

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO,  
HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING,  
THURSDAY, AUGUST 7, 1997.**

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97-31           The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building, "B" Room, to consider the following items(s):

**A. Discussion on the City Council Policy & Planning Committee recommendations regarding the six-signature memoranda process.**

**B. Staff Briefing on the Child Care Management System.**

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

The Council members present were: Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster and Peak. ABSENT: None

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97-31           The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Howard W. Peak, with the following members present: Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster and Peak. **Absent:** None.

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97-31           Invocation - Rev Kenneth A Allen, Mt. Zion First Baptist Church.

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97-31           Pledge of Allegiance to the flag of the United States.

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97-31           Minutes of the Regular City Council Meeting for May 29, 1997 were approved

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97-31           **CEREMONIAL ITEMS**

**"AT YOUR SERVICE" AWARD"**

Mayor Peak recognized three employees of the Parks & Recreation Department being honored with the "At Your Service" Award for their work at the Botanical Gardens, where they created an

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epiphyte exhibit in the Conservatory at the Botanical Gardens. He noted that the exhibit was created even though it was not budgeted, because these three employees used their own creativity and ingenuity to come up with scrap parts, then spend their own free time working on the project. He then introduced Mr. Don Pylant, Senior Horticulturist and Supervisor of the Botanical Gardens; Mr. Peter Balleza, Senior Heating, Ventilation and Air Conditioning Technician; and Mr. Daniel Cruz, Gardener.

Mr. Alexander E. Briseño, City Manager, spoke to their accomplishments.

A brief video presentation outlined their work with the epiphyte exhibit.

Mayor Peak and City Manager Briseño then jointly presented each employee with a special certificate and a check for \$200.00, congratulating each.

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### UTSA DOWNTOWN CAMPUS

Mayor Peak noted that the University of Texas at San Antonio opened its Downtown Campus on July 2, 1997, and stated that when the campus project is completed, it will serve the educational needs of some 10,000 additional UTSA students. He then introduced Dr. Sam Kirkpatrick, President of UTSA, then presented him a special Proclamation.

Dr. Kirkpatrick thanked the Mayor and City Council, and the City staff, for their invaluable help in making this Downtown Campus become a reality on 11 acres of land. He stated his confidence that this project will revitalize a portion of the downtown area in several areas of development. He then spoke briefly to the planned formal dedication ceremony to be held on the Downtown Campus on September 26, 1997.

In response to a question by Mr. Menendez, Dr. Kirkpatrick addressed the contractual parking arrangements that have been made for students at this Downtown Campus, agreements with both the City and with the Texas Department of Transportation. He also spoke to future parking plans for the campus and to expansion plans of campus facilities.

Mr. Vásquez stated his belief that this project will be a catalyst for economic development in the downtown area as businesses locate near the new campus.

Discussion then took place concerning the advantages of the Downtown Campus, and the Via Metropolitan Transit shuttle service to and from the campus. Discussion also occurred on the possibility of new IH 35 freeway ramps to facilitate traffic flow.

Mr. Garza stated that the City would cooperate in any way possible to make this downtown project a success.

Mr Salas spoke to the campus's importance to all inner-city students.

Mr. Bannwolf noted that this investment in education is important in order to create an 'educational corridor' through the city's west side, all the way west to Our Lady of the Lake University He then spoke to the need to consider doctoral programs for the new Downtown Campus.

Mr Prado offered his congratulations to the UTSA System.

Ms Guerrero noted that this facility will especially serve the educational needs of all inner-city students

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97-31                    **CONSENT AGENDA**

Ms. Guerrero made a motion to approve Agenda Items 5 through 29, constituting the Consent Agenda, with items 6, 7, 8, 10, 13, 17, 20 and 22 having been pulled for individual consideration. Mr Salas seconded the motion

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

AN ORDINANCE 86355

AUTHORIZING THE SALE OF APPROXIMATELY 20,000 POUNDS OF EXPENDED .40 SMITH AND WESSON ONCE FIRED BRASS CASES LOCATED AT THE SAN ANTONIO POLICE TRAINING ACADEMY, TO SCHARCH MANUFACTURING, INC., FOR A TOTAL OF APPROXIMATELY \$19,000 00

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AN ORDINANCE 86356

RATIFYING FIELD ALTERATION NO 14 IN THE AMOUNT OF \$48,947 00 PAYABLE TO R.E.C INDUSTRIES, INC., AND AMENDING THE CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$48,947 00 TO PROVIDE PAYMENT IN CONNECTION WITH THE THERMAL SITE UTILITIES CONSTRUCTION CONTRACT FOR THE CONVENTION CENTER EXPANSION PROJECT (AMENDS ORDINANCE NO. 85136 DATED NOV. 7, 1996 )

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AN ORDINANCE 86357

ACCEPTING THE LOW, QUALIFIED BASE BID OF GREYSTONE INDUSTRIES, LTD., LLC. IN THE TOTAL AMOUNT OF \$123,234.00 FOR PLAYGROUND ADDITIONS TO O.P. SCHNABLE PARK, LOCATED IN COUNCIL DISTRICT 7, AUTHORIZING A CONSTRUCTION CONTRACT; AMENDING THE O.P. SCHNABLE PARK IMPROVEMENTS PROJECT BUDGET, AUTHORIZING THE TRANSFER OF 1994 PARKS GENERAL OBLIGATION BOND FUNDS INTO THIS PROJECT BUDGET; AUTHORIZING \$12,323.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; AND PROVIDING FOR PAYMENT. (WBE)

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AN ORDINANCE 86358

SELECTING FISHER, HECK, IMBIMBO, INC. ARCHITECTS TO PROVIDE ARCHITECTURAL SERVICES IN CONNECTION WITH THE COMMANDER'S HOUSE COMPLEX EXTERIOR RESTORATION PROJECT, LOCATED IN COUNCIL DISTRICT 1, AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT IN AN AMOUNT UP TO \$11,895.00 FOR ARCHITECTURAL SERVICES; TRANSFERRING \$15,000.00 IN 1996/97 SPECIAL REVENUE RESERVE FUNDS (FIMP) AND ESTABLISHING THE PROJECT'S BUDGET; ESTABLISHING A \$2,379.00 ARCHITECTURAL CONTINGENCY, PROVIDING \$726.00 FOR PROJECT PRINTING AND ADVERTISING COSTS, AND PROVIDING FOR PAYMENT

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AN ORDINANCE 86359

APPROVING FIELD ALTERATION NO. 2 IN THE AMOUNT OF \$33,893.55 PAYABLE TO CLARK CONSTRUCTION CO. INC. IN CONNECTION WITH THE STREET OVERLAY - 1996, AND PROVIDING FOR PAYMENT (AMENDS ORDINANCE NO 84457 DATED JULY 25, 1996)

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AN ORDINANCE 86360

RATIFYING SERVICES IN THE AMOUNT OF \$60,000.00 AND AUTHORIZING AN ADDITIONAL \$96,000.00 IN 1994 GENERAL OBLIGATION STREET BOND FUNDS, FOR A TOTAL AMOUNT OF \$156,000.00 PAYABLE TO FORD ENGINEERING, INC. FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE W.W. WHITE ROAD RIGSBY

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TO LORD ROAD PROJECT, LOCATED IN COUNCIL DISTRICT 2. (AMENDS ORDINANCE NO 81871 DATED MARCH 16, 1995)

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AN ORDINANCE 86361

AUTHORIZING THE EXECUTION OF A FIVE (5) YEAR LEASE AGREEMENT WITH DICK'S LAST RESORT OF TEXAS, INC. D/B/A DICK'S LAST RESORT, FOR APPROXIMATELY 786.93 SQUARE FEET OF PUBLIC SPACE ON THE SAN ANTONIO RIVER WALK TO BE USED FOR OUTDOOR DINING SERVICES AT AN ANNUAL RENTAL RATE OF \$12,276.12 IN YEAR ONE, \$12,937.08 IN YEAR TWO, \$13,598.16 IN YEAR THREE, \$14,259.12 IN YEAR FOUR AND \$15,014.64 IN YEAR FIVE.

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AN ORDINANCE 86362

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$9,500.00 FOR FEE SIMPLE TITLE TO ONE PARCEL IN CONNECTION WITH THE WEST AVENUE INTERSECTIONS METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN COUNCIL DISTRICT 9

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AN ORDINANCE 86363

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$53,022.00 FOR A TEMPORARY EASEMENT IN CONNECTION WITH THE WESTERN AVENUE DRAINAGE PROJECT #74, PHASE II B & C, LOCATED IN COUNCIL DISTRICT 9; ACQUIRING A TEMPORARY EASEMENT IN CONNECTION WITH THE HI-LIONS DRAINAGE PROJECT #80, LOCATED IN COUNCIL DISTRICTS 2 & 3; ACQUIRING FEE SIMPLE TITLE TO ONE PARCEL IN CONNECTION WITH THE BABCOCK ROAD INTERSECTIONS METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN COUNCIL DISTRICT 8; AND ACQUIRING PARCELS IN TWO FEE SIMPLE TITLE AND TWO PERMANENT EASEMENTS IN CONNECTION WITH THE MISSION TRAILS PARKWAY PROJECT, PACKAGE I METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN COUNCIL DISTRICTS 1 & 3.

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AN ORDINANCE 86364

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO 0.241 OF A HECTARE (0.596 OF AN ACRE) OUT OF BLOCK 8, TRACT A, NEW CITY BLOCK 11379, SAN ANTONIO, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE, NAMELY THE CONSTRUCTION OF THE CALLAGHAN ROAD - OLD U.S. HIGHWAY 90 TO COMMERCE METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN COUNCIL DISTRICT 6

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AN ORDINANCE 86365

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO 57.5 SQUARE METERS (619 SQUARE FEET) OF LAND OUT OF LOT 2, NEW CITY BLOCK 11921, SAN ANTONIO, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE, NAMELY THE CONSTRUCTION OF THE NACOGDOCHES ROAD - BROADWAY TO N. NEW BRAUNFELS AVENUE METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN COUNCIL DISTRICT 9.

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AN ORDINANCE 86366

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO 75.9 SQUARE METERS (817 SQUARE FEET) OF LAND OUT OF LOT 15, BLOCK 1, NEW CITY BLOCK 13930; AND 80.5 SQUARE METERS (866 SQUARE FEET) OF LAND OUT OF LOT 12, BLOCK 2, NEW CITY BLOCK 15853, SAN ANTONIO, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE, NAMELY THE CONSTRUCTION OF THE WEST AVENUE INTERSECTIONS METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN COUNCIL DISTRICT 9

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AN ORDINANCE 86367

AMENDING ORDINANCE NO. 68400 AND AUTHORIZING AN ADDITIONAL PAYMENT IN THE AMOUNT OF \$770.00 PAYABLE TO FIRST AMERICAN TITLE COMPANY, AS ESCROW AGENT FOR SAGRARIO B. FLORES, INDIVIDUALLY AND AS INDEPENDENT EXECUTRIX OF THE ESTATE OF JUAN J. FLORES, JR., DECEASED IN CONNECTION WITH THE DRIFTWOOD DRAINAGE PROJECT #39 D D-F NORTH (CUPPLES ROAD), LOCATED IN COUNCIL DISTRICT 5.

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AN ORDINANCE 86368

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO PORTION OF LOT 5, BLOCK 24, NEW CITY BLOCK 421, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE, NAMELY THE CONSTRUCTION OF A PORTION OF MINIMUM CLEARANCE WIDTH ACCESS REQUIREMENT - BROADWAY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 1

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AN ORDINANCE 86369

AUTHORIZING PAYMENT IN THE AMOUNT OF \$407.00 FOR TITLE SERVICES TO STEWART TITLE COMPANY ON THE WILSON STREET PROJECT - WOODLAWN TO WAVERLY, A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 7

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AN ORDINANCE 86370

CONFIRMING THE APPLICATION FOR AND AUTHORIZING ACCEPTANCE OF A \$10,000.00 GRANT FROM THE SAN ANTONIO AREA FOUNDATION TO PILOT A PROJECT CALLED "BRIDGING THE G.E.D. TO THE WORKPLACE" AT THE ST. PHILIP'S AND MARGARITA HUANTES LEARNING CENTERS; AUTHORIZING THE ACCEPTANCE OF THE GRANT IF AWARDED UNDER THE SAME TERMS AS THE GRANT APPLICATION; APPROPRIATION FUNDS AND APPROVING THE PROGRAM BUDGET

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AN ORDINANCE 86371

ACCEPTING THE PROPOSAL OF THE GENERAL SERVICES COMMISSION IN AN AMOUNT DETERMINED BY ACTUAL USE BUT WHICH IS NOT EXPECTED TO EXCEED \$141,000 00 FOR RENEWAL OF THE PRESENT CONTRACT FOR INTERCITY LONG DISTANCE TELEPHONE SERVICE ON THE TEXAS AGENCY NETWORK (TEX-AN) FOR THE PERIOD OF SEPTEMBER 1, 1997 THROUGH AUGUST 31, 1999, AND PROVIDING FOR PAYMENT AS PER AGREEMENT

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97-31 The Clerk read the following Ordinance:

AN ORDINANCE 86372

ACCEPTING THE LOW BID OF HEMPHILL BUS SALES TO PROVIDE THE CITY OF SAN ANTONIO COMMUNITY INITIATIVES DEPARTMENT WITH A TYPE II VAN WITH A HANDICAP LIFT TO BE UTILIZED TO TRANSPORT ELDERLY AND DISABLED PATRONS TO MEDICAL APPOINTMENTS, SOCIAL SERVICE AGENCIES AND GROCERY SHOPPING; FOR A TOTAL OF \$41,135.00.

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

The following citizen(s) appeared to speak

Mr Faris Hodge, Jr , 140 Dora, asked for information relative to the number of vans involved, and stated his opinion that the City should cooperate with VIA Metropolitan Transit on the use of vans to transport the handicapped

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

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97-31 The Clerk read the following Ordinance:

AN ORDINANCE 86373

ACCEPTING THE OFFER OF THE XEROX CORPORATION TO PROVIDE THE CITY OF SAN ANTONIO PURCHASING AND GENERAL SERVICES DEPARTMENT WITH A HIGH VOLUME DIGITAL COLOR SYSTEM ON A LEASE BASIS FOR A TOTAL OF APPROXIMATELY \$4,300 00 MONTHLY FOR A FIVE YEAR PERIOD.

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

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

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97-31            The Clerk read the following Ordinance:

AN ORDINANCE 86374

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR THE 1997-98 FISCAL YEAR FOR A TOTAL OF APPROXIMATELY \$1,927,000.00 (COPIES OF BID PACKETS ARE AVAILABLE FOR REVIEW IN THE PURCHASING DEPARTMENT AND A LIST OF SUCCESSFUL BIDDERS ARE AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE)

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

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

The following citizen(s) appeared to speak

Mr Joseph Fuller, Sr , 3723 West Avenue, noted that his firm has held the City contract for locksmith work for a number of years, and expressed his concern that the apparent low bidder on this contract is not licensed by the state, as required by law. He noted that the firm has filed for that license, but it has not yet been granted

\* \* \* \*

Ms Cantu noted that the contractor, by virtue of the specifications requirements, must be licensed by the state to perform the service, and spoke again in recommendation of the low bidder, noting that state law forbids consideration of anything other than the low bidder.

Discussion took place concerning the license status of the apparent low bidder and what happens if he doesn't get the license.

Mayor Peak urged the City staff to follow up on the matter of compliance with the specifications and with state law involved

Ms Cantu stated that she would speak with the applicable state board on the issue  
Discussion then ensued concerning the requirements of the state law.

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Mr Frank Garza, Acting City Attorney, noted that if the low bidder is not licensed as required by state law, the City has 10 days to act, since the ordinance does not go into effect for 10 days.

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

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97-31            The Clerk read the following Ordinance:

AN ORDINANCE 86375

SELECTING POZNECKI-CAMARILLO & ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE ROSEDALE PARK IMPROVEMENTS 1994 PARKS GENERAL OBLIGATION BOND ISSUE PROJECT, LOCATED IN DISTRICT 7, AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT IN AN AMOUNT UP TO \$18,780 00 FOR THE ENGINEERING SERVICES; TRANSFERRING FUNDS AND ESTABLISHING THE PROJECT'S BUDGET, ESTABLISHING A \$3,756.00 ENGINEERING CONTINGENCY; AND PROVIDING FOR PAYMENT

\* \* \* \*

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

The following citizen(s) appeared to speak

Mr. Faris Hodge, Jr , 140 Dora, spoke to the need for a master plan for parks development, rather than having piecemeal development. He stated his belief that some parks need to be closed down for lack of security. He then addressed the need for more Park Rangers or private parks security.

\* \* \* \*

Councilman Garza spoke to the need to fund parks projects which have master plans, such as Woodlawn Lake Park, and which involve citizen input He stated that the City is looking into the security possibilities for its parks

Mayor Peak noted that tens of thousands of persons use City parks each week, in safety

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

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97-31 The Clerk read the following Ordinance:

AN ORDINANCE 86376

SELECTING W3 ARCHITECTS, INC TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES IN CONNECTION WITH THE FIRE STATION NO. 10 IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE NEGOTIATION OF A CONTRACT FOR AN AMOUNT NOT TO EXCEED \$31,775.00; AUTHORIZING \$3,500.00 FOR ADDITIONAL SERVICES; AUTHORIZING \$4,525.00 FOR ARCHITECTURAL AND ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$700.00 FOR ADVERTISING EXPENSES, AUTHORIZING \$3,500.00 FOR MISCELLANEOUS EXPENSES, AND PROVIDING FOR PAYMENT.

\* \* \* \*

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

The following citizen(s) appeared to speak

Mr. Faris Hodge, Jr , 140 Dora, noted that citizens are concerned about their fire stations, and he spoke to the need for citizen briefings every six months or so concerning fire response times. He urged the City to use part of its "one per cent for public art" money to fund better fire service, and asked for a listing of 'public art' locations He also urged the City to use the same basic design for its fire stations

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

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97-31 The Clerk read the following Ordinance:

AN ORDINANCE 86377

AUTHORIZING THE EXTENSION OF A FIVE (5) YEAR LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO METROPOLITAN MINISTRY (SAMM) FOR 20,280 SQUARE FEET IN THE BUILDING KNOWN AS 910 WEST COMMERCE STREET AND APPROXIMATELY 11,820 SQUARE FEET IN THE BUILDING KNOWN AS 920-928 WEST COMMERCE STREET FOR THE PURPOSE OF

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SERVING THE PHYSICAL, EMOTIONAL AND MENTAL NEEDS OF THE HOMELESS AND INDIGENT IN THE CITY

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

The following citizen(s) appeared to speak

Mr Faris Hodge, Jr , 140 Dora, stated that this is a good program, and addressed the need for homeless housing, stating his desire that the city's churches help in this matter with food, shelter and counseling

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

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97-31 The Clerk read the following Ordinance:

AN ORDINANCE 86378

AUTHORIZING PAYMENT IN THE AMOUNT OF \$10,160.50 FOR LEGAL SERVICES TO WELLS, PINCKNEY & MCHUGH AND DAVIDSON & TROILO, P.C.; AND COURT COSTS TO GERRY RICKHOFF, COUNTY CLERK OF BEXAR COUNTY IN THE SAN PEDRO - QUINCY TO ROMANA METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN COUNCIL DISTRICT 1; AND PROVIDING FOR PAYMENT.

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

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

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97-31 The Clerk read the following Ordinance:

AN ORDINANCE 86379

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO 0.167 HECTARES (0.413 ACRES) OUT OF A 27.050 ACRE TRACT, NEW CITY BLOCK 11173, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE, NAMELY THE CONSTRUCTION OF THE MISSION TRAILS PARKWAY, PACKAGE I, A METROPOLITAN PLANNING ORGANIZATION PROJECT, LOCATED IN COUNCIL DISTRICTS 1 & 3

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

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to his concern with condemning more land for the Mission Trails Parkway, and spoke to the need for more security in parks.

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

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97-31 Mr. Garza asked for a briefing on Agenda Item 9, enacted earlier as part of the Consent Agenda (See page 14)

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97-31 The Clerk read the following Ordinance:

AN ORDINANCE 86380

CONFIRMING THE SUBMISSION OF A GRANT APPLICATION FOR A GRANT APPLICATION IN THE AMOUNT OF \$1,440,000.00 TO THE U.S. DEPARTMENT OF EDUCATION, WHICH WILL ALLOW THE CITY OF SAN ANTONIO, DEPARTMENT OF COMMUNITY INITIATIVES, CHILDREN'S RESOURCES DIVISION TO OFFER

TRAINING AND SCHOLARSHIPS TO PREPARE PERSONNEL FOR THE EDUCATION OF INDIVIDUALS WITH DISABILITIES

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

Ms Diane Sherman, Acting Director of the Department of Community Initiatives, explained the training involved

In response to a question by Mr. Vásquez, Ms. Sherman stated that the City is collaborating with two universities as the grantee on this project, since the City has a close relationship with child care providers in the city

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

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**BRIEFING ON AGENDA ITEM 9**  
**THERMAL SITES UTILITIES CONSTRUCTION**

Ms. Jelynn Burley, Director, Convention Center Expansion Office, explained details of the Field Alteration to the thermal sites utilities construction work on the Convention Center Expansion Project, as approved by a previous Ordinance. She spoke to the disposition of soils from the site, per state requirements, noting that the project considered unforeseen needs when it was planned.

In response to a question by Mr Garza, Ms Burley discussed possible cost overruns in certain line-items in this project, and the funds available to cover those expenses. She noted that construction on this project is on schedule, and that mediation with the management firm, Bartlett Cocke-Incore-Hardin (BIH) has no effect upon this.

In response to a question by Mr Menendez, Ms Burley discussed archeological delays encountered when utilities construction uncovered a wall constructed in the 1800s.

In response to a question by Mr Vasquez, Ms. Burley discussed the project construction management, when the BIH contract is closed after mediation.

Mr Salas spoke to the need to get quality work from BIH during these mediation negotiations.

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97-31

The Clerk read the following Ordinance:

AN ORDINANCE 86381

ACCEPTING THE LOW, QUALIFIED BID OF CLARK CONSTRUCTION COMPANY, INC IN THE AMOUNT OF \$778,010.00 IN CONNECTION WITH THE MICRO-SURFACE 1997

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PROJECT LOCATED IN VARIOUS COUNCIL DISTRICTS; AUTHORIZING A CONSTRUCTION CONTRACT, AUTHORIZING \$77,801.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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

Mr. Clarence Daugherty, Assistant Director of Public Works, narrated a video presentation explained the overall Street Maintenance Program, covered in a series of five successive Ordinances today

In response to a question by Mr. Marbut, Mr. Daugherty provided a cost breakdown by the mile concerning streets being worked on.

Mr. Marbut suggested that funding for street maintenance should be based upon need, and not allocated by Council district, stating his belief that it is necessary to put the funds for such work where it's needed, regardless of Council district, or else formulate a way to apportion funds within districts based on overall need, citywide. He stated his belief that the Council needs such a policy, similar to the policies adopted for use of Community Development Block Grant (CDBG) funds

Mr. Daugherty noted that many city streets are in dire need, citywide, and stated that staff can look at this concept when the Council discusses the Pavement Management System.

Mr. Webster spoke to the need to develop additional streets maintenance funds such as from VIA Metropolitan Transit or perhaps with a new allocation of funds from the Road and Bridge Fund, as an example

Mr. Menendez stated his belief that the concept is a good one, but may not be realistic, and spoke to the need to be proactive in relation to streets maintenance

Mr. Vásquez agreed with 'needs-based' streets maintenance funding, and spoke to the need to apply this to such things as tax phase-ins, as well, as an example.

Mr. Garza stated that many factors need to be considered. He expressed his belief that the current system is equitable, but could be improved

In relation to City staff's funding that some 30 per cent of city streets need major improvements, Mr. Prado asked for a listing of those streets. He spoke in support of securing more funds from VIA Metropolitan Transit for streets maintenance, over and above the \$200,000, which he termed inadequate. He asked the Acting City Attorney to look into the legal factors of doing this

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Acting City Attorney Frank Garza addressed the limited ways in which these funds can be increased

Mr Alexander E Briseño, City Manager, spoke to the rationale used in the current streets maintenance funding and addressed past funding by VIA for such work

Mr Marbut addressed 'needs-based' tax phase-ins, citywide, and spoke in support for such a policy

After consideration, the motion prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Bannwolf, Webster, Peak; **NAYS:** Marbut; **ABSENT.** Garza;

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97-31            The Clerk read the following Ordinance:

AN ORDINANCE 86382

ACCEPTING THE LOW, QUALIFIED BID OF CLARK CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$930,887.60 IN CONNECTION WITH THE SEAL COAT 1997 PROJECT LOCATED IN VARIOUS COUNCIL DISTRICTS, AUTHORIZING A CONSTRUCTION CONTRACT, AUTHORIZING \$93,088.76 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES, AND PROVIDING FOR PAYMENT

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

Mr Clarence Daugherty, Assistant Director of Public Works, explained the Seal Coat process of streets maintenance

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

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97-31            The Clerk read the following Ordinance

AN ORDINANCE 86383

ACCEPTING THE LOW, QUALIFIED BID OF SAN ANTONIO CONSTRUCTORS, INC. IN THE AMOUNT OF \$1,746,746.94 IN CONNECTION WITH THE ASPHALT OVERLAY

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1997 PROJECT LOCATED IN VARIOUS COUNCIL DISTRICTS; AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING \$174,674.69 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

\* \* \* \*

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

Mr Clarence Daugherty, Assistant Director of Public Works, narrated a video presentation explaining the Asphalt Overlay process for older city streets.

Mr. Salas spoke to his concern with damage done to windows of vehicles of certain teachers because of this process used by the proposed contractor, San Antonio Constructors, Inc., and also expressed concern that certain persons whose vehicle windows were damaged were not compensated for that damage as a result of the work performed on the streets. He spoke to his concern for the manner in which this particular firm handles claims against it

Mr Menendez addressed his concerns with a lack of spending for streets projects in District 6 for the past few years

Mayor Peak stated that contractors need to be held responsible for damages caused during work on such projects.

After consideration, the motion prevailed by the following vote: **AYES:** Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** Salas, **ABSENT** Flores,

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97-31 The Clerk read the following Ordinance:

AN ORDINANCE 86384

ACCEPTING THE LOW, QUALIFIED BID OF CLARK CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$630,078 50 IN CONNECTION WITH THE SLURRY SEAL 1997 PROJECT LOCATED IN VARIOUS COUNCIL DISTRICTS, AUTHORIZING A CONSTRUCTION CONTRACT, AUTHORIZING \$63,007 85 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$800 00 FOR ADVERTISING EXPENSES, AND PROVIDING FOR PAYMENT

\* \* \* \*

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

Mr. Clarence Daugherty, Assistant Director of Public Works, narrated a brief video presentation on this Slurry Seal process

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

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97-31 The Clerk read the following Ordinance:

AN ORDINANCE 86385

ACCEPTING THE LOW, QUALIFIED BID OF CLARK CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$210,555 00 IN CONNECTION WITH THE CONSTRUCTION OF THE BASE & PAVEMENT REPAIR 1997 PROJECT LOCATED IN VARIOUS COUNCIL DISTRICTS, AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING \$21,055.50 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$800 00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT

\* \* \* \*

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

Mr. Clarence Daugherty, Assistant Director of Public Works, narrated a brief video presentation and explained the Base and Pavement Failure Repair program.

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

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97-31 The Clerk read the following Ordinance:

AN ORDINANCE 86386

AMENDING A PROFESSIONAL SERVICES CONTRACT FOR A METROPOLITAN PLANNING ORGANIZATION (MPO) AND PUBLIC WORKS STREETS & DRAINAGE OPERATING BUDGET FUNDED PROJECT IN THE AMOUNT OF \$246,000.00 WITH

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BRAUN INTERTEC, APPROPRIATING AN ADDITIONAL \$4,000.00 FOR CONTINGENCY IN CONNECTION WITH THE PAVEMENT MANAGEMENT SYSTEM (PMS) (AMENDS ORDINANCE NO 82142 DATED APRIL 27, 1995)

\* \* \* \*

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

Mr Clarence Daugherty, Assistant Director of Public Works, narrated a brief video presentation on the Pavement Management Program, noting that a complete evaluation of San Antonio's streets condition will be completed within two years. He noted that preliminary information reveals that half the city streets require some attention, while about 20 per cent required complete rebuilding

In response to a question by Mr Vásquez, Mr. Daugherty stated that this data was collected by visual means He stated that at a later time, sidewalk needs alongside city streets also could be determined

In response to a question by Mr Prado, Mr Daugherty spoke to how sidewalk needs are determined and costed

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

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97-31 The Clerk read the following Ordinance:

AN ORDINANCE 86387

ACCEPTING THE LOW, QUALIFIED BID OF SAN ANTONIO, CONSTRUCTORS, INC. IN THE AMOUNT OF \$1,025,502.76 IN CONNECTION WITH THE OAKWOOD DRAINAGE NO 58BY PROJECT, LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING A CONSTRUCTION CONTRACT, AUTHORIZING \$66,598.68 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, AUTHORIZING \$3,000.00 PAYABLE TO M W CUDE ENGINEERS, L L C FOR ADDITIONAL ENGINEERING EXPENSES; AND PROVIDING FOR PAYMENT (AMENDS ORDINANCE NO. 81998 DATED APRIL 6, 1995 )

\* \* \* \*

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

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Mr Clarence Daugherty, Assistant Director of Public Works, narrated a brief video presentation explaining this program

In response to a question by Mr. Garza, Mr. Daugherty explained the needed additional engineering work and project details, especially major drainage work.

After consideration, the motion prevailed by the following vote: **AYES:** Flores, Guerrero, Prado, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** Salas; **ABSENT:** Vásquez;

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97-31            The Clerk read the following Ordinance:

AN ORDINANCE 86388

AUTHORIZING THE EXPENDITURE OF \$1,250.00(\$250.00/EA.) FROM THE DISTRICTS 1,2, 7, 9 AND THE MAYOR'S CONTINGENCY ACCOUNT FUND TO OFFSET TRAVEL EXPENSES IN SENDING THE SAN ANTONIO NATATORIUM SWIM TEAM TO THE TEXAS AMATEUR ATHLETIC AFFILIATION (TAAF) CHAMPIONSHIPS IN LUBBOCK, AS REQUESTED BY COUNCILMAN ED GARZA

\* \* \* \* \*

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

Mr. Garza spoke to the need to raise some \$1,800 for travel expense needs of the Natatorium Swim Team, and asked other Council members to join him in contributing from their contingency funds.

Additional pledges of \$250 each were received from the Mayor, District 1, District 2, and District 9

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

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97-31    City Council recessed its regular session at 3.22 P.M. in order to convene in Executive Session for the purpose of

A Attorney/Client consultation regarding litigation case styled **Michael Heim v. City of San Antonio.**

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B. Attorney/Client consultation regarding litigation case styled **NATCO, Inc. D/B/A Giorgio's of San Antonio et al v. City of San Antonio et al**

City Council adjourned the Executive Session at 4:35 P.M. and reconvened in regular session, at which time Mayor Peak stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

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97-31 At this point, Mayor Peak was obliged to leave the meeting. Mayor Pro Tem Menendez presided

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**CITIZENS TO BE HEARD**

**MR. FARIS HODGE, JR.**

Mr. Hodge, 140 Dora Street, addressed a possible 'run-a-thon'; the Fire Department Master Plan; the speed limits on Thousand Oaks and Rittiman Road; a request to have the City's Star Award made to each police officer on the Downtown Bike Patrol, and a regional landfill

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**MR. ROBERT RAINES**

Mr. Raines, 326 West Huisache Avenue, spoke against the "One Per Cent for Public Art" ordinance as it applies to projects at International Airport, expressing his view that those funds could be used somewhere else for another project. He urged Council supporters of this ordinance to resign their offices, stating his belief that citizens will protest this ordinance.

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**MR. CLINTON VITOUSEK**

Mr. Vitousek, American Engineering, spoke to his concerns with his controversy with the City's sign inspectors over the height of a certain sign, and noted that this issue may be coming up in a future City Council meeting.

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**MR. MICHAEL RANKIN**

Mr Rankin, representing San Antonio Firefighters, thanked the Mayor and City Council for its support in pension matters relating to the late Mr. Jesse Bricker, who died fighting a fire He spoke to his concern with plans to convert several firefighter positions within the department via the Reclassification Team, and stated his belief that City staff needs City Council permission to make such changes. On another topic, he noted that the recent promotions at Fire Station No. 45

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are long overdue, and the union has no objection to them, since these individuals need their promotions. He then spoke to the impasse with the City on the question of promotions and who is to be promoted, and addressed the litigation filed by African-American firefighters against the City.

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**MR. DOUGLAS JONES**

Mr. Jones, legislative director for the firefighters union, questioned the Fire Department's planned realignments and redistribution in order to staff Fire Station No. 45. He noted that the Fire Department Master Plan calls for four-man staffing, not realigning to hold the number of firefighters at the same level.

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**MR. HOWARD WEBSTER**

Mr. Webster, 2714 Arrowhead, a City firefighter, spoke to the ongoing alleged discrimination issue involving African-American firefighters and the current impasse in negotiations, and spoke to how the Fort Worth Fire Department created a new fire battalion. He stated his belief that City staff is exercising the wrong options in staffing matters, and stated that he wants four new district fire chief positions created for San Antonio, as well as creation of a new fire-response district.

In response to a question by Mr. Menendez, Fire Chief Robert Ojeda spoke to the reasons why promotions at Fire Station No. 45 were withheld, although they now are being accomplished. He noted that all new 'in lieu of' positions in the department are drawn against current departmental vacancies, of which the department currently has nineteen.

Mr. Prado asked that certain current fire issues be addressed, including the status of a new class of firefighter candidates, consideration of four-person staffing in the budget, insurance that Fire Station No. 45 is fully staffed by new personnel, insurance that the Fire Department ranks are not being cut, and the status of promotions in the department, including the legal question of whether or not the City Council has to approve some of them.

Mr. Salas spoke to the need to move forward with the negotiations in the African-American firefighters' discrimination case, and questioned how the fire stations are staffed.

Discussion then took place relative to how positions within the Fire Department are deleted.

Mr. Rankin stated his belief that the Reclassification Team actions amount to a deleting of positions, and further stated his contention that filling Station No. 45's staffing with 'in lieu of' positions amounts to filling those positions with existing positions, not new ones.

Mr. Vásquez spoke to the need to resolve these issues of Fire Department policies and procedures, and move on.

Mr. Garza addressed the need to resolve the issue, noting that communities want fire protection. He then asked for certain data on staffing policies of the Fire Department.

Chief Ojeda stated that normally, the department fills vacancies from two fire classes held each year. He noted that 28 new firefighters in the class now underway are already filling jobs, and the remaining 19 vacancies will be filled by a new class starting in September. He further noted that the department once had as many as 70 vacancies.

Mr. Garza spoke against diluting the firefighter pool to staff new fire stations, and spoke in favor of using new positions.

Mr. Rolando Bono, Assistant City Manager, spoke to the need to maximize departmental staffing in line with the budget.

Discussion then took place concerning the matter of predicting vacancies within the Fire Department.

Mr. Webster noted that the law governs how vacancies are to be filled within the Fire Department within 60 days, and he asked the City to fulfill its obligations.

Mr. Salas asked the City Attorney for a briefing on the impact of state law on promotions.

Chief Ojeda spoke to how the City 'back-promotes' and 'back-pays', whenever the 60-day period is exceeded.

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**NAZERITE R. PEREZ**

Mr. Perez, 627 Hearne Avenue, spoke to the dangers facing children who must cross railroad tracks on their way to school. He also expressed his concerns that non-uniformed city employees will not be given raises as compared to raises to uniformed personnel.

Mr. Vásquez asked Mr. Perez to bring in specific cases so that he can discuss these with City management, but doubted that this was accurate.

**DON WILKINS CASTILLO**

Mr Don Wilkins Castillo spoke to the relationships between Mexico and Texas and expressed concern that the recent statements made by two women that they were raped in a Mexican hospital will strain this relationship

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97-31 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



**HOWARD W. PEAK**  
M A Y O R

Attest:



**NORMA S. RODRIGUEZ, CMC/AAE**  
City Clerk