

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBERS, MUNICIPAL
PLAZA BUILDING, THURSDAY, JUNE 20,
1996.

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96-25 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, SOLIS, ROSS, MARBUT, PEAK, WEBSTER, THORNTON. Absent: AVILA, HERRERA.

A. Staff Presentation on the update regarding Convention Facilities Catering Contract RFP - Council direction to have staff proceed and to include adding a slot on the Evaluation Team for a member of the Convention & Visitors Commission.

B. Staff Presentation on the Convention Center Headquarters Hotel Selection Process - Council direction to staff to proceed with the following amendments:

1. Add to Proposed Technical Evaluation that PRK and City Staff will provide a detailed technical evaluation and ranking to the City Staff Review Committee.

2. On RFQ - Evaluation Criteria - change Point System Conceptual from 15 to 20 and Experience from 35 to 30.

3. Proposal Criteria #1 - Financial Feasibility - add Commitment to last bullet, to read: Financing Plan/Commitment.

"B" Session adjourned at 11:35 A.M.

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96-25 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, SOLIS, HERRERA, ROSS, MARBUT, PEAK, WEBSTER, THORNTON. Absent: AVILA.

96-25 Invocation - Reverend Timothy Wallace, First United Pentecostal Church.

96-25 Pledge of Allegiance to the flag of the United States.

96-25 GREATER SAN ANTONIO BUILDERS ASSOCIATION

Mayor Thornton stated that representatives of the Greater San Antonio Builders Association are on hand today to commemorate the Association's donation to the San Antonio Metropolitan Ministries (SAMM) of more than \$40,000 realized from the sale of the Association's 1995 Charity Home. He stated that this home was made possible through the generosity of Plute Home Corporation and other Association members, and he invited Mr. Gary Javore, Co-Chairman, Charity Home Project, and Mr. Jerry Thompson, representing SAMM, to come forward.

Mr. Javore spoke to details of the sale of the Charity Home built by some 88 different trades, and sold for more than \$40,000. He then presented a check to San Antonio Metropolitan Ministries.

Mr. Thompson, accepting the check, thanked the Association for its support for SAMM and its contribution each year.

Ms. McClendon spoke to the Association's many charitable projects throughout San Antonio.

Mr. Solis lauded the "Christmas In April" project in District 5 and the SAMM Shelter.

Mr. Ross thanked the group for its efforts toward affordable housing in San Antonio.

Mr. Flores and Mayor Thornton also congratulated the Association.

96-25 MR. RUBEN SANDOVAL

Mayor Thornton spoke to the recent loss of Mr. Ruben Sandoval and addressed his many accomplishments, noting that he cared for those having the least amount of power. He spoke to his last major project, a proposed new hotel near the Alamodome, and stated that Mr. Sandoval did many good things for San Antonio.

96-25 CONSENT AGENDA

Mr. Solis made a motion to approve Agenda Items 7 through 28, constituting the Consent Agenda, with Item 16 pulled for individual consideration. Mr. Webster seconded the motion.

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

Flores, Clendon, Billa Burke, La, Solis, Herrera, Ros Marbut,
Peak, Webster, Thornton; ABSENT: None.

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AN ORDINANCE 84,289

ACCEPTING THE LOW QUALIFIED BIDS OF COOPER EQUIPMENT COMPANY, WAUKESHA-PEARCE INDUSTRIES, INC., ALAMO FORD NEW HOLLAND, INC., AND VAQUERO EQUIPMENT COMPANY, LTD., TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH HEAVY EQUIPMENT FOR A TOTAL OF \$586,734,56.

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AN ORDINANCE 84,290

ACCEPTING THE LOW BID OF PARKWAY SYSTEMS TO PROVIDE THE CITY OF SAN ANTONIO CONVENTION FACILITIES DEPARTMENT WITH A SWEEPER SCRUBBER FOR A TOTAL OF \$30,483.85.

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AN ORDINANCE 84,291

ACCEPTING THE BID OF ACCUTRONICS, INC., TO PROVIDE THE CITY OF SAN ANTONIO COMMUNITY INITIATIVES AND INFORMATION SERVICES DEPARTMENTS WITH TIME AND DATA TERMINALS FOR A TOTAL OF \$36,215.00.

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AN ORDINANCE 84,292

ACCEPTING THE LOW QUALIFIED BID OF EARTHWORKS, INC. IN THE TOTAL AMOUNT OF \$27,200.00 FOR CONSTRUCTION OF A PLAYGROUND AT WESTWOOD VILLAGE PARK; AUTHORIZING A CONSTRUCTION CONTRACT; CREATING THE WESTWOOD VILLAGE PLAYGROUND 1994 GENERAL OBLIGATION BOND PROJECT IN THE DEPARTMENT OF PARKS AND RECREATION; AUTHORIZING THE TRANSFER OF FUNDS AND ESTABLISHMENT OF A PROJECT BUDGET; AUTHORIZING \$1,388.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; ENCUMBERING FUNDS FOR THE CONSTRUCTION CONTRACT, CONSTRUCTION CONTINGENCY EXPENSES, BID ADVERTISING AND APPRAISAL SERVICES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,293

ACCEPTING THE LOW QUALIFIED BID WITH ADDITIVE ALTERNATE 3 AND DEDUCTIVE ALTERNATE 4 OF SUPERIOR

ROOFING & CONSTRUCTION CO. IN THE AMOUNT OF \$113,974.75 IN CONNECTION WITH THE SAN JUAN-BRADY CENTER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING THE TRANSFER OF FUNDS; AUTHORIZING \$5,698.25 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$819.00 FOR ADVERTISING EXPENSES; ADOPTING A BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,294

ACCEPTING THE LOW QUALIFIED BID OF R.L. JONES, INC. IN THE AMOUNT OF \$540,172.60 IN CONNECTION WITH THE PALM - CHERYL TO BANDERA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; REVISING THE PROJECT BUDGET; AUTHORIZING \$13,700.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,295

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE CONTRACT WITH CIVIL ENGINEERING CONSULTANTS, INC.; APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$25,000.00; AND PROVIDING FOR PAYMENT, ALL IN CONNECTION WITH THE CASTROVILLE ROAD - GENERAL MCMULLEN TO ACME PROJECT. (AMENDS ORDINANCE NO. 78375 DATED JULY 29, 1993)

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AN ORDINANCE 84,296

ACCEPTING THE LOW, QUALIFIED BID OF, AND AWARDED A 1989 GENERAL OBLIGATION LIBRARY BOND FUNDED CONSTRUCTION CONTRACT TO, WESTAR GENERAL CONTRACTING, INC., IN THE AMOUNT OF \$331,000.00 IN CONNECTION WITH THE THOUSAND OAKS BRANCH LIBRARY RENOVATION PROJECT; AUTHORIZING \$39,720.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,297

APPROVING FIELD ALTERATION NO. 11 IN THE AMOUNT OF \$58,000.00 PAYABLE TO STODDARD CONSTRUCTION COMPANY

BT OF 1987 GENERAL OBLIGATION (G.O.) CRIME
PREVENTION BOND FUNDS IN CONNECTION WITH POLICE
HEADQUARTERS RENOVATIONS. (AMENDS ORDINANCE NO.
80713 DATED SEPT. 1 1994)

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AN ORDINANCE 84,298

AUTHORIZING THE CITY MANAGER TO ACCEPT AND EXECUTE A DRAINAGE FACILITY & WATERWAY AGREEMENT WITH THE MISSOURI PACIFIC RAILROAD COMPANY IN CONNECTION WITH THE QUINTANA ROAD DRAINAGE #64 EXTENSION PROJECT; AUTHORIZING THE PAYMENT OF A ONE-TIME LICENSE FEE OF \$2,170.00; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,299

AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE TO PARCEL NOS. C87-14002 AND C88-14003 FROM MIKE SUNDRA ET AL, AND LOUIS E. RORK AND KAY G. RORK ET AL, RESPECTIVELY AND AUTHORIZING PAYMENT IN THE RESPECTIVE AMOUNTS OF \$115,000.00 AND \$90,000.00 FOR ACQUISITION OF SAID PROPERTIES; AUTHORIZING PAYMENT TO THE COUNTY CLERK OF BEXAR COUNTY FOR COURT COSTS IN THE AMOUNT OF \$1,498.00, AND FURTHER AUTHORIZING PAYMENT TO DAVIDSON AND TROILO, P.C., FOR LEGAL FEES IN THE AMOUNT OF \$19,559.90 IN CONNECTION WITH THE WURZBACH PARKWAY PROJECT FOR A TOTAL COST OF \$226,057.90.

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AN ORDINANCE 84,300

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$325.00 PAYABLE TO MARIA O. YANEZ, ET AL, OUT OF 1987 GENERAL OBLIGATION STREET BONDS; ACQUIRING FEE SIMPLE TITLE TO ONE PARCEL IN THE CASTROVILLE ROAD RECONSTRUCTION PROJECT - GENERAL MCMULLEN TO ACME ROAD.

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AN ORDINANCE 84,301

APPROVING THE ASSIGNMENT OF THE FARMER'S MARKET PLAZA LEASE AGREEMENT CURRENTLY HELD BY ANDY AND MARY LOU RIVERA'S ENTERPRISES TO ROBERT SANTIAGO, D/B/A EARTH TO MARKET WITH AN EFFECTIVE DATE OF JULY 1, 1996; AT AN ANNUAL RATE OF \$7,050.00 ADJUSTED EACH YEAR FOR ANY INCREASE IN THE CONSUMER PRICE

INDEX.

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AN ORDINANCE 84,302

EXTENDING THE AGREEMENT WITH THE SAN ANTONIO AMATEUR SOFTBALL ASSOCIATION FOR UMPIRE SERVICES AT CITY SPONSORED SOFTBALL GAMES AUTHORIZED BY ORDINANCE NO. 78289, PASSED AND APPROVED ON JULY 15, 1993, FOR AN ADDITIONAL THREE YEARS; AMENDING THE PAYMENT SCHEDULE FOR UMPIRE SERVICES; AND AUTHORIZING PAYMENT.

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AN ORDINANCE 84,303

AMENDING AN EXISTING CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND CARL CORP. OF DENVER, COLORADO AND AUTHORIZING A LICENSE AGREEMENT TO ENHANCE ELECTRONIC DATABASE SERVICES FOR THE LIBRARY DEPARTMENT SUPPLIED BY INFORMATION ACCESS COMPANY THROUGH CARL CORP., AT A COST OF \$38,000.00; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 84168 DATED MAY 30, 1996)

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AN ORDINANCE 84,304

ACCEPTING THE PROPOSALS OF FIESTA-CAPITAL CORP. AND COMMUNITY RENTALS COMPANY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS PURSUANT THERETO FOR CAR RENTAL CONCESSIONS AT SAN ANTONIO INTERNATIONAL AIRPORT FOR TWO YEAR TERMS AND PROVIDING FOR ANNUAL PAYMENT TO THE CITY OF THE GREATER OF NINE PERCENT OF GROSS RECEIPTS GENERATED THEREUNDER OR A MINIMUM ANNUAL GUARANTEE OF \$24,000.00 FOR COMMUNITY RENTALS COMPANY AND \$200,000.00 FOR FIESTA-CAPITAL CORP. PLUS AN ADDITIONAL ONE PERCENT OF GROSS RECEIPTS UNTIL SUCH TIME AS RENTAL FOR SUCH COUNTER SPACE SHALL BE REMITTED.

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AN ORDINANCE 84,305

AUTHORIZING THE CITY MANAGER TO PURCHASE THE CITY'S MEDICAL PROFESSIONAL LIABILITY INSURANCE FROM ST. PAUL FIRE & MARINE INSURANCE COMPANY THROUGH SEDWICK JAMES OF TEXAS, INC. (SEDGWICK) AS THE CITY'S SOLE BROKER OR RECORD WITH SAID POLICY TO BE FOR A ONE-YEAR PERIOD FROM JULY 1, 1996 THROUGH JULY 1, 1997, AT A COST OF \$110,565.00.

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AN ORDINANCE 84,306

RATIFYING THE SUBMISSION OF AN APPLICATION TO THE ALAMO AREA COUNCIL OF GOVERNMENTS ("AACOG") FOR A FY 1997 SOLID WASTE GRANT IN THE AMOUNT OF \$76,775.00 TO SUPPORT A PROPOSED LITTER ABATEMENT PROGRAM TO BE HOUSED IN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) BUREAU OF ENVIRONMENTAL HEALTH.

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AN ORDINANCE 84,307

AUTHORIZING THE ISSURANCE OF A PARADE PERMIT TO THE MARKET SQUARE ASSOCIATION FOR ITS ANNUAL FREEDOM FEST PARADE FROM ST. PAUL'S SQUARE TO MILAM PARK VIA COMMERCE STREET ON SATURDAY, JULY 6, 1996, FROM 9:30 A.M. UNTIL 1:00 P.M.; AND AUTHORIZING THE TEMPORARY CLOSURE OF WEST COMMERCE STREET BETWEEN SAN SABA AND SANTA ROSA STREETS ON SATURDAY, JULY 6, 1996 FROM 8:30 A.M. UNTIL 3:00 P.M. FOR THE PURPOSE OF HOLDING CEREMONIES IN CONNECTION WITH SAID EVENT.

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AN ORDINANCE 84,308

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF SILVER SPRUCE FROM HIDDEN FORREST ELEMENTARY TO BLUE CREEK; BLUE CREEK FROM SILVER SPRUCE TO THE HIDDEN FORREST RECREATIONAL CENTER BEGINNING AT 9:45 A.M. UNTIL 11:15 A.M., THURSDAY, JULY 4, 1996, IN CONNECTION WITH THE FOURTH OF JULY PARADE SPONSORED BY THE HIDDEN FOREST HOMEOWNERS ASSOCIATION.

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AN ORDINANCE 84,309

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF SAINT IVES FROM 9227 SAINT IVES TO TEZEL, TEZEL FROM SAINT IVES TO ISLAND IN FRONT OF BRAUN STATION ELEMENTARY BEGINNING AT 4:00 P.M. UNTIL 5:30 P.M., THURSDAY, JULY 4, 1996, IN CONNECTION WITH THE FOURTH OF JULY PARADE SPONSORED BY ELLEN SUTTON.

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96-25 The Clerk read the following Ordinance:

AN ORDINANCE 84,310

APPROVING FIELD ALTERATION NO. 3 IN THE AMOUNT OF \$50,410.52 PAYABLE TO E.E. ROBERTS CO., INC., OUT OF 1989 GENERAL OBLIGATION (G.O.) LIBRARY BOND FUNDS; AMENDING THE CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$5,000.00; AND AUTHORIZING AN ADDITIONAL \$4,789.00 PAYABLE TO REYNA/MCCHESNEY ASSOCIATED ARCHITECTS FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE WESTFALL BRANCH LIBRARY ADDITION AND RENOVATION PROJECT. (AMENDS ORDINANCES NO. 78234(7-1-93) AND 82973 (10-12-95))

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

Mr. John German, Director of Public Works, briefly described details of the Westfall Branch Library Addition and Renovation project.

Ms. Martha Tarpley, representing Friends of the Westfall Branch Library, thanked the Council for approving this work, but expressed her group's concerns for the condition of the outside of the library building, expressing their belief that the new addition to the building does not blend in well with the existing structure. She spoke to the need for additional landscaping and signage, and addressed the importance of outside appearance of the building.

In response to a question by Mr. Flores, Mr. German spoke to the points raised by Ms. Tarpley.

Ms. June Garcia, Library Director, spoke to the new addition to the building and the reasons for selection of the design and materials used. She noted that other concerns now are being addressed.

In response to a question by Mr. Ross, Ms. Garcia spoke to citizens' involvement in library renovations, including branch library support groups such as this.

Mr. Ross asked that such support groups be involved in such things as planned building additions.

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

96-25 It was the concensus of City Council members present to undertake consideration of Agenda Item 35 at this time.

96-25 TRAVEL AUTHORIZATION - Granted:

Mayor William E. Thornton to travel to New York City, from June 23, 1996 to June 25, 1996, to attend rating agency presentations for the Airport System Improvement Revenue Bonds, Series 1996.

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Mayor William E. Thornton to travel to Austin, Texas and Cleveland, Ohio from June 21, 1994 to June 23, 1996, to attend a Texas Municipal League Board meeting and the annual conference of the U.S. Conference of Mayors.

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96-25 CITIZENS COMMITTEE ON WATER POLICY

Mayor Thornton spoke to the current drought situation and the Sierra Club lawsuit, and the regional nature of the water problems. He compared the current drought to the drought of the 1950s and spoke to the need for development of options, which he felt had not been done to address future water needs. He spoke to the matter of the Applewhite Reservoir and the divisiveness of concerns over that issue, stating his belief that it is difficult to succeed at the ballot-box if the plan in question is only a government-created plan. He then spoke to the development of a plan by the current City Council members for a new broadbased citizens committee on water policy, and he announced a list of names of proposed members of that committee, a copy of which is made a part of the papers of this meeting.

Mayor Thornton stated that the proposed list of committee members is the result of interviews held over the past two months by consultants Rafael Aldave and John Folk Williams. He spoke of the group as being both balanced and diverse, and he spoke to the interests of its 32 proposed members. He stated that nothing has been pre-determined about their considerations, that they can explore all issues of the problem as they wish. He spoke to the need for consensus and addressed the importance of communication with other Edwards Aquifer areas. He stated his desire that the committee begin its work by mid-July and end by the close of this year, in time for the formulation of possible new legislation. He asked that the committee return to Council with an agreed-upon water policy plan, and he spoke to the Council's charge to that committee, a copy of which is made a part of the papers of this meeting.

Ms. McClendon spoke of this as a move in the right direction, noting that all sides of the issue are represented in this proposed committee. She stated her belief that compromise is possible, and she also asked that Mr. Gregory Hudspeth be considered for inclusion on the committee.

Mr. Ross noted that the city is embarking upon a unique idea to solve a problem by using the expertise of the community, with all points of view being represented. He pointed out the appointment of Ms. Kay Turner as an example.

Ms. Billa Burke addressed her concern for having two elected officials on the list of proposed committee members, and spoke in favor of having committee slots for representatives of the hotel/motel and visitors industry.

Mayor Thornton spoke to the rationale for the proposed appointment of Mr. Hans Helland and Ms. Carol Patterson to the committee from among community voices involved in the water issue, and spoke to the need to have them as participants.

Mr. Flores pointed out that Ms. Mary Jane Nunez, one of the proposed committee members, also is an elected official as Mayor of the City of Elmendorf. He stressed the need for concensus in development of water policy.

Mayor Thornton stated that existing water policies and plans must continue while the new water plan is being worked out.

In response to a question by Mr. Peak, Mr. Michael E. Thuss, Chief Operating Officer, San Antonio Water System, spoke to the status of current plans and actions on water for San Antonio, including possible agreement with the Guadalupe-Blanco River Authority and the Trans-Texas plan.

Mr. Peak asked to be supplied with certain data and a status report on the two plans mentioned.

In response to a question by Mr. Peak, Mayor Thornton stated his belief that the City Council role in this issue will be to receive the committee report in December 1996, at which time everyone, including City Council, will be hearing details of the committee's work. He stated that the committee's work will be open to all.

Mr. Peak stated his belief that involvement of City Council members would be beneficial in the committee's work.

Mayor Thornton stated his opinion that government-driven decisions have been defeated in this area twice in recent years, and stated his desire that the new policies be developed by citizens, guided by trained professionals. He further noted that the recommendations given with the committee's final report must still be approved by City Council and San Antonio Water System before anything can be implemented.

Mr. Peak spoke in favor of adding Mr. Al Hazelhorn to the committee.

Mr. Webster spoke to the committee's charge by the consultants, Mr. Aldave and Mr. Williams.

Mr. John Folk Williams spoke to the process needed in order to develop recommendations of water policy by the committee, and the need for committee members to balance their own interests. He spoke to the need to develop a policy that the community can support at the polls in the future.

Mr. Rafael Aldave stated that the process should gain the cooperation of the divergent groups involved, and he spoke of the committee as a fragile thing. He then spoke to SAWS' participation in the committee process, noting that all citizens will have a chance to be heard on the matter in neighborhood public hearings.

Mr. Webster spoke to the need for the committee to look at all options.

Mr. Solis spoke to the need to have a group willing to work together for all of San Antonio.

Mr. Solis made a motion to direct City staff to place on the agenda of next week's City Council meeting an ordinance naming The Citizens Committee on Water Policy and its members. Mr. Ross seconded the motion.

Mayor Thornton stated that Council members' additional recommendations for committee membership would be considered next week.

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96-25 Mayor Thornton stated that he would have to leave the Council meeting shortly to officially welcome the State Republican Convention to San Antonio, and asked that Agenda Item 31 be considered at this time. With no objection of Council members present, Agenda Item was considered at this time.

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96-25 PUBLIC ART PROGRAM

The City Clerk read a proposed ordinance amending Chapter 35 - Unified Development Code, Article VII of the City Code of the City of San Antonio, Texas and creating the City of San Antonio Public Art Program by authorizing the allocation of one per cent (1%) from all infrastructure and capital improvement projects to support a public process for incorporating artworks and artist services in the design of civic spaces and facilities; establishing the program's policies and guidelines; and creating the Public Art Advisory Committee (PAAC).

Mr. Eduardo Diaz, Director of the Department of Arts and Cultural Affairs, narrated a video presentation of the proposed public art program for San Antonio and addressed examples of such public art around the nation. A copy of his presentation is made a part of the papers of this meeting.

Mr. Ben Brewer, representing the Downtown Alliance, spoke in support for the program and spoke to its importance.

Mr. Bill Fitzgibbons, artist, addressed the importance of public art in Providence, Rhode Island, which he partially provided, and spoke in support for the proposed ordinance, stating his belief that cities are known for their art and their architecture.

Ms. Lesley Wenger, resident, spoke to San Antonio's reputation as a beautiful city, and spoke to the importance of public art to the tourism and visitors industry in San Francisco, as an example. She spoke in support for the proposed program in San Antonio.

Mr. Glenn Stehle, 701 North St. Mary's, spoke to a number of concerns with the proposed program, and presented a chart comparing funding for the Arts & Cultural Affairs Department with that of the Battered Womens' Shelter. He stated his belief that the funding doesn't reflect the City Council's priorities, and addressed a newspaper article critical of the department.

Mr. Michael Mehl, artist, spoke in support for the proposed program as a necessary change for San Antonio.

Ms. Kathleen Trenchard, 215 East Park Avenue, also spoke in support for the program, stating her belief that it puts into place a system to benefit San Antonio.

Mr. Bill Sandridge, sculptor, stated his belief that public art is a value to the community, and spoke in support for policies that foster creativity.

Mr. Jack M. Finger, P.O. Box 12048, spoke against a mandated public arts program for San Antonio, and addressed the possible conflict between architecture and public art. He stated his belief that citizens are against such a program.

Mr. Karl Wurz, 820 Florida, addressed the costs of bond-funded projects and the impact of a one per cent public arts program on those bonds.

Ms. Sally Buchanan, President, San Antonio Conservation Society, spoke to the importance of public art to San Antonio and addressed examples, speaking in support for the program.

Mr. Neils Christiansen, poet, P.O. Box 15456, asked for the complete un-funding of the City's arts program, and addressed the place of poetry relating to his concept of San Antonio's municipal arts process.

Mr. Richard Garrison, representing the San Antonio chapter, American Institute of Architects, spoke in support for the program for public art, such as some 300 other U.S. cities have in place.

Mr. Roland Alvarez, 4219 Flinthill, spoke in support for the public arts program.

Mr. Hector "Sandy" Ortiz, representing the Homeowner-Taxpayer

Associa^o, stated that Council^o decision in this matter^o have far-reaching implications, and noted that his organization is opposed to the public arts program as a waste of tax monies. He stated that San Antonio already is a beautiful city, and, in view of the current budget situation, the public arts program does not make a lot of sense.

Ms. Ruth Rowe, also representing the HTA, stated her belief that taxpayers are against arts funding, and particularly the one per cent set-aside for public art.

In response to a question by Mr. Webster, Mr. Diaz spoke to the expenditure of some \$322 million in San Antonio construction over the next five years, one per cent of which would amount to some \$3.2 million. He then spoke to three ongoing public arts program elements now underway in the city and their elements, and addressed specifics of his presentation on the public arts program.

Discussion took place concerning a number of elements of the proposed plan.

Mr. Tom Bickerton, attorney and bond counsel, addressed the proposed "pooling" of any leftover funds from projects, and the legality of that proposal.

Mr. Diaz noted that the proposed program directly involves the artist into the project design.

Mr. Webster stated his belief that San Antonio needs to look at basic City services, and doesn't need a one per cent public arts program set-aside. He further stated that he is uncomfortable with the 'creeping costs' of such programs around the nation, and expressed his belief that the City cannot afford "non-functionable" art now.

Mr. Marbut spoke against retroactively adding costs to already-approved bond programs, expressing his belief that government needs the faith of its citizens. He spoke in support for having the citizens vote on the matter of any retroactive expenditures for bond programs.

(At this point, Mayor Thornton was obliged to leave the meeting. Mayor Pro Tem McClendon presided.)

Mr. Flores stated that art is important in any construction, and stated his opinion that the citizens support the proposed one per cent set-aside for public art.

Mr. Solis addressed certain important examples of the public arts program in Phoenix, noting that the City Council in 1993 called for such a program. He noted that many public works projects in the past were drab, but now are better-designed and more creative, and spoke to examples. He stated his belief that San Antonio needs the one per cent set-aside to remain unique, and spoke to the benefits of public art in public housing projects, as an example, in the magazine published by the National League of Cities. He also noted that each project has a five to 10 per cent contingency fund.

In response to a question by Mr. Solis, Mr. John German, Director of Public Works, noted that the 1994 bond projects include the one per cent set-aside.

Mr. Herrera stated his opinion that the one per cent set-aside will prejudice future bond projects, noting that the majority of callers to his office oppose it. He spoke to citizens' desire for basic City services.

Mr. Peak spoke in support for embellishments put into public projects, but addressed his concern with several aspects of the proposed ordinance. He stated his opinion that the City Council needs for time for deliberation on this issue. He stated his belief that the City needs to focus its scarce resources on functional needs, and noted that the Convention Center Expansion Project is different than most, and needs embellishment. He stated that he cannot support this proposed ordinance today, and recommended it go back to staff for revision.

Mr. Ross noted that there are other ways instead of the one per cent set-aside to fund public arts programs. He noted that many public works projects were shelved by a lack of sufficient funds to cover their construction costs, and stated his belief that taking one per cent off the top diminishes available funds for projects. He spoke to the need for public art, but not funded by a set-aside; therefore, he will vote against the proposed ordinance today.

Mr. Alexander E. Briseno, City Manager, spoke to a history of the development of San Antonio's proposed public art program, and noted that Council might want to ask staff to look at their concerns and come back with certain recommendations. He also stated that City staff needs to know if the Council wishes to completely abandon the public arts program, as well.

Ms. McClendon spoke to the possibility that the maker and seconder of the pending motion might wish to withdraw it.

Mr. Ross then made a motion to call the question. His motion prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Herrera, Ross, Marbut, Peak, Webster. NAYS: None. ABSENT: Avila, Thornton.

The pending main motion then failed to carry by the following vote: AYES: Flores, McClendon, Billa Burke, Solis. NAYS: Herrera, Ross, Marbut, Peak, Webster. ABSENT: Avila, Thornton.

Mr. Peak thanked City staff for its work on this matter.

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96-25 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE ON CLOSING E. RUSSELL PLACE.

Mayor Pro Tem McClendon declared the Public Hearing to be open.

Mr. Oscar Serrano, Asset Management Department, briefly explained the proposed street closure.

Mr. John Webster, representing the applicant, thanked City staff for its work, noting that this closure involves a matter of safety.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 84,311

CLOSING, VACATING, ABANDONING AND QUITCLAIMING AN IMPROVED PORTION OF EAST RUSSELL PLACE BETWEEN NORTH MAIN STREET AND MCCULLOUGH AVENUE, BETWEEN NEW CITY BLOCKS 1721 AND 1723, SAN ANTONIO, BEXAR COUNTY, TEXAS, AS REQUESTED BY SAN ANTONIO ACADEMY.

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

Mr. Marbut stated that he would be abstaining from this vote.

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

96-25 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE ON CLOSING OF SAN PATRICIO ST.

Mayor Pro Tem McClendon declared the Public Hearing to be open.

Mr. Oscar Serrano, Asset Management Department, briefly explained the request and plan for more affordable housing for San Antonio.

There being no citizen signed to speak to this matter, Mayor Pro Tem McClendon declared the Public Hearing to be closed.

The City Clerk read the following Ordinance:

AN ORDINANCE 84,312

CLOSING, VACATING, ABANDONING AND QUITCLAIMING THE REMAINING PORTION OF IMPROVED SAN PATRICIO STREET BETWEEN CALAVERAS AND CHUPADERAS STREETS, WITHIN NEW CITY BLOCK 2457, SAN ANTONIO, BEXAR COUNTY, TEXAS, AS REQUESTED BY THE SAN ANTONIO DEVELOPMENT

* * * *

Mr. Herrera made a motion to approve the proposed Ordinance.
Mr. Flores 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, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Avila, Marbut, Thornton.

96-25

APPEAL - TYPE "A" NONCONFORMING RIGHTS

4A. The City Clerk read the caption of an Appeal from the decision of the Nonconforming Use Determination Board denying the request of Gloria Dutra for Type "A" Nonconforming use Rights for "Gloria's Lounge", 4922 S.W. Military Drive, a sexually oriented business, pursuant to Ordinance No. 82135, passed and approved on April 27, 1995.

Mr. Gene Camargo, Director of Building Inspections, explained the two types of nonconforming rights uses for sexually oriented businesses, and noted that the board has determined that a residence and another sexually oriented business are located within a certain proximity to the property in question. He noted that City staff recommends that the appeal be denied by City Council.

Mr. Randall Greiner, representing the appellant, spoke to his interpretation of the ordinance involved, and asked that the City Council find for the appellant.

Mr. Jack Finger asked that the appeal be denied, and spoke to several cited reasons.

Mr. Solis noted that Councilman Avila has asked for denial of the Appeal.

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

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

The subject Appeal was denied.

96-25

4B. The City Clerk read the caption of an Appeal from the decision

of the Nonconforming Use Determination Board denying the request of Fred Adams for Type "A" Nonconforming Use Rights for "Rainbow Lounge", a sexually oriented business, pursuant to Ordinance No. 82135, passed and approved on April 27, 1995.

Mr. Gene Camargo, Director of Building Inspections, explained the reasons for staff's recommendation that City Council deny the Appeal inasmuch as the lounge is within 1000 feet of another sexually oriented business.

Mr. Royal Adams, representing the appellant, provided City Council with a handout of materials in support of his client's claim for nonconforming rights. A copy of those materials is made a part of the papers of this meeting. He also submitted a diagram in support of his argument that an 'existing barrier' separates the subject property from a similar property within 1000 feet.

Mr. Ralph Rich stated that he has been in business near the Rainbow Lounge for some 36 years and spoke to its isolated nature, stating his belief that this is a matter of private business.

Mr. Jack Finger spoke against the Appeal.

Mr. Flores noted that Councilman Avila has asked for denial of this Appeal.

Ms. Billa Burke made a motion to deny the proposed Ordinance. Mr. Herrera seconded the motion.

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

The subject Appeal was denied.

96-25

4C. The City Clerk read the caption of an Appeal from the decision of the Nonconforming Use Determination Board denying the request of Tommy Peoples for Type "A" Nonconforming Use Right for "D & T Corral", a sexually oriented business, pursuant to Ordinance No. 82135, passed and approved on April 27, 1995.

Mr. Gene Camargo, Director of Building Inspections, explained that a residence is located within 1000 feet of the subject property, which is near the Missions Trail, and stated that staff requests that the Appeal be denied by City Council.

Mr. C.E. Cantrell, attorney for the appellant, stated his opinion that the D & T Corral is separated from the residence by a "barrier", including the San Antonio River and Roosevelt Avenue, a designated state highway. He stated his belief that closure of the

business would have an economic impact upon its employees, and also stated his belief that certain gentlemen's clubs on the north side are located next to apartment projects. He also stated his belief that the residences in question are located in a business zoning.

Mr. Jack Finger spoke in opposition to the Appeal.

Ms. Billa Burke made a motion to deny the proposed Ordinance. Mr. Herrera seconded the motion.

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

The subject Appeal was denied.

- - -
96-25 The regular meeting of the City Council was recessed at 4:52 P.M. and the Council convened the Board Meeting of the City of San Antonio Industrial Development Authority (CSAIDA).

Following roll call and approval of Board Minutes for the meetings of August 24, 1995 and March 7, 1996, the City Council, functioning as the Board of Directors of CSAIDA, considered and approved a Board Resolution concerning the issuance of Industrial Development Revenue Bonds in an amount not to exceed \$4,500,000 to finance a project for the benefit of Kenneth R. Ladensohn and KLN Steel Products Company; authorizing the calling of a Public Hearing and the filing of an Application for Reservation with the Texas Bond Review Board for such financing; seeking the approval of the Texas Department of Commerce and Texas Attorney General; authorizing the reimbursement of funds expended by Kenneth R. Ladensohn and KLN Steel Products Company; and authorizing the execution of documents in connection therewith.

City Council adjourned the meeting of the City of San Antonio Industrial Development Authority and reconvened in regular session at 5:17 P.M.

- - -
96-25 CITY PUBLIC SERVICE/ICG ACCESS SERVICES, INC. CONTRACT

Mr. Octavio Pena, Director of Internal Review, made a brief presentation to City Council, narrating a video presentation concerning the status of the CPA/ICG contract. A copy of his video presentation is made a part of the papers of this meeting.

Mr. Peak spoke to the legal opinion delivered by the Texas Attorney General on this matter, and several recent court decisions. He stated his belief that the contract should be voided.

Mr. Lloyd Garza, City Attorney, stated his belief that the City Council makes recommendations to the Board of Trustees of City

Public Service.

After discussion, Mr. Peak made a motion to direct City staff to place upon the City Council agenda next week a Resolution recommending that the City Public Service Board of Trustees void the CPS/ICG Access Services, Inc. contract, in view of the Texas Attorney General's legal Opinion, and asked that the City Council Policy & Planning Committee discuss this prior to next Thursday's City Council meeting. Mr. Flores seconded the motion.

Mr. Herrera stated his opinion that the ICG contract would take away San Antonio jobs.

Mr. Peak noted that City Council on December 14, 1995 directed City staff to begin franchise negotiations with ICG.

Mr. Rolando Bono, Assistant City Manager, stated that City staff has followed Council direction to begin negotiations on a franchise agreement with ICG.

Mr. Marbut spoke to the need to ask CPS to follow the Attorney General's ruling in this matter, stating his belief that had the Attorney General's ruling been known ahead of time, this entire matter would not have happened. He spoke to the need to do this in the future.

Mr. Ross stated his opinion that this contract is not valid anyway, until it is confirmed by the City Council. He noted that ICG has the right to negotiate a franchise agreement, but stated his belief that these are two separate issues entirely.

Mr. Solis stated his opinion that this a decision of the CPS board, and that the Council is overstepping its role. He addressed CPS's need to be competitive in the future, under deregulation.

Ms. Billa Burke stated his belief that Mr. Peak's motion needs to be tightened-up, to keep this from happening again.

Mr. Garza stated that he would include any language the Council desires.

Ms. McClendon stated her belief that the Council should send CPSs a message by official Ordinance or Resolution, next time.

Mr. Garza stated his belief that Council should review the wording on the communication to CPS before any action is taken.

Discussion then ensued concerning the need to address the process involved.

Mr. Garza spoke to the dynamic effects of deregulation on agencies such as City Public Service.

Mr. Webster spoke to the need for CPS to be able to act in this market in order to protect its revenues.

Mr. Solis noted that CPS is 'going entrepreneurial', and stated his belief that City Council can only 'recommend' to CPS, noting that CPS payments to the City of San Antonio represent about 33 per cent of the City's revenues. He spoke to the need to act accordingly, and let CPS's board do its job.

Mr. Ross noted that the City Council must ratify any CPS action along this particular line under discussion, and that CPSs cannot sell any of its property without Council ratification, in his opinion. He stated his belief that a lease such as this is the same thing.

Ms. Katherine Mudge, Austin, attorney representing ICG Access Services, Inc., spoke to the steps that ICG has taken, and expressed her belief that the Attorney General is wrong in some of the 12 steps cited in his ruling on this matter. She noted that regulatory authorities have been asked to rule on this matter, as well, a situation that ICG is pursuing. She further stated her contention that ICG will bring more jobs to San Antonio, and urged the City Council to let the process work. She stated her belief that the contract between CPS and ICG is valid.

Mr. Robert Cook, representing ICG Access Services, Inc., spoke in clarification to certain points raised, and expressed his belief that ICG will bring new jobs to San Antonio under this CPS contract. He stated that ICG wants to be one of the many telecommunications industry to be operating in San Antonio.

Ms. McClendon briefly restated the motion made by Mr. Peak.

After consideration, the motion, prevailed by the following vote: AYES: McClendon, Billa Burke, Herrera, Ross, Marbut, Peak, Webster; NAYS: Solis; ABSENT: Flores, Avila, Thornton.

- - -
96-25 The Clerk read the following Ordinance:

AN ORDINANCE 84,313

AUTHORIZING THE POLICE DEPARTMENT TO APPLY FOR AND ACCEPT A GRANT IN THE AMOUNT OF \$10,000.00 FROM THE BROWN FOUNDATION OF HOUSTON, TEXAS TO SUPPORT THE ENHANCEMENT OF THE POLICE DEPARTMENTS BICYCLE PATROLS THROUGHOUT THE CITY.

* * * *

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

Police Chief Al A. Philippus spoke to details of the grant which will enhance the City's bicycle patrols by SAFFE program officers of the Police Department.

Mr. Peak spoke in support of a successful program, and spoke of plans to further assist this program through his Discretionary Funds.

Chief Philippus spoke to plans to expand the bicycle program, including placing some of the bicycles in patrol cars in the future. He noted that the department has some 109 in service at this time.

In response to a question by Mr. Herrera, Chief Philippus noted that the bicycles have been purchased from various vendors, and that 22 now are assigned to the SAFE program, with the remainder located in the downtown area. He stated that those downtown were purchased with funds donated by the Downtown Property Owners Association.

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

96-25

STAFF BRIEFING:

POLICE DEPT. EMERGENCY VEHICLE OPERATIONS POLICIES & PROCEDURES

Police Chief Al A. Philippus narrated a video presentation on this matter, a copy of which is made a part of the papers of this meeting. He spoke to the department's new policies and the reasons for those changes.

Ms. McClendon noted that the Mayor is absent at this time, and will want to be present for this presentation.

Mr. Solis made a motion to postpone further consideration of this matter until the City Council meeting of July 11, 1996 at a time certain. Mr. Herrera seconded the motion.

After consideration, the motion to postpone prevailed by the following vote: AYES: Flores, McClendon, Solis, Herrera, Ross, Marbut, Peak, Webster. NAYS: None. ABSENT: Billa Burke, Avila, Thornton.

The staff briefing was postponed until a time certain on Thursday, July 11, 1996.

96-25

The Clerk read the following Ordinance:

AN ORDINANCE 84,314

AUTHORIZING REIMBURSEMENT FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND TO COUNCILMAN ROGER FLORES, II, IN THE AMOUNT OF \$1,800.00 FOR A PART-TIME ADMINISTRATIVE SERVICES CONTRACT WITH RAFAEL MARFIL FROM JUNE 1, 1996, THROUGH AUGUST 30, 1996, AS REQUESTED BY COUNCILMAN ROGER FLORES, II.

* * * *

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

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

96-25 TRAVEL AUTHORIZATION - Granted:

Councilman Howard W. Peak to travel to New York City, from June 22, 1996 to June 25, 1996, to attend a rating agency presentations for the Airport System Improvement Revenue Bonds, Series 1996.

* * * *

96-25 TRAVEL AUTHORIZATION - Granted:

Councilman Jeff Webster, to travel to New York City, from June 22, 1996 to June 25, 1996, to represent City Re: Airport System Improvement Revenue Bonds, Series 1996.

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96-25 KELLY AIR FORCE BASE CLOSURE ANNIVERSARY

Mr. Paul Roberson, Director of the Office of Defense Transition, narrated a video presentation status report from the Greater Kelly Development Corporation on plans to commemorate the anniversary of the Base Realignment and Closure (BRAC) Commission's recommendation to close Kelly Air Force Base. A copy of the presentation is made a part of the papers of this meeting. He addressed details of what has been accomplished in the intervening year between the recommendation and today, and spoke to future actions to be taken. He spoke to the issue as a dynamic environment, and communication is the key.

Mr. Solis asked that the Corporation meet with Gen. Childress, commander of Kelly Air Force Base, on certain 'people concerns' of Kelly employees. He spoke to his concern that some promises were made by the Air Force and are not being kept, such as the matter of promotions.

Mr. Herrera lauded the staff for its hard work on this matter.

In response to a question by Mr. Herrera, Mr. Roberson provided a brief overview of certain prototypes, environmental issues, and equipment issues. He asked the staff to determine the reduction-in-force process to be followed at Kelly, and spoke to the impact it will have on both veteran employees and newer employees at Kelly.

96-25

CITIZENS TO BE HEARD

MR. CLIFFORD MOORE

Mr. Clifford Moore, 454 Hub Street, asked the City Council to support Black Arts groups in San Antonio. He suggested that funding be raised through a certain percentage on a fee collected by issuance of building permits, etc.

Mayor Pro-Tem McClendon asked Mr. Moore to meet with Mr. Eduardo Diaz, Director of Arts and Cultural Affairs, on this subject.

MRS. MARIA DOMINGUEZ

Mrs. Maria Dominguez spoke to the City Council against supporting funding for the arts. She also spoke against the need to have VIA properly maintain the buses.

MR. DON WILKINS CASTILLO

Mr. Don Wilkins Castillo took exception to the practices utilized by VIA regarding the no change policy. He stated that because of this practice they are collecting more revenue from the riding public.

96-25 There being no further business to come before the Council, the meeting was adjourned at 6:30 P.M.

A P P R O V E D


M A Y O R

Attest:


C i t y C l e r k

June 20, 1996

Honorable Mayor and Members of the City Council of the City of San Antonio:

The following petitions were received in my office and forwarded to the appropriate departments for investigation and report to the City Council:

June 3, 1996

Petition submitted by Mr. Sabino H. Calderon, 711 Venice, San Antonio, Texas 78201, on behalf of area residents, requesting that the City of San Antonio recondition all of Venice Street.

June 5, 1996

Petition submitted by Ms. Manuela Navarez, 1006 Romero, San Antonio, Texas 78237, on behalf of area residents, requesting that the City of San Antonio repair all of Romero Street.

June 6, 1996

Petition submitted by Mr. Patrick A. Lackey, P.E., River City Engineering, Inc., 3801 South First Street, Austin, Texas 78704, representative of Clayton Estates Mobile Home Park, 9610 West Highway 90, a 40-acre tract, requesting that the City of San Antonio consider a change in zoning and de-annexation of the above property.

/s/ Norma S. Rodriguez
City Clerk