many persons are concerned with the lack of action in Municipal Courts.

Mr. Bill Arnette, Director of Municipal Courts, spoke to the current ratio of dismissals, noting that many cases are dismissed if the nuisance involved has been abated.

Mayor Cisneros stated that he would like the City Council's official concern to be noted that the rate of dismissals and the low fines involved with Municipal Courts and asked that this concern be communicated to the judges of Municipal Court.

Mrs. Berriozabal stated that she feels the staff report on the Environmental Court is not fully acceptable. She noted that, in her

opinion, the city needs to follow through on cases filed in the Environmental Court. She also stated that the City Council needs to know more details on Environmental Court activity. Mrs. Berriozabal stated that she wants the City Council committee on Municipal Courts to meet with Municipal Court judges to discuss the matters involved in the Environmental Court.

Mr. Louis J. Fox, City Manager, noted that some 10% of the calls coming into the Citizen Action Office end up in Environmental Court.

Mr. Thompson asked about the minimum fines and how effective it would be to deter crime.

Mr. Arnette stated that the increase in minimum fines definitely will deter reoccurrence of these same types of offenses. He further stated that if the fine is not paid the person will be put in jail. He then spoke of the court's sensitivity to those persons unable to pay their fines.

Mr. Wing spoke of the need for judicial discretion.

A discussion then took place on the numerous complaints and offenses which were listed in the staff report.

A discussion then transpired concerning the offenses and the reactions of those persons who are fined, and those persons who prefer to pay a fine rather than correct the situation.

Mr. Thompson spoke regarding the daily fines charged and the need to cite every day as a separate offense.

Ms. Elizabeth Viesca, Prosecutor in the Environmental Court, spoke in response to a question from Mr. Thompson concerning deferred adjudication. She stated that such deferred adjudication is often granted after the prosecutor suggests the recommendation with the input from the inspector who is responsible for the case.

Mr. Thompson spoke of his concern with the great many deferred adjudication rulings made in Municipal Court.

(At this time, Mayor Cisneros was obliged to leave the meeting, Mayor Pro Tem Wing presided.)

In response to a question by Mr. Thompson, Ms. Viesca spoke of certain environmental cases where a minimum fine is warranted, especially in cases where the health and welfare of others is concerned, while in other cases a minimum fine is not just. She spoke in support of a minimum \$35 fine for such things as the violation of the no smoking or the noise ordinances and spoke in support of new and higher minimum fines in general.

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Mr. Thompson spoke in support of the ordinance but voiced his concern with the impact on those who are fined.

Mr. Wing stated that the City Council needs to temper its decisions with justice in this area and noted the importance of "judicial discretion".

Mrs. Dutmer stated that she is concerned with persons still parking their automobiles in front yards and asked the City Manager to look into this matter. She also voiced her concern with reports that police will not enforce the law against illegal parking in front yards.

In response to a question by Mr. Webb, Mr. Albert Pena, the presiding judge of Municipal Court, stated that, in his opinion, minimum fines are good but judicial discretion is necessary in order to properly handle each case on a case by case basis. He stated the Municipal Court judges must not put people in jail just for being poor, and noted that he is the one responsible for Municipal Court and he will be the one to act when problems are made known to him.

Mr. Allen Warrick, Judge of the Environmental Court, explained that code compliance is the main thrust of Environmental Court and is achieved by deferred adjudication in many cases in order to allow someone convicted in a case proper time to take care of the problem without being fined. He stated his personal opinion, that a \$100 minimum fine would be in line.

(At this point, Mayor Cisneros returned to the meeting to preside.)

A discussion then took place concerning the junked vehicle law and the impact of new minimum fines on environmental cases.

Mr. Labatt spoke to specific cases of violations of environmental laws and of his own concern that cases take too long to solve. He stated that he wants tough action taken in these areas.

In response to a question by Mr. Martinez, Judge Warrick spoke to how deferred adjudication is recommended by Municipal Court prosecutors.

In response to a question by Mr. Martinez, Mr. Tom Finlay, Acting City Attorney, noted that the proposed new ordinance allows deferred adjudication.

Mr. Thompson spoke against the minimum fine provision, stating that he feels judges should set their own minimum fines and he feels that by the Council setting minimum fines this is an intrusion into the judges' job.

Mrs. Berriozabal noted that many problems are caused by so called absentee landlords in the neighborhoods. She noted that citizens often must push issues in order to get action on problems.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Cisneros; NAYS: None; ABSENT: Hasslocher.

87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,490

MANIFESTING AND AUTHORIZING A LICENSE TO ALAMO CONCESSION SUPPLY CO., INC. TO INSTALL AND OPERATE A CAROUSEL, TICKET OFFICE AND POPCORN WAGON IN BRACKENRIDGE PARK AND REPEALING ORDINANCE 63456 WHICH WAS PASSED AND APPROVED ON AUGUST 15, 1986.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Webb seconded the motion.

Mr. Stewart Fischer, Walter P. Moore & Associates, stated that he would be doing the engineering work for Mr. Phil Sheridan on the carousel matter.

Ms. Janet Francis, President of the San Antonio Conservation Society, asked the Council to vote against placing a carousel in Brackenridge Park, voicing her concern that this may change the character of the park. She noted that the City Council back in the 1940's had earlier rejected a a carousel request in Brackenridge Park and he noted that if the City Council does approve the matter today she asked that all applicable city boards be allowed to hear the case before a final decision is made.

Mr. Duane Stich, Dallas, carousel operator, spoke to the low noise levels of a modern carousel and the street organ music produced by the equipment. He stated that all music would be muted if it comes in conflict with another nearby event.

Mr. Pete Olfers, architect, spoke in support of the carousel project as being compatible with the nearby park uses and stated that he feels it fits with the Brackenridge Park master plan. He briefly described state of the art carousel equipment planned for location on this site.

Mrs. Clare Alice Conner, Vice President Tuesday Musical Club, spoke to the background of her club and the activities that take place at the clubhouse located near the proposed site of the carousel. She voiced her concern with noise from the carousel which will be located a half block away. She also spoke against an increase in traffic in the area.

Mr. Larry DeMartino, landscape architect, disagreed with an earlier speaker, Mr. Olfers on how he interprets the Brackenridge Park master plan. He noted that the parking lot where the carousel is proposed to be located is badly needed for parking for park visitors. He stated that he feels a carousel has no place in this location.

Mrs. Barbara Whitt Powell, president of the River Road Association, stated that San Antonio needs its green spaces, and that public parks are the only place for many of its citizens to go. She spoke against locating a carousel in Brackenridge Park.

Mr. Ron Darner, Director of Parks and Recreation, displayed a sketch of the area and he spoke to parking and traffic congestion concerns.

A discussion of safety aspects of the two proposed carousel locations then took place.

In response to a question by Mayor Cisneros, Mr. Darner discussed the carousel ride costs and noted that the city has control of any proposed future price and rate increases.

Mayor Cisneros voiced concern with the high costs of rides for children on this carousel, stating his personal opinion that the cost is too high.

Mr. Labatt made an amendment asking that a stipulation be attached to the main motion that all carousel music would be muted or eliminated when a Tuesday Musical Club event has a live program scheduled in their nearby facility as agreed to by Alamo Concessions in a written letter. Mr. Webb seconded the motion.

Mrs. Berriozabal spoke to her several objections and concerns raised when the carousel matter came before the City Council back in August as well as steps now being taken to mitigate these concerns.

In response to a question by Mrs. Berriozabal, Mr. Darner noted that this case does not have to go back before the Parks and Recreation Advisory Board, noting that it is a City Council decision as to whether or not the case must go before any other city board.

Mr. Finlay, noted that the opposition today feels that the carousel is not a proper use of Brackenridge Park land under terms of the

George Brackenridge will.

A substitute motion was made by Mrs. Berriozabal to send the entire matter back to the Parks and Recreation Advisory Board and to the Brackenridge Park Master Plan Board and the Fine Arts Commission before the City Council makes a decision. The motion died for a lack of a second.

Mrs. Berriozabal voiced her concern about the City Council spending money on lawyers defending Council actions because the Council does things in her words, "wrong the first time". She also voiced her concern that "if there are six votes, the City Council does things even though they are wrong".

The vote, on the amendment, prevailed by the following vote: AYES: Webb, Dutmer, Wing, Martinez, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: Berriozabal; ABSENT: Thompson.

The vote, on the main motion, as amended, prevailed by the following vote: AYES: Webb, Dutmer, Wing, Martinez, Vera, Harrington, Labatt, Hasslocher; NAYS: Berriozabal, Cisneros; ABSENT: Thompson.

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TAXICAB LICENSE APPEAL HEARING

Mr. Roger Ibarra, Director of Budget and Research, noted that the Taxicab Advisory Board had denied renewal of Mr. Juan Antonio Deluna's taxicab license on the basis of his driving record which includes driving while intoxicated convictions, a state suspension of his driving license, driving without a license and also with beer found in a taxicab he was driving.

Mr. Juan Antonio Deluna, stated that he pleaded guilty to driving while intoxicated in 1983 but noted that this was in an out of service taxicab he was driving not one that was in service. He also admitted that he has two other tickets and has also been charged with another DWI back in September of 1986. He noted that he had only had one minor accident in 12 years of driving a taxicab in San Antonio.

A discussion then took place concerning Mr. Deluna's family status.

Mayor Cisneros stated his opinion, he favors letting Mr. Deluna keep his driving job.

A discussion then took place on the suspension of Mr. Deluna's license at which time Mr. Deluna stated that he was never told that the license had been suspended.

Mr. Thompson voiced his concern that the case against Mr. Deluna is still pending noting that he would prefer that the issue be brought back to the Council after the pending case is determined.

Mr. Thompson made a motion to table this case until the first meeting after the May 8th adjudication of the pending case against Mr. Deluna. Mr. Webb seconded the motion.

The motion, failed to carry, by the following vote: AYES: Webb, Thompson; NAYS: Berriozabal, Dutmer, Wing, Martinez, Vera, Cisneros; ABSENT: Harrington, Labatt, Hasslocher.

Mr. Martinez made a motion to extend the driving permit for Mr. Deluna until a final court decision is made on the pending DWI case at which time the City Council will review the matter; if the court acquits Mr. Deluna then his permit will be automatically restored. Mrs. Vera seconded the motion.

Mrs. Dutmer spoke in support of the motion.

Mr. Webb stated that he wants an assurance that Mr. Deluna will not abuse liquor while driving.

The vote, on the motion, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

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CITIZENS TO BE HEARD

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MR. IKE MEADER

Mr. Meader, Meader Construction Company, Inc., spoke to the remarks made by the City Council at last week's Council meeting. He stated that they have a great number of contracts with the city and they cover a lot of territory in the city. He has attended the meetings in the community has been invited to. He also stated that he will be glad to personally meet with any Councilmember who wishes to meet with him. He also stated that he has been conscientious in following city specifications and asked for a chance to answer accusations when they are made. He would also like to discuss any problems with the Council.

Mayor Cisneros stated that he has never had as much trouble with any other contractor as he has with Meader Construction. He spoke to the Saunders Street Project in particular. Mayor Cisneros stated that every instance will be documented so that Meader will be disqualified in future jobs if they are not qualified as well as being the lowest bidder.

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Mr. Hasslocher spoke about a particular situation in his area and his concern with Meader's work in that instance and the length of time it took to complete the job.

Mr. Meader spoke to the reason why the road was closed and the reason why they could not get the materials to complete the job.

Mr. Webb expressed his concern about Meader pouring concrete on Houston Street on a Friday at 4:00 P.M. during the rush-hour traffic.

Mr. Meader stated that this was an unfortunate circumstance and they were wrong in this instance.

Mr. Webb also expressed concern about other jobs by Meader in his district.

Mr. Meader stated that he will try to rectify any problems that are brought to his attention.

Mr. Martinez spoke about the many complaints received by the City Council. He also spoke to the need for a proper attitude and good public relations with the affected communities.

Mrs. Dutmer spoke about the work performed by Meader in her district.

Mrs. Berriozabal also spoke to the Saunders Street project and the numerous complaints from all the neighbors.

Mr. Thompson stated that the Eldridge project in his district was very well done. The problems were brought to Meader's attention and he was well satisfied.

Mr. Meader suggested that a meeting in the community before a project is begun would be a good policy to follow.

Ms. Vera stated that the City Council follows the current practice of meeting in the community before a project is begun.

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MR. GEORGE ESPINOZA

Mr. Espinoza, M-2 Inc. (Match Two) sponsor, spoke to the Council about a proposal he is recommending to the City Council. He stated that they are not affiliated with any religious organization. He noted that this organization is nation wide and involves volunteers from the community which are matched on a one-to-one basis with prisoners. The sponsor makes regular visits to the inmates. He asked for a City Council

endorsement for this program.

Mayor Cisneros stated that he is interested in the problem, however the problem is a county and a state wide problem. He also spoke about the lack of city monies to support any more programs. He stated that he will be happy to introduce him to other persons who have this responsibility.

Mrs. Berriozabal suggested that Mr. Espinoza contact the chaplain at Bexar County Jail and that he also attend a meeting of their board meeting.

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MS. KELLY SUE HORNSBY

Ms. Hornsby stated she is a driver for Alamo Carriage Company and spoke about the many unqualified drivers in the city.

Mayor Cisneros asked that Ms. Hornsby meet with Mr. Roger Ibarra, Public Utilities Supervisor, to discuss this issue.

* * * *

MR. RAY KINSALA

Mr. Kinsala, Ray's Sheet Metal Company, spoke to the deplorable condition of Colorado Street. He described the street in front of his business and the many accidents in front of his business. He expressed concern that the road will be right next to the building. He asked for a re-routing of the project.

Mayor Cisneros asked that Mr. Kinsala meet with Mr. David Steitle, Director of Public Works, on the particular problem and the request.

Mrs. Berriozabal asked for a meeting of affected neighbors and adjacent property owners as soon as possible.

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MR. DAVID HARREL

Mr. Harrel, 143 Agarita, spoke to the Council about his concerns with different problems in the city. He mentioned in particular the high dropout rate in the city. He then spoke on numerous other subjects.

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MS. ESMERALDA BENAVIDEZ

Ms. Benavidez representing St. Mary's University Band asked for waiver of the rental increase for the Lila Cockrell Theatre. She stated that they hold a band festival every year.

Mr. Rolando Bono, Assistant City Manager, stated that there are different categories of rental fees. He will be glad to meet with Ms. Benavidez on this issue and discuss their non-profit status.

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MS. EDITH MOLNAR

Ms. Molnar spoke to the City Council about her concerns with the present horse drawn carriage ordinance.

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The City Council recessed at 7:55 P.M., reconvening at 8:47 P.M.
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87-06 Agenda Item #43, being an ordinance accepting the proposal of Ralph Anderson & Associates for technical assistance to the City of San Antonio in connection with the search for a new Police Chief, was discussed at this time.

Mr. Louis J. Fox, City Manager, explained the background of his current plans to hire an executive search firm and of plans to select a second firm since the Mayor is currently on the board of the first selected firm that being Police Foundations. He then voiced his confidence with Ralph Anderson and Associates the firm he is now recommending.

Mayor Cisneros noted that some City Councilmembers are uncomfortable with an outside search for candidates by using a nationwide search firm.

Mr. Fox stated that he felt that he had the City Council approval to go outside with the search firm but the city staff will do it itself if the Council wishes. He stated that he feels a level of even-handedness is present by using an outside search firm.

In response to a question by Mr. Thompson, Mr. Joe Costantino, Director of Personnel, noted that it would take some 60 to 90 days to complete the search.

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Mr. Fox stated that he hopes to wrap up the entire matter in a 60 to 90 day time frame.

Mr. Joe Costantino explained the sequence of the proposals received and how city staff arrived at its decision of a recommendation. He then spoke of the sequence of the search to be handled by the search firm if hired.

Mr. Harrington stated that he feels that the City Manager's office can do as good a job as an outside search firm in this process and he voiced his concern with spending some \$20 thousand at this time on an outside search firm.

Mr. Harrington made a motion that the city do its own search for a new Police Chief. Mrs. Dutmer seconded the motion.

Mrs. Vera spoke in support of the motion and against spending funds unnecessarily, stating that she feels the city knows its own needs best.

Mrs. Berriozabal stated that Mr. Fox had told the City Council that acting Police Chief, Bill Gibson was to be only the acting Chief and thus was not to be considered for permanent Chief of Police. She stated further that she feels other possible candidates within the San Antonio Police Department ranks then withheld their application for the acting Chief job and stated that she feels that the City Manager then stated that Mr. Gibson could be given the permanent job of Police Chief. She lauded Mr. Gibson for doing an excellent job during his time as the acting Chief of Police. She voiced her concern that a nationwide search may not be done in all seriousness. She stated further that she feels the City Manager has thus placed her in a very difficult position.

Mr. Fox stated that he had originally appointed Mr. Gibson as only a temporary Chief and did not at that time expect him to do as excellent a job as he has accomplished. He stated further that he feels that Chief Gibson has become an excellent candidate for permanent chief and thus has changed his mind. He noted that in this case the City Council must affirm the City Manager's choice for new Police Chief regardless. He spoke to the advantages of using a nationwide search firm to find and to screen possible applicants.

Mr. Webb stated that the city needs a fair and impartial decision in this matter and he stated that he feels that the City Manager needs to search and find the best qualified person regardless of race. Mr. Webb further stated that, in his opinion, he felt that the City Manager was instructed by the City Council to find a hispanic Police Chief the last time a Police Chief was sought.

Mayor Cisneros stated that he feels that the City Manager never was told by the Council to hire an hispanic Police Chief when Chief

Charles Rodriguez was selected from Los Angeles.

Mr. Fox stated that he also feels he never was given such direction by the City Council.

Mr. Martinez spoke against the hiring of an outside search firm, stating that he feels that it can be done in house by the City Manager and he also stated that it is his feeling that it is the City Manager's choice regardless. He further stated that it affects many people when the City Manager changes his mind in regard to a Police Chief job and stated further that he feels that City Manager changed the ground rules in mid game in this case.

Mrs. Dutmer stated that she feels the City Council gave clear direction to the City Manager on the selection of a Police Chief when Chief Rodriguez was selected. She noted that it is the City Manager's choice to be made, she feels that he can make his own search adequately.

Mr. Harrington reiterated his stance that he is against spending \$20 thousand for an outside search firm.

Ms. Vera stated that she has confidence that the City Manager and his staff can handle this matter themselves.

Mr. Hasslocher stated that the city needs to make a rapid decision on the Police Chief selection process and not wait for 90 days to do so. He also voiced his concern with the delay in the selection of the City Attorney, stating that the need for having a Police Chief in place before the City Council goes out to sell the Public Safety Issue is vitally important.

Mr. Labatt spoke in support of using the outside search firm but he stated that he feels the City Council as a whole feels other wise in this case. He stated that the Council must be sure the City has no civil rights violations in this matter.

The vote, on the motion, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Vera, Harrington, Hasslocher; NAYS: Webb, Thompson, Labatt, Cisneros; ABSENT: None.

87-06 The Clerk read the following Ordinance:

AN ORDINANCE 64,491

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SAN ANTONIO FIREFIGHTERS ASSOCIATION FOR THE PERIOD OCTOBER 1, 1986 THROUGH SEPTEMBER 30, 1988.

* * * *

Mr. Ben Foster, the city's Fire and Police negotiator, explained the proposed contract with firefighters and detailed some of the pact's major provisions. He then contrasted a number of the old and proposed new agreements including a no strike clause.

Mayor Cisneros stated that there were certain statements made by the Fire Chief in opposition to this proposed contract.

Mr. Louis J. Fox, City Manager, stated that he now speaks for the city and for the official stance position in support of the contract.

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Martinez seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Foster explained the provision to allow the firefighter union chief to receive full pay as president of the union as a trade off for other major changes that under the old contract required up to 100 union representatives in the Fire Department being able to use city time to work union grievances and other business on city time. He further stated that he feels the Fire Chief fully agrees to to this matter in all fairness.

Mrs. Dutmer stated that the San Antonio citizens by referendum granted fire and police bargaining rights in the 1970's and only they can change it. She then spoke in support of the contract.

In response to a question by Mr. Thompson, Mr. Vernon Gramms, president of the Firefighters union spoke of the union chiefs' duties if the new contract is approved his own perception of his work with the Fire Department on such matters as safety.

A discussion then took place concerning the City Council Executive Session agreements on provisions to this contract.

Mr. I.O. Martinez, Fire Chief spoke to his own feelings about some contract provisions including drug testing, stating that he was initially opposed to the new wording of the drug testing provision but now feels he can support it. He also voiced his concern with paying the Firefighter union president fully city wages to do union work and the resulting loss of a firefighting position as a result. He also stated that he feels that safety was strictly a management function and not one to be coordinated with the firefighters union president.

Mr. Thompson voiced his concern with allowing the firefighters union president to be completely outside of firefighting duties as long as he hold that office.

A discussion then took place concerning whether or not the contract would have been approved by firefighter membership if the full time union president provision had not been approved.

In response to a question by Mr. Hasslocher, Mr. Gramms spoke of the functions of the union Executive Board. Mr. Harrington stated that he cannot support allowing the union president to lobby city government full time and stated that as a result he cannot vote in favor of this contract.

Mrs. Vera voiced her concern with this particular provision but spoke in support of a negotiating process.

Mr. Labatt stated that he cannot support the contract for the same reasons as voted by Mr. Harrington.

Mrs. Berriozabal stated that she feels the City Council put this provision on the table by consensus and thus she supports the contract.

In response to a question by Mrs. Berriozabal, Mr. Buddy Mass, Vice President of the International Association of Firefighters (IAFF), spoke to other cities who have fulltime firefighter union presidents aboard and of the fact that many of them handle grievances and liaison duties between the union and management.

Mrs. Dutmer stated that it is Fire Chief Martinez's duty to speak out if he opposes any part of this contract.

In response to a question by Mr. Harrington, Mr. Mass stated that no other Texas city currently has a full time firefighter union president, the closest major city that does is Oklahoma City.

Mr. Hasslocher stated that he cannot support this contract.

A discussion then took place of what could happen if the City Council rejects this contract tonight including a return to the bargaining table.

Another discussion took place concerning back pay liability by the city if the contract is not approved rapidly.

Mr. Foster and Mr. Fox both stated that they feel this contract is the best the city can do and they spoke to why the contract is the best which can be offered without major monetary increases at this time.

Mayor Cisneros stated that the city's hired attorney and the City Manager both are now saying that this is the best contract which the city can offer.

Mr. Wing spoke in favor of the contract.

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Mr. Thompson voiced his concern that pay raises for fire and police as a result of the contracts will bring about inevitable raises for non uniformed city employees in the year of yet another budget crunch.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Vera, Cisneros; NAYS: Thompson, Harrington, Labatt, Hasslocher; ABSENT: Webb.

There being no further business to come before the City Council, the meeting was adjourned at 11:10 P.M.

A P P R O V E D

Henry Cisneros
M A Y O R

ATTEST: *Norma S. Rodriguez*
C i t y C l e r k

February 5, 1987
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