

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBERS, MUNICIPAL
PLAZA BUILDING, THURSDAY MAY 23,
1996.

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96-21 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, AVILA, SOLIS, HERRERA, ROSS, MARBUT, PEAK, WEBSTER, THORNTON. ABSENT: Billa Burke.

Presentation of study of Public Safety Radio System by RAM Communications Consultants, Inc. - briefing by Frank Stromboe, Director, Information Services Department. Council concurred to move forward with Phase II and to consider as part of upcoming budget discussions.

Adjourned 11:15 AM

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96-21 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Pro Tem Ross, acting in the temporary absence of Mayor Thornton, with the following members present: FLORES, McCLENDON, BILLA BURKE, AVILA, SOLIS, HERRERA, ROSS, MARBUT, PEAK, WEBSTER. (Mayor Thornton arrived at the meeting to preside during progress of the meeting). Absent: None.

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96-21 Invocation - Rickey Glienther, Shearer Hills Baptist Church and Pledge of Allegiance.

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96-21 Pledge of Allegiance to the flag of the United States.

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96-21 Minutes of April 4, 18 and 25, 1996 Regular City Council meetings were approved.

Mr. Avila made a motion to approve Agenda Items 7 through 37, constituting the Consent Agenda, with Items 31 and 36 having been pulled for individual consideration. Mr. Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Flores, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster; ABSENT: McClendon, Billa Burke, Thornton.

AN ORDINANCE 84,118

ACCEPTING THE LOW BID OF MONTGOMERY KONE, INC. TO PROVIDE THE CITY OF SAN ANTONIO CONVENTION FACILITIES WITH ELEVATOR MAINTENANCE AT THE MUNICIPAL AUDITORIUM ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF APPROXIMATELY \$4,500.00 ANNUALLY.

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AN ORDINANCE 84,119

ACCEPTING THE BID OF BEXAR TRAILER SALES & SERVICE TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS AND FIRE DEPARTMENTS WITH TARGET TECH WARNING LIGHT PARTS & SERVICE ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF APPROXIMATELY \$9,000.00 ANNUALLY.

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AN ORDINANCE 84,120

ACCEPTING THE LOW, QUALIFIED BID OF S.A. WINCO, INC. IN THE AMOUNT OF \$726,286.95 IN CONNECTION WITH THE WEST SALINAS - COLORADO TO ALAZAN CREEK COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; REVISING THE PROJECT BUDGET; AUTHORIZING \$11,233.49 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING AN ADDITIONAL \$16,560.00 PAYABLE TO BAIN MEDINA BAIN, INC. FOR ENGINEERING SERVICES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 78977 DATED OCT. 28, 1993.)

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AN ORDINANCE 84,121

ACCEPTING THE LOW, QUALIFIED BID OF CHARLIE AND COMPANY, INC. IN THE AMOUNT OF \$54,843.00 IN CONNECTION WITH THE ADA ACCESSIBILITY IMPROVEMENTS AT THE ESPERANZA PEACE AND JUSTICE CENTER COMMUNITY

DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING A CONTRACT; AUTHORIZING \$6,493.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$607.56 FOR ADVERTISING EXPENSES; AUTHORIZING \$750.00 TO DAVID LORENZANA & ASSOCIATES FOR ADDITIONAL PROFESSIONAL SERVICES EXPENSES; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,122

APPROVING FIELD ALTERATION NO. 1 IN THE AMOUNT OF \$12,552.00 PAYABLE TO BRUSH COUNTY BUILDERS, INC. IN CONNECTION WITH THE 22ND STREET - POPULAR TO CULEBRA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AMENDING THE CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$11,000.00; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 82506 DATED JULY 20, 1995)

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AN ORDINANCE 84,123

AUTHORIZING ADDITIONAL 1994 GENERAL OBLIGATION STREET BOND FUNDS IN THE AMOUNT OF \$22,463.43 PAYABLE TO FRONTERA AND ASSOCIATES, INC. FOR ADDITIONAL PROFESSIONAL SERVICES RELATED TO THE WAVERLY - ZARZAMORA TO GLENMORE PROJECT. (AMENDS ORDINANCE NO. 81894 DATED MARCH 23, 1995)

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AN ORDINANCE 84,124

APPROVING FIELD ALTERATION NO. 7 - FINAL IN THE AMOUNT OF \$81,861.60 PAYABLE TO R.L. JONES, INC. IN CONNECTION WITH THE PINN ROAD - COMMERCE TO HWY. 90, PHASE I PROJECT; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 81353 DATED DEC. 15, 1994)

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AN ORDINANCE 84,125

ACCEPTING THE LOW, QUALIFIED BID OF E-Z BEL CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$1,378,186.57 IN CONNECTION WITH THE QUERETARO, ESCUELA, RICARDO, AND MORELIA STREETS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; REVISING THE PROJECT BUDGET; AUTHORIZING \$80,975.00 FOR MISCELLANEOUS

CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,126

AUTHORIZING THE EXECUTION OF A 25-YEAR LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND PROMISED LAND DAIRY DISTRIBUTION, INC. TO USE THE PUBLIC RIGHT-OF-WAY WITHIN LINDA LOU DRIVE FOR A TOTAL CONSIDERATION OF \$2,500.00.

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AN ORDINANCE 84,127

AUTHORIZING THE EXECUTION OF A 25-YEAR LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE BROADWAY NATIONAL BANK TO USE PUBLIC RIGHTS-OF-WAY UNDER AND ACROSS TESORO DRIVE AND CHEEVER BOULEVARD FOR A TOTAL CONSIDERATION OF \$15,000.00.

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AN ORDINANCE 84,128

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT AND RATIFYING SUCH SERVICE FOR THE AMOUNT NOT TO EXCEED \$500.00 WITH JOE L. SCATES, MRA, MSA, FOR PREPARATION OF PROFESSIONAL REAL ESTATE APPRAISALS RELATED TO THE CLAREMONT, ELEANOR & NATALEN-NEW BRAUNFELS TO BROADWAY, PHASE I COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,129

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT AND RATIFYING SUCH SERVICE FOR AN AMOUNT NOT TO EXCEED \$700.00 WITH HARVEY S. TAMON, MAI, FOR PREPARATION OF PROFESSIONAL REAL ESTATE APPRAISALS RELATED TO THE SUTTON DRIVE - CHERYL TO ZACHRY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,130

AUTHORIZING THE ACQUISITION OF ONE PERMANENT EASEMENT AND ONE TEMPORARY EASEMENT AND AUTHORIZING THE EXPENDITURE OF \$876.00 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR SUCH ACQUISITIONS IN CONNECTION WITH THE MICHIGAN AVENUE - CRAIG TO HILDEBRAND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,131

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICE CONTRACT AND RATIFYING SUCH SERVICE WITH HARVEY S. TAMON, MAI, FOR THE PROVISION OF CERTAIN REAL ESTATE APPRAISAL SERVICES IN CONNECTION WITH THE CRESWELL DRIVE - E. HOUSTON TO DEAD-END COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; APPROPRIATING AN AMOUNT NOT TO EXCEED \$500.00 FOR SUCH SERVICES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,132

AUTHORIZING THE ACQUISITION OF TITLE OF TWO PARCELS AND AUTHORIZING EXPENDITURE OF \$2,150.00 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR SUCH ACQUISITIONS IN CONNECTION WITH THE SUTTON DRIVE-CHERYL TO ZACHRY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,133

AUTHORIZING THE ACQUISITION OF THREE TEMPORARY EASEMENTS AND FEE SIMPLE TITLE TO THREE PARCELS; ACCEPTING TWO QUITCLAIM DEEDS; AUTHORIZING THE EXPENDITURE OF A TOTAL OF \$800.00 FOR SUCH ACQUISITION IN CONNECTION WITH THE PICKFORD AVENUE - 34TH TO SAN JOAQUIN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AND REVISING THE PROJECT BUDGET.

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AN ORDINANCE 84,134

AUTHORIZING PAYMENT TO DAVIDSON & TROILO IN THE AMOUNT OF \$7,635.35 FOR LEGAL SERVICES PROVIDED IN CONNECTION WITH THE HI-LIONS DRAINAGE PROJECT; #80 AND THE WURZBACH PARKWAY PROJECT; AUTHORIZING PAYMENT TO DUGGER, CANADAY, GRAFE & WOELFEL IN THE AMOUNT OF \$2,200.00 FOR APPRAISAL SERVICES PROVIDED IN CONNECTION WITH THE CHERRY STREET DRAINAGE PROJECT #15B, PHASE II; AUTHORIZING PAYMENT TO COMMERCE LAND TITLE OF SAN ANTONIO, IN THE AMOUNT OF \$450.00 FOR TITLE SERVICES IN CONNECTION WITH THE O'CONNOR ROAD AT F.M. 2252 (NACOGDOCHES ROAD) PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,135

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT FOR AN AMOUNT NOT TO EXCEED \$24,000.00 WITH DUGGER, CANADAY, GRAFE & WOELFEL, FOR PREPARATION OF PROFESSIONAL REAL ESTATE APPRAISALS RELATED TO THE BASSE ROAD PROJECT AT SAN PEDRO (METROPOLITAN PLANNING ORGANIZATION) PROJECT; APPROPRIATING FUNDS; AND PROVIDING PAYMENT.

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AN ORDINANCE 84,136

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$7,610.00 OUT OF GENERAL OBLIGATION STREET BONDS AND 1996 TAX EXEMPT CERTIFICATES OF OBLIGATION STREET IMPROVEMENT (METROPOLITAN PLANNING ORGANIZATION); ACQUIRING FEE SIMPLE TITLE TO ONE PARCEL IN CONNECTION WITH THE CASTROVILLE ROAD RECONSTRUCTION PROJECT - GENERAL MCMULLEN TO ACME ROAD; AND ACQUIRING FEE SIMPLE TITLE TO ONE PARCEL IN CONNECTION WITH THE M.H. ZARZAMORA - CULEBRA ROAD TO WEST COMMERCE STREET, A METROPOLITAN PLANNING ORGANIZATION PROJECT.

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AN ORDINANCE 84,137

ACCEPTING THE DEDICATION OF FEE SIMPLE TITLE AND A TEMPORARY EASEMENT IN CONNECTION WITH THE WURZBACH PARKWAY PROJECT; AND ACCEPTING THE DONATION OF FEE

SIMPLE TITLE IN CONNECTION WITH THE CLYDEVILLE DRIVE PROJECT.

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AN ORDINANCE 84,138

ACCEPTING THE DEDICATION OF A DRAINAGE EASEMENT FROM FROM THE SAN ANTONIO HOUSING AUTHORITY (SAHA) AND AUTHORIZING THE EXECUTION OF MULTI-PARTY USE AGREEMENT WITH SAHA AND THE SAN ANTONIO RIVER AUTHORITY IN CONNECTION WITH THE RIVERSIDE APARTMENTS DRAINAGE PROJECT.

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AN ORDINANCE 84,139

AMENDING THE GOLF COURSE CONCESSION AND MANAGEMENT CONTRACT WITH JOHN F. ERWIN FOR GOLF PROFESSIONAL SERVICES AT WILLOW SPRINGS MUNICIPAL GOLF COURSE TO REFLECT AN INCREASE IN CONCESSION PAYMENTS TO THE CITY OF APPROXIMATELY \$5,440.00 PER YEAR; AND AMENDING AND UPDATING THE INSURANCE REQUIREMENTS OF SAID CONTRACT. (AMENDS ORDINANCE NO. 80772 DATED SEP. 17, 1994)

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AN ORDINANCE 84,140

AMENDING THE GOLF COURSE CONCESSION AND MANAGEMENT CONTRACT WITH ROY L. TRUESDELL FOR GOLF PROFESSIONAL SERVICES AT RIVERSIDE MUNICIPAL GOLF COURSE TO REFLECT AN INCREASE IN CONCESSION PAYMENTS TO THE CITY OF APPROXIMATELY \$3,147.00 PER YEAR; AND AMENDING AND UPDATING THE INSURANCE REQUIREMENTS OF SAID CONTRACT. (AMENDS ORDINANCE NO. 80194 DATED MAY 19, 1994)

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AN ORDINANCE 84,141

AMENDING THE GOLF COURSE CONCESSION AND MANAGEMENT CONTRACT WITH JERRY L. HILL FOR GOLF PROFESSIONAL SERVICES AT OLMOS BASIN MUNICIPAL GOLF COURSE TO REFLECT AN INCREASE IN CONNECTION PAYMENTS TO THE CITY OF APPROXIMATELY \$5,223.00 PER YEAR; AND AMENDING AND UPDATING THE INSURANCE REQUIREMENTS OF

SAID CONTRACT. (AMENDS ORDINANCE NO. 80193 DATED MAY 19, 1994)

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AN ORDINANCE 84,142

AMENDING THE GOLF COURSE CONCESSION AND MANGEMENT CONTRACT WITH JAMES TRAINA FOR GOLF PROFESSIONAL SERVICES AT CEDAR CREEK MUNICIPAL GOLF COURSE TO REFLECT AN INCREASE IN CONCESSION PAYMENTS TO THE CITY OF APPROXIMATELY \$12,000.00.00 PER YEAR; AND AMENDING AND UPDATING THE INSURANCE REQUIREMENTS OF SAID CONTRACT. (AMENDS ORDINANCE NO. 80195 DATED MAY 19, 1994)

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AN ORDINANCE 84,143

AMENDING THE GOLF COURSE CONCESSION AND MANAGEMENT CONTRACT WITH RICHARD R. HOCOTT FOR GOLF PROFESSIONAL SERVICES AT BRACKENRIDGE PARK MUNICIPAL GOLF COURSE TO REFLECT AN INCREASE IN CONCESSION PAYMENTS TO THE CITY OF APPROXIMATELY \$1,750.00 PER YEAR; AND AMENDING AND UPDATING THE INSURANCE REQUIREMENTS OF SAID CONTRACT. (AMENDS ORDINANCE NO. 80773 DATED SEP. 14, 1994)

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AN ORDINANCE 84,144

AUTHORIZING THE ACCEPTANCE OF \$344,529.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH); AUTHORIZING THE USE OF SAID FUNDS FOR EXPANDED HIV/AIDS SURVEILLANCE IN THE AMOUNT OF \$84,862.00, HIV/AIDS EDUCATION ACTIVITIES IN THE AMOUNT OF \$100,000.00, HIV OUTREACH IN THE AMOUNT OF \$31,213.00, AND STD COUNSELING, TESTING, REFERRAL AND PARTNER NOTIFICATION IN THE AMOUNT OF \$128,454.00; APPROVING THE EXECUTION OF A REVISION TO THE EXISTING TDH CONTRACT; REVISING THE PROJECT BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 1996/97 ESTABLISHED IN ORDINANCE NO. 83917, PASSED AND APPROVED ON APRIL 11, 1996; AND APPROVING A PERSONNEL COMPLEMENT. (AMENDS ORD. NO. 83917 DATED APRIL 11, 1996)

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AN ORDINANCE 84,145

AUTHORIZING THE ACCEPTANCE OF ADDITIONAL FUNDS IN THE AMOUNT OF \$1,305,855.00 FROM THE TEXAS DEPARTMENT OF HUMAN SERVICES (TDHS) TO CONTINUE THE ADMINISTRATION OF THE CHILD CARE MANAGEMENT SERVICES (CCMS) PROGRAM; AMENDING ORDINANCE NO. 82690, PASSED AND APPROVED ON AUGUST 24, 1995; TO REFLECT THE ADDITIONAL FUNDS RECEIVED; AND AMENDING THE CCMS BUDGET. (AMENDS ORDINANCE NO. 82690 DATED AUG. 24, 1995)

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AN ORDINANCE 84,146

AUTHORIZING THE TEMPORARY CLOSURE OF QUIHI STREET BETWEEN KIOWA AND OWASSO STREET FROM 1:00 P.M. UNTIL 12 MIDNIGHT, SATURDAY, JUNE 8, 1996 IN CONNECTION WITH A PRIVATE FAMILY FUNCTION REQUESTED BY MR. ROLAND SALAZAR AT 3138 OWASSO STREET.

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(At this point, Mayor Thornton arrived at the meeting to preside.)

96-21 DISTINGUISHED CITIZEN AWARD: GEORGE "ICEMAN" GERVIN.

Mayor Thornton asked Mr. Red McCombs to join him in presenting to George "ICEMAN" Gervin the Distinguished Citizen Award. Mayor Thornton thanked Mr. Gervin for being here, and also thanked his family for being present in our audience.

Mr. George OValle, representing the "Baseline Bums", spoke on behalf of Mr. Gervin and everything he has accomplished.

Mr. Red McCombs gave a brief history on George Gervin and congratulated him on all his hard work.

Mayor and Council members spoke on Mr. Gervin's behalf, and thanked and congratulated him on all the hard work and all the contributions he has made throughout the City of San Antonio.

96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,147

AMENDING THE GOLF COURSE CONCESSION AND MANAGEMENT CONTRACT WITH RUDY BELMARES FOR GOLF PROFESSIONAL SERVICES AT MISSION DEL LAGO MUNICIPAL GOLF COURSE TO REFLECT AN INCREASE IN CONCESSION PAYMENTS TO THE CITY OF APPROXIMATELY \$3,696.00 PER YEAR; AND AMENDING AND UPDATING THE INSURANCE REQUIREMENTS OF SAID CONTRACT. (AMENDS ORDINANCE NO. 80190 DTD MAY 19, 1994)

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

Mr. Solis questioned the determination of the amount of money and the increase of prices.

Mr. Ron Darner, Director of Parks and Recreation, explained the proposed Ordinance in more detail.

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

96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,148

APPROPRIATING \$19,756.00 FOR DEPOSIT OF COMMISSIONERS AWARD IN CITY OF SAN ANTONIO VS. JEANETTE POPHAM, A CONDEMNATION PROCEEDING IN PROBATE COURT COSTS AND FEES FOR SERVICE OF PROCESS, APPRAISAL AND TESTIMONY SERVICES IN CONNECTION WITH ACQUISITION OF RIGHT OF WAY FOR THE SCIENCE PARK DRAINAGE PROJECT 58 H,I AND J, (ZARZAMORA CREEK).

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Ms. Billa Burke 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: Flores, Billa Burke, Avila, Solis, Herrera, Peak, Webster, Thornton; NAYS: None; ABSTAIN: Ross; ABSENT: McClendon, Marbut.

96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,149

ADOPTING CONSTRUCTION PRIORITIES AND ALLOCATING \$14,200,000.00 OF TXDOT-ISTEA ENHANCEMENT FUNDS AND \$3,000,000.00 OF CITY 1994 GENERAL OBLIGATION DRAINAGE BONDS FUNDS FOR SIGNAGE, HIKE AND BIKE TRAILS, DRAINAGE, AND ROADWAY IMPROVEMENTS FOR THE MISSION TRAILS PROJECT; AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO SUBMIT FINAL PLANS TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR APPROVAL AND TO ACQUIRE RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE HISTORIC MISSION TRAILS PROJECT.

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

Mr. John German, Director of Public Works, explained the proposed Ordinance regarding the different funds being used for this project.

Ms. Deborah Guerrero, Chairman of Planning Commission and Chairman of Mission Trails Oversight Committee, spoke on the different trails and explained in great detail on how much funds are needed to complete this project. She also mentioned everyone involved who is working with this project.

Mayor Thornton recited the history of the Mission Trails.

In response to the question by Mayor Thornton, Mr. German stated construction should begin during the summer of 1997.

Ms. Billa Burke thanked Mr. German for his hard work on this project and also mentioned how much State Representative Tejeda helped on this city project.

Mr. Avila congratulated Ms. Billa Burke for the leadership she took on this project.

Several of the Councilmembers thanked Mr. German and Ms. Guerrero on all the hard work they have put into this project.

Mr. Ross expressed concern on the source of funds for this project.

In reply, Mayor Thornton stated that some \$32 Million is needed for completion of this project, and we have some 18 months to raise the difference.

May 23, 1996
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Mr. Ross asked if prior approval is mandatory for future expenditure priority.

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

96-21

CPS/ICG CONTRACT

Ms. Billa Burke requested a staff report from The City Attorney for next week relative to the status of the cps/icg contract matter.

Ms. McClendon spoke to the varying opinions relative to the Texas Attorney General's ruling on this.

The following discussion on this issue, Mr. Alexander Briseno, City Manager, stated it would take more than one week to prepare an update on this issue.

Mr. Marbut requested that staff send City Public Service a message that nothing be done on this issue.

Mayor Thornton stated that six signatures of Council members would be needed to direct that action.

Mr. Briseno recommended that this issue be discussed by the Policy and Planning Committee.

96-21

ZONING HEARINGS

4A. CASE #Z96041 - to rezone and reclassify Lots 2 and 3, Block 5, NCB 10871, Shetland Drive, from "B" Residence District to "R-4" Manufactured Home Residence District. Property is located on the northeast side of Shetland Drive, 99.81 feet northwest of the intersection Blyth Avenue and Shetland Drive, having 240 feet on Shetland Drive, having 240 feet on Shetland Avenue and a depth of 136.69 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Ms. Billa Burke made a motion to approve the recommendation of the Zoning Commission. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, Billa Burke, Solis, Herrera, Marbut, Peak, Webster, Thornton;

NAYS: None; ABSENT: McClendon, Avila, Ross.

AN ORDINANCE 84,150

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 2 AND 3, BLOCK 5, NCB 10871, SHETLAND DRIVE, FROM "B" RESIDENCE DISTRICT TO "R-4" MANUFACTURED HOME RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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96-21 It was the concensus of City Council members present that Zoning Case #Z96043, Item 4B, be postponed briefly.

4C. CASE #Z96065 - to rezone and reclassify 0.885 acre out of Block 2, NCB 14702, 9547 Huebner Road, from Temporary "R-1" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District. Property is located on the northwest side of Huebner Road, 1,493 feet southwest of the intersection of Huebner Road and Encino Park Road, having 200 feet on Huebner Road and a depth of 192.80 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Marbut made a motion to approve the recommendation of the Zoning Commission. Mr. Webster seconded the motion.

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

AN ORDINANCE 84,151

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 0.885 ACRE OUT OF BLOCK 2, NCB 14702, 9547 HUEBNER ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY

FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4D. CASE #Z95036 - to rezone and reclassify of property from Temporary "R-1" Single Family Residence District to "R-1" Single Family Residence District, NCB 17641, All of Blocks 1, 2 and 3, NCB 17642, "P-1", "P-1D", "P-7", "P-20" and "P-24", NCB 17643, "P-1E", "P-1G", "P-2", "P-3", "P-4", "P-5", "P-6", "P-7", "P-29A", "P-29B" and "P-29C", NCB 17643, All of Blocks 1, 2, 8, 9, 10, 11, 12, 13, and 14, NCB 17643, Block 6, Lots 36 thru 39 and 41 thru 116, NCB 17671, All of Blocks 2, 3, and 4, NCB 17673, Block 1, Lots 1 and 2, NCB 17673, "P-1E", "P-1F", "P-1J", "P-8", "P-9", "P-10", "P-19", "P-19B", "P-21", "P-34", "P-35", "P-36" and "P-37", NCB 17674, All of Blocks 1, 2 and 3, NCB 18040, Block 1, Lot 17, NCB, 18076, The southwest 100 feet of "P-223", NCB 18080, Block 1, Lot 1, NCB 18170, Block 2, Lot 1, NCB 18288, The Northwest 419 feet of the southwest 133.94 feet of Lot 6, NCB 18288, The northwest 419 feet of the northeast 444.94 feet of Lot 6, NCB 18288, All of Blocks 3, 4, and 5, NCB 18288, "P-1B", NCB 18820, All of Blocks 1 thru 13 and 15 thru 41, NCB 18820, "P-1B", "P-1E", "P-1H", "P-4", "P-5", "P-7", "P-16J", "P-17", "P-163", "P-163A", "P-163B", "P-163J", "P-212C and "P-221". NCB 18820, A 37.746 acre tract (drainage R.O.W.) being described by field notes file in Zoning Case #Z95102, NCB 18832, All of Blocks 1 and 2, NCB 18840, All of Blocks 8, 9, 10, 11, 12, 13, 14 and 15, NCB 18880, "P-12", "P-18A", "P-18C" and "P-29", NCB 18881, Block 1, Lot 1. From: Temporary "R-1" Single Family Residence District To: "P-1(R-1)" Single Family Residence Planned Unit Development District. NCB 18820, A 197.4 acre tract of land being described by field notes, From: Temporary "R-1" Single Family Residence To: "R-5" Single Family Residence District. NCB 17643, Block 6, Lots 1 thru 35 and 40, NCB 17643, All of Block 7, NCB 17643, Block 8, Lots 1 thru 23, NCB 18282, "P-47E", NCB 18283, "P-47C", NCB 18820 Block 42, Lots 1 thru 15, NCB 18840, Block 7, Lot 1 thru 13. From: Temporary "R-1" to Single Family Residence To: "R-7" Small Lot Home District. NCB 18283, "P-47A", NCB 18288, "P-47" and "P-47" and "P-47D", NCB 18040, Block 1, Lots 1 thru 16, NCB 18040, Block, 2, Lots 1 thru 18, NCB 18040, Block 3, Lots 1 thru 12, NCB 18040, Block 4, Lots 1 thru 8, NCB 18040, Block 5, Lots 1 thru 4, NCB 18040, Block 6, Lots 1 thru 34. From Temporary "R-1" Single Family Residence District To: "R-3" Multiple Family Residence District. NCB 18080, "P-42" and "P-42B", NCB 18288, Block 102, Lot 1, NCB 18288, "P-47B". From: Temporary "R-1" Single Family Residence To: "R-4" Manufactured Home Residence District. NCB 18288, The northeast 260 feet of the southeast 393.94 feet on the northwest 419 feet of Lot 6. From: Temporary "R-1" Single Family Residence District To "B-2" Business District. NCB 17639, Block 7, Lot 6, NCB 17639, "P-2", "P-7" and the east irregular 150 feet of "P-13", NCB 17643, The northwest 150 feet of "P-1A" and "P-1C", NCB 17643, "P-1H", save and except the southeast 593 feet, NCB 18049, Block 1, Lots 1 and 2, NCB 18080, "P-41" and "P-42", NCB 18288, The southeast 150 feet of the northwest 569 feet of Lots 6, 7 and 8, From: Temporary "R-1" Single Family Residence District, To: "B-3NA" Non-Alcoholic Sales District, NCB 18076, "P-223A", NCB 18076,

The southeast 670 feet of "P-223", save and except the southwest irregular 100 feet. From: Temporary "R-1" Single Family Residence District To: "B-3" Business District NCB 17639, Block 7, Lots 1, 2, 3 and 4, NCB 17639, Block 8, Lots 2, NCB 17639, "P-210", NCB 17643, The southwest 593 feet of "P-1A" "P-1C" and "P-1H", NCB 18076, Block 1, Lot 1, NCB 18076, "P-222", save and except the southeast irregular 190 feet. NCB 18076, "P-22A", NCB 18080, Block 1, Lots 7, 10 and 11, NCB 18288, The northeast 260 feet of the southeast 394.94 feet of the northwest 419 feet of Lot 6, NCB 18288, The southeast 593 feet of Lot 6, 7 and 8, NCB 18820, "P-198", "P-211A" and "P-225". From: Temporary "R-1" Single Family Residence To: "B-3" CC for a communication tower. NCB 18076, The southeast irregular 190 feet of "P-222".

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

Mr. Andy Guerrero, Senior Planner, Land Development Services, explained the proposed rezoning request. He noted that there have been three appeals made from the recommended rezoning actions, one of which has been resolved. He recommended that the City Council pull the remaining two other appeals for 90 days and send them back to the Zoning Commission for reconsideration.

Mr. Herrera made a motion to approve the recommendation of the Zoning Commission, except for Parcel P-1C, NCB 17643 which is to be postponed for a period of 90 days; and Parcels P-44, P-45 and the northeast 419 feet of Lots 7 and 8, NCB 18288 which are to be postponed for a period of 90 days; both postponed appeals to be sent back to the Zoning Commission for reconsideration. Mr. Avila seconded the motion.

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

AN ORDINANCE 84,152

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS OF PROPERTY FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-1" SINGLE FAMILY RESIDENCE DISTRICT, NCB 17641, ALL OF BLOCKS 1, 2 AND 3, NCB 17642, "P-1", "P-1D", "P-7", "P-20" AND "P-24", NCB 17643, "P-1E", "P-1G", "P-2", "P-3", "P-4", "P-5", "P-6", "P-7", "P-29A", "P-29B" AND "P-29C", NCB 17643, ALL OF BLOCKS 1, 2, 8, 9, 10, 11, 12, 13, AND 14, NCB 17643, BLOCK 6, LOTS 36 THRU 39 AND 41 THRU 116, NCB 17671, ALL OF BLOCKS 2, 3, AND 4, NCB 17673, BLOCK 1, LOTS 1 AND 2, NCB 17673, "P-1E", "P-1F", "P-1J", "P-8", "P-9", "P-10", "P-19", "P-19B", "P-21", "P-34", "P-35", "P-36" AND

"P-37", NCB 17674, ALL OF BLOCKS 1, 2 AND 3, NCB 18040, BLOCK 1, LOT 17, NCB, 18076, THE SOUTHWEST 100 FEET OF "P-223"., NCB 18080, BLOCK 1, LOT 1, NCB 18170, BLOCK 2, LOT 1, NCB 18288, THE NORTHWEST 419 FEET OF THE SOUTHWEST 133.94 FEET OF LOT 6, NCB 18288, THE NORTHWEST 419 FEET OF THE NORTHEAST 444.94 FEET OF LOT 6, NCB 18288, ALL OF BLOCKS 3, 4, AND 5, NCB 18288, "P-1B", NCB 18820, ALL OF BLOCKS 1 THRU 13 AND 15 THRU 41, NCB 18820, "P-1B", "P-1E", "P-1H", "P-4", "P-5", "P-7", "P-16J", "P-17", "P-163", "P-163A", "P-163B", "P-163J", "P-212C AND "P-221". NCB 18820, A 37.746 ACRE TRACT (DRAINAGE R.O.W.) BEING DESCRIBED BY FIELD NOTES FILE IN ZONING CASE #Z95102, NCB 18832, ALL OF BLOCKS 1 AND 2, NCB 18840, ALL OF BLOCKS 8, 9, 10, 11, 12, 13, 14 AND 15, NCB 18880, "P-12", "P-18A", "P-18C" AND "P-29", NCB 18881, BLOCK 1, LOT 1. FROM: TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO: "P-1(R-1)" SINGLE FAMILY RESIDENCE PLANNED UNIT DEVELOPMENT DISTRICT. NCB 18820, A 197.4 ACRE TRACT OF LAND BEING DESCRIBED BY FIELD NOTES, FROM: TEMPORARY "R-1" SINGLE FAMILY RESIDENCE TO: "R-5" SINGLE FAMILY RESIDENCE DISTRICT. NCB 17643, BLOCK 6, LOTS 1 THRU 35 AND 40, NCB 17643, ALL OF BLOCK 7, NCB 17643, BLOCK 8, LOTS 1 THRU 23, NCB 18282, "P-47E", NCB 18283, "P-47C", NCB 18820 BLOCK 42, LOTS 1 THRU 15, NCB 18840, BLOCK 7, LOT 1 THRU 13. FROM: TEMPORARY "R-1" TO SINGLE FAMILY RESIDENCE TO: "R-7" SMALL LOT HOME DISTRICT. NCB 18283, "P-47A", NCB 18288, "P-47" AND "P-47" AND "P-47D", NCB 18040, BLOCK 1, LOTS 1 THRU 16, NCB 18040, BLOCK, 2, LOTS 1 THRU 18, NCB 18040, BLOCK 3, LOTS 1 THRU 12, NCB 18040, BLOCK 4, LOTS 1 THRU 8, NCB 18040, BLOCK 5, LOTS 1 THRU 4, NCB 18040, BLOCK 6, LOTS 1 THRU 34. FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO: "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT. NCB 18080, "P-42" AND "P-42B", NCB 18288, BLOCK 102, LOT 1, NCB 18288, "P-47B". FROM: TEMPORARY "R-1" SINGLE FAMILY RESIDENCE TO: "R-4" MANUFACTURED HOME RESIDENCE DISTRICT. NCB 18288, THE NORTHEAST 260 FEET OF THE SOUTHEAST 393.94 FEET ON THE NORTHWEST 419 FEET OF LOT 6. FROM: TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT. NCB 17639, BLOCK 7, LOT 6, NCB 17639, "P-2", "P-7" AND THE EAST IRREGULAR 150 FEET OF "P-13", NCB 17643, THE NORTHWEST 150 FEET OF "P-1A" AND "P-1C", NCB 17643, "P-1H", SAVE AND EXCEPT THE SOUTHEAST 593 FEET, NCB 18049, BLOCK 1, LOTS 1 AND 2, NCB 18080, "P-41" AND "P-42", NCB 18288, THE SOUTHEAST 150 FEET OF THE NORTHWEST 569 FEET OF LOTS 6, 7 AND 8, FROM: TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT, TO: "B-3NA" NON-ALCOHOLIC SALES DISTRICT, NCB

18076, "P-223A", NCB 18076, THE SOUTHEAST 670 FEET OF "P-223", SAVE AND EXCEPT THE SOUTHWEST IRREGULAR 100 FEET. FROM: TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO: "B-3" BUSINESS DISTRICT NCB 17639, BLOCK 7, LOTS 1, 2, 3 AND 4, NCB 17639, BLOCK 8, LOTS 2, NCB 17639, "P-210", NCB 17643, THE SOUTHWEST 593 FEET OF "P-1A" "P-1C" AND "P-1H", NCB 18076, BLOCK 1, LOT 1, NCB 18076, "P-222", SAVE AND EXCEPT THE SOUTHEAST IRREGULAR 190 FEET. NCB 18076, "P-22A", NCB 18080, BLOCK 1, LOTS 7, 10 AND 11, NCB 18288, THE NORTHEAST 260 FEET OF THE SOUTHEAST 394.94 FEET OF THE NORTHWEST 419 FEET OF LOT 6, NCB 18288, THE SOUTHEAST 593 FEET OF LOT 6, 7 AND 8, NCB 18820, "P-198, "P-211A AND "P-225". FROM: TEMPORARY "R-1" SINGLE FAMILY RESIDENCE TO: "B-3" CC FOR A COMMUNICATION TOWER. NCB 18076, THE SOUTHEAST IRREGULAR 190 FEET OF "P-222". "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,153

AUTHORIZING THE EXECUTION OF A 5-YEAR LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND GUNTER LIMITED PARTNERSHIP ("LICENSEE"), AN ILLINOIS LIMITED PARTNERSHIP, TO USE PUBLIC RIGHTS-OF-WAY (SUBSURFACE, SURFACE, AND AIR RIGHTS) WITHIN EAST HOUSTON, NORTH ST. MARY'S AND TRAVIS STREETS, RESPECTIVELY, AND ADJACENT TO THE SHERATON GUNTER HOTEL FOR A TOTAL CONSIDERATION OF APPROXIMATELY \$126,000.00; TERMINATING EXISTING NON-ASSIGNABLE ENCROACHMENT LICENSE AND LEASE AGREEMENTS WITH THE GUNTER HOTEL, GUNTER PLAZA INVESTORS, AND SHERATON GUNTER HOTEL, AUTHORIZED AND APPROVED PURSUANT TO ORDINANCE NO. 56310, DATED DECEMBER 22, 1982, ORDINANCE NO. 60430, DATED MARCH 21, 1985, AND ORDINANCE NO. 78800 DATED SEPTEMBER 30, 1993, FOR THE SAME RIGHTS-OF-WAY, ALL IN CONNECTION WITH CLOSING OF THE PURCHASE BY SAID GUNTER LIMITED PARTNERSHIP, AN ILLINOIS LIMITED PARTNERSHIP, OF THE SHERATON GUNTER HOTEL; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON EIGHT (8) AFFIRMATIVE VOTES. (RESCINDS ORD'S 56310, DEC. 22, 1982; 60430, MAR. 21, 1985; AND 78800, JULY 30, 1993)

* * * *

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

Mr. Roland Lozano, Director of Department Of Asset Management,
explained the proposed Ordinance in more detail.

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

96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,154

AUTHORIZING THE ACCEPTANCE OF \$3,100,340.00 FROM THE
TEXAS DEPARTMENT OF HEALTH (TDH) TO CONTINUE AND
EXPAND THE WIC PROJECT OPERATED BY THE SAN ANTONIO
METROPOLITAN HEALTH DISTRICT FOR THE PERIOD OCTOBER
1, 1995 THROUGH SEPTEMBER 30, 1996; AUTHORIZING THE
EXECUTION OF CONTRACT CHANGE NOTICE NO. 18 TO TDH
CONTRACT NO. 7460020708 96 IN THE AMOUNT OF
\$2,280,878.00 AND ACCEPTING OVER-CONTRACT FUNDS FOR
PROJECT EXPANSION IN THE AMOUNT OF \$819,462.00;
REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE
SUPPORT PROJECT 1995/96, ESTABLISHED IN ORDINANCE
NO. 79398, PASSED AND APPROVED ON JANUARY 6, 1994;
AUTHORIZING PERSONNEL POSITIONS; AND APPROVING A
\$5,000.00 SUBCONTRACT FOR A LACTATION CONSULTANT.

* * * *

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

A representative from the Metropolitan Health District
narrating a video of the WIC Program expansion for five new WIC clinics
in San Antonio, noting there will be a total of 61 new positions open
for employment.

Mr. Solis spoke in favor of this program for women and
children as an excellent example.

In response to a question by Mr. Ross, regarding how much of
the amount actually goes to the participants, It was noted that the 2
million covers salaries, education for the participants, nutrition
counseling, health screening and the issuing of the coupons.

Mr. Ross asked if outreach for this program is being done
throughout the City of San Antonio, 2 also requested expansion of the
transportation for these participants, instead of only one van.

Mr. Avila expressed concern about possible problems with the program.

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

96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,155

AUTHORIZING THE TRANSFER OF \$72,006.00 IN CARRYOVER FUNDS FROM THE 1995 SUMMER NUTRITION PROJECT AND \$250,000.00 FROM THE CITY GENERAL FUND NON-DEPARTMENTAL ALLOCATION INTO THE DEPARTMENT OF PARKS AND RECREATION, RECREATION ACTIVITY TO FUND SIXTY-ONE (61) SITES FOR THE 1996 SUMMER RECREATION PROGRAM; AUTHORIZING BUDGET REVISIONS IN SAID ACTIVITY; AND AUTHORIZING THE THREE MONTH LEASE FOR ADMINISTRATIVE SPACE AT THE OUR LADY OF SORROWS CHURCH.

* * * *

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

Mr. Ron Darner, Director of Parks & Recreation, explained the proposed Ordinance in more detail and how this will serve the out-of-school youths.

Mr. Solis spoke on the different community centers and how they keep these children off the streets.

Mr. Webster stated District 10 lacks community centers, although some are under construction.

Mr. Herrera expressed concern about the Garza Center, and funding for the Night Owl Project, and what percentage of participation it will receive.

Mr. Flores stated he was very pleased with this program and the great job they are doing by keeping these youths off the streets.

Mr. Avila expressed concern on the amount of funds being spent on each child that attends these summer programs.

After 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, Thornton; NAYS: Webster; ABSENT: None;

96-21 CONTINUATION OF ZONING CASE #Z96043

4B. CASE #Z96043 - to rezone and reclassify 34.429 acres out of NCB 11177, Mission Road, from Historic "B-2" Business District and Historic "I-1" Light Industry District to Historic "R-7" Small Lot Home District. Property is located 282 feet south of Harding Boulevard, between Roosevelt Avenue and Mission Road, having 282.02 feet on Mission Road and a depth of 2,635.42 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Ms. Billa Burke expressed her concern with the deed restrictions and development.

Ms. Billa Burke made a motion to approve the recommendation of the Zoning Commission. Mr. Avila seconded the motion.

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

AN ORDINANCE 84,156

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 34.429 ACRES OUT OF NCB 11177, MISSION ROAD, FROM HISTORIC "B-2" BUSINESS DISTRICT AND HISTORIC "I-1" LIGHT INDUSTRY DISTRICT TO HISTORIC "R-7" SMALL LOT HOME DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

96-21 The Clerk read the following Resolution:

A RESOLUTION NO: 96-21-18

ADOPTING THE 1996-98 ANNEXATION PLAN WHICH IDENTIFIES TWELVE (12) AREAS TO BE CONSIDERED FOR

ANNEXATION IN 1996, 1997 AND 1998.

* * * *

Ms. McClendon made a motion to approve the proposed Resolution. Mr. Ross seconded the motion.

Mr. David Pasley, Director of Planning, noted that discussion on "B" Session last week explained the proposed ordinance in more detail, and he spoke to a summary of the 1996 - 1998 Annexation Plan.

Mr. Bill Kaufman, attorney, on behalf of The Dominion Home Owners Association, spoke on the level of services and the timing of this issue. Mr. Kaufman stated that by annexing the Dominion, it will not solve the street problems and recommended the year 2000 for annexing The Dominion. He stated they would have to build a fire station, provide a sewer system and are also asking for a crossover on I.H. 10 at The Dominion to provide better services for the Homeowners.

Mayor Thornton stated the Dominion homeowners are asking for all these types of services but yet do not want to be annexed by the City of San Antonio. He noted that The Dominion Homeowners drive everyday on our city streets, but do not contribute to keep these streets maintained.

Mr. Kaufman, stated his belief that members of The Dominion would actually pay the City of San Antonio not to be annexed.

Mr. Peak explained the different ways for the City to provide these services to The Dominion citizens, and how the I.H. 10 construction will begin. He also mentioned the reason for annexation is to protect the Camp Bullis Military Missions as well as the zoning controls all around The Dominion.

(At this point, Mayor Thornton left the Council meeting and Mayor Pro Tem Ross presided).

Mr. Webster spoke on the annexation and stated no one in the City wants to pay more taxes.

(Mayor Thornton returned and presided at the meeting).

Mr. Marbut expressed concern on this annexation of the high-income living area.

Ms. McClendon stated she understood their concern for being annexed.

Mr. Ross stated that The Dominion homeowners could use the time they have now to do things with their community, and that this annexation will take place in 1998 and everyone will just have to start planning on it.

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

96-21 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE ON PLAT EXCEPTIONS TO UNIFIED DEVELOPMENT CODE.

Mayor Thornton opened the Public Hearing.

Mr. David Pasley, Director of Planning, explained the proposed Ordinance and the need of the plat exceptions to the U.D.C.

(Mayor Thornton was obliged to leave the meeting and Councilman Flores presided in the absense of the Mayor and Mayor Pro Tem.)

Ms. Deborah Guerrero, Chair Of The Planning Committee, spoke on the proposed ordinance and the amendments.

(Mayor Thornton returned to the meeting to preside.)

The following citizens appeared to speak:

Mr. Bill Knobles, Knobles & Klingeman, Inc., handed out a prepared statement on Zuehl Flying Community, stating that "Where other exceptions found in this section (of U.D.C.) do not apply, the Planning Commission may except the division of a tract of land located within the City's ETJ, but outside Bexar County, from the City's plat approval process."

Mr. Alan Lindskog, 8591 Brucks Lane, Converse Tx, spoke regarding certain County guidelines, and asked for them to be adopted.

Ms. Shannon Duff, 205 Linda Ct. Schertz Tx, spoke against the ordinance and asked that it not be passed.

Mr. Richard Anderson, 954 San Antonio Ave. #2, Seguin Tx, expressed his concern with certain problems of this ordinance.

Mr. Charlie Anderson, 954 San Antonio Ave. #3 Seguin Tx, expressed his concern about the impact on the property development in Guadalupe County.

Mr. John Nesloney, Rt 2 Box 53U, Marion, Tx, spoke in opposition to this ordinance.

(Mayor Thornton left the meeting, and Mayor Pro Tem Ross presided).

Mayor Pro Tem Ross stated that the Counties do not have the power to make zoning decisions.

Dr. Salvador Ortiz spoke in opposition of this ordinance.

Mayor Pro Tem Ross declared the Public Hearing closed.

Mr. Peak expressed concern and asked for staff to please explain this proposed ordinance.

Mr. David Pasley explained the proposed ordinance in more detail and spoke to what could be expected in the near future.

Mr. Habib H. Erkan, Assistant City Attorney, spoke in response to the seven questions submitted to the Planning Commission. A copy of this statement is on file with the papers of this meeting.

Mr. Peak stated his opinion that if the proposed ordinance is passed, the Zuehl Citizens may not have to meet the City's standards.

Mr. Avila also expressed concern on the several issues and asked to see the map.

Mr. Pasley explained in more detail the different boundaries on the map.

Mayor Thornton returned to the meeting and presided.

Mr. Ross questioned the fact of the sold land being unplatted lots, and questioned if the purchasers of the land knew they needed to have the sites platted.

The City Clerk read a proposed ordinance authorizing an amendment to Article IV, Subdivision Ordinance, Section 35-4005, Plat Exceptions expanding the authority of the Planning Commission to grant exceptions to subdivision platting requirements for divisions of land within the San Antonio extraterritorial jurisdiction and outside of Bexar County.

Mr. Herrera made a motion to approve the proposed ordinance. Mr. Solis seconded the motion.

After further discussion, Mr. Peak made a substitute motion to deny the ordinance. Mr. Herrera Seconded the motion.

Following discussion, the maker and seconder of the main motion agreed to withdraw the main motion.

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

The proposed ordinance failed to carry.

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96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,157

SETTING PUBLIC HEARING DATES AND TIMES FOR THE FIVE AREAS INCLUDED IN THE 1996 COMPONENT OF THE 1996-98 ANNEXATION PLAN WHICH INCLUDES THE WALZEM/GIBBS-SPRAWL, HERITAGE PARK, MOUNTAIN VIEW, GREYSTONE AND MEDIO CREEK FACILITY EXPANSION PROJECT AREAS.

* * * *

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

Mr. David Pasley, Director of Planning, explained 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, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Avila, Solis.

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96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,158

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$7,985.32 OUT OF CERTIFICATES OF OBLIGATION TO PURCHASE A PARCEL OF LAND LOCATED AT 619 S. HAMILTON STREET TO BE USED FOR FIRE STATION NO. 8.

* * * *

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

Fire Chief Robert Ojeda, spoke on the proposed Ordinance regarding Fire Station #8 on Hamilton Street.

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

96-15 The Clerk read the following Ordinance:

AN ORDINANCE 84,159

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH CROSSWINDS LAND PARTNERSHIP, LIMITED, TO RECONSTRUCT A PORTION OF WEIDNER ROAD FROM IH 35 TO THE CURRENT INTERSECTION OF WEIDNER AND SCHERTZ ROADS AND TO PAY FOR THE COST OF THE IMPROVEMENTS AT AN AMOUNT NOT TO EXCEED \$225,000.00.

* * * *

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

Mr. John German, Director of Public Works, spoke on this ordinance and explained in more detail.

Mr. Webster requested an update on the Wurzbach Parkway.

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

96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,160

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH BRAUN INTERTEC CORPORATION IN THE AMOUNT OF \$246,000.00 TO PROVIDE ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE PAYEMENT MANAGEMENT SYSTEM PROJECT, A METROPOLITAN PLANNING ORGANIZATION (MPO) AND PUBLIC WORKS STREETS AND DRAINAGE OPERATING BUDGET-FUNDED PROJECT; APPROPRIATING AN ADDITIONAL \$4,000.00 FOR CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 82142 DATED APR. 27, 1995)

* * * *

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

Mr. John German, Director of Public Works, explained the proposed ordinance.

Mr. Peak spoke in support of the maintenance of our city Streets.

Mr. Ross questioned the way the studies are done.

Ms. McClendon thanked Mr. German for all the hard work he has done with these projects.

Mr. Webster expressed concern on the priority setting project.

Mr. Solis also expressed concern on different priorities.

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

96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,161

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE AN "EXCHANGE CONTRACT" WITH ALAMO PARK, INC. TO EXCHANGE 12.6 ACRES OF LAND OWNED BY THE CITY OF SAN ANTONIO AT U.S. 281 AND JONES-MALTSBERGER FOR 20.86 ACRES OF LAND NEAR THE LONGHORN CEMENT PLANT OFF OF PERRIN-BEITEL ROAD; AND ACCEPTING \$232,110.00 FROM ALAMO PARK, INC. FOR THE DIFFERENCE OF THE APPRAISED VALUES OF THE PROPERTIES TO BE EXCHANGED.

* * * *

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

Mr. John German, Director of Public Works, explained the proposed ordinance in more detail regarding the different centers around the City Of San Antonio, and addressed the Land-Swap.

Mr. Peak spoke on the ordinance regarding Public Works storage yards, and thanked Mr. German for the hard work he has done.

Mr. Ross spoke in regard to any contaminated dirt on the Jones Maltzberger Site and what the cost would be to move it, if necessary.

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

96-21 TRAVEL AUTHORIZATION - Granted:

Councilman Robert A. Herrera to travel to Mexico City, Monterrey, Mexico from May 19, 1996 to May 22, 1996, to attend CVB 1996 PRE-SUMMER PROMOTION TRIP

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(At this time Mayor Thornton left and Mayor Pro Tem Ross presided).

96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,162

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO COMPROMISE AND SETTLE CAUSE NO. 95-CI-12750 STYLED GUADALUPE C. CASTILLEJA VS. CITY OF SAN ANTONIO AND ROBERT WILSON, IN THE 73RD JUDICIAL DISTRICT OF BEXAR COUNTY, TEXAS IN THE AMOUNT OF \$200,000.00, PLUS COURT COSTS.

* * * *

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

Mr. Lloyd Garza, City Attorney, explained the proposed ordinance in more detail regarding the accident.

After 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; NAYS: None; ABSENT: Webster, Thornton.

96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,163

AUTHORIZING THE EXPENDITURE OF \$2,375.00 FROM THE DISTRICT 6 CONTINGENCY FUND IN SUPPORT OF THE CITY'S YOUTH RECREATION PROMOTION POLICY BY REIMBURSING DE LA GARZA FENCE & SUPPLY COMPANY TO FOR LABOR AND MATERIALS TO REPAIR THE FENCE AROUND THE WESTWOOD

TERRACE LITTLE LEAGUE FIELD, AS REQUESTED BY
COUNCILMAN ROBERT A. HERRERA.

* * * *

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

96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,164

AMENDING CERTAIN SECTIONS OF CHAPTER 32 OF THE CITY CODE OF THE CITY OF SAN ANTONIO TO REFLECT CHANGES IN THE COMPOSITION AND DUTIES OF THE MARKET SQUARE COMMISSION; CHANGING THE DESIGNATION AND DUTIES OF THE MARKET SQUARE DEPARTMENT AND MARKET SQUARE DIRECTOR; AND CHANGING PROVISIONS REGARDING CITY STAFF AND SUPPORT OF THE MARKET SQUARE COMMISSION, AS REQUESTED BY COUNCILMAN ROGER FLORES, II.

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

Mr. Ron Darner, Director of Parks & Recreation spoke on the proposed Ordinance in more detail.

(At this time, Mayor Pro Tem Ross left the meeting and Councilwoman McClendon presided).

Mr. Flores spoke to the City's need for this, and strongly supports its approval.

Mr. Herrera questioned the number of members on board.

Mr. Solis spoke to the proposed changes.

Ms. McClendon stated there was a two-year overlapping term on this commission, and thanked Mr. Flores for bringing it to her attention.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Solis, Herrera, Marbut, Peak; NAYS:

None; ABSENT: Ross, Webster, Thornton.

96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,165

AUTHORIZING THE EXPENDITURE OF \$442.00 FROM THE DISTRICT 10 CONTINGENCY FUND TO OFFSET THE COST OF THE AUSTIN EMS/STARFLIGHT DWI AWARENESS PROGRAM AT MADISON HIGH SCHOOL, AS REQUESTED BY COUNCILMAN JEFF S. WEBSTER.

* * * *

Mr. Herrera 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: Flores, McClendon, Billa Burke, Avila, Solis, Herrera, Marbut, Peak, NAYS: None; ABSENT: Ross, Webster, Thornton.

96-21 The Clerk read the following Resolution:

A RESOLUTION NO: 96-21-19

EXPRESSING THE CITY COUNCIL'S RECOMMENDATION OF REAPPOINTING GLORIA HERNANDEZ TO THE CITY PUBLIC SERVICE BOARD FOR A FIVE YEAR TERM TO EXPIRE ON MAY 31, 2001, AS REQUESTED BY MAYOR WILLIAM E. THORNTON.

* * * *

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

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, Marbut, Peak, NAYS: None; ABSENT: Ross, Webster, Thornton.

96-21 The Clerk read the following Ordinance:

AN ORDINANCE 84,166

AUTHORIZING THE ASSIGNMENT OF THE RIGHTS, DUTIES, RESPONSIBILITIES AND OBLIGATIONS OF PARK 410 WESTPLEX JOINT VENTURE (PARK 410) CONTAINED IN A 25-YEAR LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO (CITY) AND PARK 410 TO ALBERTSON'S INC.; SAID LICENSE AGREEMENT HAVING BEEN EXECUTED BY THE CITY OF SAN ANTONIO AND PARK 410 PURSUANT TO ORDINANCE NO. 84056, PASSED AND APPROVED ON MAY 9, 1996, FOR A TOTAL CONSIDERATION OF \$8,600.00.

* * * *

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

Mr. Roland Lozano, Asset Management Department, explained the proposed Ordinance in more detail.

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

(At this time Mayor Thornton returned to the City Council meeting to preside).

96-21 CITY MANAGERS REPORT SAN ANTONIO WATER SYSTEM

Mr. Joe Aseves, President and Chief Operating Officer, San Antonio Water System, stated that Stage IV of the Drought Management Plan could be declared as early as next week. A copy of his remarks is made a part of the papers of this meeting. He noted that the City has not experienced a dry-spell like this since the October 1986-May 1987 timeframe, and he spoke in comparison of the drought to the drought of record in 1956. He noted that the Aquifer Management Plan (Drought Management Plan) was adopted in 1988 by City Council and amended over the intervening years, and he spoke to certain of those amendments which affected trigger-levels for declaration of the various stages of the plan.

Mayor Thornton expressed concern for declaring stage IV conditions in San Antonio, when nothing apparently is being done to conserve water at the New Braunfels Springs area. He spoke to the need for equal sacrifices for all in this area, and spoke briefly to actions being taken in certain other area communities. He spoke to the need for

a change in the way we use our water regionally would help get a handle on the water situation.

Mr. Peak expressed his concern with reasons to reduce pumping, and spoke to the laws designed to protect endangered species, but none to protect the humans. He questioned whether we need to wait for the springs to go dry at about the 620-foot level.

Ms. McClendon expressed concern for the future of our children and grandchildren and how they can continue to have sufficient water if we do not take water conservation seriously at this time.

Mr. Ross noted that conservation of water is a 'must', and expressed his belief that we don't have the right to waste water by pumping up to the very limit.

Mr. Flores spoke to the need for all concerned to get together and do something as a region, rather than go on with uncertainty.

Mr. Aceves stated that he would return to the City Council in a week or two with recommendations on what additional steps need to be taken in this matter.

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96-21

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CITIZENS TO BE HEARD

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MS. BEVERLY HOUSTON

Ms. Houston (address) spoke to a brief history of the Churchill Estates subdivision on the City's East side, noting that some 368 acres of land were annexed into the City in 1985, and provided certain City services. He then cited long response-times for emergency services into her area, and spoke to the need for the City to educate its various departments and their representatives on such areas as this. She spoke to certain other services which have not been provided, but are needed, and stated her feeling that the City's promise of services has not been kept, in total.

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MR. JOSE CHAVEZ

Mr. Chavez (address) spoke to his belief that everyone must realize the importance of water to San Antonio, and he cited certain developments and their impact upon our water supply, including development over the Edwards Aquifer and the question of contamination resulting from the development. He spoke to his concern for the City's future.

96-21 There being no further business to come before the Council, the meeting was adjourned at 7:35 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