

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO, HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, MARCH 29, 1990.

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The meeting was called to order by the Presiding Officer, Lila Cockrell, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, VERA, WOLFF, LABATT, HASSLOCHER, COCKRELL. Absent: NONE.

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90-14 The invocation was given by Mr. Dan Carter, San Pedro Church of Christ.

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90-14 The members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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90-14 CITY EMPLOYEE SERVICE AWARDS

Mayor Cockrell recognized the presence of a group of City employees, each of whom celebrates his or her anniversary representing 30, 35, 40 or 45 years of service to the City of San Antonio. She spoke of their loyal and dedicated service and introduced each member as individual City Council members distributed Certificates of Service.

Mr. Martinez spoke of the special characteristics of municipal employees, and congratulated the group present today.

Mrs. Dutmer noted that each City employee is an important cog in the apparatus that makes the City of San Antonio operational.

Ms. Berriozabal thanked each City employee present today for their service to the City and addressed the importance of accountability to the public.

Mr. Wolff stated that City employees are in the forefront of services to citizens and taxpayers.

Mayor Cockrell noted that an annual banquet is to be held tomorrow night to honor some 351 longtime City employees.

PUBLIC HEARING

Mayor Cockrell declared the Public Hearing to be open with respect to the contemplated sale and issuance by the City of \$25,000,000 principal amount of its Combination Tax and Stadium Agreement Revenue Certificates of Obligation, Series 1990 (the "Certificates"). She noted that Notice of the Public Hearing was published on Wednesday, March 14, 1990 in the San Antonio Express-News and the San Antonio Light, and stated that no citizen was registered to speak at this Public Hearing.

In response to a question by Mr. Thompson, Ms. Nora Chavez, Director of Finance, explained that the Internal Revenue Code requires that a Public Hearing be held on any 'private activity' tax-exempt bonds, and briefly explained the bonds and the Public Hearing requirement.

Mr. Michael Spain, Attorney for Fulbright and Jaworski Law firm, differentiated between the two types of bonds sold for such uses as construction of the Dome Stadium project.

Mr. Thompson voiced his concern that the citizens might not have known that a Public Hearing on such matters is open for public comment on the stadium bonds.

In response to a question by Mr. Martinez, Ms. Chavez spoke to the apparent low bidder on the bonds to be sold, and the interest rate involved in that bid, identifying the apparent low bidder as Harris Trust and Savings Bank & Association. She then addressed the various entities involved with the Harris Trust bid on the bonds.

There being no further questions or comments, Mayor Cockrell declared the Public Hearing to be closed.

Ms. Nora Chavez, Director of Finance, spoke to details of the low bid of 10 bids received on \$25,000,000 in Combination Tax and Stadium Agreement Revenue Certificates of Obligation Series 1990, submitted by Harris Trust and Savings Bank & Association. She further stated that the bid was a favorable one, and compared it to last May's bond sale. She noted that these bonds will be retired through VIA sales tax revenues.

In response to a question by Mr. Martinez, Ms. Chavez noted that a proposed bond sale for the City, previously scheduled for this May, has been put off until next fall.

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Hasslocher seconded the motion.

Mr. Alexander E. Briseno, Assistant City Manager, noted that City staff had estimated that it would receive about a seven per cent low bid

for these bonds, and the actual low bid was below the estimated level. He further stated that he was pleased with the low bid received.

The Clerk read the following Ordinance:

AN ORDINANCE 71,288

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$25,000,000 "CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND STADIUM AGREEMENT REVENUE CERTIFICATES OF OBLIGATION, SERIES 1990"; PROVIDING FOR THE PAYMENT OF THE CERTIFICATES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND ADDITIONALLY SECURING SUCH CERTIFICATES BY A LIEN ON AND PLEDGE OF CERTAIN NET STADIUM TAX REVENUES OF A STADIUM AGREEMENT AND FURTHER SECURING THE CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES; PROVIDING THE TERMS AND CONDITIONS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SUCH CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT; AND DECLARING AN EMERGENCY. (HARRIS TRUST AND SAVINGS BANK & ASSOCIATION)

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In response to a question by Mrs. Dutmer, Ms. Chavez explained why the City's tax base stands behind these bonds, although VIA sales tax revenues will pay for them.

After consideration, the motion, carrying with it the passage of the Ordinance prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: None.

90-14      CONSENT AGENDA

Mrs. Dutmer made a motion to approve Agenda Items 9 through 29, constituting the Consent Agenda with items 10, 14, 16 and 28 to be pulled for individual consideration. Mr. Hasslocher seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 71,289 .

.  
ACCEPTING THE LOW QUALIFIED BID OF MAXI-SWEEP, INC.,  
TO FURNISH THE CITY OF SAN ANTONIO PARKS &  
RECREATION DEPARTMENT WITH POOL CLEANING EQUIPMENT  
FOR HEMISFAIR PARK FOR A TOTAL OF \$6,223.10.

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AN ORDINANCE 71,290 .

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ACCEPTING THE LOW PROPOSAL OF HITACHI DATA SYSTEMS  
TO FURNISH THE CITY OF SAN ANTONIO INFORMATION  
RESOURCES DEPARTMENT WITH MAINFRAME COMPUTER  
MAGNETIC TAPE DRIVES CAPABLE OF PROCESSING  
ELECTRONIC ARCHIVAL DATA AND A NINE MONTH  
MAINTENANCE POLICY FOR A TOTAL OF \$86,810.00.

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AN ORDINANCE 71,291 .

.  
ACCEPTING THE BID OF RICHTER'S BAKERY TO FURNISH THE  
CITY OF SAN ANTONIO HUMAN RESOURCES DEPARTMENT WITH  
BAKERY PRODUCTS FOR THE COMPREHENSIVE NUTRITION  
PROJECT FOR A TOTAL OF APPROXIMATELY \$15,009.09.

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AN ORDINANCE 71,292 .

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ACCEPTING THE LOW BIDS OF PRESTON DAIRY PRODUCTS AND  
TASTY ICE CREAM DISTRIBUTORS, INC., TO FURNISH THE  
CITY OF SAN ANTONIO HUMAN RESOURCES DEPARTMENT WITH  
DAIRY PRODUCTS FOR THE COMPREHENSIVE NUTRITION  
PROJECT FOR A TOTAL OF APPROXIMATELY \$120,873.00.

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AN ORDINANCE 71,293 .

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ACCEPTING THE LOW QUALIFIED BID OF ROSEL-GONZABA  
SECURITY SERVICES TO FURNISH THE CITY OF SAN ANTONIO  
PARKS & RECREATION DEPARTMENT WITH SECURITY SERVICE  
FOR THE MISSION DEL LAGO AND CEDAR CREEK GOLF  
COURSES FOR A MONTHLY TOTAL OF \$3,608.64.

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AN ORDINANCE 71,294

ACCEPTING THE LOW BID OR R. L. JONES CO., INC., IN THE AMOUNT OF \$315,777.14 INVOLVING THE RECONSTRUCTION OF THE STREET, CURBS, SIDEWALKS AND DRIVEWAYS IN CONNECTION WITH THE EAST CRAIG-MCCULLOUGH TO NORTH ST. MARY'S PROJECT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; PROVIDING \$31,577.71 FOR THE CONSTRUCTION CONTINGENCY; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 71,295

ACCEPTING THE PROPOSAL OF CARLOS W. COON, JR., CONSULTING ENGINEER, FOR ENGINEERING SERVICES INVOLVING THE PREPARATION OF CONTRACT DOCUMENTS IN CONNECTION WITH THE REPLACEMENT OF LOW VOLTAGE WIRING, LIGHTING FIXTURES AND FINISHES AT FIRE STATION NO. 32; AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT PROVIDING \$2,516.00 FOR FUNDING OF SAID CONTRACT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 71,296

ACCEPTING THE PROPOSAL OF CARLOS W. COON, JR., CONSULTING ENGINEER, FOR ENGINEERING SERVICES INVOLVING DESIGN WORK, PREPARATION OF CONTRACT DOCUMENTS, AND BIDDING AND NEGOTIATION IN CONNECTION WITH THE DRAINAGE MODIFICATIONS AND DRIVEWAY AND RAMP REPAIRS AT FIRE STATION NO. 39, AND APPARATUS BAY FLOOR DRAIN INSTALLATION AT FIRE STATION NO. 4; AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT; PROVIDING \$8,820.00 FOR FUNDING OF SAID CONTRACT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 71,297

ACCEPTING THE PROPOSAL OF SEDA CONSULTING ENGINEERS, INC., FOR ENGINEERING SERVICES INVOLVING THE PREPARATION OF A PHASE "A" REPORT (MASTER PLAN) IN CONNECTION WITH THE 36TH STREET AND BANGOR AVENUE SANITARY SEWER RELIEF LINE PROJECT; AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT;

PROVIDING \$10,000.00 FOR FUNDING OF SAID CONTRACT;  
AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 71,298

ACCEPTING THE PROPOSAL OF THE SAN ANTONIO RIVER  
AUTHORITY (SARA) FOR THE REVIEW OF PLANS AND  
SPECIFICATIONS TO PROTECT THEIR INTERESTS DURING THE  
CONSTRUCTION OF THE SCHERTZ-WEIDNER/NORTHSIDE  
EAST-WEST PROJECT AS IT RELATES TO SARA SALADO DAM  
SITE NO. 7; AUTHORIZING THE EXECUTION OF A CONTRACT;  
PROVIDING \$60,000.00 FOR FUNDING OF SAID CONTRACT;  
AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 71,299

DECLARING SURPLUS A PORTION OF LOT 1, BLOCK 12, NEW  
CITY BLOCK 2842, SAN ANTONIO, BEXAR COUNTY, TEXAS  
AND AUTHORIZING THE CITY MANAGER, OR ANY ASSISTANT  
CITY MANAGER, TO EXECUTE A QUITCLAIM TO DIANA HURON  
ALONZO, FOR A CONSIDERATION OF \$295.00.

\* \* \* \*

AN ORDINANCE 71,300

AUTHORIZING PAYMENT IN THE AMOUNT OF \$4,967.65 FOR  
TITLE CHARGES INVOLVING THE HI-LIONS DRAINAGE  
PROJECT #80, DRIFTWOOD DRAINAGE #39 B-F SOUTH, 36TH  
AND OLD HWY. 90 STREETS INTERSECTION IMPROVEMENTS,  
TERESA STREET - I.H. 35 TO PLEASANTON ROAD, AND  
LANARK DRAINAGE PROJECT #92A; AND APPRAISAL FEES  
INVOLVING THE HI-LIONS DRAINAGE PROJECT #80, HUEBNER  
ROAD - VANCE JACKSON TO LOCKHILL SELMA, HAUSMAN ROAD  
BRIDGE AT LEON CREEK, BITTERS ROAD - WEST AVENUE TO  
TREASURE TRAIL AND FREDERICKSBURG ROAD - FIVE POINTS  
TO WOODLAWN (SAN PEDRO CREEK CHANNEL) AND  
APPROPRIATING FUNDS.

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AN ORDINANCE 71,301

APPROVING AND AUTHORIZING THE EXECUTION OF A  
THREE-YEAR SUBLEASE AGREEMENT WITH SOUTHWEST  
VALLEY-HI LITTLE LEAGUE, INC., A TEXAS NON-PROFIT

CORPORATION, TO LEASE A 24.033 ACRE PARCEL OUT OF THAT CERTAIN RAY ELLISON INDUSTRIES, INC., OWNED 38.988 ACRE TRACT OF LAND LEASED TO THE CITY BY ORDINANCE NO. 70704, DATED DECEMBER 7, 1989, FOR AN ANNUAL CONSIDERATION OF \$1.00.

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AN ORDINANCE 71,302

AUTHORIZING THE EXECUTION OF THE 1990/91 PUBLIC HEALTH STATE SUPPORT CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH TO PROVIDE STATE AID TO THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) WITH AN INITIAL \$102,732.00 TO SUPPORT THE STD EPIDEMIOLOGY AN CASEFINDING ACTIVITIES OF THE SAMHD; ESTABLISHING A GRANT FUND; ADOPTING A BUDGET; AND AUTHORIZING PERSONNEL POSITIONS.

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AN ORDINANCE 71,303

AUTHORIZING PAYMENT TO VARIOUS VENDORS IN AN AMOUNT NOT TO EXCEED \$25,383.00 TO PROVIDE FOR THE MEETING OF THE AMERICAN SOCIETY OF ASSOCIATION EXECUTIVES FROM CHICAGO, NEW YORK AND WASHINGTON, D.C., HOSTED BY THE SAN ANTONIO CONVENTION AND VISITORS BUREAU.

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AN ORDINANCE 71,304

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION FOR A \$45,569.76 GRANT IN LIBRARY SERVICES CONSTRUCTION ACT TITLE I FUNDS TO SUPPORT THE LIBRARY SERVICES FOR DISADVANTAGED POPULATION PROJECT.

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AN ORDINANCE 71,305

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE CITY OF GREY FOREST SO AS TO CONTINUE EMERGENCY MEDICAL SERVICES TO THAT CITY FOR THE PERIOD OF OCTOBER 1, 1989 TO, TO SEPTEMBER 30, 1990, FOR TOTAL REVENUES TO THE CITY OF \$8,564.00.

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90-14 The Clerk read the following Ordinance:

AN ORDINANCE 71,306

ACCEPTING THE LOW QUALIFIED BID OF WITTIG'S OFFICE INTERIORS TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH UPHOLSTERED SIDE CHAIRS FOR THE FORREST HILLS AND THOUSAND OAKS BRANCH LIBRARIES FOR A TOTAL OF \$22,800.00.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

In response to a question by Ms. Berriozabal, Mr. Archie Titzman, Director of Purchasing and General Services, stated that upholstered chairs last a long time and these being purchased under this Ordinance match existing chairs already in use at the two branch libraries involved. He stated that the 160 chairs being ordered will cost \$142.50 each, less five per cent, and will be used in library classroom areas for the public.

Mr. David Leamon, Library Director, noted that many library branches have lesser-value chairs in use, and he spoke to the desirability of the chairs in question.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Martinez.

90-14 The Clerk read the following Ordinance:

AN ORDINANCE 71,307

ACCEPTING THE LOW QUALIFIED BID OF JOHN SEXTON FOODS TO FURNISH THE CITY OF SAN ANTONIO HUMAN RESOURCES DEPARTMENT WITH GROCERY PRODUCTS, FROZEN FOODS, PAPER PRODUCTS AND JANITORIAL SUPPLIES FOR THE COMPREHENSIVE NUTRITION PROJECT FOR A TOTAL OF APPROXIMATELY \$197,510.90.

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Mr. Wing made a motion to approve the proposed Ordinance. Mr. Hasslocher seconded the motion.

Mr. Labatt stated that he would abstain from the vote on this agenda item, noting that Labatt Foods, a former family-owned business, was a bidder on this item, even though its bid was not successful. He further stated that he has no financial interest in Labatt Foods.

In response to a question by Ms. Berriozabal, Mr. Kevin Moriarty, Director of the Department of Human Resources and Services, explained that the ordinance involves a six-month contract and will not be affected by any program reduction that might be applied to the nutrition centers in next fiscal year's budget.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Vera, Wolff, Hasslocher, Cockrell; NAYS: None; ABSENT: Martinez; DISQUALIFIED: Labatt.

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90-14 The Clerk read the following Ordinance:

AN ORDINANCE 71,308

ACCEPTING THE LOW BID OF VALLEN SAFETY COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH SELF CONTAINED BREATHING APPARATUS UNITS FOR THE FIRE, AVIATION AND ENVIRONMENTAL MANAGEMENT DEPARTMENTS FOR A TOTAL OF \$333,150.23.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mr. Wing seconded the motion.

Mr. Labatt questioned the need for such a large single purchase of self-contained breathing apparatus units.

Mr. Archie Titzman, Director of Purchasing and General Services, explained this is the first of a two-phased program to purchase these units for various City departments as a safety matter. He noted that the City will purchase approximately \$200,000 in additional breathing units in the second phase of the program.

Fire Chief Ray Losoya spoke to the safety factor involved in having the new, lighter equipment in use by the Fire Department, noting that the currently-used self-contained breathing units are 15-20 years old, and are very heavy in comparison to these new ones.

Mr. Labatt spoke in favor of phased purchasing of such units, if it won't harm the low cost bid.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Martinez.

90-14 The Clerk read the following Ordinance:

AN ORDINANCE 71,309

APPROVING AN AMENDMENT TO THE JOINT CITY OF SAN ANTONIO AND VIA METROPOLITAN TRANSIT TRIPARTY DOWNTOWN TRANSPORTATION IMPROVEMENTS PROFESSIONAL DESIGN SERVICES CONTRACT WITH FORD, POWELL AND CARSON, INC., AND PAPE-DAWSON CONSULTING ENGINEERS TO INCREASE THE CONTRACT NOT-TO-EXCEED AMOUNT BY \$152,414.00 BRINGING THE TOTAL TO \$1,004,434.00; AUTHORIZING THE EXECUTION OF SAID AMENDMENT; AND PROVIDING FOR PAYMENT.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

In response to a question by Ms. Vera, Mr. Frank Perry, Assistant Director of Planning, explained that this ordinance effectively ends some two years of negotiations on a matter of disputed contract work on the TriParty program. He spoke to details of the work involved and the matter of authorization given to these two firms for design services performed. He addressed the rationale for exceeding the "not to exceed" amounts in the contract.

Ms. Vera voiced her concern with firms performing services that are not contracted for.

Mr. Joe Aceves, Director of Public Works, spoke to the difficulty in pinpointing the exact scope and costs for all project services such as the TriParty streets work, before work actually begins. He stated his opinion that the City has benefitted from this work and that the City has a legal obligation to pay for it.

In response to a question by Ms. Vera, City Attorney Lloyd Garza provided his legal opinion that the City could, if it wished, deny liability for payment for this work and force the contractors to sue the City for such payment. He further stated his opinion that the City has a

moral obligation to pay for this work, and that refusal to pay could send a message to all firms doing business with the City that no payment will be made for work performed over and above that contracted for.

Ms. Vera stated that she would be voting against the proposed ordinance, and questioned City procedures that allow for payment for work performed above and beyond that contracted for.

Mayor Cockrell stated her contention that Ms. Vera's point is very valid, and stated her opinion that City policy should state that the City is against having "after-the-fact" bills presented for payment. She stated that she would support today's ordinance, even though she does not like current City policy in this regard.

In response to a question by Mr. Wolff, Mr. Aceves explained the steps taken in the negotiation over these bills and noted that this recommended settlement has the approval of VIA. He further noted that the TriParty Steering Committee has been briefed on the settlement, and spoke to the difficulty of the work involved in the unique TriParty program.

In response to a question by Mr. Wolff, Mr. Perry addressed the status of issue approval by all TriParty partners.

Mr. Thompson stated his belief that the City is obligated to pay this 2 1/2-year-old bill.

A discussion then took place concerning a possible lawsuit, should the City not pay the bill.

Mr. Thompson spoke to clarify the funding involved, noting that funds to pay this bill is available in TriParty contingency project funds and is not coming from the City's general fund.

Ms. Berriozabal addressed the longtime nature of the problems involved and spoke in support of Ms. Vera's stance, although stating her opinion that it would be irresponsible for the City not to pay this bill. She compared the matter to current problems in the Environmental Management Department and spoke of the need to send a message to such firms that the City will not pay for bills on work performed, above that contracted for.

Mrs. Dutmer spoke in favor of giving department heads a certain amount in funds to expend, with anything above that amount having to come before City Council for consideration before expenditure.

After consideration, the motion, carrying with the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Web, Dutmer, Wing, Thompson, Wolff, Labatt, Cockrell; NAYS: Vera; ABSENT: Martinez, Hasslocher.

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90-14 Agenda Item 30, being a proposed ordinance accepting the high bid(s) received in connection with City funds available for deposit ;in interest-bearing Certificates of Deposit, was removed from consideration earlier by the City Manager.

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90-14 A proposed ordinance, amending Ordinance No. 70280 passed and approved on September 21, 1989, which adopted a preliminary FY 1989-90 budget of the Alamo Conservation and Reuse District (ACRD); further approving the FY 1989-90 amended budget of the ACRD; approving rates for the sale of non-potable water and authorizing the ACRD to charge, bill and collect for the sale of non-potable water; amending Ordinance No. 70945 to clarify the entitlement and diversion rights of the City Public Service Board and the rights of future ACRD revenue bond holders, was taken up for discussion at this time.

Mr. Labatt distributed to members of the City Council copies of a prepared memorandum, a copy of which is made a part of the papers of this meeting. He then read from the prepared statement, explaining revisions he feels are needed and asking the Council to consider a two-week delay in acting on this and the immediately-following agenda item, number 32.

Mr. Labatt made a motion to postpone Agenda Items 31 and 32 for two weeks, until the Council meeting of April 12, 1990. Mrs. Dutmer seconded the motion.

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

City Attorney Lloyd Garza stated that Roberts' Rules of Order restrict debate to only the pending motion, and only to its time-certainty.

A discussion then took place concerning whether or not citizens signed up to speak on either of these two agenda items could also speak on the matter to City Council, and whether or not their remarks, if allowed, must be restricted only to the time-certain nature of the motion.

Mayor Pro Tem Berriozabal ruled that the citizens can be heard on this issue.

Mrs. Dutmer challenged the ruling of the chair.

Mr. Robert Ashcroft, 1022 Navarro, read a statement objecting to the City Council not following its accepted policy of requiring that a Master Plan be approved before establishing rates for sale of non-potable water. He stated his opinion that a long-established rate-setting policy

is not being followed in this case.

(At this point, Mayor Cockrell returned to the meeting to preside.)

Mayor Cockrell stated her belief that discussions should be restricted to matters of postponement of action on these items to a time-certain.

Ms. Berriozabal discussed the differing opinion of City Council members on whether or not citizens would be heard on the substance of this issue, and noted Mrs. Dutmer's strong objection to the ruling of the chair to allow citizens to be heard on this matter.

Mayor Cockrell ruled that debate on this issue at this time would only be to the issue of postponement of consideration to a time-certain.

Mr. Wolff spoke against postponement.

A discussion then took place concerning the need to hold special meetings for both City Public Service and the Alamo Conservation and Re-Use District on the matter of re-sale of non-potable water within the next two weeks.

Ms. Vera spoke in favor of hearing from the citizens signed to speak on these issues.

Ms. Berriozabal stated her opinion that postponement limits citizen debate on the issues.

Mr. Martinez spoke against postponement, and stated he wanted to hear from the citizens on such a sensitive issue.

After consideration, the motion to postpone for two weeks prevailed by the following vote: AYES: Webb, Dutmer, Wing, Labatt, Hasslocher, Cockrell; NAYS: Berriozabal, Martinez, Thompson, Vera, Wolff; ABSENT: None.

Agenda Items 31 and 32, being an Ordinance amending Ordinance No. 70280 passed and approved on September 21, 1989, which adopted a preliminary FY 1989-90 budget of the Alamo Conservation and Reuse District (ACRD); further approving the FY 1989-90 amended budget of the ACRD; approving rates for the sale of non-potable water and authorizing the ACRD to charge, bill and collect for the sale of non-potable water; amending Ordinance No. 70945 to clarify the entitlement and diversion rights of the City Public Service Board and the rights of future ACRD revenue bond holders; and Item 32, being a Resolution approving and consenting to the application of the Alamo Conservation and Reuse District to the Texas Water Commission for a permit to install diversion facilities for wastewater on the Medina River to divert, utilize, treat and sell for

reuse groundwater based effluent discharged from the City's Leon Creek Treatment Plant, and instructing the City Attorney to take all actions necessary to support and obtain the approval and issuance of the permit, were postponed for two weeks, until the Council meeting of April 12, 1990.

90-14     PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE ABANDONING, CLOSING AND QUITCLAIMING AN IMPROVED ALLEY BORDERING SAN ANTONIO COLLEGE.

Mayor Cockrell declared the Public Hearing to be open:

Mr. Joe Aceves, Director of Public Works, explained the plan by the Alamo Community College District to expand the campus of San Antonio College and how the closures involved will affect the area traffic. He stated his opinion that informal citizen informational meetings should be held on such closures to adequately explain them to the public.

Dr. Gerardo Gonzales, Chairman of the ACCD board, explained the need for the street closures in order to facilitate construction of a new classroom building, the first such building in the planned expansion for the SAC campus. He then spoke to some six or seven citizen meetings held in the neighborhood concerning the SAC expansion plans.

Ms. Rebecca Galvan, ACCD trustee, spoke to neighborhood concerns with the street closures.

Mr. Bernard Homer, representing the Tobin Hill Neighborhood Association, distributed a prepared statement to City Council, a copy of which is made a part of the papers of this meeting. He stated his organization's belief that no street closures should take place until a traffic impact study is made to determine the impact of displaced traffic onto neighborhood streets. He asked the Council to vote against these closures until this study is made, and enumerated a seven-point proposal for consideration.

Ms. Barbara Marshall, Tobin Hill Neighborhood Association, also distributed copies of a prepared statement, a copy of which is made a part of the papers of this meeting. She stated her opinion that the ACCD street closures will cause neighborhood deterioration in order to facilitate their acquisition of needed adjacent property for campus expansion, and at lesser costs. She also stated her opinion that the proposed street closures will adversely affect traffic in the area, and asked that the proposed action today be held in abeyance until the final traffic plan is presented.

Dr. Max Castillo, President of San Antonio College, noted that SAC's master plan calls for these street closures, and he asked the City Council to support the ACCD request.

Dr. Gonzales spoke to the SAC master plan which identifies SAC

boundaries and plans for increased parking. He addressed other problems and neighborhood complaints, and stated his belief that the district cannot afford to pave 300,000 square feet of presently-unpaved parking area, then plow it back up in a few years to make way for construction of a new building.

Mr. Gene Rutherford, representing the ACCD project manager, distributed copies of the SAC master plan drawings and outlined the staged development of the SAC campus. A copy of the drawings is made a part of the papers of this meeting.

In response to a question by Ms. Berriozabal, Mr. Rutherford spoke to the phased-in street closures needed to expand the SAC campus.

Ms. Berriozabal voiced her concern that the proposed closure of Dewey Place will cause major traffic problems on San Pedro and will require a major investment of City funds.

Mr. Aceves spoke to the need to hold citizen meetings in order to keep the neighborhood informed on the impact on traffic in the area of the SAC campus.

Ms. Berriozabal spoke in support for the plans for expansion of the campus and urged continued dialogue with neighborhood residents.

Dr. Gonzales stated that his board will involve area citizens in the building process, as well, and spoke to advantages of SAC expansion and development for area neighbors.

A discussion then took place concerning citizens' requests for use of the \$52,000 to be paid by ACCD to the City for the requested street and alley closures.

Mayor Cockrell declared the Public Hearing closed.

The City Clerk read the following Ordinance:

AN ORDINANCE 71,310

ABANDONING, CLOSING AND QUITCLAIMING: AN IMPROVED ALLEY BETWEEN NEW CITY BLOCK 1914 AND NEW CITY BLOCK 1905; THAT PORTION OF WEST MYRTLE STREET FROM THE WEST BOUNDARY LINE OF LEWIS STREET TO THE WEST BOUNDARY LINE OF HOWARD STREET; THREE IMPROVED ALLEYS WITHIN NEW CITY BLOCK 1915, AND THAT PORTION OF LEWIS STREET BETWEEN THE SOUTH BOUNDARY LINE OF WEST MYRTLE STREET AND THE NORTH BOUNDARY LINE OF WEST PARK AVENUE; AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIMS TO THE ALAMO COMMUNITY COLLEGE DISTRICT FOR A COMBINED CONSIDERATION OF FIFTY-TWO

THOUSAND FOUR HUNDRED AND TWENTY DOLLARS,  
(52,420.00).

\* \* \* \*

Mrs. Berriozabal then made a motion to to approve the proposed Ordinance subject to recommendations of the Public Works staff. Mr. Wing seconded the motion.

In response to a question by Mr. Thompson, Dr. Gonzales discussed the SAC master plan and possible future expansion plans for the SAC campus. He then discussed the delay of the ACCD board on a decision on granting tax abatement to Opryland, until a later board agenda.

Mr. Labatt then made an amendment to the motion that the \$52,420.00 coming to the City be earmarked to the King's Court Housing Foundation towards affordable Housing. Mr. Martinez seconded the motion.

Mayor Cockrell voiced her concern with the proposed amendment without definite backup information to make the decision. She also mentioned the current budget deficit and stated that she would be hesitant in designating where to use these funds today.

In response to a question by Mr. Wolff, Ms. Berriozabal stated that the neighborhood does not want the streets closed. She also stated that there are enough verbal assurances to continue the meeting process with the neighbors and to follow up with their concerns. She also stated that the Council today is starting a process. Ms. Berriozabal noted that the \$52,420.00 received by the City from ACCD could be put in escrow to finance future improvement in the neighborhood.

Mr. Wing spoke in opposition to giving away \$52,000 to a private concern and stated that if they want to petition the Housing Trust Fund for a request for proposal, then he believes this is the route to follow.

Mr. Martinez stated that perhaps the City needs to devote the \$52,000.00 to the Housing Trust Fund, in view of the displacement of persons by the expansion of the SAC campus. He spoke to the difficult nature of the decision the Council must take on this.

Ms. Berriozabal spoke about past commitments to the Housing Trust Fund and the identification of new revenues from street closures for this Fund. She noted that Kings Court residents have made application to the Housing Trust Fund, and concurs with Mr. Martinez that this money should be channeled back to the Housing Trust Fund. She also spoke about a decrease in housing units in the inner-city.

After discussion, the vote on the amendment failed by the following vote: AYES: Berriozabal, Webb, Martinez, Labatt; NAYS: Dutmer, Wing, Thompson, Vera, Wolff, Cockrell; ABSENT: Hasslocher.

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After consideration, the main motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Hasslocher.

90-14      ZONING HEARINGS

48.      CASE Z90033 - to rezone a 610.02 acre tract of land out of Parcel 2, Parcel 3, Parcel 103, and Parcel 104, NCB 14859, being further described by field notes filed in the Department of Planning, FROM "B-2" ERZD Business Edwards Recharge Zone District and "B-3" ERZD Business Edwards Recharge Zone District TO "ED" ERZD Edwards Recharge Zone Entertainment District, and an 8.57 acre tract of land out of Parcel 103, NCB 14859, being further described by field notes filed in the Department of Planning, FROM "B-3" Business District TO "ED" Entertainment District, being located on the west side of I.H. 10 Expressway, being 1150.0 feet north of the intersection of Fredericksburg Road and I. H. 10 Expressway, having approximately 2672.0 feet on I.H. 10 Expressway.

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

Mr. Andy Guerrero, Planner III, explained the new "Entertainment District" (ED) designation for Opryland's theme park.

Mr. Wolff made a motion to approve the recommendation of the Zoning Commission. Ms. Vera seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Cockrell; NAYS: Berriozabal; ABSENT: Labatt, Hasslocher.

AN ORDINANCE 71,311

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 A 610.02-ACRE TRACT OF LAND OUT OF PARCEL 2, PARCEL 103 AND PARCEL 104, NCB 14859, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT AND "B-3" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT, TO "ED" ERZD ENTERTAINMENT EDWARDS RECHARGE ZONE DISTRICT;

AND AN 8.57-ACRE TRACT OF LAND OUT OF PARCEL 103, NCB 14859, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "B-3" BUSINESS DISTRICT TO "ED" ENTERTAINMENT DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

(The City Council recessed the regular meeting at 4:22 P.M. in order to convene a meeting of the Board of Directors of the City of San Antonio Industrial Development Authority, reconvening the regular meeting at 4:31 P.M.)

90-14 The Clerk read the following Resolution:

A RESOLUTION NO. 90-14-12

APPROVING RESOLUTION AMENDING RESOLUTION AUTHORIZING THE ISSUANCE OF CITY OF SAN ANTONIO INDUSTRIAL DEVELOPMENT AUTHORITY REVENUE BONDS, SERIES 1982 AND THE EXECUTION OF A TRUST AND AMENDING RESOLUTION AUTHORIZING THE ISSUANCE OF CITY OF SAN ANTONIO INDUSTRIAL DEVELOPMENT AUTHORITY REVENUE BONDS, SERIES 1982-A, AMENDMENT TO LOAN AGREEMENT AND GUARANTEE AGREEMENT AND OTHER MATTERS IN CONNECTION THEREWITH (TRAVIS BUILDING ASSOCIATES PROJECT).

\* \* \* \*

Mrs. Dutmer made a motion to approve the proposed Resolution. Mr. Hasslocher seconded the motion.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Hasslocher, Cockrell; NAYS: None; ABSENT: Labatt.

90-14 Agenda Item 33, being a discussion of three transportation programs for M.P.O. funding, was taken up at this time.

Mrs. Rebecca Q. Cedillo, Director of Planning, briefly explained the three transportation programs to be submitted to the Metropolitan

Planning Organization for funding in FY 1990-91, noting that the governing body, in this case the City Council, must concur with the program proposals before they are submitted to the MPO for final approval.

A discussion then took place concerning the possibility of placing Sulphur Springs Road on the Urban Mass Transit Act (UMTA) list for improvements.

Mrs. Dutmer moved to bring the three transportation programs to the "A" Session for a vote of the City Council. Mr. Hasslocher seconded the motion.

After consideration, the motion, to bring the three transportation programs to the "A" Session for a vote of the City Council, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: None.

- - -  
90-14 The Clerk read the following Resolution:

A RESOLUTION NO. 90-14-13 .

.  
SUPPORTING THE CITY OF SAN ANTONIO'S EFFORTS TO  
OBTAIN A WORLD LEAGUE OF AMERICAN FOOTBALL (WLAF)  
FRANCHISE.

\* \* \* \*

Mr. Hasslocher made a motion to approve the proposed Resolution. Mr. Thompson seconded the motion.

In response to a question by Ms. Berriozabal, Mayor Cockrell stated that passage of this Resolution does not commit the City of San Antonio to any specific expenditures.

Ms. Berriozabal voiced her concern that the City provided a large number of amenities to the Spurs organization in the Arena, yet they now want to move to the new domed stadium when it is completed. She stated her intention to speak to the matter of any amenities to be provided by the City during upcoming negotiations with the World League of American Football team, should one be granted for San Antonio.

Mrs. Dutmer spoke in support of doing everything to support the use of the domed stadium, even though she opposed the stadium project itself.

Mr. Thompson spoke to his concerns with a perceived shift away from a sports-oriented domed stadium to a convention-oriented stadium. He

stated his belief that local citizens will be affected, yet they are the ones paying for the project through the VIA sales tax.

Mr. Roland Lozano, Director of Dome Development, addressed the development of new lease contracts for use with the domed stadium, and noted that they are being structured so that the stadium will operate in the black within three years of completion.

Mr. Wolff spoke to the popularity of American football around the world, today.

Mr. Webb stated his belief that a WLAF franchise will be economically-positive for San Antonio.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Wing, Thompson.

- - -  
90-14 Agenda Item 35, dealing with the creation of a Street Maintenance Task Force, was taken up for discussion at this time.

Ms. Vera provided a brief summary on creation of a task force to seek additional funds for needed street maintenance, and addressed the need to move aggressively toward securing these funds. She asked that a task force be appointed as quickly as possible.

Mr. Dan Durden, Chairman of Urban Affairs, Greater San Antonio Chamber of Commerce, reviewed and summarized the results of a recent street maintenance study conducted by his organization, a copy of which is made a part of the papers of this meeting. He spoke of lack of streets maintenance being a serious and growing threat to the economy of San Antonio, and noted that street maintenance spending by the City has decreased over the past few years, requiring complete street reconstruction in the future, in many cases. He spoke of the need to spend some \$40 million each year on streets, and addressed alternative funding sources and the need for legislative help to solve the problem. He urged the City to work closely with other Texas cities and the Texas Municipal League on the issue.

Ms. Vera made a motion asking City staff, through the City Manager, to work with the various Chambers of Commerce on the best composition of a street maintenance task force, and to recommend task force membership within two weeks. Ms. Berriozabal seconded the motion.

A discussion took place concerning involvement by all Chambers of Commerce in the task force.

Ms. Berriozabal spoke in support of the task force idea, and urged that it concentrate on developing new sources of revenue, including going to the state legislature for it. She spoke to details of a possible new "commuter tax".

Mrs. Dutmer asked that the south side be represented on the task force.

After consideration, the motion, to work with the Chambers of Commerce on the composition of a street maintenance task force and to recommend task force membership within two weeks, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Thompson, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Wing, Hasslocher.

- - -

90-14 The Clerk read the following Ordinance:

AN ORDINANCE 71,312

AMENDING ORDINANCE NO. 60110, DATED JANUARY 17, 1985, SO AS TO ADOPT A NEW "GENERAL CONDITIONS" SECTION IN 100% LOCAL FUNDED CITY PUBLIC WORKS CONSTRUCTION CONTRACTS AS SET OUT IN THE REVISED CITY WAGE AND LABOR STANDARD PROVISIONS.

\* \* \* \*

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Webb seconded the motion.

Mr. Joe Aceves, Director of Public Works, spoke to new improvements to City wage standards, and spoke to the specifics of some of those improvements.

A discussion then took place concerning wages paid on City contracts.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Thompson, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Wing, Hasslocher.

- - -

90-14 The Clerk read the following Ordinance:

AN ORDINANCE 71,313

AUTHORIZING THE RETENTION OF SMITH, BARSHOP, STOFFER

& MILLSAP, INC. IN CONNECTION WITH THE BANKRUPTCY OF FAIRCHILD AIRCRAFT, INC., AND, IF APPLICABLE, ITS AFFILIATE CORPORATION, FAIRCHILD GEN-AERO, INC.; AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT; AND APPROPRIATING AN AMOUNT FOR SUCH PROFESSIONAL SERVICES NOT TO EXCEED \$10,000.

\* \* \* \*

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Webb seconded the motion.

In response to a question by Mr. Martinez, City Attorney Lloyd Garza stated that the City has no one on its staff to handle complex bankruptcy cases.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Thompson, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Wing, Hasslocher.

- - -  
90-14 The Clerk read the following Ordinance:

AN ORDINANCE 71,314 .

.  
: TRANSFERRING \$1,000.00 FROM THE DISTRICT 7  
DISCRETIONARY AND IMPROVEMENTS FUND TO PAY FOR  
COUNCILWOMAN YOLANDA VERA'S TRAVEL EXPENSES DURING  
THE REMAINDER OF FY 1989/90.

\* \* \* \*

Mr. Webb made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Thompson, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Wing, Hasslocher.

- - -  
90-14 The Clerk read the following Ordinance:

AN ORDINANCE 71,315 .

.  
: AUTHORIZING THE CLOSURE OF CERTAIN STREETS AND  
LOCATIONS FOR THE 1990 FIESTA CARNIVAL; APPROVING

TERMS AND CONDITIONS FOR THE USE OF PUBLIC PROPERTY  
AND RIGHT-OF-WAY; AND AUTHORIZING THE CITY MANAGER  
TO EXECUTE AN AGREEMENT WITH ALAMO CONCESSIONS  
SUPPLY COMPANY, INC.

\* \* \* \*

Mr. Webb made a motion to approve the proposed Ordinance. Ms. Berriozabal seconded the motion.

A discussion took place concerning negotiations on carnival operations.

Mr. Hasslocher spoke against locating the carnival operations surrounding City Hall.

In response to a question by Mr. Martinez, Mr. Joe Rodriguez, Assistant Director of Public Works, discussed the use of the police parking lot for carnival operations and interim parking arrangements for those displaced by it.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Cockrell; NAYS: Hasslocher; ABSENT: None.

- - -  
90-14 The Clerk read the following Ordinance:

AN ORDINANCE 71,316 .

.  
APPROVING STREET CLOSURES FOR FIESTA 1990 ACTIVITIES  
TO INCLUDE NIGHT IN OLD SAN ANTONIO, EL MERCADO  
FIESTA, KING'S CORONATION, KING WILLIAM FAIR,  
PILGRIMAGE TO THE ALAMO, FIESTA MISSION RUN, ST.  
MARY'S OYSTER BAKE, ST. LUKE'S FIESTA FINALE AND  
FIESTA FLAMBEAU PARADE.

\* \* \* \*

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Webb seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: None.

90-14 The Clerk read the following Ordinance:

AN ORDINANCE 71,317

APPROVING THE "FIESTA EN LA VILLA DE SAN FERNANDO" EVENT FOR FIESTA 1990, AUTHORIZING THE CLOSING OF CERTAIN STREETS, SETTING THE HOURS OF OPERATION, AND PROVIDING SECURITY FOR THE EVENT.

\* \* \* \*

Mr. Wing made a motion to approve the proposed Ordinance. Mr. Webb seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: None.

90-14 TRAVEL AUTHORIZATION \_ Granted:

Councilwoman Yolanda Vera to travel to Kumamoto, Japan, from April 2, 1990 to April 9, 1990, for a Sister Cities Visit.

Ms. Vera summarized the upcoming visit by a San Antonio delegation to Kumamoto, Japan for the dedication of a new Women's Center there, and her plans to meet with Mr. Morita, Chairman of the Sony Corporation, during the visit to Kumamoto. She spoke to the attendees on the visit, noting that she may not be able to make the trip if it would interfere with the interviews for and selection of a new City Manager.

ZONING HEARINGS (continued)

44. CASE Z90024 - to rezone Lot 1, Block 41, NCB 8930, from "R-1" Single Family Residence District to "B-2" Business District, 2500 Block of Quintana Road, being located southwest of the intersection of Quintana Road, King Avenue and Burd Avenue, having 30.0 feet on Quintana Road, 26.2 feet on King Avenue and 140.0 feet on Burd Avenue.

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

Mr. Andy Guerrero, Planner III, stated that the application is willing to amend his rezoning petition to include "B-1" zoning on only that portion of the property actually needed for that usage.

Mr. Wing made a motion to approve the amended "B-1" zoning. Mr. Webb seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 71,318

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 THE WEST 33' OF THE NORTH 45' OF LOT 1, BLOCK 41, NCB 8930, IN THE 2500 BLOCK OF QUINTANA ROAD, FROM "R-1" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

45. CASE Z90019 - to rezone Lot 9, Block 2, NCB 654, 819 South Pine Street, from "C" Apartment District to "B-2NA" Non-Alcoholic Sales Business District, being located southwest of the intersection of S. Pine Street and Douglas Way, having 53.0 feet on Douglas Way and 97.25 feet on S. Pine Street.

The Zoning Commission was unable to reach a majority vote and forwarded the request without a recommendation.

Mr. Webb made a motion to approve the Zoning Case. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 71,319

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 LOT 9, BLOCK 2, NCB 654, 819 SOUTH PINE STREET, FROM "C" APARTMENT DISTRICT TO

"B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

46. CASE Z90030- rezone Lots 17, 18, 19 and 20, Block 51, NCB 2745, 1816, 1818 and 1822 Fredericksburg Road, from "B-2NA" Non-Alcoholic Sales Business District to "B-3NA" Non-Alcoholic Sales Business District, being located on the northeast side of Fredericksburg Road, being 200 feet southeast of the intersection of Lynwood Drive and Fredericksburg Road, having 182 feet on Fredericksburg Road and a depth of 120 feet.

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

In response to a question by Ms. Vera, Mr. Andy Guerrero, Planner III, addressed the impact of this proposed rezoning on the area Master Plan.

In response to another question by Ms. Vera, Mr. Charles Boemacke, the proponent, addressed the need for the rezoning in order to allow a thrift store to be located on the property.

A discussion then took place concerning the possibility of a three-week postponement of this case.

Ms. Vera made a motion to postpone the case for three weeks. Mr. Thompson seconded the motion.

After consideration, the motion to postpone for three weeks, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: None.

Case Z90030 was postponed for three weeks, until the April 19, 1990 agenda.

47. CASE Z90022 - to rezone Lots 2 and 3, Block 3, NCB 11259, 7235 U. S. Hwy 81 South, from "B" Residence District to "B-3NA" Non-Alcoholic Sales Business District, located on the northwest side of U.S. Hwy. 81 South, having 80.0 feet on U.S. Hwy 81 South and a maximum depth of 172.78 feet.

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

Mr. Wing made a motion to approve the recommendation of the Zoning Commission. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 71,320

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 3, NCB 11259, 7235 U.S. HIGHWAY 81 SOUTH, FROM "B" RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

90-14 The Clerk read the following Ordinance:

AN ORDINANCE 71,321

AUTHORIZING A LICENSE AGREEMENT WITH THE SAN ANTONIO JAYCEES FOR THAT ORGANIZATION'S USE OF THE SHERATON HOTEL SITE FOR THE "LA SEMANA ALEGRE" 1990 EVENT AND, IF AVAILABLE, AUTHORIZING THE USE OF THE SAME SITE FOR THE 1991 "LA SEMANA ALEGRE" AND DECLARING AN EMERGENCY.

\* \* \* \*

Mr. Webb made a motion to approve the proposed Ordinance. Mr. Wing seconded the motion.

In response to a question by Mr. Thompson, Mr. Ron Darner, Director of Parks and Recreation, stated that an increase proposed in the City's receipts from La Semana Alegre fees will produce some \$80-100,000 in revenues. He then discussed possible negotiations for this same site for the following year.

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

Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: None.

90-14 The Clerk read the following Resolution:

A RESOLUTION NO. 90-14-14

SUPPORTING ENACTMENT OF AMENDMENTS TO THE FIREMEN AND POLICEMEN'S PENSION FUND STATUTE TO COMPLY WITH SECTION 415 OF THE INTERNAL REVENUE CODE OF 1986.

\* \* \* \*

Mrs. Dutmer made a motion to approve the proposed Resolution. Mr. Hasslocher seconded the motion.

Mr. Hasslocher explained the need for the changes brought about by this Resolution in order to meet requirements of the Internal Revenue Service Code.

Ms. Sue Ortman, attorney for Groce, Locke and Hebdon, explained the need for this action in order thatt the Fire and Police Pension Fund might not lose its tax-exempt status.

Mr. Jimmy Willborn, fund trustee, outlined the request for this Resolution, which will reinforce a request to state officials to accept a new law that will impact the fund's status.

In response to a question by Mr. Martinez, Mr. Willborn stated that proposed new legislation would state that the fund will not pay out any funds that would jeopardize its tax-exempt status.

Mr. Martinez spoke to requests made for sensitivity of fire and police pension fund activities as they impact minority businesses. He stated that he hopes the fund board will support housing issues in San Antonio.

Mr. Willborn stated tha the board always is receptive to minority business, and he addressed several issues now under consideration by the board. He then addressed the adverse impact that any adverse IRS ruling would have on fire and police pension funds.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: None.

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90-14      TRAVEL AUTHORIZATION - granted

Mayor Lila Cockrell to travel to Washington, D.C. from April 1, 1990 to April 4,, 1990, to attend annual trip hosted by Greater Chamber of Commerce.

90-14

CITIZENS TO BE HEARD

MR. JESSE E. WRIGHT

Mr. Jesse E. Wright, 4403 Chesapeake Drive, spoke to the Council stating that his constitutional rights had been violated by City Police.

Mayor Cockrell stated that a written report by Mr. Wright had been received in her office and she would be reviewing the material and forwarding it on to Chief William Gibson for a report.

Mr. Wright expressed concern since he is due to appear in Court on the 16th of April.

Mayor Cockrell stated that the City Council is not in a position to do anything on this matter at this time.

\* \* \* \*

MR. BERNARD HOMEN

Mr. Homen, representing the Tobin Hill Neighborhood Association, brought to the Council's attention an article which appeared in the San Antonio Light regarding the loss of housing in the City, particularly his neighborhood. He stated that here is a great concern about the great number of unsafe structures in his area and urged that these structures be demolished. He asked that the process be speeded up in order that these unsafe structures be leveled.

Mr. Martin Rodriguez, Director of Code Compliance, stated that a fire had destroyed a home in the neighborhood, however, there was no written record of this house being called in as unsafe. He stated that they have been working in that neighborhood and have identified a number of houses which are reparable and some which will need to be demolished. He also explained that there is a legal process which must be followed.

Councilwoman Berriozabal stated that this issue is one which has plagued this neighborhood. She invited Mr. Homen and other members of this area to a public hearing which will be held on April 4, 1990 at 7:00 p.m. at the Convention Center to hear citizen input on neighborhood needs and a Neighborhood Master Plan. She also stated that Congressman Gonzalez has been invited to be present at this hearing.

\* \* \* \*

CITY MANAGER'S REPORT

City Manager Fox stated that the airport has some outstanding bond issues which are technically not refundable at this time, however he wanted to apprise the City Council of a new innovative process which has been used in other cities and could be utilized in San Antonio. He introduced Mr. Frank King, Merrill Lynch Investments, to speak on the issue.

Mr. King presented the City Council with a fact sheet displaying summary savings which could be effected by an interest swap contract. This process would enable the City to contractually achieve the same benefits as it would under advance refunding of those bonds, which were prohibited by Congress in 1986.

A discussion then took place on the issue by the City Council. In response to Council questions, Mr. King stated that the Attorney General has approved this type of issue. He then presented other members of the joint venture.

Ms. Erlinda Dimas spoke about the savings which would be generated by entering into this type of contractual refunding.

Mr. Fox stated that the City's financial advisor will be reviewing this matter and will have a report back to the Council next week.

Mrs. Nora Chavez, Director of Finance, stated that several proposals have been received by the City and each of these will be reviewed and a report made to the Council.

There being no further business to come before the Council, the meeting was adjourned at 6:40 P.M.

A P P R O V E D

*Lula Cockell*

M A Y O R

ATTEST: *Norman S. Rodriguez*  
C i t y C l e r k