

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, APRIL 16, 1998.

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98-15 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) Long Term Water Resource Plan: Session I: Overview of Edwards Aquifer and Water Resources Historic Perspective - presented by San Antonio Water System.

Adjourned 11:45 A.M.

The Council members present were: Flores, Salas, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster and Peak. **ABSENT:** Guerrero, Prado.

98-15 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Howard W. Peak, with the following members present: Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster and Peak **Absent:** None.

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98-15 Invocation - Rev. Ernest L. Fogg, Presbyterian Church (USA). — —

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98-15 Pledge of Allegiance to the flag of the United States. — —

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98-15 Minutes of the Regular City Council Meeting for February 26, 1998 were approved. — —

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98-15 **CEREMONIAL ITEMS**

"OFFICIAL VISIT BY EL REY FEO (UGLY KING)"

Mayor Peak welcomed El Rey Feo, in the person of Mr. Henry Munoz III, and his Royal Court to the City Council.

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El Rey Feo and his entourage made their entrance, accompanied by the music of a mariachi group.

Mayor Peak welcomed El Rey Feo and his court, then read a formal proclamation and presented it to El Rey Feo.

El Rey Feo thanked the Mayor and City Council for the proclamation and spoke to his busy week, visiting local schools in all school districts, and addressed the many things that make San Antonio a rich city in all aspects. He then presented a special gift to the Mayor, who in return presented all members of the entourage with special Alamo pins.

City Council members congratulated El Rey Feo and his efforts to improve education in San Antonio, through scholarship monies.

Mr. Flores, a former El Rey Feo, congratulated the current king for the educational funds he has raised, and presented a special Fiesta tie to El Rey Feo, Mr. Munoz.

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“NIGHT IN OLD SAN ANTONIO”

Mayor Peak introduced Ms. Paula Piper, President of the San Antonio Conservation Society; Ms. Mary Ann Turner, 1998 Chairperson of “Night In Old San Antonio”; and other vice-chairpersons of NIOSA, noting that they are making their annual visit to the City Council to speak to this year’s NIOSA celebration.

Ms Piper formally invited the Mayor and City Council members to participate in NIOSA, and spoke to the uses for the funds raised by the Society during NIOSA

The Mayor then presented each delegation member with a special Alamo pin. In return, City Council members and City staff were presented with special NIOSA pins and posters commissioned by the Conservation Society

Various Council members congratulated the Society for its successful annual NIOSA event, noting that its revenues are used for continued historic preservation in San Antonio.

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BUSINESS INFORMATION PARTNERSHIP CONCEPT
COOPERATIVE

On a Point of Personal Privilege, Mr. Prado recognized a group of students of this unique business program, sponsored by the City and various independent school districts. He then introduced each student and identified the City department or office where they are working with their sponsors.

Discussion took place concerning the hands-on work and training being performed by the students.

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98-15 Mr. Marbut asked that the Council be allowed to consider Agenda Item 29 at this time, inasmuch as a number of persons interested in this subject are present in the audience. It was the unanimous consent of Council members present to undertake consideration of Agenda Item 29 at this time.

The Clerk read the following Ordinance:

AN ORDINANCE 87664

NAMING THE NEW NORTHCENTRAL QUADRANT LITERACY CENTER AFTER COLONEL VICTOR J. FERRARI FOR ALL HIS YEARS OF DEDICATION TO LITERACY IN SAN ANTONIO AND FOR ESTABLISHING THE CITY'S MENTORING PROGRAM; AS REQUESTED BY ROBERT G MARBUT OF COUNCIL DISTRICT 8.

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

General Robert McDermott, retired Chairman of the Board, United Services Automobile Association (USAA), spoke to a brief history of Col. Vic Ferrari's work with the literacy effort at USAA and elsewhere, and addressed the need for better-educated students for San Antonio's workforce. He lauded Col. Ferrari and spoke in support for the drive to name a literacy center after him.

Mr. Hector Luna spoke to the award-winning mentorship program in San Antonio and its impact upon the city's schoolchildren.

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The following citizen(s) appeared to speak:

Ms. Cora Bel Cabrera, a mentorship parent, spoke to the close involvement of one mentor with her own children.

Ms. Sandra Martinez, also a mentorship parent, also addressed the impact of the mentorship program on her children.

Mr. Ismael Rodriguez, Jr., a freshman student at the University of Texas at San Antonio, spoke to his experiences with the mentorship program sponsored by USAA, and spoke in support of naming a literacy center for Col. Ferrari

Mr. John Almaguer, a school principal, stated that Col. Ferrari is a role model for San Antonio's schoolchildren.

Mr. Joe Rust, former chairman of the Literacy Commission, noted that Col. Ferrari's USAA mentorship program is a model for all others to emulate.

Ms. Mary Jo McLaughlin, principal of the North East ISD academy for dropout students, introduced a group of students from the academy, present in the audience, as well as parents and ISD administrators involved with her program.

Students from the academy then spoke to the advantages of their alternative school and Col. Ferrari's influence upon their literacy and education efforts

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Members of City Council congratulated Col. Ferrari for his community work in the field of literacy.

Col. Ferrari spoke in appreciation for having a literacy center bear his name. He addressed briefly his history and now the mentorship program at USAA grew to the successful level it now has attained.

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

98-15 CONSENT AGENDA

Mr. Webster made a motion to approve Agenda Items 8 through 25, constituting the Consent Agenda, with items 10, 13, 17, 18, 19 21, 22, and 23 having been pulled for individual consideration. Mr. Salas seconded the motion.

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

AN ORDINANCE 87665

ACCEPTING THE LOW, QUALIFIED BID OF ACE MART RESTAURANT SUPPLY TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH SEVEN (7) COMMERCIAL ICE MACHINES AND STORAGE BINS, FOR A TOTAL OF \$21,595 00.

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AN ORDINANCE 87666

ACCEPTING THE LOW BID OF VULCAN ALUMINUM TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH ALUMINUM SIGN BLANKS FOR FABRICATING STREET SIGNS AND DIRECTIONAL MARKINGS, FOR A TOTAL OF \$42,471.00.

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AN ORDINANCE 87667

AUTHORIZING THE TRANSFER OF \$60,000.00 FROM THE FACILITY IMPROVEMENT AND MAINTENANCE PROGRAM (FIMP) FUND AND ESTABLISHING A BUDGET IN CONNECTION WITH THE WEAPONS AND SMOKING SIGNAGE FOR CITY FACILITIES PROJECT.

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AN ORDINANCE 87668

APPROVING FIELD ALTERATION NO. 4 - FINAL FOR CONTRACT COST WITH E-Z BEL CONSTRUCTION COMPANY, INC. IN THE DECREASED AMOUNT OF \$48,448.75 IN CONNECTION WITH THE PROJECT 69 RIPRAP, PHASE II-C PART I COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT.(AMENDS ORDINANCE NO. 85053 DATED OCT 24, 1996.)

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AN ORDINANCE 87669

AUTHORIZING THE EXECUTION OF A TWENTY-FIVE (25) YEAR LICENSE AGREEMENT TO USE PUBLIC RIGHT-OF-WAY UNDER AND ACROSS WATER QUAIL STREET FOR THE INSTALLATION OF AN UNDERGROUND ELECTRIC LINE, AS REQUESTED BY THE KINGSWOOD HEIGHTS HOMEOWNERS ASSOCIATION, FOR A TOTAL CONSIDERATION OF \$2,500.00.

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AN ORDINANCE 87670

AUTHORIZING THE EXECUTION OF A FIVE (5) YEAR LEASE AGREEMENT WITH THE CROSSWALK DELI AND MARKET, INC. FOR APPROXIMATELY 80 SQUARE FEET OF PUBLIC SPACE ADJACENT TO THE CROSSWALK DELI ON ALAMO STREET FOR ANNUAL PAYMENT OF \$720 00 IN YEAR ONE, \$786 00 IN YEAR TWO, \$816.00 IN YEAR THREE, \$864.00 IN YEAR FOUR, AND \$912.00 IN YEAR FIVE

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AN ORDINANCE 87671

AUTHORIZING AND CONSENTING TO THE ASSIGNMENT OF CAR RENTAL AND CONCESSION AGREEMENT NO. 133053 AND GROUND LEASE NO. 132054, FOR A TERM ENDING JULY 31, 2001, FOR A TOTAL ANNUAL RENTAL OF THE GREATER OF A MONTHLY MINIMUM ANNUAL GUARANTEE OF \$54,333.33 OR 9% OF GROSS REVENUES, \$40,114.75 FOR COUNTER RENTAL, AND ANNUAL RENTAL OF \$47,492.39 FOR THE SERVICE CENTER LEASE; AND THE ASSIGNMENT OF THE HAYES LEASING COMPANY, INC. D/B/A AVIS RENT A CAR ("HAYES") PROPOSAL FOR THE NEW CAR RENTAL CONCESSION

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AGREEMENT AT SAN ANTONIO INTERNATIONAL AIRPORT FROM HAYES TO AVIS RENT A CAR SYSTEM, INC. ("AVIS").

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AN ORDINANCE 87672

REQUESTING THAT THE STATE OF TEXAS, ACTING BY AND THROUGH ITS TEXAS TRANSPORTATION COMMISSION, APPROVE A RESOLUTION DECLARING AN APPROXIMATE 652 SQUARE FEET OF LOT 4, BLOCK 118, NEW CITY BLOCK 8824, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, LOCATED NEAR WILDWOOD DRIVE AND I.H. 10 EAST, TO BE SURPLUS TO ITS NEEDS AND REMOVED FROM THE STATE'S HIGHWAY SYSTEM.

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AN ORDINANCE 87673

AUTHORIZING THE TEMPORARY CLOSURE OF GILLETTE ROAD BETWEEN HIGHWAY 16 AND PALO ALTO ROAD ON SUNDAY, MAY 3, 1998 FROM 8:00 A.M. UNTIL 12:00 MIDNIGHT IN CONNECTION WITH THE ST. BONAVENTURE CATHOLIC CHURCH FESTIVAL, LOCATED IN COUNCIL DISTRICT 4.

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AN ORDINANCE 87674

AUTHORIZING THE TEMPORARY CLOSURE OF CLOWER STREET BETWEEN BRAD STREET AND INTERSTATE HIGHWAY 10 ON SUNDAY, MAY 3, 1998 FROM 6:00 A.M UNTIL 12.00 MIDNIGHT IN CONNECTION WITH A CHURCH FESTIVAL, SPONSORED BY ST. MARY MAGDALEN CHURCH, LOCATED IN COUNCIL DISTRICT 1.

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

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr , 140 Dora, addressed the need for a Fire Master Plan and noted that this temporary station is in a newly-annexed area. He spoke to his desire that all fire stations have the same basic design.

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In response to a question by Mr Prado, Mr. Robert Ojeda, Fire Chief, spoke to the need for this particular fire station to serve annexed areas.

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

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98-15 The Clerk read the following Ordinance:

AN ORDINANCE 87677

AUTHORIZING PAYMENT IN THE TOTAL AMOUNT OF \$11,372.85 TO WELLS, PINCKNEY & MCHUGH, P C FOR LEGAL SERVICES IN CONNECTION WITH THE HI-LIONS DRAINAGE PROJECT #80 (\$6,761.30); THE OCTAVIA PLACE DRAINAGE PROJECT #63 (\$304.58), THE WURZBACH PARKWAY PROJECT (\$142.50); THE BASSE ROAD AT SAN PEDRO INTERSECTION PROJECT (\$1,134.61); THE WEST AVENUE INTERSECTIONS PROJECT (\$128.80); AND THE CALLAGHAN ROAD - OLD U.S HWY 90 TO COMMERCE PROJECT (\$2,901.06); APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT

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

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

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The Clerk read the following Ordinance:

AN ORDINANCE 87678

AUTHORIZING PAYMENT IN THE AMOUNT OF \$10,000 00 TO FIRST AMERICAN TITLE COMPANY, AS ESCROW AGENT FOR LEON CREEK JOINT VENTURE FOR THE ACQUISITION OF FEE SIMPLE TITLE TO TWO TRACTS OF LAND FOR THE LEON CREEK GREENWAY PROJECT; AUTHORIZING PAYMENT TO ECKMANN, GROLL, RUNYAN & WATERS, INC. FOR APPRAISAL SERVICES (\$450.00); TO FIRST AMERICAN TITLE COMPANY FOR TITLE CHARGES (\$500.00), TO M.W CUDE ENGINEERS, L.L.C. FOR A BOUNDARY SURVEY (\$2,000 00); FOR A TOTAL SUM OF \$12,950.00; AND PROVIDING FOR PAYMENT.

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

The following citizen(s) appeared to speak:

Mr. Ray Hamilton, 2523 Wilderness Hill, addressed the advantages of the Leon Creek Greenway Project, and lauded the involvement of the community in this endeavor.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote **AYES** Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak, **NAYS:** None, **ABSENT** Flores, Salas

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The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, stated his belief that this is a good idea, and spoke in support of the city and county working together on a records facility. He also spoke to his desire to have the City construct a 20-story municipal building with parking facilities.

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

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98-15 The Clerk read the following Ordinance:

AN ORDINANCE 87681

RATIFYING PAYMENT IN THE AMOUNT OF \$7,411.19 TO THE UNIVERSITY OF TEXAS AT SAN ANTONIO FOR ARCHAEOLOGICAL SERVICES PROVIDED IN CONNECTION WITH A MULTIPLE HOMICIDE CASE.

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

The following citizen(s) appeared to speak.

Mr. Faris Hodge, Jr., 140 Dora, stated that he wants the Police Department to hire its own people for services like this, and urged that the case in question be solved.

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

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98-15 **PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION
TO AMEND THE UNIFIED DEVELOPMENT CODE**

Mayor Peak declared the Public Hearing to be open.

Mr. John German, Director of Public Works, narrated a video presentation concerning Utility Conversion Districts, a copy of which is made a part of the papers of this meeting. He spoke to current plans to create some 19 such districts in the city, and spoke to joint City/City Public Service financing of the work involved. He then spoke to how the proposed districts are selected.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, addressed his concern with telephone poles being located in the middle of sidewalks, stating his belief that this is a violation of the Americans with Disabilities Act (ADA)

There being no further citizens signed to speak to this matter, Mayor Peak declared the Public Hearing to be closed

The Clerk then read the following Resolution:

A RESOLUTION
NO. 98-15-13

DECLARING 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 ESTABLISHMENT OF THESE DISTRICTS. (A LIST OF THE PROPOSED PROJECTS IS AVAILABLE FOR REVIEW AT THE PUBLIC WORKS DEPARTMENT, 114 W COMMERCE ST ON THE 6TH FLOOR, SAN ANTONIO, TEXAS)

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Mr. Salas made a motion to approve the proposed Resolution. Mr. Flores seconded the motion.

In response to a question by Mr. Salas, Mr. German spoke to current plans to look at creating utility Conversion Districts in residential areas for next year, noting that the 19 districts selected thus far are near City parks.

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Mr. Salas addressed District 2 areas which do, and which do not, need Utility Conversion District designation. He then spoke in support for the program.

Mr. Bannwolf and Mr. Flores both spoke in support for the program

In response to a question by Mr. Vásquez, Mr. David Pasley, Public Works Department, spoke to the inclusion of residential areas for consideration, noting that the program can review its criteria for future selections

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

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1ST PUBLIC HEARING - ANNEXATION OF FOR ROCK QUARRIES
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Mayor Peak declared the Public Hearing to be open.

Mayor Peak declared the Public Hearing open on the matter of proposed annexations of four areas involving rock quarries.

Mr. Emil Moncivais, Director of Planning, narrated a video presentation of the proposed four annexation areas, a copy of which is made a part of the papers of this meeting. He explained the proposed annexation procedures and the development of a new ordinance dealing with rock quarries and their development

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, complained that the public hearing is held too early in the day, and about the inattention of Council members during citizen comments. He expressed his belief that the City is diluting its services through further annexations, and spoke against development of rock quarries.

Mr. Ray Hamilton, representing Northside Neighborhood for Organized Development, spoke in support for the annexations, and development of a new quarry ordinance.

Mr. Jack Finger, P.O. Box 12048, expressed concern that not sufficient backup documentation was available on this matter prior to Council meeting. He noted that

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annexation can be a good thing, if it protects the Edwards Aquifer. He also spoke to his concern for Fire Department response times.

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There being no further citizens signed to speak to this matter, Mayor Peak declared the Public Hearing to be closed, noting that this is the first Public Hearing on the annexation matters this year, and no formal action of City Council is yet required.

Mayor Peak noted that the rock quarries contain no population, and he addressed the need to extend the City's land-use controls to rock quarries and their surrounding areas.

Mr. Webster stated that City Council and its Annexation Committee are the governmental bodies making the decisions on these annexation matters, not the Planning Commission, which only recommends actions to City Council. He spoke to the reasons for the Annexation Committee recommendations to annex the rock quarries this year, and addressed the matter of development surrounding those rock quarries, and development of a new City ordinance controlling the quarry and surrounding area development

In response to a question by Mr. Vásquez, Mr. Moncivais addressed the development of that rock quarry-area ordinance, a key portion of the six-month non-annexation agreement between the landowners and the City.

Mr. Vásquez spoke to the representatives involved in development of the new ordinance, and spoke to his concern with the costs involved, which affect all citizens of the city. He then asked for a copy of the proposed ordinance and a list of the people involved in its development.

Mr. Webster spoke to the public hearings involved in this annexation matter, giving everyone interested a chance to take part

Mr. Menendez noted that the District 6 neighborhood associations support new rock quarry regulations in order to protect the Edwards Aquifer.

98-15 Agenda Item 26 was temporarily bypassed in order that City Council might at this time undertake consideration of Agenda Item 27.

The Clerk then read the following Resolution:

A RESOLUTION
NO. 98-15-14

CONCERNING THE USE OF REVENUE BONDS PROCEEDS IN AN AMOUNT NOT TO EXCEED \$84,375,000.00 TO BE ISSUED BY THE TARRANT COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION TO FINANCE CERTAIN COSTS, TO REIMBURSE CERTAIN COSTS, AND TO REFINANCE CERTAIN OUTSTANDING OBLIGATIONS RELATING TO THE HEALTH FACILITIES OF THE BEXAR COUNTY HOSPITAL DISTRICT LOCATED WITHIN THE BOUNDARIES OF SAN ANTONIO, TEXAS

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Mr Flores made a motion to approve the proposed Resolution. Mr Webster seconded the motion.

Mr. Manuel Longoria, Assistant Director of Economic Development, spoke to the use of the Tarrant County bonds to finance certain facilities of the Bexar County Hospital District. A copy of his presentation is made a part of the papers of this meeting.

The following citizen(s) appeared to speak:

Mr. Jack Finger, P O. Box 12048, addressed his concern that there were no backup documents available for viewing prior to Council meeting in this matter, and addressed his further concern for using Tarrant County bonds for Bexar County

Mr Faris Hodge, Jr., 140 Dora, also complained about the lack of data prior to the meeting, and also questioned the use of Tarrant County bonds in Bexar County

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Mayor Peak summarized the proposed bond sale from a consortium of hospital groups.

Mr. Menendez noted that a majority of these bond projects are in Tarrant County.

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

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98-15 **STAFF BRIEFING ON BOND RATING AGENCY**
PRESENTATIONS

Mr. Octavio Peña, Acting Director of Finance, provided an overview of the recent bond agency presentations made in New York City by a San Antonio delegation.

Mr. Alexander E. Briseño, City Manager, narrated a brief video presentation on details of the trip and the presentations.

Mr. Chris Brady, Assistant to the City Manager, spoke to the statistics of visitor impact and services to San Antonio.

Ms. Terry Brechtel, Director of Budget & Management Analysis, addressed the City's financial stability and activities

Mr. Peña returned to provide a financial update and explanation of the City's debt management plan.

Mr. Milo Nitschke, City Assessor, spoke to projected 1999 bond election details.

Mr. Briseño spoke to certain conclusions and projections, noted that the City as a result of this trip maintained its good AA rating, and spoke to the low interest rate for the bonds sold last week, below the five per cent level

Mayor Peak addressed the importance of these visits to bond rating agencies, and summarized the question-and-answer session held after the formal presentations, including questions dealing with City Public Service, water, Kelly Air Force Base transition plans, per-capita wealth, and annexation policies

Ms. Guerrero then amplified upon the Mayor's remarks concerning the trip and spoke to the impact of tourism and the search for new employers for San Antonio.

Mr. Menendez spoke to the impact of sales tax increases, over the year, and City spending on such areas as streets, drainage, and public safety

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98-15 The Clerk read the following Ordinance:

AN ORDINANCE 87683

AUTHORIZING THE EXPENDITURE OF \$100.00 FROM THE DISTRICT 7 CONTINGENCY ACCOUNT FUND TO ASSIST THE WESTSIDE SERVICE RESOURCE COUNCIL WITH THE COSTS IN PROVIDING BOX LUNCHES FOR AN ESTIMATED 350 PARTICIPANTS IN THE "MI VIDA ES MI FAMILIA" CONFERENCE, WHICH IS TO ADDRESS THE NEEDS OF THE COMMUNITY SUCH AS ALCOHOL AND DRUG ABUSE, WELFARE REFORM, PARENTING SKILLS AND DEVELOPMENTAL ASSET BUILDING, SCHEDULED FOR SATURDAY, MAY 16, 1998; AS REQUESTED BY COUNCILMAN ED GARZA.

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

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

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98-15 It was the consensus of City Council members present at this time to undertake consideration of Agenda Items 6A and 6B.

PUBLIC HEARINGS PROVIDED TO MS. LUPITA D. GUTIERREZ AND MR. BALTAZAR SERNA

Mayor Peak declared open the Public Hearings being provided to Ms. Lupita D. Gutierrez, Commissioner of the San Antonio Housing Authority, and Mr. Baltazar Serna, board member of the Metropolitan Transit Authority.

City Clerk Norma S. Rodriguez provided an overview of the failure of Ms. Gutierrez and Mr. Serna to timely file their required financial disclosure statements, as required by the City's Ethics Ordinance, and spoke to the public hearings being afforded them at this time to speak to the issues.

Mr. Frank Garza, City Attorney, briefly reviewed the legal aspects of the two separate issues, and noted that the public hearings in these two cases are required by state law.

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Ms. Gutierrez spoke to the reasons why her report form was not submitted on time, noting that she does not take the City's Ethics Ordinance lightly, apologizing for the oversight. She asked that she be allowed to continue to serve on the Housing Authority board.

Mr. Serna also spoke to the reasons why his report was submitted past the deadline, and stated that it was unintentional. He noted that his report now is on file with the City, and addressed his service on the VIA Metropolitan Transit Authority board, service which he wishes to continue.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke in support for Mr. Serna's continued service on the VIA board, stating his opinion that City Council members also do not always follow the same rules. He urged that both Mr. Serna and Ms. Gutierrez be pardoned.

Mayor Peak noted that all Council members have timely filed their own financial disclosure reports, contrary to Mr. Hodge's remarks.

Mr. Jack Finger, P. O. Box 12048, noted that he disagrees with Mr. Hodge, and feels that Ms. Gutierrez and Mr. Serna did not follow the rules as other board and commission members did.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke to the laws of the land and the need to show mercy and kindness.

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There being no further citizens signed to speak to these matters, Mayor Peak declared the Public Hearings to be closed.

In response to a question by Mr. Marbut, City Clerk Rodriguez spoke to the multiple procedures followed in notifying board and commission members of the requirements for timely filing financial disclosure report.

Mr. Marbut spoke to his concern that these individuals here today had some seven separate notifications of their failure to timely file the required documents.

In response to a question by Mr. Marbut, City Attorney Garza spoke to what would happen if a City Council member failed to timely file a financial disclosure report, noting that the matter would be placed before the Ethics Review Committee of the City.

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Ms. Guerrero spoke to both Ms Gutierrez and Mr. Serna's service on their respective agencies.

In response to a question by Councilman Garza, City Attorney Garza spoke to the need for City Council direction as to possible modifications to the Ethics Ordinance, since some board or commission members are also subject to certain state standards, as well. He then addressed the lack of a removal authority by the City Council, in certain cases.

Councilman Garza stated his belief that there does not appear to be a neglect of duty or a nonfeasance in either of these two cases today.

City Attorney Garza noted that there is a question of severity of any possible neglect or malfeasance.

In response to a question by Mr. Flores, the City Attorney noted that there was no conflicts of interest in either of these cases today

Mr. Melvin Braziel, representing San Antonio Housing Authority, spoke to Ms. Gutierrez's good work record with the SAHA board

In response to a question by Mr. Bannwolf, City Attorney Garza addressed reasons for removal of either of these two persons from their respective offices, by state law.

Discussion then took place concerning the particular state laws that apply in each case.

Mr. Webster spoke to his concern with possibly treating some board or commission members differently, concerning removal from office

Mr. Flores then offered a motion to not remove Ms Gutierrez from her position with San Antonio Housing Authority. Ms Guerrero seconded the motion

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

AN ORDINANCE 87684

FINDING THAT THE FAILURE OF LUPITA D GUTIERREZ TO FILE A FINANCIAL DISCLOSURE STATEMENT AS REQUIRED BY THE CITY'S ETHICS CODE DOES NOT CONSTITUTE NEGLIGENCE OF DUTY UNDER SECTION 392.041(E) OF THE TEXAS LOCAL GOVERNMENT CODE; AND CONTINUING THE STATUS OF LUPITA D. GUTIERREZ AS A COMMISSIONER OF THE SAN ANTONIO HOUSING AUTHORITY.

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Mr. Flores then offered a motion to not remove Mr. Serna from his position with the Metropolitan Transit Authority. Mr Salas seconded the motion.

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

AN ORDINANCE 87685

FINDING THAT THE FAILURE OF BALTAZAR SERNA TO FILE A FINANCIAL DISCLOSURE STATEMENT AS REQUIRED BY THE CITY'S ETHICS CODE DOES NOT CONSTITUTE NONFEASANCE IN OFFICE UNDER SECTION 451.510(2) OF THE TEXAS TRANSPORTATION CODE; AND CONTINUING THE SERVICE OF BALTAZAR SERNA AS A MEMBER OF THE BOARD THE METROPOLITAN TRANSIT AUTHORITY(VIA).

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Following the vote, both Ms. Gutierrez and Mr. Serna thanked the Council for its actions

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98-15 It was the consensus of City Council members present at this time to undertake consideration of Agenda Item 32

The Clerk read the following Ordinance:

AN ORDINANCE 87686

APPOINTING GREGORY CRANE (MAYOR) TO THE GREATER KELLY DEVELOPMENT CORPORATION FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2001

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

Mr. Greg Crane spoke briefly to his background and interest in Kelly Air Force Base, where he once worked prior to entering college.

Members of Council then spoke in support for Mr Crane's appointment to the Greater Kelly Development Corporation Board

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

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98-15 NAFTA TRADE

Mr. Robert W. Ehinger, Director of International Trade Data Systems, U.S. State Department, spoke to the increase in trade with both Mexico and Canada, and noted that San Antonio is positioned to feel the effects of this increase in trade with both nations, which he estimated to be some 25 per cent He then spoke to the development of the trade process center at Kelly Air Force Base, including computer-controlled trade activities. Finally, he commended the Mayor and City Council for providing important services to the North American Free Trade Act (NAFTA) functions.

98-15 The Clerk read the following Ordinance:

AN ORDINANCE 87687

AMENDING ORDINANCE NO 80172, PASSED AND APPROVED ON MAY 12, 1994, SO AS TO ESTABLISH NEW RULES OF COURTESY FOR PERSONS IN ATTENDANCE AT ALL MEETINGS OF THE CITY COUNCIL, INCLUDING NEW LIMITS ON THE AMOUNT OF TIME CITIZENS MAY ADDRESS THE CITY COUNCIL.(AMENDS CHAPTER 2 OF CITY CODE)

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

Mr Flores spoke to proposed changes in City Council meeting procedures, and distributed copies of a report and the proposed changes, a copy of which is made a part of the papers of this meeting

Ms. Terri Vásquez-Romero, Assistant to City Council, commenting on the staff survey, noted that seven cities were surveyed to compare how each provided for citizen speakers at meetings, and addressed those comparisons to San Antonio's current policies.

The following citizen(s) appeared to speak.

Mr. Jack Finger, P.O. Box 12048, questioned the report's findings concerning the number of times he has spoken before City Council in a stated period of time, and rejected the contention that certain speakers take up too much of the Council's meeting time. He then spoke to several scenarios.

Mr. Karl Wurz, 820 Florida, stated his belief that he has not abused the system, and objected to curtailing the speakers' times before Council. He spoke against the proposed Ordinance, expressing his belief that it is abridging freedom of speech from responsible objectors. He urged the Council to seek an alternate remedy

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke against the proposed Ordinance, stating his opinion that it is taking something away from the citizens

Mr. Faris Hodge, Jr , 140 Dora, expressed his contention that the proposed Ordinance violates his First Amendment rights and freedom of speech. He stated that he works to make San Antonio better, seven days a week, and expressed concern for some Council

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members talking on their phones while citizens are speaking. He also stated his belief that Council violates the Americans with Disabilities Act (ADA).

Ms. Julie Iris Oldham, 4523 Allegheny Drive, spoke to alleged acts of discrimination against her over the years, and spoke against the proposed Ordinance, stating that speakers before City Council have saved the City millions of dollars

Mr. Robert Raines, 326 West Huisache Avenue, spoke in support for the proposed Ordinance, noting that some speakers have abused the privilege of speaking before City Council. He stated that this is not a First Amendment issue, and spoke in support for time limitations when some persons abuse the privilege of speaking

Ms. Esmeralda Valaque, 2123 Daniel Boone, stated her opinion that if speakers' times are cut to three minutes, then Council members should listen attentively during that time. She spoke in favor of perhaps having Council meetings on another day of the week, as well.

Mr. Robert Beltran, 1639 Highland Blvd., spoke in support for the proposed Ordinance as logical, giving Council members more time to devote to the City's business.

Mr. Robert Velasquez, representing San Antonio Craftsmens Association, spoke against limiting speech on issues and in favor of dialogue and comment. He urged that a citizens committee study this issue and report back to Council

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Mayor Peak noted today's speakers' sign-up sheets as an example, noting that current rules of Council penalize a person who appears at Council meetings to speak to only one particular topic, since so many persons speak so often, before that one item comes up for consideration. He stated his belief that the new proposed rules expand the chances of the average citizen to have his or her say before City Council. He also noted that, under the proposed new rules, anyone signing up to speak could have up to 15 total minutes to speak at the average Council meeting. He spoke to the survey of other cities and their policies, noting that San Antonio has been very generous with time which allows a certain abuse of the system, right now

Mr. Flores rationalized the new rules and spoke of speaker abuse of the use of time, currently, thus penalizing other citizens and City staff members, as well. He spoke to the need for a level playing field on this matter, for all who wish to speak before City Council

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In response to a question by Mr. Menendez, Mr. Alexander E. Briseño, City Manager, spoke to the many places where agenda items are posted, and noted that, at any one time during the agenda consideration, there may be between 10 and 30 City department heads in Council chambers, standing by to speak about any of those items

After discussion, Mr. Webster offered an amendment that would provide that if a person signs up for only one agenda item in a particular agenda section, that person would be allowed to speak when that item came up for consideration, for a period of five minutes; otherwise, for those persons signed to speak to more than one item in a particular agenda section, they would speak at the beginning of consideration of that section for up to five minutes, total.

Following further Council discussion, the proposed amendment's wording was accepted as part of the original motion by both maker and seconder of that main motion

Mr. Salas noted that there is a wide variety of speaker rules, varying from city to city, and stated his belief that the public needs to be educated on the reasons why Council members may be on the telephone during meetings, conducting City business. He then stated that he is not prepared to vote on this matter today, and if a vote is taken, he will vote against it.

Ms. Guerrero noted that Council is talking here about the abuse of speakers' time, not keeping someone from expressing themselves to City Council

Mr. Garza stated that he is uncomfortable with voting on this matter today, and addressed the need to get more citizen input

Mr. Prado spoke in support for a delay in voting on this matter, stating his belief that it may restrict a citizen's right to speak. He stated that he would vote against it.

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

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98-15 The Clerk read the following Ordinance:

AN ORDINANCE 87688

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND TO ASSIST THE MIGUEL CARRILLO, JR. PTA WITH EXPENSES ASSOCIATED WITH SENDING STUDENTS ON A FIELD TRIP

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TO THE OUTDOOR SCHOOL IN MARBLE FALLS, TEXAS; AS REQUESTED BY COUNCILMAN RAUL PRADO OF COUNCIL DISTRICT 4.

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

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

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CITY MANAGER'S REPORT

12th ANNUAL KIDS' DAY IN THE PARK

Ms. Diane Quaglia, Acting Director, Department of Community Initiatives, spoke to this event, which will take place this coming Saturday from 11 AM-4 PM at San Pedro Park. She further noted that this free event attracted some 5,000 persons to the park last year. She then narrated a brief video presentation on the event.

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RADIO SYSTEM FAILURE

Mr. Gary Moeller, Director of Information Services Department, explained the reasons why the City's emergency radio system failed last weekend, along with its backup system, stressing that it had no impact upon emergency calls to the 9-1-1 system. He spoke to the problem as being one of dispatcher error, during a training period.

Police Chief Al A. Philippus reiterated that the failure was one of operator-error, not a system failure, and that the 9-1-1 emergency system was not impacted. He further noted that a new radio system will be in-place in the fall of 1999 to replace the current system.

Fire Chief Robert Ojeda noted that the problem provided a good training vehicle.

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MUNICIPAL SHOWCASE - WINDSOR PARK MALL

Mr. Tony Bosmans, Director of Community Relations, provided details of the schedule for the coming Showcase, this weekend, at Windsor Park Mall.

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CITIZENS TO BE HEARD

MR. FARIS HODGE

Mr. Faris Hodge, Jr., 140 Dora, spoke on a number of issues including that the drowning incident which occurred at Brackenridge Park on Easter Sunday. He asked City Council to hire more park rangers. He also stated that the B Session and Citizens to be Heard segments should be televised. He also suggested that EMS be privatized and that the city do something about telephone poles in the middle of sidewalks.

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MR. NAZERITE R.F. PEREZ

Mr. Perez spoke to the City Council regarding increasing salaries for city employees and that they also be included in merit increases and cost of living increases. He also requested that the Citizens to be Heard segment be televised.

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MR. ROBERT BELTRAN

Mr. Robert Beltran congratulated the Mayor on naming Gregory Crane to the Greater Kelly Development Committee. He also spoke to the need to fill departmental vacancies in the City as soon as possible. He referred to some concrete manholes in his area where the concrete is cracking up. He then spoke to the democracy exhibited at City Council meetings week after week.

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MR. MICHAEL IDROGO

Mr. Michael Idrogo, 317 Rosewood, took issue with Councilman Flores and his being singled out as one of four persons who has abused time at City Council meetings. He referred to the newspaper article which appeared in today's Express News. He also asked that Councilman Flores resign his Council seat and if he didn't then the other Council members should remove him. He then spoke against the conversion of the Sunset Depot to a saloon.

98-15 City Council recessed its regular session at 7:10 P.M. in order to convene in Executive Session for the purpose of Attorney/Client consultation regarding a City/County Records Management Facilities proposed to be located at the Wayne Bull Complex at El Paso Street and Santa Rosa Boulevard.

City Council adjourned the Executive Session and reconvened in regular session at 7:31 P.M., at which time Mayor Peak announced that Council during Executive Session had been briefed on the above-styled matter and had given staff direction, but had taken no official action.

98-15 There being no further business to come before the Council, the meeting was adjourned at 7:32 P.M.

A P P R O V E D



HOWARD W. PEAK
M A Y O R

Attest:


NORMA S. RODRIGUEZ, CMC/AAE
City Clerk

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