

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, JUNE 19, 1997.

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97-26 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building, "B" Room, to consider the following items(s):

City Public Service (CPS) briefing on Retail Wheeling of Electricity

The Council members present were: Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Webster and Peak. **ABSENT:** Marbut, Bannwolf.

"B" Session adjourned at 11:50 A.M.

97-26 The regular meeting was called to order at 1:00 p.m. by the Presiding Officer, Mayor Howard W. Peak, with the following members present: Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster and Peak. **ABSENT:** None.

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97-26 Invocation - Father Emmet Carolan, St. James the Apostle Catholic Church.

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97-26 Pledge of Allegiance to the flag of the United States.

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97-26 **CEREMONIAL ITEMS**

CASA SAN ANTONIO AWARD

Mayor Peak recognized Mr. Rodney Martin, Director, and Mr. Robert McKinley, Regional Director, both of the U.S. Small Business Administration; and Ms. Sara Jackson, Director of the International Trade Center at the University of Texas at San Antonio, presented the City of San Antonio's CASA San Antonio program with the "Small Business International Trade Innovators Award".

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Mr. McKinley narrated a brief video presentation explaining the award to the CASA San Antonio program and spoke to the reasons for its selection.

Mr. Martin spoke to the importance of the Small Business Administration to small businesses throughout the United States.

Ms. Jackson spoke to how CASA San Antonio qualified for the award, primarily in promoting and nurturing San Antonio's trade with Mexico. She then presented the award to Mayor Peak and to Ms. Elizabeth Costello, Director of International Relations.

Mayor Peak spoke to the importance of international trade.

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SUMMER READING CLUB PROGRAM

Ms. Mary McAfee, representing Friends of the San Antonio Public Library, explained the program and how her group impacts the public library system. She displayed special tee-shirts and made each Council member an honorary member of her group, then presented packets of special gifts to Council members.

Ms. June Garcia, Library Director, stated that she is excited with the many enrollments in the program.

Individual Council members lauded the Library System and its service to the community through such programs.

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CERTIFICATE OF ELECTION TO MR. JOSE MENENDEZ

Mayor Peak read and presented the official Certificate of Election to Mr. Menendez, as a result of his runoff victory in District 6.

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97-26

CONSENT AGENDA

Ms. Guerrero made a motion to approve Agenda Items 5 through 26B, constituting the Consent Agenda, with items 5,6, and 7 having been pulled for individual consideration. Mr. Bannwolf seconded the motion.

After consideration, the motion carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

AN ORDINANCE 86167

ACCEPTING THE LOW, QUALIFIED BID OF ALAMO ASBESTOS ABATEMENT IN THE AMOUNT OF \$88,465.00 IN CONNECTION WITH THE ASBESTOS ABATEMENT 1997-98 INDEFINITE DELIVERY PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 86168

ACCEPTING THE LOW, QUALIFIED BASE BID OF MORLANDT ELECTRIC IN THE AMOUNT OF \$36,957.00 IN CONNECTION WITH THE LIONS PARK BASEBALL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; REVISING THE PROJECT BUDGET; AUTHORIZING \$2,094.32 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$500.00 FOR UTILITY CONNECTION; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 86169

ACCEPTING THE LOW, QUALIFIED BID OF E-Z BEL CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$779,305.03 IN CONNECTION WITH THE SAN PEDRO & ASHBY INTERSECTION IMPROVEMENTS PROJECT, LOCATED IN DISTRICT 1; AUTHORIZING A CONSTRUCTION CONTRACT; REVISING

THE PROJECT BUDGET; AUTHORIZING \$42,355.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$16,000.00 FOR CONSULTANT EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 86170

AUTHORIZING 1985, 1987, AND 1994 GENERAL OBLIGATION (G.O.) BONDS AND CAPITAL IMPROVEMENT RESERVE FUNDS (MPO) IN THE AMOUNT OF \$40,000.00 PAYABLE TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) IN CONNECTION WITH FEES FOR THE REVIEW AND REVISION OF FLOODPLAIN MAPS REQUESTED BY THE CITY FOR VARIOUS LOCATIONS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 86171

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO PORTION OF LOT 7, BLOCK 6, NEW CITY BLOCK 11926; PORTION OF LOT 12, BLOCK 2, NEW CITY BLOCK 10104; AND PORTION OF LOT 36, NEW CITY BLOCK 11927, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE, NAMELY THE CONSTRUCTION OF THE NACOGDOCHES ROAD - BROADWAY TO N. NEW BRAUNFELS AVE., A METROPOLITAN PLANNING ORGANIZATION PROJECT.

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AN ORDINANCE 86172

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$6,768.00 AS FOLLOWS: 1) IN THE AMOUNT OF \$3,482.00 TO ACQUIRE FEE SIMPLE TITLE TO ONE PARCEL AND A TEMPORARY EASEMENT IN CONNECTION WITH THE WESTERN AVENUE DRAINAGE PROJECT #74, PHASE III B & C, LOCATED IN DISTRICT 9; 2) THE AMOUNT OF \$2,400.00 TO ACQUIRE FEE SIMPLE TITLE TO

ONE PARCEL IN CONNECTION WITH THE MISSION TRAILS PARKWAY PROJECT, PACKAGE 1 METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN DISTRICTS 1 AND 3; AND 3) THE AMOUNT OF \$886.00 TO ACQUIRE FEE SIMPLE TITLE TO ONE PARCEL IN CONNECTION WITH THE HAZEL STREET DRAINAGE PROJECT - ZARZAMORA TO BRAZOS, LOCATED IN DISTRICT 5; AND ACCEPTING THE DEDICATION OF A PERMANENT EASEMENT AT 555 RAMSEY ROAD FOR SIDEWALK PURPOSES, LOCATED IN DISTRICT 9.

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AN ORDINANCE 86173

APPROPRIATING THE SUM OF \$15,000.00 PAYABLE TO GROOMER SEAFOOD, A TEXAS GENERAL PARTNERSHIP, ET. AL. FOR FEE SIMPLE TITLE TO ONE PARCEL (\$425.00); ONE PERMANENT EASEMENT AND THREE TEMPORARY EASEMENTS (\$1,735.00) AND DAMAGES (\$12,840.00); AUTHORIZING \$2,400.00 PAYABLE TO GERRY RICKHOFF, COUNTY CLERK, FOR COURT COSTS INCURRED IN THE ACQUISITION OF THESE PARCELS IN THE WESTERN AVENUE DRAINAGE PROJECT #74 - PHASE III B & C, LOCATED IN DISTRICT 9; FOR A TOTAL SUM OF \$17,400.00.

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AN ORDINANCE 86174

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO PORTIONS OF LOT 2 AND 3, BLOCK 14, NEW CITY BLOCK 11780; PORTION OF LOT 1, BLOCK 14, NEW CITY BLOCK 11780; PORTION OF LOT 1, BLOCK 12, NEW CITY BLOCK, 12362; AND PORTION OF LOT 3, BLOCK 12, NEW CITY BLOCK 12362, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE, NAMELY THE CONSTRUCTION OF A PORTION OF BABCOCK AT HILLCREST INTERSECTION, METROPOLITAN PLANNING ORGANIZATION PROJECT.

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AN ORDINANCE 86175

APPROPRIATING THE SUM OF \$6,550.00 PAYABLE TO THE ESTATE OF SEBASTINA HERNANDEZ, DECEASED, ET. AL., FOR FEE SIMPLE TITLE TO ONE PARCEL IN THE HI-LIONS DRAINAGE PROJECT #80.

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AN ORDINANCE 86176

AUTHORIZING THE ACQUISITION OF TITLE TO ONE PARCEL AND AUTHORIZING THE EXPENDITURE OF \$100.00 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR SUCH ACQUISITION IN CONNECTION WITH THE CHICO/KNOX/MARGIL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 86177

AUTHORIZING THE ACCEPTANCE OF A \$200,000.00 CASH GRANT AWARD FROM THE SAN ANTONIO AREA FOUNDATION TO OPERATE AN ANIMAL RESOURCE CENTER ON THE NEAR WEST SIDE OF SAN ANTONIO IN COLLABORATION WITH THE VETERINARY MEDICAL ASSOCIATION OF BEXAR COUNTY, ANIMAL DEFENSE LEAGUE AND HUMANE SOCIETY FOR THE PERIOD JUNE 1, 1997 THROUGH MAY 31, 1998; ESTABLISHING A FUND; AND ADOPTING A BUDGET.

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AN ORDINANCE 86178

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PURCHASE THE CITY'S MEDICAL PROFESSIONAL LIABILITY INSURANCE FROM AMERICAN INTERNATIONAL GROUP, THROUGH SEDGWICK JAMES OF TEXAS, INC., AS THE CITY OF SAN ANTONIO'S SOLE BROKER OF RECORD FOR A ONE YEAR PERIOD BEGINNING JULY 1, 1997 THROUGH JULY 1, 1998, WITH AN OPTION

TO RENEW FOR TWO (2) SUCCESSIVE ONE-YEAR PERIODS; FOR AN ESTIMATED COST OF \$93,450.00.

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AN ORDINANCE 86179

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A CONTRACT WITH VALUATION RESOURCE MANAGEMENT, INC. IN AN AMOUNT NOT TO EXCEED \$44,650.00 TO PROVIDE BUILDING APPRAISAL SERVICES ON CERTAIN ASSETS FOR INSURANCE PURPOSES FOR A TERM OF SIX (6) MONTHS BEGINNING JULY 1, 1997 THROUGH DECEMBER 31, 1997, OR AS MAY BE REQUIRED TO COMPLETE THE CONTRACT.

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AN ORDINANCE 86180

AUTHORIZING THE TEMPORARY CLOSURE OF GRAF ROAD BETWEEN MISSION PARKWAY AND ASHLEY ROAD, ALSO MISSION PARKWAY BETWEEN GRAF ROAD AND ASHLEY ROAD FROM 9:00 A.M. UNTIL 9:00 P.M., SUNDAY, AUGUST 3, 1997 FOR THE SAN JUAN CAPISTRANO FESTIVAL; LOCATED IN DISTRICT 3.

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AN ORDINANCE 86181

AUTHORIZING THE TEMPORARY CLOSURE OF SPRING SMOKE STREET BETWEEN CREEKWAY AND SPRING CROWN STREETS FROM 3:00 P.M. UNTIL 12:00 MIDNIGHT, FRIDAY, JULY 4, 1997 IN CELEBRATION OF INDEPENDENCE DAY, SPONSORED BY THE RESIDENTS OF SPRING SMOKE; LOCATED IN DISTRICT 10.

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AN ORDINANCE 86182

APPROVING A PARADE PERMIT IN CONNECTION WITH THE FREEDOM FEST 97 PARADE SPONSORED BY THE MARKET SQUARE ASSOCIATION; AND AUTHORIZING THE TEMPORARY CLOSURE OF THE FOLLOWING STREETS FROM 7:00 A.M. UNTIL 11:30 A.M., SATURDAY, JULY 5, 1997 FOR SAID EVENT: AVENUE E FROM THIRD TO BROOKLYN, FOURTH STREET FROM ALAMO TO BONHAM, MCCULLOUGH FROM ALAMO TO BONHAM, SIXTH STREET FROM ALAMO TO ELM, AVENUE E FROM BROOKLYN TO TRAVIS, TRAVIS FROM BROOKLYN TO ST. MARY'S, ST. MARY'S TO SAN SABA, COMMERCE FROM SAN SABA TO PECOS LA TRINIDAD, SAN SABA FROM COMMERCE TO HOUSTON, TO END AT MILAM PARK.

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AN ORDINANCE 86183

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF ONE LANE OF TIMBER PATH STREET FROM 9:45 A.M. UNTIL 11:00 A.M., FRIDAY, JULY 4, 1997 FOR THE 4TH OF JULY PARADE, SPONSORED BY THE GREAT NORTHWEST HOMEOWNERS ASSOCIATION; LOCATED IN DISTRICT 6.

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AN ORDINANCE 86184

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF ONE LANE OF VILLAGE DRIVE FROM 9:30 A.M. UNTIL 11:00 A.M., FRIDAY, JULY 4, 1997 FOR THE 4TH OF JULY PARADE, SPONSORED BY THE MARY MONT HOMEOWNERS ASSOCIATION.

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AN ORDINANCE 86185

APPOINTING JAMES A. SALAIS (DISTRICT 3) AND EDWARD MARTINEZ (DISTRICT 5) TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY FOR TERMS OF OFFICE TO EXPIRE ON MAY 9, 1999 AND 2000, RESPECTIVELY.

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AN ORDINANCE 86186

APPOINTING CESAR A. HERNANDEZ (DISTRICT 8) TO THE TRANSPORTATION ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 26, 1998.

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97-26 The Clerk read the following Ordinance:

AN ORDINANCE 86187

ACCEPTING THE LOW, BID QUALIFIED BID OF SOUTHEASTERN EMERGENCY TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT'S EMERGENCY MEDICAL SERVICE AMBULANCE UNITS WITH TWENTY-FIVE (25) PORTABLE BLOOD PRESSURE MONITORS FOR A TOTAL OF \$34,000.00.

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Mr. Flores made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

Ms. Janie Cantu, Director of Purchasing & General Services, explained the Ordinance.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, stated his belief that the City needs five more Emergency Medical Services vehicles purchased, even if taxes are raised to pay for them.

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After consideration, the motion prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, , Peak; **NAYS:** None; **ABSENT:** Webster.

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97-26 The Clerk read the following Ordinance:

AN ORDINANCE 86188

ACCEPTING THE LOW, QUALIFIED BIDS OF INDUSTRIAL DISPOSAL SUPPLY COMPANY AND KUENSTLER MACHINERY LP TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH ONE (1) TRICYCLE TYPE SWEEPER AND SIX (6) TRUCK MOUNTED SWEEPERS WITH BACKUP MONITORS FOR A TOTAL OF \$308,380.00.

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Mr. Flores made a motion to approve the proposed Ordinance. Mr. Garza seconded the motion.

Ms. Janie Cantu, Director of Purchasing & General Services, explained the Ordinance.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke in support for more frequent street sweeping.

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After consideration, the motion prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None

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97-26 The City Clerk read a proposed ordinance accepting the low bid of Henry Perez Contracting, Inc. c/o Metro GRO, Inc., to provide the City of San Antonio Public Works Department with labor and equipment to load and transport approximately 107,000 cubic yards of clay soil from the Covel Gardens landfill to the closed Wetmore, West Avenue and Pearsall Road landfills, for a total of \$240,750.00.

Mr. Webster made a motion to approve the ordinance. Ms. Guerrero seconded the motion.

Ms. Janie Cantu, Director of Purchasing & General Services, explained the reasons for moving this clay soil into closed City landfills.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, stated his opinion that the City needs a regional landfill, and addressed his concern with Browning-Ferris Industries expanding its private landfill. He urged the City to find a use for discarded tree limbs, perhaps as fertilizer.

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Mr. Prado noted that citizens have expressed concern with the Pearsall Road landfill and its close proximity to the nearby creek. He also expressed his own concern that some Almodome soils might be located there, as well. He asked for a one-week postponement on consideration of this matter.

Mr. John German, Director of Public Works, stated that these clay soils are part of the solution to slag burial problems at the Pearsall Road landfill, including actions to keep runoff water from the landfill from reaching the nearby creek.

After discussion, Mr. Prado made a substitute motion to postpone action on this item today, and to move it to the June 26, 1997 City Council meeting agenda. Mr. Vásquez seconded the motion.

Mr. Salas asked to see the Texas Natural Resources Conservation Commission (TNRCC) report on the Almodome soils issue, before enacting this proposed ordinance.

Mr. German noted that there are no problems with these clay soils in question, being provided by BFI from their surplus soils stock at the BFI landfill at Covell Gardens.

Mr. Bannwolf spoke in support for the one-week delay in action on this item.

Mr. German detailed the planned usage of these soils and the reasons for their usage to prevent leachate migration from the landfills in question, explaining how the process will work at the 10 to 15 landfills inside the city.

The substitute motion then prevailed by the following vote; **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak. **NAYS:** None. **ABSENT:** None.

The main motion, as substituted, then prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak. **NAYS:** None. **ABSENT:** None.

Agenda item 7 was postponed for one week.

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97-26 The Clerk read the following Ordinance:

AN ORDINANCE 86189

AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS FROM JUNE 23, 1997 THROUGH JULY 7, 1997, IN CONNECTION WITH THE NEWTON BOYS VENTURES, INC., FILMING A FEATURE MOVIE ENTITLED "NEWTON BOYS."

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Mr. Salas made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

Mr. Steve Moore, Director of the Convention & Visitors Bureau, explained the proposed street closures for the production of a motion picture.

Mr. Flores and Mr. Salas both spoke in support of having movie motion pictures filmed in San Antonio.

Mr. Moore spoke to the economic impact of this particular film on San Antonio, noting that past motion film production in San Antonio has meant between \$12 and \$15 million in economic impact.

After consideration, the motion prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None

changes were raised during the last City Council by Ms. Dolores Lott, District 2, and spoke of the proposal to relax the rules on locating so-called 'halfway houses' in B-3 and B-4 zoning designations. She then discussed the restrictions to such locations.

The following citizen(s) appeared to speak:

Dr. Dolores Lott, 202 Morningview Drive, asked the Council to support the recommended changes and addressed the reasons for her requested changes, noting that it will lessen the impact of disproportional locations of such 'halfway houses' in District 2 areas. She submitted a petition containing some 76 signatures of citizens in opposition to locating one such facility in District 2.

Major Don R. Burlock, representing the Salvation Army, spoke to his concern for restrictions against such facilities within 1,000 feet of schools, since his organization ministers to ex-convicts at its centers, some of which are near schools. He spoke to the need to postpone action on this issue to allow the Salvation Army board to digest the proposal and speak to it.

Dr. Klou Kitchen, also representing the Salvation Army, spoke to the need to allow his group time to prepare a proper case in this matter.

Ms. Maria Dominguez stated her belief that halfway-houses are a problem.

Mr. Jack W. DeVaughn , Sr., representing the Southeast Side Community Organization, spoke to the background on this issue, and stated his belief that the east side community doesn't need any more of these halfway-houses.

Mr. David Arevalo, representing ROSE, provided Council members with a handout, and spoke in support for regulations concerning halfway-houses, especially on the east side. He addressed the fact that notice of this public hearing was published in the Legal Notices section of the newspaper, which he feels most people don't read. He spoke in support for passage of the proposed ordinance.

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There being no further citizens signed to speak to this matter, Mayor Peak declared the Public Hearing to be closed.

Mr. Flores made a motion to approve the proposed ordinance. Mr. Salas seconded the motion.

In response to a question by Mayor Peak, Ms. Waldman stated that notices are published in this manner in newspapers as prescribed by law, and also notices were sent to neighborhood groups.

Mayor Peak spoke to the advantages of passing the ordinance and thus establishing a public hearing process in relation to location of halfway-houses, as well as providing better notification of such public hearings.

Mr. Vásquez spoke in support for the proposed ordinance and addressed several definitions involved.

Mr. Habib Erkan, Assistant City Attorney, noted that the new ordinance defines 'halfway-houses'.

Mr., Vásquez spoke to the need to deal with the problem of those needing halfway-houses, and stated his belief that the ordinance needs to define what type of offender is housed in halfway-houses.

In response to a question by Mr. Garza, Mr. Erkan noted that this applies only to criminal probation, not to mental patients.

Mr. Garza made a substitute motion to postpone this matter until July 24, 1997. Mr. Marbut seconded the motion.

Mr. Salas spoke to instances of neighborhood opposition to halfway-houses, and of the need for everyone to know what type of offenders are allowed in the halfway-houses. He asked that this be part of the ordinance. He stated that neighborhood organizations need to be informed on locations of halfway-houses.

Mr. Flores spoke in support for the proposed new public hearing process to protect neighborhoods.

Mr. Webster stated his contention that citizen concerns about halfway-houses are citywide, and addressed the need for safe neighborhoods.

Mr. Frank Garza, Acting City Attorney, spoke to the legal prohibitions under the Americans With Disabilities Act.

In response to a question by Mr. Prado, Mr. Erkan emphasized the requirement for a City Council public hearing on the matter before a halfway-house can be located in either B-3 or B-4 zoning, under the new ordinance.

Councilman Garza suggested a 3:00 P.M. time certain for the July 24 consideration of this matter.

Discussion ensued concerning the legal rationale for the 1,000-foot requirement.

Mr. Menendez spoke in support for the ordinance with certain adjustments, and with neighborhood participation.

Mr. Vásquez spoke in support for the delay until July 24, and asked for a re-examination of the distance requirements from schools and the zoning classifications in which halfway-houses are to be allowed, as well as the types of offenders allowed in them.

Mayor Peak spoke in support for the concept, and asked City staff to enhance its notification procedures and process. He spoke to how halfway-houses are regulated and the types of offenders allowed in them.

The substitute motion to postpone then prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak. **NAYS:** None. **ABSENT:** None.

The main motion, as substituted, then prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak. **NAYS:** None. **ABSENT:** None.

This item is postponed until the July 24, 1997 meeting.

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97-26 The City Clerk read a proposed ordinance accepting the highest and best bid totaling \$45,000.00 for the sale and removal of nine (9) structures, located on Funston Place; approving the sale of said structures to Jessica Mendes; rejecting two (2) other bids; and authorizing the City Manager to release performance bid guarantee to an unsuccessful bidder.

Mr. Webster made a motion to approve the proposed ordinance. Ms. Guerrero seconded the motion.

Mr. Roland Lozano, Director of Asset management, narrated a video presentation on this matter. A copy of his presentation is made a part of the papers of this meeting. He provided a background and history of the plan to remove nine two-story buildings on Funston Place, and he spoke to the advantages of the ordinance.

Mr. Darnell Mason, representing Hilltop Preservation, stated his belief that these buildings have historical value, and that in his opinion, due process was not shown in their disposal. He spoke to the need for a proper review procedure on their disposition, and stated his belief that these buildings complement the historic character of nearby Fort Sam Houston.

In response to a question by Mayor Peak, Ms. Ann McGlone, Historic Preservation Officer, spoke to the mandated process followed in such cases, and addressed the involvement of the Historic & Design Review Commission and its decisions relative to these buildings. She addressed her recommendation that the buildings are not historic in nature, and noted that others agree, including the San Antonio Conservation Society, Fort Sam Houston, and the Texas Historical Commission. She spoke to the criteria necessary for buildings to be declared historic and presented photographs of the buildings in question. She spoke in favor of the re-use of these buildings, but stated her belief again that they are not historic buildings. She stated her belief that there is no reason for this matter to go through the Zoning Commission, since they are not historic structures.

In response to a question by Mayor Peak, Mr. Lozano stated that the buildings will be removed by the high bidder and re-used elsewhere for housing.

In response to a question by Mr. Salas, Ms. McGlone spoke to the criteria for buildings to be declared historical.

Responding to a question by Mr. Salas, Mr. Mason spoke to why he feels the buildings are historic, and further stated his belief that Mr. John Manguso, Curator of the Fort Sam Houston Museum, has suggested that the City take a stand relative to the historicity of these buildings. He stated that he could develop new information in two weeks' time.

Mr. Salas made a substitute motion to postpone action on this matter until the Council meeting of July 3, 1997. Mr. Bannwolf seconded the motion.

Responding to a question by Mr. Bannwolf, Mr. Lozano stated his belief that a two-week postponement would not adversely affect the sale of the buildings.

Discussion then took place concerning the groups who did not deem that these buildings were historic.

In response to a question by Mr. Bannwolf, Ms. McGlone state her belief that officials at Fort Sam Houston believe that these buildings were not built for any military usage, and therefore are not historic.

Mayor Peak spoke to his concern that the complete process cannot be fulfilled in only two weeks.

Mr. Mason then read from a letter he had received from the San Antonio Conservation Society, in which he believes the Society holds that the buildings are historically significant.

Discussion took place concerning Mr. Mason using the next week for his further research, to allow City staff time to study that material before the two-week time period is up.

Mr. Mason asked for a fair hearing in two weeks, at which all principals can be heard.

In response to a question by Mr. Garza, Mr. Lozano discussed the Request For Proposal process used in this case, noting that all removed buildings must meet City Code requirements to be re-used.

Mr. Flores stated that the two letters from the Conservation Society affirm that the buildings are not historical.

Mr. Vásquez noted that similar buildings are to found throughout the city. He spoke to his concern as to where the buildings will be moved, and he asked several questions relative to the improvements required to make them Code-compliant.

Mr. Gene Camargo, Director of Building Inspections, spoke to the process to be followed through the Board of Adjustment.

The substitute motion then prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak. **NAYS:** None. **ABSENT:** None.

The main motion, as substituted, then prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak. **NAYS:** None. **ABSENT:** None.

Item 29 was postponed until July 3, 1997.

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97-26 At this point, Mayor Peak was obliged to leave the meeting. Mayor Pro
Tem Menendez presided.
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97-26

The Clerk read the following Ordinance:

AN ORDINANCE 86191

RATIFYING SERVICES AND APPROVING FIELD ALTERATION NO. 1 IN THE AMOUNT OF \$312,833.26 WITH TRI-CITY CONSTRUCTION SPECIALIST COMPANY, INC. FOR THE ASBESTOS ABATEMENT-INDEFINITE DELIVERY PROJECT FOR ACTIVITY RELATED TO DREAMLAND OAKS DEMOLITION SERVICES; AUTHORIZING AN ADDITIONAL \$8,240.25 PAYABLE TO OPERATION TECHNOLOGIES, INC. FOR ENVIRONMENTAL ENGINEERING SERVICES; ESTABLISHING A BUDGET OF \$175,982.96 FOR MISCELLANEOUS DEMOLITION ACTIVITIES; AND PROVIDING FOR PAYMENT.

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Mr. Flores made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

Mr. John German, Director of Public Works, narrated a video presentation on the asbestos abatement work in connection with the Dreamland Oaks demolition services.

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

Discussion ensued concerning the estimated costs to demolish the homes involved versus final costs, and the reasons for the higher costs, including the need to expedite the demolition because of vandalism, the amount of asbestos involved, etc. Mr. German stated that he would provide detailed figures to Mr. Menendez as requested, and he addressed plans to create a park on the site of the removed homes.

After consideration, the motion prevailed by the following vote: **AYES:** Flores, Guerrero, Vásquez, Menendez, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Salas, Prado, Garza.

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97-26

The Clerk read the following Ordinance:

AN ORDINANCE 86192

ACCEPTING \$200,000.00 FROM THREE LEE INVESTMENTS AS COMPENSATION TO THE CITY FOR REQUIRED EXCAVATION SERVICES RELATED TO THE OLMOS BASIN DRAINAGE AREA; AND AMENDING THE

97-26

June 19, 1997

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PUBLIC WORKS STREETS AND DRAINAGE BUDGET IN THE SAME AMOUNT FOR PAYMENT TO COMPLETE THE REQUIRED EXCAVATION ACTIVITIES.

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Ms. Guerrero made a motion to approve the proposed Ordinance. Mr. Bannwolf seconded the motion.

Mr. John German, Director of Public Works, narrated a video presentation explaining the planned removal of Olmos Basin soils by City crews in order to allow Three Lee Investments to construct a building on built-up land south of the Concord Building, all at the firm's expense. He explained that this 'tradeoff' is necessary in order to maintain the same high water line in Olmos Basin, should Olmos Dam fill to the top.

After consideration, the motion prevailed by the following vote: **AYES:** Flores, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Salas, Webster.

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97-26 Agenda Item 32, a proposed ordinance ratifying work and authorizing payment in the amount of \$14,545.07 payable to Global Village Builders, Inc. For expenses related to such services in connection with the Edgewood Place Housing Public Improvement Community Development Block Grant (CDBG) Project; revising the project budget; and providing for payment; located in District 6, was earlier removed from consideration by the City Manager.

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97-26 The Clerk read the following Ordinance:

AN ORDINANCE 86193

POSTPONING THE CITY COUNCIL MEETINGS OF JULY 10 AND JULY 17, 1997 UNTIL JULY 24, 1997 IN ORDER FOR COUNCIL MEMBERS TO PARTICIPATE IN THE 1997 GOALS AND OBJECTIVES WORK SESSION, SCHEDULED FOR JULY 10-12, 1997, AND TO ALLOW FOR ADDITIONAL TIME RELATED TO THE 1997-98 BUDGET DEPARTMENT'S WORK SESSION.

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Mr. Bannwolf made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

97-26
June 19, 1997
lmr

Mr. Travis Bishop, Assistant to the City Manager, explained the proposed postponement of certain City Council meetings to clear room for the 1997 Goals and Objectives Work Session.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke in support for a pay raise for City civilian employees, comparable to that being provided to firefighters and police officers. He also spoke to the need for additional Code Compliance officers and Emergency Medical Services units.

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After consideration, the motion prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Vásquez.

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97-26 The Clerk read the following Ordinance:

AN ORDINANCE 86194

NAMING THE MCCRELESS LITERACY CENTER, WHICH IS SCHEDULED TO BE OPENED IN SEPTEMBER OR OCTOBER 1997, THE BOB AND JEANNE BILLA LEARNING AND LEADERSHIP DEVELOPMENT CENTER"; AS REQUESTED BY COUNCILWOMAN DEBRA GUERRERO OF DISTRICT 3.

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Ms. Guerrero made a motion to approve the proposed Ordinance. Mr. Salas seconded the motion.

Ms. Guerrero asked for Council support for the proposed Ordinance, and spoke to the efforts of her predecessor, former City Councilwoman Lynda Billa Burke, to locate this literacy center in District 3.

After consideration, the motion prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Menendez, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Vásquez, Garza.

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97-26

The Clerk read the following Ordinance:

AN ORDINANCE 86195

AUTHORIZING THE WAIVING OF BUILDING PERMIT FEES (REMODELING) IN THE AMOUNT OF \$2,752.55 FOR APPROXIMATELY TWENTY-FIVE (25) SINGLE FAMILY DWELLINGS IN CONJUNCTION WITH THE "ONE HEART, MANY HANDS" PROGRAM, WHICH IS A JOINT EFFORT OF THE NAZARENE CHURCH, THE CITY OF SAN ANTONIO AND THE COMMUNITY TO REMODEL SINGLE FAMILY DWELLINGS FOR THE NEEDY; AS REQUESTED BY COUNCILMAN RICK VÁSQUEZ OF DISTRICT 5.

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Mr. Vásquez made a motion to approve the proposed Ordinance. Mr. Flores seconded the motion.

Mr. Vásquez stated that the total cost to the City will be some \$637.00, inasmuch as the Church of the Nazarene has donated in-kind labor and materials for this project.

After consideration, the motion prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None

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97-26

TRAVEL AUTHORIZATION - Granted:

Travel Authorization for Mayor Howard W. Peak to travel to Austin, Texas for the purpose of meeting with Governor George W. Bush regarding Convention Center Hotel Legislation, on June 18, 1997.

Ms. Guerrero made a motion to approve the Travel Authorization. Mr. Flores seconded the motion.

After consideration, the motion prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None

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City Council adjourned the Executive Session and reconvened the regular session at 5:30 P.M., at which time Mayor Peak stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

97-26 The Clerk read the following Ordinance:

AN ORDINANCE 86196

DIRECTING STAFF TO NEGOTIATE A MUTUAL TERMINATION OF THE CONVENTION MANAGEMENT CONTRACT WITH BARTLETT COCKE-INCORE-HARDIN (BIH) FOR SERVICES ON THE CONVENTION CENTER EXPANSION PROJECT.

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Mr. Flores made a motion to approve the proposed Ordinance. Mr. Bannwolf seconded the motion.

Mr. Frank Garza, Acting City Attorney, provided a background of the construction management agreement with Bartlett Cocke-Incore-Hardin (BIH), noting that questions have arisen over that agreement and the City now wishes to terminate the agreement, since it has been determined that the agreement is not in the City's best interests.

Mayor Peak asked City staff to pursue a mutual termination, and, if this cannot be achieved, pursue termination.

Acting City Attorney Garza then briefly restated the substance of the Mayor's comments.

The following citizen(s) appeared to speak:

Mr. Fred Reynolds, 1202 Waverly, representing Citizens Advisory Group, spoke in support for terminating the agreement, and expressed his belief that citizens need to look into the contract. He discussed how the current problem arose, in his opinion, and spoke against any payment to BIH until the entire matter is settled. He questioned the impact of political contributions made by BIH individuals, and asked that a committee be appointed to investigate the situation.

Mr. Glenn Stehle, 701 N. St. Mary's Street, spoke to a typical project manager's fee of some three per cent of a project's cost, and current City plans to pay BIH some \$6 million. He recommended that in the negotiations, the staff starting-point should be zero.

Ms. Maria Dominguez spoke to her concern with who is responsible for the situation.

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Mr. Marbut spoke to his concern that the people who voted on this contract are not on City Council anymore, and he questioned the effects of term limits on such projects, including accountability. He then addressed the alleged breakdown of accountability and questioned the lucrateness of this contract, including payments up-front. He spoke to the need to terminate this contract and move on.

Mayor Peak asked the City Manager to provide a chronology of events leading up to this contract by next week's Council meeting.

Mr. Garza spoke to his desire for a public hearing with the staff presenting the background of this matter and the public allowed to ask questions.

Mr. Garza then offered an amendment to place an ordinance on City Council's agenda next week reflecting the fact that any costs incurred or associated with the Construction Management Agreement between the City of San Antonio and BIH shall be borne solely from the additional two per cent hotel/motel occupancy tax designated for the project, and that any cost overruns associated with the Construction Management Agreement and Convention Center Expansion Project that are in excess of funds already designated for the project shall require approval by the City Council. Mr. Vásquez seconded the motion.

Mr. Vásquez spoke in support for the amendment, and spoke to the need to review the Convention Center Expansion Oversight Committee and its charge.

Ms. Guerrero thanked members of that committee for their recommendations in this matter.

In response to a question by Ms. Guerrero, Ms. Jelyne Burley, Director of the Convention Center Expansion Office, stated that the project is moving forward, with Clark Construction Company doing preliminary work on the building project. She stated that her staff will continue with BIH's role to insure the project proceeds, and spoke in defense of the need for executive sessions on the subject.

Mr. Frank Garza, Acting City Attorney, reviewed the subjects that can be discussed in executive sessions, under the Open Meetings Act.

Mr. Bannwolf thanked the mayor for his leadership in this area, and spoke to the need for the City Council to restore trust and accountability.

Mr. Menendez stated his desire for a new process for such contracts in the future.

Mayor Peak stated that the Council will get a presentation next week from City staff on a chronology of this matter.

Mr. Webster noted that this is a matter of trust and accountability for the Council to terminate this contract, and he also thanked the mayor for his leadership.

Mr. Salas stated his opinion that term limits is a problem in seeing projects completed. He noted that citizens have questioned responsibility in the current situation with BIH, and stated that he feels that City Council must address it. He also spoke to a need for an accounting of the monies to be paid to BIH.

Mr. Prado stated his belief that the City Council needs to scrutinize contracts more closely in order to prevent such matters as this.

In response to a question by Mr. Garza, Ms. Burley spoke to BIH's desire to continue its construction management services at the International Center, and noted that the single contract covers BIH's involvement in both the International Center and Convention Center Expansion Projects. She stated that a new contract probably must be developed for BIH's continued construction management services at the International Center, if Council desire.

Mr. Flores stated his contention that this action being taken by Council today is in the best interests of the citizens, and spoke to the importance of knowing just what the monies spent thus far have bought.

The amendment then prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak. **NAYS:** None. **ABSENT:** None.

The main motion, as amended, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak. **NAYS:** None. **ABSENT:** None.

97-26

The Clerk read the following Ordinance:

AN ORDINANCE 86197

AMENDING ORDINANCE NO. 86016, DATED MAY 8, 1997, WHICH PREVIOUSLY AUTHORIZED PAYMENT OF \$5,884,093.00 TO BARTLETT COCKE-INCORE-HARDIN FOR INCENTIVE FEES DUE FROM CONSTRUCTION BID AND MANAGEMENT SAVINGS ON THE CONVENTION CENTER EXPANSION PROJECT, SO AS TO REDUCE THE AMOUNT OF AUTHORIZED PAYMENT TO \$389,000.00.

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Mr. Flores made a motion to approve the proposed Ordinance. Mr. Salas seconded the motion.

Mr. Frank Garza, Acting City Attorney, explained the background of the contract and the City Council's desire to terminate it and pay for work performed, thus far.

The following citizen(s) appeared to speak:

Mr. Fred Reynolds, 1202 Waverly, asked for a full accounting to be made public and that BIH be held accountable for the bad publicity brought on by this controversy.

Mr. Faris Hodge, Jr., 140 Dora, stated his belief that the rush to get this project underway as rapidly as possible caused the problem. He questioned the need for executive sessions on this matter; asked for more public hearings aired on commercial television stations; and spoke against any double standard.

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After consideration, the motion prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None

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97-26 Mayor Peak noted that City staff has been directed to produce a chronology of this entire matter for next week's Council meeting, and stated his belief that the next step is for the City Council to identify what went wrong so that it isn't repeated.

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CITIZENS TO BE HEARD

AVANCE

Mr. Ruben Saenz, Incoming Chair of the Board of Directors of Avance, introduced other members of Avance, Mr. Raul Almaguer and Executive Director, Rebecca Cervantes. They made a joint presentation to the City Council on the history, purpose, function and work of the Avance program in San Antonio. (A copy of the presentation is on file with the papers of this meeting.)

A discussion ensued regarding the efforts of Avance; the effect on those participants and the benefit to the community as a whole. In response to a Council question, Ms. Cervantes spoke to the work that Avance does with other non-profit groups.

Members of the City Council commended the work of the Avance Program and reiterated the success they have had in San Antonio.

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WALTERS STREET PEDESTRIAN CROSS BRIDGE

Councilman Salas spoke to a group of residents who had to leave because of the time who had signed up to speak during Citizens to be Heard on this issue. He asked that the City Council do something relative to the 5:00 P.M. designated time frame and apologized to those citizens who had waited to be heard during this time segment.

Mayor Peak stated that the agenda does state 5:00 P.M., or whatever time the City Council is through with A Session items, in order to hear the Citizens to be Heard segment. However, the only reason that the City Council is late is because of the many citizens who are also signed up for Posted Agenda items. Therefore, it's either a delay to the citizens signed up to speak for the Citizens to be Heard segment or those citizens signed up to speak during regular Agenda items. He asked Mr. Salas to visit with him for any suggestions he may have to help this situation.

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MRS. MARY JANE ALVARADO

Mrs. Mary Jane Alvarado, 120 Camargo St., spoke to the City Council about the need to move the ticketing section out of Code Compliance and move it to the San Antonio Police Department. She also suggested that the ticket be issued with four copies. She then spoke to her own particular case which she had previously filed against one individual and her experiences in trying to get this case heard.

She spoke of the many delays in trying to get these cases heard and that they are usually a ploy used by the violator.

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MR. MICHAEL RODRIGUEZ

Mr. Michael Rodriguez, 514 E. Mistletoe, spoke to two publications which he left with the City Clerk which he feels are necessary for the new City Council. These reports deal with the privatization issue at Kelly AFB and the other report deals with a blueprint of military installations in the United States. (A copy of these reports are on file with the papers of this meeting.)

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MR. WILLIAM G. KLAUS

Mr. Michael G. Klaus, P.O. Box 780303, addressed the City Council on a specific case which he feels is harassment by the San Antonio Police Department. He spoke about what he feels was an illegal search, as well as an invasion of privacy. He has filed an official complaint, but has not received a reply to his complaint. His next step will be to file a case with the U.S. Attorney General.

Mayor Peak asked the City Manager to review this case and have a report prepared for Mr. Klaus on this issue with copies to the Mayor and Council.

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97-31 There being no further business to come before the Council, the meeting was adjourned at 7:15 P.M.

A P P R O V E D



HOWARD W. PEAK
M A Y O R

Attest: 
NORMA S. RODRIGUEZ, CMC/AAE
City Clerk