

SPECIAL MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
WEDNESDAY, APRIL 27, 1994.

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94-20 The special meeting was called to order at 4:10 P.M. by the Presiding Officer, Mayor Nelson W. Wolff, with the following members present: PEREZ, McCLENDON, AVILA, SOLIS, AYALA, ROSS, THORNTON, PEAK, LARSON, WOLFF. Absent: BILLA BURKE.

Mayor Wolff spoke to the purpose of the special meeting, that being to approve the terms and conditions and authorizing execution of the Alamodome Conveyance Agreement between VIA Metropolitan Transit Authority and the City of San Antonio.

Mr. Alex Briseno, City Manager, spoke to the need for the City Council to recess into Executive Session in order for it to be briefed on the subject.

City Council then recessed into Executive Session at 4:11 P.M., reconvening in open session at 4:35 P.M.

City Clerk Norma S. Rodriguez then read the following proposed ordinance:

AN ORDINANCE 80,059

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF THE ALAMODOME CONVEYANCE AGREEMENT BETWEEN VIA METROPOLITAN TRANSIT AUTHORITY AND THE CITY OF SAN ANTONIO; ESTABLISHING THE ALAMODOME AS A CITY FACILITY WITHIN THE CITY'S HOTEL MOTEL SPECIAL REVENUE TAX FUND; AND DECLARING AN EMERGENCY.

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

Ms. Veronica Zertuche, Assistant City Attorney, outlined the Alamodome Conveyance document and spoke to six "Policy Issues" that the VIA board of trustees wants revised and/or clarified. Those "Policy Issues" are contained in Sections 6, 7, 11, 17, 19, and 21-24 of the Conveyance Agreement. A copy of the staff memorandum involved is made a part of the papers of this meeting.

Mr. John German, Director of Public Works, spoke to "Alamodome Soil Remediation Costs" and five possible options for City Council consideration, including their proposed costs. A copy of the staff memorandum titled "Alamodome Soil Remediation Costs" is made a part of the papers of this meeting. Mr. German noted that Option A, at a projected cost of some \$8.35 million, is the 'best-case scenario' for the City, in his opinion. He identified the various options thus:

- OPTION A: best-case scenario for City of San Antonio.
- OPTION B: a viable alternative.
- OPTION C: most likely scenario if the on-site landfill must be removed.
- OPTION D: highest-cost option that the City should consider.
- OPTION E: worst-case scenario.

Mr. George K. Noe, Director of Management Services, spoke to possible funding for Options B and C in 'recommended funding hierarchy', attachments to the staff memorandum cited above.

In response to a question by Mayor Wolff, Mr. Lloyd Garza, City Attorney, stated his opinion that the City will have the same legal obligations, whether or not the conveyance is done.

Mr. Briseno stated that the City will be attempting to recover on its costs for Alamodome soil remediation, and he addressed the accounting procedures to be followed.

Mayor Wolff spoke to the three promises made to the citizens, which the Council has pledged to keep. Those being:

- (1) Transfer of Alamodome from VIA Metropolitan Transit Authority to the City of San Antonio;
- (2) Begin moving contaminated soils safely and expeditiously from the Alamodome site; and
- (3) Position the City to file whatever lawsuits our attorneys advise us that we have a cause of action on.

He urged support for the proposed conveyance.

Mr. Peak spoke in support for the proposed ordinance, noting that the City has legal obligations, conveyance or not. He spoke to various lawsuits filed in the Alamodome soils matter and noted that environmental costs will be high, no matter which option prevails. He noted that the conveyance also halts the bickering between the City and VIA over Alamodome matters.

Ms. McClendon spoke in support for the proposed ordinance dealing with the conveyance, and addressed the history of the City Council's resolution of the Alamodome soils problem. She also noted that some of the contaminated soil is being removed from the Alamodome site today.

In response to a question by Ms. McClendon, Ms. Zertuche contrasted the City's standing in matters of recouping soil remediation costs, both as a 'tenant' of the Alamodome and as its owner.

In response to a question by Ms. McClendon, Mr. German explained that runoff water from contaminated soils on the Alamodome site is not going into the Edwards Aquifer, but into the San Antonio River after treatment at the wastewater treatment plant.

Mr. Larson noted that he had been a "no" vote for the Alamodome because of his concerns for the City's liability.

A discussion then took place concerning VIA's remaining liability after conveyance.

In response to a question by Mr. Larson, Ms. Zertuche and Mr. Roland Lozano, Director of Dome Development, discussed the possibility of any fines levied by the Texas Natural Resources Conservation Commission and who must pay them.

In response to a question by Mr. Larson, Mr. German discussed TNRCC's pending decision on possible removal of contamination soil in the Alamodome landfill.

Mr. Lozano discussed the continuing usage of the Temporary Certificate of Occupancy issued for the Alamodome, pending certain final actions leading up to issuance of the Permanent Certificate of Occupancy.

Discussion ensued concerning the Alamodome now falling under the City's Convention & Visitors fund as a separate City department, and the positive impact of the growing usage of the facility.

Mr. Larson stated his belief that Convention & Visitors funds will ultimately be used to pay for portions of the Alamodome costs, and spoke to the need for the City to be candid in explaining this to the citizens. He commended City staff for its overall work on the \$140 million facility.

Mr. Briseno noted that the Alamodome operations report next week will cover this issue, and expressed his belief that the new Pace Entertainment agreement, to be approved by the Council tomorrow, will help these financial issues.

Mr. Thornton addressed the creative financing of the Alamodome, through use of the VIA sales tax, and lauded former Mayor

Henry Cisneros for shepherding the Alamodome issue. He also thanked VIA for its participation in the entire matter.

In response to a question by Mr. Thornton, Mr. Lozano stated that a contractor placed contaminated soils into the Pearsall Road landfill.

Mr. Thornton stated his desire that the people who caused the problems with some deposits of contaminated Alamodome soils be held accountable for their actions.

Mr. Ross lauded Mr. Thornton for broaching the original idea of asking VIA to convey ownership of the Alamodome to the City, and expressed his concern with citizen perceptions that the Council is not revealing all about the Alamodome issue. He noted that the Council's committee, looking into the contaminated soils issue, felt that it should step aside in this matter, inasmuch as the FBI had entered the picture with its own investigation. He thanked City staff for its hard work, especially during the past two months.

Mr. Perez congratulated City staff for assisting the City Council fulfill its three main goals, promised to the citizens.

Mr. Solis noted that the City Council never shirked its responsibilities on the Alamodome issue, and he thanked the Mayor for coordinating this entire matter.

Ms. Ayala spoke to her concern with the citizens' perception of the Alamodome soils issue, and thanked the Mayor for his leadership.

Mr. Peak thanked Ms. McClendon for her actions in this entire matter.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Avila, Ross, Solis, Ayala, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Billa Burke.

94-20 There being no further business to come before the Council, the meeting was adjourned at 5:32 P.M.

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

Attest: *Anne S. Rodriguez*
C i t y C l e r k

April 27, 1994
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