

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MAY 15, 1997.

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97-21 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. Presentation on the proposed revisions to the Drainage Regulations -
Council postponed action on this item for a period of 90 days to answer questions on stormwater detention and seek financing options.

B. Presentation on the proposed Hazardous Material (HAZMAT) Plan -
Council directed City staff to proceed, with a proviso that a feasibility study/plan include the elimination or reduction to an absolute minimum the transportation of hazardous materials over the sensitive areas of the Edwards Aquifer, including creeks and watersheds.

"B" Session adjourned at 11:25 A.M.

The Council members present were: Lott, Avila, Vasquez, Ross, Marbut, Peak, Webster and Thornton. ABSENT: Flores, Billa Burke, Herrera.

97-21 The regular meeting was called to order at 1:00 p.m. by the Presiding Officer, Mayor William E. Thornton, with the following members present: Lott, Billa Burke, Avila, Vasquez, Herrera, Ross, Marbut, Peak, Webster and Thornton. **Absent:** Flores.

97-21 Invocation - Reverend Geraldine Huckman, Rolling Oaks Christian Church.

97-21 Pledge of Allegiance to the flag of the United States.

97-12 Minutes of the Regular City Council Meeting for March 13, 1997 were approved.

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CEREMONIAL ITMES

KWANGJU, SOUTH KOREA YOUTH SOCCER TEAM

Mayor Thornton introduced leaders of the delegation from Kwangju, South Korea and representatives of the youth soccer team, then introduced representatives from the San Antonio Area Youth Soccer Association and the Alamo Area Youth Soccer Association. He read and presented an Honorary Citizen award to Mr. Dan Boulay, and presented Alamo pins to other members of the delegations.

A representative of the Alamo Area Youth Soccer Association spoke to the youth soccer games to be played between Kwangju and San Antonio youth teams.

A representative of the Kwangju delegation then thanked San Antonio for hosting these youth games and spoke to the warm Sister Cities relationship between Kwangju and San Antonio. He then introduced the youth team coaches from South Korea and the players as a group, after which each individual player came forward to introduce themselves.

Ms. Billa Burke spoke to the foundation built by youth baseball and soccer teams representing the two cities, over the years.

An exchange of gifts formally ended the presentation.

97-21 POLICE BICYCLE PRESENTATION BY DOWNTOWN ALLIANCE

Mr. Ben Brewer, President of the Downtown Alliance, spoke to his group's special presentation of a Cannondale bicycle to the Police Department's Downtown Bike

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Patrol, in honor of Officer Neal Mitchell, longtime member of the patrol, at a cost of some \$1,600.00. He then spoke to Officer Mitchell's reputation as a 'downtown ambassador' for the City of San Antonio.

Officer Mitchell thanked the Downtown Alliance for the donation of the bicycle and spoke to his function in the Bike Patrol, the oldest such downtown police bike patrol in the state.

City Council members spoke to the invaluable safety contributions made by Officer Mitchell and other members of the Downtown Bike Patrol.

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KIDS' FISHING CONTEST DAY

Mayor Thornton spoke to the history of the annual Kids' Fishing Contest Day, sponsored and conducted by the Anglers Club of San Antonio, and read the formal proclamation designating the event and presented it to Mr. Ed Krahn, club president.

Mr. Krahn then introduced other committee members present in the audience and spoke to details of this event, now in its 45th year in San Antonio.

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FIESTA DEL MERCADO CHECK

Mayor Thornton introduced Ms. Sylvia Larios, President of the Market Square Association, Mr. Boone Brinson, President of the Farmers Market Plaza Association, and Mr. Mark Barker, President of El Mercado Association, present in Council chambers today to present the City with a check representing a portion of the proceeds from Fiesta del Mercado.

Ms. Larios then presented the City with a check in the amount of \$50,000.00 and asked the City to use the proceeds to improve Market Square. Ms. Larios further stated that the groups are presenting the City with another \$1,800 to use for painting the Centro de Artes building in Market Square.

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97-21 CONSENT AGENDA

Mr. Webster made a motion to approve Agenda Items 7 through 18, constituting the Consent Agenda, with items 8, 9, 10,11,13 and 17 having been pulled for individual consideration. Mr. Vasquez seconded the motion.

After consideration, the motion carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Lott, Avila, Vasquez, Ross, Marbut, Webster, Thornton; NAYS: None; Absent: Flores, Billa Burke, Herrera, Peak.

AN ORDINANCE 86018

ACCEPTING THE LOW QUALIFIED BID OF OLDEN LIGHTING TO PROVIDE THE CITY OF SAN ANTONIO CONVENTION FACILITIES DEPARTMENT WITH LIGHTING DIMMER SYSTEM UPGRADES FOR A TOTAL OF \$60,985.00.

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AN ORDINANCE 86019

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT FOR AN AMOUNT NOT TO EXCEED \$12,000.00 WITH NOBLE & ASSOCIATES, INC. FOR PREPARATION OF PROFESSIONAL REAL ESTATE APPRAISALS RELATED TO THE WURZBACH ROAD & I.H. 10 INTERSECTION AND WURZBACH ROAD AT IRONSDRIVE DRIVE INTERSECTION METROPOLITAN PLANNING ORGANIZATION PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 86020

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,025.00 FOR APPRAISAL SERVICES TO JOE SCATES REALTY IN THE HI-LIONS DRAINAGE PROJECT #80 AND TO DUGGER, CANADAY, GRAFE &

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WOELFEL IN THE CHERRY STREET DRAINAGE PROJECT #15B, PHASE II PROJECT.

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AN ORDINANCE 86021

AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,200.00 TO LONE STAR NEON FOR POLE SIGN RELOCATION FOR THE CHERRY STREET DRAINAGE #15B, PHASE II; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 86022

AUTHORIZING THE ACCEPTANCE OF A \$127,814.00 CASH GRANT AWARD FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO CONTINUE FUNDING OF THE AIDS SURVEILLANCE AND AIDS EXPANDED SURVEILLANCE PROJECTS; APPROVING THE EXECUTION OF A CONTRACT CHANGE; REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 1997/98 ESTABLISHED IN ORDINANCE NO. 85857, PASSED AND APPROVED APRIL 10, 1997; AND APPROVING A PERSONNEL COMPLEMENT.

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97-21 The Clerk read the following Ordinance:

AN ORDINANCE 86023

ACCEPTING THE LOW BID OF CTR SYSTEMS, INC. TO PROVIDE THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH A PARKING ACCESS & REVENUE CONTROL SYSTEM FOR A TOTAL OF \$396,845.00.

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

In response to a question by Mr. Webster, Mr. Efren Gonzalez, Acting Director of Aviation, stated that this purchase is a replacement system for an older one no longer repairable. He then spoke to details of the bid.

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

97-21 The Clerk read the following Ordinance:

AN ORDINANCE 86024

ACCEPTING THE LOW, QUALIFIED BID OF SNAPPY SNACK VENDING COMPANY/DIVISION OF COCA COLA BOTTLING COMPANY OF THE SOUTHWEST OF PROVIDE THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH A SUMMER FOOD SERVICE PROGRAM FOR A TOTAL OF \$451,055.05; CONDITIONED UPON RECEIPT OF A USDA, TEXAS DEPARTMENT OF HUMAN SERVICES GRANT.

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

The following citizens appeared to speak:

Mr. Fred Reynolds, 1202 Waverly, spoke to his concern that the specifications written for this system excluded one bidder.

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Ms. Janie Cantu, Director of Purchasing & General Services, noted that some 29 prospective bidders were sent the specifications, and the bid was advertised, as well. She noted that the State of Texas must approve the vendor for the summer food service program, and stated that the firms that did not bid on the program did not have their paperwork ready.

Mr. Frank Stromboe, Acting Director of Parks & Recreation, noted that the details of this ordinance were earlier explained to Mr. Reynolds.

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

97-21 The Clerk read the following Ordinance:

AN ORDINANCE 86025

AMENDING THE PROFESSIONAL SERVICE CONTRACT WITH CHESNEY-MORALES & ASSOCIATES., INC, FOR THE TERMINAL AND LANDSIDE IMPROVEMENT STUDY AT SAN ANTONIO INTERNATIONAL AIRPORT BY INCREASING THE SCOPE OF SERVICES AND INCREASING THE FEES PAYABLE BY AN AMOUNT NOT TO EXCEED \$20,000.00; REVISING THE BUDGET FOR THE PROJECT, ENCUMBERING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 84896 DATED OCT. 3, 1996)

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

The following citizens appeared to speak:

Mr. Fred Reynolds, 1202 Waverly, spoke to his concern that no bids were involved in this study. He stated that he had trouble getting the backup documentation, and spoke against any field alterations.

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Mr. Efren Gonzalez, Acting Director of Aviation, explained the field alteration was needed because removal of lead paint was not included as part of the original contract.

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

97-21 The Clerk read the following Ordinance:

AN ORDINANCE 86026

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 1, IN THE AMOUNT OF \$53,020.00, TO THE CONTRACT WITH C.A. LANDRY COMPANY, INC., FOR THE HANGAR 9 AND 10 RENOVATIONS PROJECT AT STINSON MUNICIPAL AIRPORT; REVISING THE BUDGET FOR THE PROJECT; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 85553 DATED FEB.6, 1997)

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

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

97-21 At this time, Councilman Vasquez asked that Agenda Item 12 from the Consent Agenda be reconsidered. Mr. Avila seconded the motion.

The motion to reconsider Agenda Item 12 prevailed by the following vote: **AYES:** Lott, Avila, Vasquez, Ross, Peak, Webster, Thornton. **NAYS:** None. **ABSENT:** Flores, Billa Burke, Herrera, Marbut.

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Agenda Item 12 was reconsidered at this point.

The Clerk read the following Ordinance:

AN ORDINANCE 86027

RATIFYING THE PROFESSIONAL SERVICE CONTRACT WITH RUST LICHLITER/JAMESON CONSULTANTS AND AUTHORIZING ADDITIONAL 1987 GENERAL OBLIGATION DRAINAGE BONDS FUNDS IN THE AMOUNT OF \$16,000.00 IN CONNECTION WITH THE VULCAN QUARRY PROPERTY ACQUISITION PROJECT; AUTHORIZING \$28,000.00 PAYABLE TO COOK-JOYCE, INC. FOR ENVIRONMENTAL SERVICES; AUTHORIZING \$2,750.00 PAYABLE TO DUGGER, CANADAY, GRAFE & WOELFEL FOR REAL ESTATE APPRAISAL SERVICES; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 80349 DATED JUNE 23, 1994)

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

Mr. John German, Director of Public Works, explained the needed amendment to the contracts on acquisition of the Vulcan Quarry property.

In response to a question by Mr. Vasquez, Mr. German spoke to the reasons for the requested ratification, including various additional work over the past three years in this matter. He explained the significance of the Vulcan Quarry project as part of the stormwater abatement program and recharge of the Edwards Aquifer.

Mr. Vasquez asked for funding data on this matter, and spoke to his concern for the intertwining of several specific projects into one Ordinance. He spoke to his desire to see reservoirs constructed within District 5.

Discussion then took place concerning funding sources, including the use of stormwater fees.

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Mayor Thornton stated that this is a regional stormwater detention issue as discussed in Council's "B" Session this morning, part of a package to move the quarries north of Loop 1604 and away from residential neighborhoods. He then spoke to details of a chronology of this issue that is impeding progress in the subject negotiations, and spoke against any expansion of quarrying over the aquifer, especially any strip-mining.

Mr. Marbut echoed the Mayor's remarks, and suggested future moves that may need to be made in the area of zoning as they affect this developer.

Ms. Lott noted that some citizens have expressed concern over the use of stormwater fees for this.

In response to a question by Mr. Ross, Mr. German discussed appraisal details for the Vulcan Quarry site and the possibility of condemnation.

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

97-21 The Clerk read the following Ordinance:

AN ORDINANCE 86028

SELECTING HUMBERTO SALDANA AND ASSOCIATES, ARCHITECTS, INC. TO PROVIDE ARCHITECTURAL SERVICES IN CONNECTION WITH THE BRACKENRIDGE PARK REHABILITATION 1994 PARKS GENERAL OBLIGATION BOND ISSUE PROJECT; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A STANDARD FORM CONTRACT UP TO \$489,273.50; TRANSFERRING FUNDS AND AMENDING THE PROJECT BUDGET; ESTABLISHING A \$43,875.00 ARCHITECTURAL CONTINGENCY; AND PROVIDING FOR PAYMENT.

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

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In response to a question by Mr. Faris Hodge, Jr., 140 Dora, Mr. Frank Stormboe, Acting Director of Parks & Recreation, explained details of the Brackenridge Park rehabilitation project.

In response to a question from Mr. Hodge, Mr. Stromboe spoke to security lighting and restroom renovations.

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

Mr. Peak explained that this will be a very public process, and explained details.

Mr. Stromboe noted that this is a three-year project, and spoke to the points in the process where public input is solicited.

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

97-21 The Clerk read the following Ordinance:

AN ORDINANCE 86029

AUTHORIZING THE ACCEPTANCE OF ADDITIONAL FUNDS AND EXECUTION OF A GRANT AWARD CONTRACT IN THE AMOUNT OF \$375,746.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO CONTINUE FUNDING THE TUBERCULOSIS CONTROL ACTIVITIES AT THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD); REVISING THE BUDGET FOR THE PUBLIC HEALTH SUPPORT PROJECT 1997/98 ESTABLISHED IN ORDINANCE 85857, PASSED AND APPROVED ON APRIL 10, 1997; AND APPROVING A PERSONNEL COMPLEMENT.

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

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The following person appeared to speak:

Mr. Fred Reynolds, 1202 Waverly, stated that he now has received the documentation on this ordinance.

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

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

97-21 **MR. LONELLE MC-DONALD INTRODUCED**

On a Point of Personal Privilege, Mr. Webster introduced his guest for today's Council meeting, Mr. Lonelle McDonald, a freshman at John Marshall High School.

97-21 The Clerk read the following Ordinance:

AN ORDINANCE 86030

AUTHORIZING THE RENAMING OF SOUTHCROSS PARK TO THE "JIMMY FLORES PARK" IN RECOGNITION AND HONOR OF MR. JIMMY REGALADO FLORES'S MANY CONTRIBUTIONS TO THE YOUTH OF OUR COMMUNITY.

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

Mr. Frank Stromboe, Acting Director of Parks & Recreation, explained the reasons for seeking the renaming of the former Southcross Park for the late Mr. Jimmy Regalado Flores, and spoke to his extensive community-service background.

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Mayor Thornton asked members of the late Mr. Flores' family to stand in the audience and be recognized.

Mr. Avila spoke to his remembrances of the late Mr. Flores and his impact on at-risk youth in San Antonio.

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

97-21 PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION ON UTILITY CONVERSION DISTRICTS.

Mayor Thornton declared the Public Hearing to be open.

Mr. John German, Director of Public Works, narrated a video presentation on Utility Conversion Districts, a copy of which is made a part of the papers of this meeting. He spoke to the three main projects involved: utility conversion '97, Mission Trails, and Wurzbach Parkway. He then explained each segment of the projects recommended for conversion for the 1998 funding, and explained the needed sequence of events leading up to final City Council action later this year. He then spoke to the request for citizen suggestions for Utility Conversion Districts in 1998.

The following persons appeared to speak:

Mr. Fred Reynolds, 1202 Waverly, spoke in support for the Woodlawn Lake area inclusion in the program, and spoke to his desire to see all future utilities placed underground.

Mr. German spoke to voluntary underground utilities work, and noted that there has been no request that all new jobs are done underground.

Mr. Bruce Martin, representing the Mahncke Park Neighborhood Association, explained the Pershing Avenue portion of the project, and asked that a three-block portion of Pershing Avenue be included, as well. He then spoke to its need.

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Mr. Steve Tillotson, representing San Antonio Housing Authority, spoke in support for the inclusion of the Springview area.

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There being no further citizens signed to speak to this matter, Mayor Thornton declared the Public hearing to be closed.

The Clerk read the following Resolution:

A RESOLUTION NO: 97-21-24

DECLARING THE CITY COUNCIL'S INTENTION TO AMEND SECTION 35-3709 OF THE UNIFIED DEVELOPMENT CODE BY ESTABLISHING CERTAIN UTILITY CONVERSION DISTRICTS AND INITIATING THE PROCESS LEADING TO THE ESTABLISHING OF THESE DISTRICTS.

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Mr. Vasquez made a motion to approve establishment of Utility Conversion Districts for Ft. Sam Houston Gateway, Woodlawn Lake, East Commerce Street, Martin Luther King Drive, Pershing Avenue, Mission Trails, and Wurzbach Parkway. Ms. Billa Burke seconded the motion.

Mayor Thornton asked that copies of the actual proposed Resolution be made available to each City Council member.

Mr. Peak spoke in support for the motion.

In response to a question by Mr. Ross, Mr. German explained the criteria used to recommend certain projects and how projects were included that did not meet that certain criteria.

In response to a question by Mr. Ross, Mr. Octavio Pena, Director of Internal Review, affirmed that other utilities such as Paragon Cable and Southwestern Bell Telephone also would have to go underground with their services in these districts.

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He spoke to his desire to have these funds spent in areas with large public-usage criteria.

Mr. Vasquez disagreed, stating his contention that neighborhoods should be benefited from Underground Utility Districts, too. He also spoke to his hope that hotel/motel funds also can be used in the Mission Trails Project, and he asked that this matter be a part of the City's next legislative package. He then spoke to his belief that the Convention & Visitors Bureau Advisory Commission might need to be restructured in order to insure this.

Mr. Webster spoke to the need to set priorities for these projects, and addressed the need for a minimum score for a project to be included.

Mr. German stated that this could be done, if City Council decides upon this as a policy matter.

Mr. Webster expressed his desire to remove the Pershing Avenue project from the list until next year.

Ms. Lott thanked the staff for including the Springview Project.

Mr. Peak and Mr. German then spoke to the importance of coordinating the Pershing Avenue Project with a San Antonio Water system project in the same area, in order to limit the number of street-cuts.

Mayor Thornton then summarized the rationale for the recommended projects.

Mr. Webster then offered an amendment to pull the Pershing Avenue Project from consideration and to include it among projects for the 1998 funding cycle, to see how it scores in relation to other projects at that time. Mr. Ross seconded the motion.

After consideration, the amendment failed to carry by the following vote: AYES: Billa Burke, Vasquez, Ross, Marbut, Webster. NAYS: Lott, Avila, Peak, Thornton. ABSENT: Flores, Herrera.

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The main motion carrying with it the passage of the Resolution then prevailed by the following vote: AYES: Lott, Billa Burke, Avila, Vasquez, Ross, Marbut, Peak, Webster, Thornton. NAYS: None. ABSENT: Flores, Herrera.

97-21 City Council recessed its regular meeting at 3:34 P.M. in order to convene in a "B" Session for a **Presentation on San Antonio Master Plan Policies**.

City Council concurred to hold a Public Hearing on this matter next week.

"B" Session adjourned at 4:40 P.M.

97-21 The City Council then reconvened its regular meeting at 4:41 P.M.

97-21 TRAVEL AUTHORIZATION - Granted:

Travel Authorization for Mayor William E. Thornton, to travel to Dallas, Texas to conduct business as President of Texas Municipal League, from May 22, 1997 to May 22, 1997.

97-21 TRAVEL AUTHORIZATION - Granted:

Travel Authorization for Councilman Roger Flores, II, to travel to Mexico City, Mexico to visit personally with President Zedillo at Los Pinos, in Mexico City, from May 12, 1997 to May 15, 1997.

97-21 Agenda item 22, being a proposed ordinance directing staff to undertake a solicitation process for an individual or firm to perform an independent cost-benefit analysis in connection with the proposed ITT Sheraton Hotel Tax Phase-In request, as requested by Councilmembers Howard W. Peak and Lynda Billa Burke, was temporarily bypassed for consideration later in this meeting.

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97-21 The Clerk read the following Resolution:

A RESOLUTION NO: 97-21-25

CONSENTING TO CAPITAL IMPROVEMENTS BY SANTA ROSA HEALTH CARE CORPORATION THROUGH THE ISSUANCE OF BONDS IN AN AMOUNT OF \$50,800,000 BY THE COASTAL BEND HEALTH FACILITIES DEVELOPMENT CORPORATION TO FINANCE SUCH IMPROVEMENTS

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Ms. Billa Burke made a motion to approve the proposed Resolution. Ms. Lott seconded the motion.

Mr. Clint Bolden, Director of Economic Development, explained the purpose of the proposed Resolution and the reasons for San Antonio's requested affirmation. He then narrated a brief video presentation.

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

97-21 The Clerk read the following Ordinance:

AN ORDINANCE 86031

DIRECTING STAFF TO UNDERTAKE A SOLICITATION PROCESS FOR AN INDIVIDUAL OR FIRM TO PERFORM AN INDEPENDENT COST-BENEFIT ANALYSIS IN CONNECTION WITH THE PROPOSED ITT SHERATON HOTEL TAX PHASE-IN REQUEST; AS REQUESTED BY COUNCILMEMBERS HOWARD W. PEAK AND LYNDA BILLA BURKE.

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

Mr. Peak explained the purpose of the proposed ordinance and how an independent cost/benefit analysis would be implemented in connection with the Convention Headquarters Hotel Project.

Mr. Ross spoke to a brief history of San Antonio's tax phase-in criteria as adopted by City Council, under which the Convention Headquarters Hotel Project was included. He spoke against proposed changes to that criteria and their ramifications, and stated his belief that cost/benefit analysis figures already have been determined. He further stated his belief that this request is aimed at the ITT Sheraton team.

The following persons appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, stated his opinion that the citizens are against spending their tax dollars for a new hotel, and urged Council to treat everyone the same way. He spoke against tax abatement or phase-ins.

Mr. Fred Reynolds, 1202 Waverly, stated his opinion that the City's land, where the hotel is to be constructed, is worth some \$1 billion, and stated his belief that this is a perpetual tax-break.

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

Mr. Jack Finger, P.O. Box 12048, spoke against going to an outside firm for a cost/benefit analysis, and spoke in support for a 90-day moratorium against any further tax phase-ins.

Ms. Beatrice Cortez, representing Communities Organized For Public Service and the Metro Alliance, spoke in support for a cost/benefit analysis, and the need for a living wage.

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

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Rev. Homer Bain, also representing COPS/Metro Alliance, spoke to the reasons he favors an independent cost/benefit analysis and answers to a number of questions about this matter.

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Mayor Thornton discussed the contents of the City staff memorandum, and stated his belief that none of the things spoken to by COPS and Metro Alliance today are not in the outlined 'scope of work'. He noted that the cost-of-living matter and wages are not mentioned in the 'scope of work'.

Rev. Bain stated that his group believes that it can work with this document.

In response to a question by Ms. Lott, Mr. Peak stated that this ad-hoc look at cost/benefit analysis of this project will not affect the work of the Tax Phase-In Committee.

Mr. Webster noted that this presents a 'catch-22' to him, and spoke to the need to get the best deal possible in this matter. He expressed his belief that the Council cannot put City staff on the spot by asking them to do this.

Mr. Vasquez expressed his belief that the Council could take the matter of tax-abatement off the table and continue negotiations with ITT Sheraton.

In response to a question by Mayor Thornton, Mr. David Abajian, Director of Hotel Development, ITT Sheraton Corporation, stated his belief that this deal could no longer proceed if the tax phase-in is withdrawn.

Mayor Thornton spoke to the rationale for the Council heeding the City staff's expert opinions and recommendations in this matter. He stated his belief that this project is at-risk, if the motion prevails.

Mr. Peak stated his belief that this analysis will only produce a model to follow in tax phase-in matters, and is not directed at the ITT Sheraton project.

Mr. Ross questioned the need to rush this matter to completion, if ITT Sheraton is not the target of this independent cost/benefit analysis.

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Mr. Peak responded that he is only using the Itt Sheraton project for developing a model for use in future tax phase-ins.

Mr. Vasquez stated his belief that hotel/motel tax funds will pay for this study, Mr. Abajian stated that his firm would have to see the results of the study before continuing negotiations with the City.

In response to a question by Mr. Webster, Mr. Abajian stated his belief that the ITT Sheraton's proposal is a 'win-win' issue, as presented.

Mr. Webster spoke in support for the ITT Sheraton proposal, but addressed the need to prove to all that tax-abatement is good for the community.

In response to a question by Ms. Billa Burke, Ms. Cortez expressed her belief that the results of the study will be a goal to us for some three years.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Lott, Billa Burke, Avila, Vasquez, Marbut, Peak, Webster; **NAYS:** Ross, Thornton; **ABSENT:** Flores, Herrera.

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

97-21 The Clerk read the following Ordinance:

AN ORDINANCE 86032

AUTHORIZING THE CITY MANAGER TO EXECUTE A FIVE (5) YEAR CONTRACT WITH BEXAR COUNTY TO PROVIDE CRIMINAL LABORATORY SERVICES TO THE SAN ANTONIO POLICE DEPARTMENT BEGINNING MAY 16, 1997 THROUGH APRIL 30, 2002 WITH A MONTHLY FEE OF \$41,270.00 BEGINNING MAY 1, 1997 THROUGH SEPTEMBER 30, 1997; A MONTHLY FEE OF \$51, 726.00 BEGINNING OCTOBER 1, 1997 THROUGH MARCH 31, 1998; A MONTHLY FEE OF \$61,726.00 BEGINNING APRIL 1, 1998 THROUGH SEPTEMBER 30, 1998; AND

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IMPLEMENTATION A FEE SCHEDULE BEGINNING OCTOBER 1,
THROUGH APRIL 30, 2002.

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

Ms. Frances Gonzalez, Director of the Office of Special Projects, explained details of the contract and spoke to one area of disagreement with Bexar County in the matter.

The following persons appeared to speak:

Mr. Fred Reynolds, 1202 Waverly, spoke to his concern with cost escalation of the contract and other contract ramifications, urging a slowdown in this agreement.

Mr. Jack Finger, P.O. Box 12048, stated his belief that this would be like signing a blank check, and stated his belief that the Bexar County criminal laboratory is incompetent.

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In response to a question by Mr. Webster, Ms. Gonzalez stated that under the contract, the use of the criminal laboratory will go under a fee schedule in 1999.

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

Deputy Chief of Police Albert Ortiz compared the work of the county's criminal laboratory to that of private laboratories, stating that the quality of the work is virtually the same, but that the costs involved in expert testimony in court would be higher. He further stated that approval of this contract will allow the crime laboratory to update its equipment and staff.

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

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97-21 DISCUSSION ON CITY CODE CHAPTER 36 "SMOKING"

In relation to Agenda Items 25-A and 25-B, both of which constitute proposed amendments to City Code Chapter 36, entitled "Smoking", Mr. Marbut stated that he would like to continue both issues until May 29, 1997, noting that certain problems with the proposed ordinances need to be worked out.

To place the issue on the table, City Clerk Norma S. Rodriguez read the caption of Agenda Item 25-A, being a proposed ordinance amending City Code Chapter 36, entitled "Smoking", to prohibit smoking in food service establishments with certain exceptions, requiring the posting of signs and placement of extinguishment receptacles in designated smoking areas; establishing that a violation is a misdemeanor and will subject to violator to a fine of not more than two hundred dollars (\$200.00) for the first conviction, not more than five hundred dollars (\$500.00) for the second conviction, and not more than two thousand dollars (\$2,000.00) for the third conviction and for each conviction thereafter, and providing for an effective date of October 1, 1997; as requested by Councilmembers Bob Ross and Robert Marbut.

Mr. Marbut made a motion to delay this issue until the Council meeting of May 29, 1997. Mr. Ross seconded the motion.

The following persons appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke against a delay in this issue, stating his belief that smoking in restaurants is harmful to the restaurant employees. He also spoke against smoking in undivided rooms.

Councilman Ross explained the planned meetings with several groups involved in this issue, between today and May 29, 1997.

Ms. Shirley Thompson, 8363 Dawnwood Drive, stated her opinion that this issue is health-driven, yet has an impact on businesses. She then spoke to news articles about smoking and questions about the Environmental Protection Agency's statistics, she spoke against the Ordinance.

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

Mr. Egon Tausch, 217 King William, spoke against the proposed ordinance, stating that everyone takes risks in life.

Mr. Steven Henderson, 7650 Highway 90 West, #101, stated that he has cystic fibrosis and asthma, both of which are adversely affected by smoke.

Mr. Mike Bernal, representing the Hard Rock Cafe, spoke against the proposed ordinance, even though he does not smoke. He stated his belief that the ordinance would 'devastate' the Hard Rock Cafe.

Mr. Hans Nadler, 1621 Babcock, owner of Nadler's Bakery, also spoke against the proposed ordinance, questioning what association favors postponing this issue.

Ms. Tonya Villareal, representing the San Antonio Council For Alcohol & Drug Abuse, stated that laws are necessary to protect everyone.

Mr. Trey Henderson, 14003 Big Tree, spoke to the adverse impact a no-smoking ordinance would have on his restaurant.

Mr. Hal Downing, 16902 Turkey Point, spoke in favor of using electronic filters, recently developed.

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

At this time, Mr. Marbut moved the question. Mr. Ross seconded the motion. After consideration, the motion prevailed by the following vote: AYES: Lott, Billa Burke, Avila, Vasquez, Ross, Marbut, Peak, Thornton. NAYS: Webster. ABSENT: Flores, Herrera.

The motion to continue this matter to the City Council meeting of May 29, 1997 then prevailed by the following vote: AYES: Lott, Avila, Vasquez, Ross, Marbut, Peak, Webster, Thornton. NAYS: Billa Burke. ABSENT: Flores, Herrera.

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97-21 The Clerk read the following Ordinance:

AN ORDINANCE 86033

AMENDING ORDINANCE NO. 85964 OF MAY 8, 1997, WHICH ADOPTED POLLING LOCATIONS FOR THE MAY 27, 1997, RUNOFF ELECTION, BY RECOMBINING PRECINCT 3139 WITH PRECINCT 2077, VOTING AT JIMMY ELROD ELEMENTARY, 8885 HEATH CIRCLE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE OF EIGHT AFFIRMATIVE VOTES.

* * * *

City Clerk Norma S. Rodriguez explained the need to re-combine two voting precincts for the May 27, 1997 runoff election because the City in this election will not be conducting it in conjunction with the Northside Independent School District, as was the case for the May 3, 1997 election; therefore, a polling site in Leon Valley cannot be used by the City of San Antonio, alone, for its runoff election and must be re-combined with another voting precinct.

The following person appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, stated his desire that the City provide more advertising on where to vote in City elections.

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

97-21 City Council recessed its regular meeting at 7:10 P.M. for dinner, then to convene in Executive Session for the purpose of :

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- A. Attorney/Client consultation regarding litigation case styled **Hoyle Heinsohn v. City of San Antonio, et al.**
- B. Attorney/Client consultation regarding litigation case styled **Robert E. Shelton et al v. City of San Antonio et al.**
- C. Attorney/Client consultation regarding Alamodome related litigation cases styled: **Eric T. Ferguson, Sr, et al v. Alamo Iron Works et al; William Hernandez et al v. VIA Metropolitan Transit et al; and Jeannine Martinez et al v. City of San Antonio et al.**
- D. Attorney/Client consultation regarding **Margo Neff et al v. City of San Antonio and VIA Metropolitan Transit System.**
- E. Attorney/Client consultation regarding possible legal implications in amending the Construction Management Agreement between the City of San Antonio and Bartlett Cocke-Incore-Hardin (BIH).

97-21 City Council adjourned the Executive Session and reconvened the regular meeting at 9:09 P.M., at which time Mayor Thornton stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

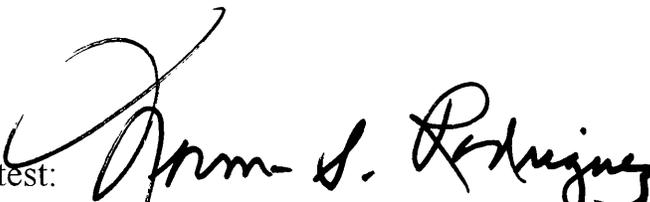
97-21 There were no citizens remaining in Council Chambers to be heard.

97-21 There being no further business to come before the Council, the meeting was adjourned at 9:10 P.M.

A P P R O V E D



WILLIAM E. THORNTON
M A Y O R

Attest: 
NORMA S. RODRIGUEZ, CMC/AE
City Clerk

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