

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBERS, MUNICIPAL
PLAZA BUILDING, THURSDAY, SEPTEMBER
7, 1995.

* * * *

95-39 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building, "B" Room, to consider the following item(s). The Council members present were: FLORES, McCLENDON, BILLA BURKE, AVILA, SOLIS, HERRERA, ROSS, MARBUT, PEAK, WEBSTER, THORNTON.

a) Police Department-5-year Policing Plan & Budget

b) Fire Department-Update of 5-year Master Plan (Postponed to afternoon Budget Session).

* * * *

95-39 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor William E. Thornton, with the following members present: FLORES, McCLENDON, BILLA BURKE, AVILA, SOLIS, HERRERA, ROSS, MARBUT, PEAK, WEBSTER, THORNTON; Absent: NONE.

- - -
95-39 Invocation - Reverend J. H. Johnson, Israelite Baptist Church.

- - -
95-39 Pledge of Allegiance to the flag of the United States.

- - -
95-39 SWEARING-IN OF MUNICIPAL COURT JUDGES

Mayor Thornton noted that recently reappointed Municipal Court Judges will be sworn in at today's City Council meeting.

City Clerk, Norma S. Rodriguez, swore in the Municipal Court Judges enmasse. Each Judge, in turn, introduced themselves.

Councilmembers congratulated them on their reappointments and thanked them for their professionalism and high-quality service.

Mr. Henry Avila introduced representatives from the Harlandale Independent School District, who thanked the Mayor and Councilmembers for allowing the use of the Alamodome for high school athletics.

95-39 CONSENT AGENDA

Mr. Avila made a motion to approve Agenda Items 8 through 24e, constituting the Consent Agenda, with Items 13 and 17 having been pulled earlier by the City Manager. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; ABSENT: None.

AN ORDINANCE 82,749

ACCEPTING THE LOW BID OF SNAP-ON TOOLS CORPORATION TO FURNISH THE CITY OF SAN ANTONIO AUTOMOTIVE OPERATIONS DIVISION WITH AN ENGINE ANALYZER FOR A TOTAL OF \$39,083.75.

* * * *

AN ORDINANCE 82,750

ACCEPTING THE LOW BID OF WAUKESHA-PEARCE IND., INC. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH TWO TRACTOR-TRACKED LOW GROUND PRESSURE BULLDOZERS FOR A TOTAL OF \$282,912.00.

* * * *

AN ORDINANCE 82,751

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO FURNISH THE CITY OF SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR THE 1995-96 FISCAL YEAR FOR A TOTAL OF APPROXIMATELY \$449,000.00. (COPIES OF ALL BID PACKETS ARE AVAILABLE FOR REVIEW IN THE PURCHASING DEPARTMENT.)

* * * *

AN ORDINANCE 82,752

APPROVING A SPECIAL REVENUE RESERVE FUNDED FIELD ALTERATION NO. 2 IN THE AMOUNT OF \$100,864.20

PAYABLE TO V. K. KNOWLTON PAVING CONTRACTOR, INC.
TO IMPROVE DRAINAGE ON FRATT ROAD FROM RITTIMAN TO
CENTER PARK IN CONNECTION WITH THE STREET OVERLAY -
1994 PROJECT.

* * * *

AN ORDINANCE 82,753

ACCEPTING THE LOW, QUALIFIED BID OF ROBINSON
CONSTRUCTION, INC. IN THE AMOUNT OF \$204,832.54 IN
CONNECTION WITH THE N. SABINAS - MARTIN TO PEREZ
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT;
AUTHORIZING A CONTRACT; REVISING THE PROJECT
BUDGET; AUTHORIZING \$11,072.00 FOR MISCELLANEOUS
CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING
\$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR
PAYMENT.

* * * *

AN ORDINANCE 82,754

ACCEPTING THE LOW QUALIFIED ALTERNATE BID ONE AND
TWO OF SUPERIOR ROOFING & CONSTRUCTION CO. IN THE
TOTAL AMOUNT OF \$34,778.00, AND AUTHORIZING AN
ADDITIONAL \$8,694.00 FOR CONSTRUCTION CONTINGENCIES,
IN CONNECTION WITH THE RIVERSIDE GOLF COURSE ROOF
REPLACEMENT PROJECT; AUTHORIZING THE CITY MANAGER
TO EXECUTE A CONTRACT; AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 82,755

ACCEPTING THE LOW QUALIFIED BID OF VIRTUS
CONSTRUCTION CO. IN THE AMOUNT OF \$183,200.00 IN
CONNECTION WITH THE SOUTH NEW BRAUNFELS AVENUE
(RANGER PAUL PYTEL) PARK PROJECT; AUTHORIZING A
CONTRACT; AUTHORIZING \$45,800.00 FOR CONSTRUCTION
CONTINGENCIES; REVISING THE PROJECT BUDGET; AND
PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 82,756

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$800.00
OUT OF GENERAL OBLIGATION BONDS; ACQUIRING TITLE TO
ONE PARCEL IN CONNECTION WITH THE CASTROVILLE ROAD
RECONSTRUCTION PROJECT - GENERAL MCMULLEN TO ACME
ROAD.

* * * *

AN ORDINANCE 82,757

AUTHORIZING THE ACCEPTANCE OF \$78,000.00 IN IN-KIND ASSISTANCE FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO CONTINUE FUNDING OF PUBLIC HEALTH LABORATORY ACTIVITIES IN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD); AUTHORIZING THE EXECUTION OF CONTRACT CHANGE NOTICE NO. 22, COMPRISED OF ATTACHMENT 23 TO CONTRACT C5000104 WITH TDH; REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 1994/95 ESTABLISHED IN ORDINANCE 77973 PASSED AND APPROVED MAY 20, 1993; AND APPROPRIATING FUNDS.

* * * *

AN ORDINANCE 82,758

AUTHORIZING THE TRANSFER OF \$8,500.00 FROM THE 1994/95 SPECIAL REVENUE RESERVE FUND AND AMENDING THE BUDGET OF THE BOTANICAL CENTER/MARINA REMEDIATION PROJECT IN THE DEPARTMENT OF PARKS AND RECREATION FOR THE PURCHASE AND INSTALLATION OF VENTILATION EQUIPMENT FOR THE CITY'S ST. MARY'S STREET MARINA.

* * * *

AN ORDINANCE 82,759

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO COMPROMISE AND SETTLE CAUSE NO. 94-CI-12501, IN THE 225TH JUDICIAL DISTRICT COURT, STYLED TINA S. YOUNTS VS. CITY OF SAN ANTONIO AND ALFONSO CAVALIER, IN THE AMOUNT OF \$39,000.00, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON EIGHT AFFIRMATIVE VOTES.

* * * *

AN ORDINANCE 82,760

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO COMPROMISE AND SETTLE CAUSE NO. 94-CI-17348, IN THE 73RD JUDICIAL DISTRICT COURT STYLED BILLIE JOE CAMPBELL VS. ERNEST SAN MIGUEL AND CITY OF SAN ANTONIO, IN THE AMOUNT OF \$23,500.00 PLUS COURT COSTS.

* * * *

AN ORDINANCE 82,761

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO COMPRISE AND SETTLE CAUSE NO. 95-CI-03560, IN THE 131ST JUDICIAL DISTRICT COURT, STYLED KATHERINE DAYSON VS. MICHAEL G. ANDERS AND CITY OF SAN ANTONIO IN THE AMOUNT OF \$35,000.00 PLUS COURT COSTS.

* * * *

AN ORDINANCE 82,762

AUTHORIZING THE TEMPORARY CLOSURE OF TAMPA STREET BETWEEN CRITTENDEN AND CREIGHTON FROM SEPTEMBER 11 THROUGH SEPTEMBER 15, 1995, WITH RAIN DATES OF SEPTEMBER 18 THROUGH 22, 1995 TO CONDUCT A GROUNDWATER PUMP TEST AS PART OF THE REMEDIAL DESIGN FOR THE FINAL CLEAN-UP OF ZONE 3 AND THE UPPER OFF-BASE PLUME.

* * * *

AN ORDINANCE 82,763

APPOINTING MARY ULLMANN JAPHET TO THE CABLE TELEVISION ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 1997.

* * * *

AN ORDINANCE 82,764

APPOINTING JOHN LAFFOON TO THE HISTORIC AND DESIGN REVIEW COMMISSION.

* * * *

AN ORDINANCE 82,765

REAPPOINTING ROBERT J. EARL TO THE HOME IMPROVEMENT ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON JUNE 23, 1997.

* * * *

AN ORDINANCE 82,766

APPOINTING BONNIE CONNER TO THE OPEN SPACE ADVISORY BOARD FOR TERMS OF OFFICE TO EXPIRE ON AUGUST 29, 1997.

* * * *

AN ORDINANCE 82,767

REAPPOINTING HELEN JOSHUA, SISTER ELIZABETH A. SUELTFENFUSS, CAMILLE F. FIORILLO, FRANK DAVILA, MICHAEL A. SCHOTT AND APPOINTING SARAH A. BENSON AND JAMES SANDY RANSOM TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR TERMS OF OFFICE TO EXPIRE ON SEPTEMBER 30, 1996 AND 1997, RESPECTIVELY.

* * * *

95-39 The Clerk read the following Ordinance:

AN ORDINANCE 82,768

SELECTING RADIAN CORPORATION TO PERFORM AIR QUALITY ENGINEERING SERVICES TO ANALYZE COST EFFECTIVE EMISSION REDUCTION CONTROLS AVAILABLE TO THE CITY TO MAINTAIN AIR QUALITY ATTAINMENT STATUS WITH THE TEXAS NATURAL RESOURCES CONSERVATION COMMISSION (TNRCC) AND THE ENVIRONMENTAL PROTECTION AGENCY (EPA); AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES CONTRACT COVERING THIS WORK; APPROPRIATING FUNDS IN THE AMOUNT OF \$6,500.00; AND PROVIDING FOR PAYMENT.

* * * *

Ms. Billa Burke made a motion to approve the proposed Ordinance. Mr. Avila seconded the motion.

Mr. John German, Director, Public Works, explained details of the Ordinance and the importance of this work.

(At this time Mayor Thornton found it necessary to leave the Council Chambers and Mayor Pro Tem Avila presided.)

Mayor Pro Tem Avila introduced Mr. Mike Manuppelli and Mr. James Rosenblatt, Co-Chairs of the San Antonio Air Quality Task Force, who spoke to the preparation of Ozone-related Air Quality Analyses for the San Antonio area.

Mr. Ross spoke to the benefits of the City maintaining the attainment status for clear air.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: Billa Burke, Thornton.

September 7, 1995
alh

(Mayor Thornton returned to the Council Chambers and presided over the meeting.)

95-39

ALCALDE: ALBERTO CARDENAS JIMENEZ
GOVERNOR OF THE STATE OF JALISCO, MEXICO

Mayor Thornton gave the history of Mexico's Independence and read the Alcalde being presented to Mr. Alberto Cardenas Jimenez, Governor of the State of Jalisco, Mexico, who is visiting San Antonio.

Governor Jimenez spoke of the visit and of the San Antonio delegates to Guadalajara including Mayor Thornton, and expounded on San Antonio's sincerity and loyalty to Mexico.

Mr. Carlos M. Sada, Consul General of Mexico in San Antonio, also spoke to the relationship between San Antonio and Mexico.

Councilmembers joined in welcoming the delegation to San Antonio.

95-39 The Clerk read the following Ordinance:

AN ORDINANCE 82,769

AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,551.00 FOR TITLE SERVICES ON THE HI-LIONS DRAINAGE PROJECT #80, THE BABCOCK ROAD PROJECT - FREDERICKSBURG TO ST. CLOUD, THE ASHLEY ROAD RECONSTRUCTION PROJECT - BASCUM TO S. FLORES AND THE COMANCHE LOOKOUT PARK EXPANSION PROJECT; AND APPROPRIATING FUNDS.

* * * *

Ms. McClendon made a motion to approve the proposed Ordinance. Mr. Avila seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Marbut, Peak, Webster, Thornton; NAYS: None; ABSTAIN: Ross; ABSENT: Flores, Solis, Herrera.

95-39 The Clerk read the following Resolution:

A RESOLUTION NO. 95-39-47

AUTHORIZING THE CITY ATTORNEY, THROUGH THE SAN ANTONIO WATER SYSTEM, TO APPLY FOR STATUS AS A FRIEND OF THE COURT IN THE CASE STYLED MEDINA COUNTY UNDERGROUND WATER CONSERVATION DISTRICT V. PHIL BARSHOP, ET AL., TO FILE AN AMICUS BRIEF IN THE SUPREME COURT OF TEXAS AND THEN INTERVENE AS A PARTY DEFENDANT IN THE LITIGATION CHALLENGING THE VALIDITY OF SB 1477 AND HB 3189.

* * * *

Ms. Billa Burke made a motion to approve the proposed Resolution. Mr. Peak seconded the motion.

Mr. Ross spoke regarding his concern that the motion is not in order since the intent of this item is the same as the motion defeated last week.

In response to a question from Mayor Thornton, Mr. Garza explained the options available and the manner in which this item could have been considered last week, and this item he believes is different. Mr. Garza then explained the purpose of today's Resolution.

The following citizens spoke:

Mr. Tom Culbertson spoke in opposition to having this item on the agenda. He spoke against involving the City in litigation on this issue.

Ms. Carol Patterson stated that Medina County is fighting for pumping rights for all, including the citizens of San Antonio. She asked that the Council join Medina County, not fight them, and spoke against the action which will involve the City of San Antonio in litigation. She urged defeat of this Resolution.

Mr. Jack Finger asked for a clearer definition of "Friend of the Court", which Mr. Garza then explained.

Ms. Christine Heinz reiterated statements made by previous speakers and spoke against approving this action.

Mr. Bob Comeaux also spoke in opposition to this and wants to join Medina County in overturning SB1477 and HB3189.

State Representative Robert Puente spoke to HB3189 which amended SB1477 and the City's support of this legislation. He expressed concern that the City of San Antonio was not represented at the meeting last week at a hearing and gave a history of the legislation. He urged

the City Council to pass this Resolution.

Ms. Danielle Milam, San Antonio Water System Board member, spoke in favor of Regional Management and expressed concern about the need to present a united front on this issue. She urged the City Council to have the City's interest represented and approve this action.

* * * *

Mayor Thornton stated that this Resolution is very necessary in order to prevent situations like the Catfish farm which wastes water.

Mr. Peak spoke of State Representative Puente's efforts to have this legislation approved. He gave a history of the City's stated position and the need for regional management of the Edwards Aquifer. The legislation is now being challenged and the citizens of San Antonio have to be represented. He urged the passage of this proposed Resolution in order to assure that the City of San Antonio be represented.

Ms. Billa Burke also thanked Representative Puente and spoke of the importance of this action today. She stated that the past EUWD board spent millions of dollars to assure getting control of the Aquifer. She urged the passage of the Resolution.

Ms. McClendon stated that the City must take action and move forward and spoke in favor of the proposed Resolution.

Mr. Ross spoke to the actions taken by the citizens against the 2050 plan and the opposition to the citizens to the Applewhite Project. He still feels that the ruling of the City Attorney is incorrect with regard to this action today. He also feels that this vote is an illegal vote and the authority to spend money is not there. He stated that the only issue in the court now is the constitutionality of the SB1477 and HB3189, and spoke of his reasons for voting no on this Resolution.

Mr. Webster spoke of his concerns and feels that not all the information is in and feels it is premature to vote to join the litigation at this time.

Ms. Billa Burke explained the proposed action today in relation to this particular lawsuit and expressed concern about not having authority or voice in this issue.

Mr. Ross stated that he knows what he is doing although he will be voting against the Resolution because he feels that the litigation will be a complete waste of taxpayers' money.

Mayor Thornton stated this Resolution is not the 2050 plan, but rather a managing program passed by the State Legislature for the Aquifer. He urged passage of the Resolution to protect the City of San Antonio's interest and authority.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Solis, Herrera, Marbut, Peak, Thornton; NAYS: Flores, Ross, Webster; ABSENT: None.

95-39 The Clerk read the following Resolution:

A RESOLUTION NO. 95-39-48

AUTHORIZING THE CITY ATTORNEY AND GENERAL COUNSEL FOR THE SAN ANTONIO WATER SYSTEM, UPON THE DIRECTION OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES, TO INITIATE, INTERVENE IN OR OTHERWISE PARTICIPATE IN LITIGATION AND/OR ADMINISTRATIVE PROCEEDINGS TO PROTECT THE CITY OF SAN ANTONIO AND THE SAN ANTONIO WATER SYSTEM'S INTEREST IN PRESERVING THE CITIZENS' RIGHTS TO WATERS OF THE EDWARDS AQUIFER.

* * * *

Mr. Herrera made a motion to approve the proposed Resolution. Mr. Flores seconded the motion.

Mr. Lloyd Garza, City Attorney, explained that this is a Council initiated action. (A copy of the Report by the San Antonio Water System is on file with the papers of this meeting.)

The following citizens spoke:

Mr. Tom Culbertson stated that the SAWS can outpump any entity or individual.

Mr. Bob Comeaux spoke to his concern that the City will give up control of its water rights to the Board of the Edwards Underground Water District through this Resolution.

Mr. Harold Smith, attorney for Mr. Ron Puchek, spoke to the investment of his client and how this action takes away the rights of Mr. Puchek. Mr. Smith spoke to Mr. Puchek's investment and the loss he has already incurred. They want to "reuse" the water and are trying to work with the Community.

Mr. Les Mendelsohn spoke on behalf of the Thelma Neighborhood Association and stated that they do not have water from the SAWS now. They have no voice as to what has occurred in their area. He spoke to the benefits of Ron Puchek's business to the south side of San Antonio in terms of economic development, as well as water opportunities. The Thelma Neighborhood Association is desirous of working with Mr. Puchek.

Mr. Jim Lopez, Chairman of the Thelma Neighborhood Association spoke of the past efforts to secure water for the people of this area. They are concerned that this Resolution, if approved, will impact and be detrimental to their efforts to secure water.

Mayor Thornton stated that the City Council is desirous of working with Congressman Tejeda to secure water for these residents. He stated that while they are trying to avoid wasting water, they are trying to avoid getting water to these residents. He asked him to meet with Mr. Aceves and Mr. J. J. Amano from SAWS on this issue.

Mr. Lopez stated that this area is not with the certified area of the SAWS.

Mr. Joe Aceves, President and CEO, SAWS, was scheduled to do projects, install new mains, and explain funding to provide water mains to certain area.

Ms. Carol Patterson stated that she feels that the notice of this caption does not meet the requirements of the Open Meeting Law. She also took exception to giving SAWS a blank check. She also expressed concern about SB1477 and the effect it will have on the City's pumping rights.

Mr. Jack Finger also expressed concern that this Resolution gives the SAWS a blank check. He is not in favor of Ron Puchek's operation but does not see how SB1477 is going to stop Mr. Puchek's operation.

* * * *

In response to Ms. Billa Burke, Mr. Joe Aceves described the area in Southwest Bexar County where the Catfish Farm is located.

Mr. Peak expressed concern over the operation of the Catfish Farm regardless of its location in Bexar County. He urged approval of this Resolution in order to deal with one operation about is depleting water for all citizens of San Antonio. This one user depletes one-third (1/3) of the City's water usage.

Mr. Ross stated that the Resolution is very specific and does not give anyone an "open door".

In response to Mr. Ross, Mr. Aceves addressed the issue of drawing water from the Aquifer even though it is not in the drinkable state. It is all interrelated and does affect the drinkable water by lowering the level of the bad water.

Mayor Thornton spoke to the participants in this venture and the amount of water being used by this venture, which is one-third (1/3) of the total number of the City's water usage. He then spoke to the purpose of the Resolution.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: None.

95-39 PUBLIC HEARING AND CONSIDERATION OF THE PROPOSED 1995 TAX RATE

Mayor Thornton opened the Public Hearing.

No citizens were registered to speak on the matter.

Mayor Thornton declared the Public Hearing closed.

95-39 PRESENTATION OF THE SAN ANTONIO LIBRARY BOARD OF DIRECTORS FY 95/96 BUDGET

Sister Elizabeth Ann Sultenfuss, Chairman of the San Antonio Library Board, gave a report on the activities of the San Antonio Public Library and its branches. She also thanked the Mayor and City Council for the support the Council has given the Library activities and urged support of the City Manager's proposed Library budget.

95-39 The Clerk read the following Ordinance:

AN ORDINANCE 82,770

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A CONTRACT WITH WILLIS-ROLLINSON, INC. FOR AN AMOUNT NOT TO EXCEED \$987,478.00 TO PROVIDE THIRD PARTY ADMINISTRATION CLAIMS MANAGEMENT SERVICES AND SUPPORT FOR THE CITY'S LIABILITY AND WORKERS' COMPENSATION SELF-INSURANCE FUNDS FOR THE TERM FROM OCTOBER 1, 1995 THROUGH SEPTEMBER 30, 1996; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

Ms. Billa Burke made a motion to approve the proposed Ordinance. Ms. McClendon seconded the motion.

Ms. Nora Chavez, Director of Finance, discussed the process used to make this recommendation. She referred to the Committee recommendations after a thorough analysis of the Requests for Proposals.

The following persons then appeared to speak:

Mr. Bob Thompson spoke on behalf of Lindsey-Morden and their past record with the City. He urged the Council to consider many aspects and approve the contract with Lindsey-Morden.

Mr. Gene Granato, Vice President, Lindsey-Morden, also spoke to their experience and performance of record with the City and urged the City Council to approve the contract with Lindsey Morton.

In response to Mayor Thornton, Ms. Chavez stated that the company being recommended also will have dedicated staff and has established an office here in San Antonio.

Mr. Peak spoke to the "higher" bid of Willis-Rollinson and the problems which had been encountered with Lindsey-Morden.

Ms. Chavez elaborated on the "Audit" performed by the Texas Municipal League Intergovernmental Risk Pool, as well as some performance problems the City had encountered with Lindsey-Morden and, therefore, have caused unsatisfactory service.

A discussion took place on the bids received and the amount of monies being proposed.

Mayor Thornton left the Council Chambers and Mayor Pro Tem Avila presided.

A discussion also took place on the level of service provided by Lindsey-Morden. Mr. Granato and Mr. Michael Young spoke to the audit issue.

Mr. Solis expressed concern about the 20.8 per-cent local and MBE/WBE participation.

Ms. Chavez stated that this number will be higher especially when other criteria will be taken into account.

At this time, Mayor Thornton returned and presided.

After further discussion and consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: None.

MS. PATSY CHEYNEY

Ms. Patsy Cheyney, volunteer with the San Antonio Alliance for the Mentally Ill, spoke to the City Council regarding mental illness in San Antonio. She also expressed concern about the misuse of Depovera.

(Mayor Thornton left the meeting and Mayor Pro-Tem Henry Avila presided)

CITY ARTS FUNDING

A group of individuals representing the Arts community appeared to speak to the Council in support of the current method of allocating funding for the Arts.

Those appearing to speak were:

Pedro A. Rodriguez, Guadalupe Cultural Arts Center, thanked the City Council for the monies given to the arts and spoke to the process being utilized to determine funding. He feels that is an effective and fair means of allocating funds. He then expressed concern about aspersions against one particular agency which was funded and the attack made on the process as well. He urged the Council to continue and support the current process.

Mr. Steve Bailey, Jump Start Performance Company, also took issue with a certain individual who had appeared at a previous Council meeting who had made derogatory statements and maligned the Esperanza Center as well as other arts agencies.

Other persons also spoke reiterating the statements made by the previous two speakers:

Mr. Sterling Houston, Director of the Jump Start Performance Company;

Ms. Sandra Cisneros, 735 E. Guenther Street and a local artist;

Mr. Ed Conroy, Guadalupe Cultural Arts Center;

Ms. Antonia Casteneda, spoke to the history and purpose of the Esperanza Center;

In response to Councilman Solis, Mr. Eduardo Diaz, Director of the Department of Arts and Cultural, spoke to the city funding process and the purpose of the funding provided to the Esperanza Center.

Mrs. Graciela Sanchez, Director of the Esperanza Center, spoke

to the history of their agency and their objective in providing an opportunity for all voices of the community to be heard.

A discussion then took place on the issue which had been brought to the attention of the City Council last week with regard to an exhibition at the Esperanza Center.

Councilmembers Ross and Webster spoke to the need for certain guidelines if and when public monies are involved.

Councilman Solis took issue with certain limitations imposed on one arts agency versus another.

Councilman Peak stated the issue is one of utilizing common sense versus any type of censorship when public funding is provided.

- - -
MR. NEILS CHRISTENSEN

Mr. Neils Christensen stated that he is an unfunded poet who has been unable to be accepted as part of any arts organization although he has been a city resident for six years.

- - -
MR. DON WILKINS CASTILLO

Mr. Don Wilkins Castillo, 1010 N. Frio Street, spoke to the City Council commending individuals such as Mr. Pedro Rodriguez, Mr. Eduardo Diaz and Ms. Sandra Cisneros who have through their artistic efforts brought great benefits to the community.

- - -
MR. CRUZ CHAVIRA

Mr. Cruz Chavira, San Antonio Taxi Drivers Alliance, spoke to the City Council about the history of the taxi cab industry in San Antonio. he also spoke to the new Taxi Cab ordinance which is not having the positive impact to the industry as it should have. He referred to the new dispatch service system which is causing havoc among the taxi cab drivers, and stated that the persons responsible for this new system are in violation of the ordinance.

* * * *

MR. TOM MORGAN

Mr. Tom Morgan, 1037 Austin Highway, also stated that the new dispatch system is a violation of city ordinances. He has spoken to various persons in the city with no avail. He urged the Council to look at other options available and to oblige the persons responsible to see that the system is in compliance with city ordinances.

Mayor Pro-Tem Avila stated that he is a member of the Council

Transportation Committee and will be meeting with Mr. Robert Marbut, Chair of this Committee, as well as Mr. Flores on this issue and will report back to the Council.

- - -
MR. GEORGE BIGLEY

Mr. George Bigley spoke to the Council about his plans to run for the State Legislature as well as to the health care platform which he is promoting.

- - -
MS. ERNESTINE OWINGS

Ms. Ernestine Owings spoke to the Council regarding the need for an adjustment or reduction of the license fees for mobile home parks as well as the sewer fees. She gave a history of the fees and the impact to residents and owners of mobile home parks.

Councilman Peak asked Ms. Owings to leave her address and phone number with the staff so that he can review this issue and report back to her.

95-39 Council recessed its "A" Session at 6:40 p.m. for dinner and reconvened at 7:11 p.m. Council then recessed into Executive Session to consider the following:

- 1) Staff briefing and update on Alamodome Environmental Litigation.
- 2) Staff briefing on Fire Fighters Contract Negotiations.
- 3) Staff briefing on the case styled San Antonio Police Officer's Association (SAPOA), et.el. v. City of San Antonio, et.al. (Out of Class Pay Lawsuit).
- 4) Discussion regarding the possible purchase of property and the terms and conditions of sale.

95-39 Council reconvened in "A" Session at 9:05 p.m., at which time Mayor Thornton announced that Staff had been briefed on the above items and no action was taken.

95-39 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE

Mayor Thornton opened the Public Hearing.

No citizens were registered to speak on the matter.

Mayor Thornton declared the Public Hearing closed.

The City Clerk read the following Ordinance:

AN ORDINANCE 82,771

DESIGNATING THE PROPERTIES LOCATED AT 2234 DELGADO AND 1115 CECELIA EMERGENCY SELECT HOUSING TARGET AREAS (SHTA'S); REPROGRAMMING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$578,733.00 AVAILABLE FROM PROJECT CANCELLATIONS AND COMPLETIONS TO ADDRESS EXISTING HOUSING AND CAPITAL PROJECT SHORTFALLS; REVISING THE APPROPRIATE CDBG BUDGETS; AND AUTHORIZING THE EXECUTION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH.

* * * *

Ms. Billa Burke made a motion to approve the proposed Ordinance. Ms. McClendon seconded the motion.

Mr. Andrew Cameron, Director, Housing & Community Development, explained details of the Ordinance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Avila, Herrera, Ross.

95-39 The Clerk read the following Ordinance:

AN ORDINANCE 82,772

ACCEPTING THE LOW, QUALIFIED BASE BID AND AWARDING A GENERAL FUND STREET DRAINAGE CONSTRUCTION CONTRACT IN THE AMOUNT OF \$762,748.64 TO V. K. KNOWLTON PAVING, INC.; AUTHORIZING \$76,275.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES AND AN ADDITIONAL \$800.00 FOR ADVERTISING EXPENSES IN CONNECTION WITH THE MICRO-SURFACE 1995 "A" PROJECT.

* * * *

Ms. Billa Burke made a motion to approve the proposed Ordinance. Ms. McClendon seconded the motion.

Mr. John German, Director of Public Works, spoke to details of the Ordinance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Peak, Webster, Thornton; NAYS: None; ABSENT: Avila, Herrera, Ross, Marbut.

95-39 The Clerk read the following Ordinance:

AN ORDINANCE 82,773

ACCEPTING THE LOW QUALIFIED BID AND AWARDING A GENERAL FUND STREET AND DRAINAGE CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,154,863.28 TO V. K. KNOWLTON PAVING, INC.; AUTHORIZING \$115,486.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES AND AN ADDITIONAL \$800.00 FOR ADVERTISING EXPENSES IN CONNECTION WITH THE MICRO-SURFACE 1995 "B" PROJECT.

* * * *

Mr. Peak made a motion to approve the proposed Ordinance. Ms. Billa Burke seconded the motion.

Mr. John German, Director of Public Works, spoke to the details of the proposed Ordinance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Peak, Webster, Thornton; NAYS: None; ABSENT: Avila, Herrera, Ross, Marbut.

95-39 The Clerk read the following Ordinance:

AN ORDINANCE 82,774

RATIFYING PROFESSIONAL SERVICES IN THE AMOUNT OF \$222,259.89 FOR THE CONTRACT WITH COX & SMITH, INC. AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$470,040.11 FOR A TOTAL APPROPRIATION OF \$692,300.00 FOR LEGAL SERVICES RELATED TO ALAMODOME ENVIRONMENTAL LITIGATION EFFORTS, AND AUTHORIZING THE TRANSFER OF \$692,300.00 TO THE ALAMODOME ENVIRONMENTAL REMEDIATION FUND FOR THESE SERVICES.

* * * *

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

Mr. Lloyd Garza, City Attorney, spoke to the environmental litigation efforts and background for this Ordinance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Marbut, Webster, Thornton; NAYS: None; ABSENT: Avila, Herrera, Ross, Peak.

95-39 The Clerk read the following Ordinance:

AN ORDINANCE 82,775

RATIFYING PROFESSIONAL SERVICES IN THE AMOUNT OF \$79,045.92 FOR THE CONTRACT WITH LLOYD, GOSSELINK, FOWLER, BLEVINS, AND MATHEWS, P.C. AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$170,954.08 FOR A TOTAL APPROPRIATION OF \$250,000.00 FOR LEGAL SERVICES RELATED TO ALAMODOME ENVIRONMENTAL REMEDIATION EFFORTS, AND AUTHORIZING THE TRANSFER OF \$250,000.00 TO THE ALAMODOME ENVIRONMENTAL REMEDIATION FUND FOR THESE SERVICES.

* * * *

Ms. McClendon made a motion to approve the proposed Ordinance. Mr. Solis seconded the motion.

Mr. Lloyd Garza, City Attorney, explained this item had been discussed previously in Executive Session, and this Ordinance would raise the authorized level to \$677,213.28.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Peak, Webster, Thornton; NAYS: None; ABSENT: Avila, Herrera, Ross, Marbut.

95-39 The Clerk read the following Ordinance:

AN ORDINANCE 82,776

AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND COOK-JOYCE, INC. IN THE AMOUNT OF \$793,950.00 FOR ENVIRONMENTAL ENGINEERING SERVICES REQUIRED FOR

THE ALAMODOME ENVIRONMENTAL REMEDIATION PROJECT AND
AUTHORIZING THE TRANSFER OF \$793,950.00 TO THE
ALAMODOME ENVIRONMENTAL REMEDIATION FUND FOR THESE
SERVICES.

* * * *

Ms. Billa Burke made a motion to approve the proposed Ordinance. Ms. McClendon seconded the motion.

Mr. John German, Director of Public Works, explained details of the proposed Ordinance, stating Staff found this to be a fair and reasonable request for the service to be rendered.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Avila, Herrera, Ross.

95-39 The Clerk read the following Ordinance:

AN ORDINANCE 82,777

RATIFYING FIELD ALTERATION NO. 1 IN THE AMOUNT OF \$83,823.85 FOR THE CONSTRUCTION CONTRACT WITH EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, INC., FOR WORK RELATED TO THE REMOVAL AND DISPOSAL OF CONTAMINATED SOILS LOCATED ON RIGSBY ROAD, AMENDING THE CONSTRUCTION CONTINGENCY BY \$64,199.24, AND AUTHORIZING THE TRANSFER OF FUNDS TO THE ALAMODOME ENVIRONMENTAL REMEDIATION FUND.

* * * *

Ms. McClendon made a motion to approve the proposed Ordinance. Ms. Billa Burke seconded the motion.

Mr. John German, Director of Public Works, spoke to details of the Ordinance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Avila, Herrera, Ross.

95-39

The Clerk read the following Ordinance:

AN ORDINANCE 82,778

ACCEPTING THE LOW QUALIFIED BID AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,283,300.00 TO REMEDIATION SERVICES, INC., AUTHORIZING \$128,330.00 FOR CONSTRUCTION CONTINGENCIES IN CONNECTION WITH THE REMOVAL, TRANSPORT, AND DISPOSAL OF THE ALAMODOME ON-SITE LANDFILL, AND AUTHORIZING THE TRANSFER OF \$1,411,630.00 TO THE ALAMODOME ENVIRONMENTAL REMEDIATION FUND.

* * * *

Ms. McClendon made a motion to approve the proposed Ordinance. Ms. Billa Burke seconded the motion.

Mr. John German, Director of Public Works, also gave a schedule of removal of the on-site landfill.

Mayor Thornton spoke to Mr. David Arevalo's past role in this area and then spoke to Mr. Arevalo and his daughters recent involvement as plaintiffs in one of the lawsuits against the City. (A copy of the statement is on file with the papers of this meeting.)

Mayor Thornton then stated that no one would be allowed on site in the future, but may view it from outside of the fence.

He also stated that they would have weekly status meetings, and that this is a re-commitment of the City.

In response to a question by Ms. McClendon, Mr. German spoke to the amount of money already spent on the removal of the landfill plus the five items on the agenda today. (A summary of the Costs of the Alamodome Environmental Remediation is on file with the papers of this meeting.)

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Avila, Herrera, Ross.

95-39

The Clerk read the following Ordinance:

AN ORDINANCE 82,779

AUTHORIZING THE TEMPORARY CLOSURE OF BEAUREGARD STREET BEGINNING AT SOUTH ALAMO AND GOING WEST 125 FEET TOWARDS MADISON STREET ON SATURDAY, SEPTEMBER

16, 1995 FROM 12:00 NOON UNTIL 10:00 P.M. IN CONNECTION WITH A "DIEZ Y SIES CELEBRATION", AS REQUESTED BY COUNCILMAN ROGER FLORES.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Avila, Herrera, Ross.

95-39 TRAVEL AUTHORIZATION - Granted:

Councilman Juan F. Solis, III, to travel to Dallas, Texas, from October 25, 1995 to October 28, 1995, to attend a meeting of the Texas Municipal League Annual Conference.

* * * *

Ms. Carol Patterson spoke to the "austere" manner in which members of the Edwards Aquifer Water District Board traveled to conferences and took exception to the remarks against these board members in the media.

95-39 At this time, 9:40 p.m., City Council recessed into a Budget Work Session on the Fire Department Budget.

95-39 There being no further business to come before the Council, the meeting was adjourned at 10:20 P.M.

A P P R O V E D
M A Y O R

Attest: *Anna S. Rodriguez*
City Clerk