

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MAY 1, 1997.

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97-18 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: Flores, Lott, Billa Burke, Avila, Vasquez, Herrera, Ross, Marbut, Peak, Webster and Thornton. **Absent:** None.

97-18 Invocation - Father James Henke, St. Francis of Assis Catholic Church.

97-18 Pledge of Allegiance to the flag of the United States.

97-18 Minutes of the Regular City Council Meeting for February 13, 1997 were approved.

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CEREMONIAL ITEMS

BIKE WEEK/BIKE-TO-WORK DAY

Mayor Thornton stated that Councilman Peak, Chairman of the metropolitan Planning organization, and other MPO members, are present to accept a proclamation for "Bike Week" and "Bike-To-Work Day".

Mr. Peak briefly explained plans to promote these important events.

Mayor Thornton then read a proclamation and presented it to the delegation.

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Discussion took place on the success of the downtown bike patrols of the San Antonio Police Department.

Mr. Flores then spoke to the advantages of bikes in the downtown area.

DANCE MONTH

Mayor Thornton stated that the month of May will be observed as "Dance Month" in the City of San Antonio, and he introduced Ms. Doris Miller from City Art, as well as members of other arts organizations in the city, present to receive the proclamation.

Ms. Miller, Chairperson of San Antonio Dances, spoke to planned activities of the month of May.

Representatives of various local dance companies presented City Council members with information relative to the month's events, including details of the May 9th event to be held at Carver Community Cultural Center.

Mayor Thornton then read the proclamation and presented it to the delegation.

PUBLIC WORKS AWARENESS MONTH

Mayor Thornton noted that the Public Works Department and other public works-related agencies are seeking to promote the partnerships that are working to 're-build San Antonio', and he introduced Mr. John German, Director of Public Works.

Mr. German explained the upcoming activities of the month and introduced representatives of other organizations present.

Mayor Thornton read the proclamation and presented it to members of the delegation.

Mr. Fred Pfeiffer, General Manager, San Antonio River Authority, informed the Council that on May 16, 1997, the long-awaited Five Points Drainage Project will be completed.

Various Council members, along with Mr. Mike Thuss, San Antonio Water System, and Ms. Janet Kennison, Metropolitan Planning Organization, spoke to the importance of infrastructure improvements such as this.

VISITORS FROM THE DOMINICAN REPUBLIC

Mayor Thornton welcomed to San Antonio and to City Hall a contingent of congressional and municipal aides from the Dominican Republic, presently visiting San Antonio under the auspices of the U.S. Information Service.

Ms. Elizabeth deWent, Alamo Community College District, briefly explained the purposes of the two-week visit, after which a representative of the delegation addressed the importance of the visit.

Members of the delegation then came forward to introduced themselves and to identify their respective positions in government.

EDWARDS AQUIFER LAWSUIT RULING

Mayor Thornton spoke to the recent ruling handed down by the Fifth U.S. Circuit Court of Appeals, ruling that the federal courts should not interfere in the City's water matters. He presented a brief background and history of the Sierra Club lawsuit in federal court and the City's ultimate victory through appeals of federal court rulings in that matter. He then spoke to the State of Texas's actions through HB 1477 to manage the Edwards Aquifer water, and spoke to the recent appellate court ruling as being significant. He spoke to the need to encourage the Edwards Aquifer Authority to continue the work already underway.

Ms. Billa Burke spoke to this as a major issue, but noted that it is only the beginning of San Antonio's committment to control of its own water.

Mr. Russ Johnson, attorney representing San Antonio Water System, addressed the background of the court case and San Antonio's fight against it, leading up to the decision of the Fifth U.S. Circuit Court of Appeals. He lauded San Antonio's decision of five years ago to seek legislation, through HB 1477, to define its role in the issue, and addressed the impact of the appellate court ruling. He noted that the state still must protect the endangered species involved, or the federal courts could again step into the matter. Finally, he expressed his belief that the Sierra Club will appeal the decision of the appellate court.

Ms. Nancy Bohman, SAWS board member, thanked the City Council for its support of SAWS and for its water leadership.

Mr. Peak stated his opinion that this is a validation of the City's policies, and sends a message to opponents of water legislation. He stated his belief that San Antonio needs a long-term dependable water supply.

In response to a question by Mr. Webster, Mr. Johnson addressed the various options open to the Sierra Club, and noted that San Antonio no longer is responsible for their substantial attorneys' fees.

Ms. Lott thanked the Mayor, Mr. Johnson and SAWS for their diligence in these matters.

Mr. Avila thanked all who stood up to the federal courts in this issue, and also thanked those San Antonio citizens who helped conserve our water during the recent drought.

Mr. Ross noted that this is just one of the paths being followed concerning water, and spoke to the need for legislation that recognizes human needs over those of otherspecies.

97-18 CONSENT AGENDA

Ms. Lott made a motion to approve Agenda Items 6 through 20, constituting the Consent Agenda, with items 15, 18 and 19 having been pulled for individual consideration. Mr. Avila seconded the motion.

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

AN ORDINANCE 85946

ACCEPTING THE LOW, QUALIFIED BID OF WATSON DISTRIBUTING COMPANY TO PROVIDE THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH FOUR WHEEL UTILITY TRUCKSTERS FOR A TOTAL OF \$28,100.00.

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AN ORDINANCE 85947

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH LLOYD WALKER JARY & ASSOCIATES, INC. FOR ARCHITECTURAL SERVICES IN CONNECTION WITH THE SAN ANTONIO NATATORIUM 1994 PARKS GENERAL OBLIGATION BOND PROJECT AS AUTHORIZED BY ORDINANCE NO. 84759, PASSED AND APPROVED ON SEPTEMBER 19, 1996, TO PROVIDE FOR AN ADDITIONAL \$5,000.00 PAYMENT FOR ARCHITECTURAL SERVICES; REVISING THE SAN ANTONIO NATATORIUM PROJECT BUDGET; AUTHORIZING THE ALLOCATION OF \$5,000.00 IN DISABILITY ACCESS PROGRAM FUNDS FROM THE MISCELLANEOUS SPECIAL REVENUE FUND TO THIS PROJECTS BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 85948

APPROVING A STREETS AND DRAINAGE MAINTENANCE AND IMPROVEMENTS FUNDED FIELD ALTERATION NO. 1 IN THE AMOUNT OF \$162,742.28 PAYABLE TO CLARK CONSTRUCTION CO. INC. IN CONNECTION WITH THE STREET OVERLAY - 1996 PROJECT.

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AN ORDINANCE 85949

AUTHORIZING THE CITY MANAGER TO EXECUTE AN "AGREEMENT FOR THE FURNISHING AND INSTALLING OF TRAFFIC SIGNAL EQUIPMENT BY A MUNICIPALITY" WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AND AUTHORIZING A FORCE ACCOUNT FUND IN THE AMOUNT OF \$33,350.00 FOR THE FURNISHING AND INSTALLING OF TRAFFIC SIGNAL EQUIPMENT, RENTAL AND LABOR ON WEST AVENUE AT SILVER SANDS, RHAPSODY, NAKOMA, AND LARKSPUR.

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AN ORDINANCE 85950

ACCEPTING THE LOW, QUALIFIED BID OF R.L. JONES CO. IN THE AMOUNT OF \$411,321.75 IN CONNECTION WITH THE SAN FERNANDO: S. SAN JOAQUIN TO 36TH ST. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; REVISING THE PROJECT BUDGET; AUTHORIZING \$22,503.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$14,200.00 PAYABLE TO W.H. MULLINS, INC. FOR ENGINEERING EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 85951

ACCEPTING THE LOW, QUALIFIED BID OF SAN ANTONIO CONSTRUCTORS, INC. IN THE AMOUNT OF \$463,133.88 IN CONNECTION WITH THE YUCCA STREET: AMANDA - UNION PACIFIC RAILROAD PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING \$27,000.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$10,200.00 PAYABLE TO GGC ENGINEERS, INC. FOR ADDITIONAL ENGINEERING EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 85952

AUTHORIZING THE EXECUTION OF A TWO (2) YEAR LEASE AGREEMENT WITH THE BEXAR COUNTY HOSPITAL DISTRICT D/B/A UNIVERSITY HEALTH SYSTEM FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) OF 780 SQUARE FEET OF SPACE ON THE FIRST FLOOR OF UNIVERSITY HEALTH CENTER DOWNTOWN AT 527 N. LEONA FOR A CHEST CLINIC FOR THE PERIOD APRIL 1, 1997 THROUGH MARCH 31, 1999 FOR THE AMOUNT OF \$300.00 PER MONTH TO THE LESSOR; AND AUTHORIZING PAYMENTS.

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AN ORDINANCE 85953

AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$38,200.00 PAYABLE TO CITY PUBLIC SERVICE FOR THE RELOCATION OF AN ELECTRICAL TRANSMISSION TOWER LOCATED IN THE EVERS ROAD - GLEN RIDGE TO DAUGHTRY DRIVE, A METROPOLITAN PLANNING ORGANIZATION PROJECT.

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AN ORDINANCE 85954

AUTHORIZING PAYMENT IN THE AMOUNT OF \$300.00 TO NATIONS BANK MORTGAGE CORPORATION FOR A PROCESSING FEE IN CONNECTION WITH THE NACOGDOCHES ROAD - BROADWAY TO N. NEW BRAUNFELS, A METROPOLITAN PLANNING ORGANIZATION PROJECT.

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AN ORDINANCE 85955

AUTHORIZING THE SUBMISSION OF A PROPOSAL FOR A GRANT OF \$41,000.00 FROM THE DR. SCHOLL FOUNDATION FOR THE PURPOSE OF PURCHASING A LIFT-EQUIPPED VAN FOR THE DEPARTMENT OF COMMUNITY INITIATIVES, ELDERLY & DISABLED SERVICES DIVISION'S SUPPORTIVE SERVICES FOR THE ELDERLY PROJECT (SSEP) TO PROVIDE GENERAL TRANSPORTATION SERVICES TO THE ELDERLY AND KIDNEY DIALYSIS PATIENTS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPLY FOR THE GRANT.

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AN ORDINANCE 85956

AUTHORIZING THE ACCEPTANCE OF A \$419,951.00 GRANT FROM THE TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE TO FUND AN ALCOHOL AND DRUG DETOXIFICATION PROGRAM TO BE OPERATED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD), IN COLLABORATION WITH THE PATRICIAN MOVEMENT, THE UNIVERSITY HEALTH SYSTEM AND THE CENTER FOR HEALTH CARE SERVICES, FOR THE PERIOD JANUARY 1, 1997 THROUGH AUGUST 31, 1997; ESTABLISHING A FUND; ADOPTING A BUDGET; APPROVING A PERSONNEL COMPLEMENT; AND AUTHORIZING CONTRACTUAL SERVICES.

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AN ORDINANCE 85957

APPOINTING SHERRY TAYLOR TO THE ALAMO WORKFORCE DEVELOPMENT BOARD FOR A PERIOD OF ONE (1) YEAR.

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97-18 The Clerk read the following Ordinance:

AN ORDINANCE 85958

AMENDING CHAPTER 22, ARTICLE IX ENTITLED RIVER WALK OF THE CITY CODE OF SAN ANTONIO BY ADDING SECTIONS 22-143 AND 22-144; REGULATING TRAFFIC ON THE SAN ANTONIO RIVER; AND ESTABLISHING THAT A VIOLATION OF THIS ORDINANCE IS A MISDEMEANOR AND WILL SUBJECT THE VIOLATOR TO A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00).

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

Mr. Frank Stromboe, Acting Director of Parks & Recreation, narrated a brief video presentation involving regulation of board traffic on the San Antonio River, as allowed by state law. He noted that the City has done so within the city limits since 1962, and these proposed ordinance provisions clarify these regulations. He then spoke to them in detail.

Mr. Jason Thompson, President, Texas River Barges, distributed a packet of materials to City Council members, a copy of which is made a part of the papers of this meeting. He noted that his firm seeks to offer competition for river barge service on the San Antonio River, and he spoke to a current lawsuit now before the district court. He spoke to his three-point objection to passage of this proposed ordinance and asked that a district judge be allowed to decide the issue.

Mayor Thornton expressed his opinion that elected officials should decide policy, not a district court.

Mr. Faris Hodge, Jr., 140 Dora, stated his belief that a court should decide this issue.

Mr. Ross spoke to the problems that could result if perhaps 1,000 people all decided to put their boats into the downtown San Antonio River at the same time.

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

97-18 The Clerk read the following Ordinance:

AN ORDINANCE 85959

AMENDING ORDINANCE NO. 84876, PASSED ON SEPTEMBER 26, 1996, WHICH AUTHORIZED THE SUBMISSION OF A THREE (3) YEAR GRANT APPLICATION IN THE AMOUNT OF \$7,263,751.00 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE 1996 SUPPORTIVE HOUSING PROGRAM, BY AMENDING THE SUBMISSION TO INCLUDE CONSIDERATION OF A PROPOSAL IN THE AMOUNT OF \$202,033.00 BY THE SAN ANTONIO METROPOLITAN MINISTRY (SAMM) IN PLACE OF THE ORIGINAL PROPOSAL BY BUCKNER CHILDREN AND FAMILY SERVICES.

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

Mr. Rolando Morales, Acting Director of Community Initiatives Department, explained the need for the proposed amendment in order to continue the program.

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

Mr. Fred Reynolds, 1202 Waverly, questioned replacing one agency with another without allowing other agencies to apply.

Mr. Morales explained the rationale involved, and noted that he had invited Mr. Reynolds' organization to apply for the new funding round, now open.

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

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

97-18 The Clerk read the following Ordinance:

AN ORDINANCE 85960

AUTHORIZING PAYMENT OF THE ANNUAL DUES IN THE AMOUNT OF \$5,057.00 FOR THE CITY ATTORNEY'S OFFICE MEMBERSHIP IN THE INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION (IMLA), FORMERLY KNOWN AS THE NATIONAL INSTITUTE OF MUNICIPAL LAW OFFICERS (NIMLO), FOR THE PERIOD MAY 1997 - APRIL 1998.

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

Mr. Frank Garza, Acting City Attorney, explained the payment of annual dues to a professional association.

Mr. Fred Reynolds, 1202 Waverly, questioned the use of this expenditure, stating his opinion that the funds should go to repair the streets.

Mr. Garza explained the City's use of the organization to assist his office in drafting legislation, as one example.

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

It was the concensus of City Council members present to undertake consideration of Agenda Item 26 at this time.

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97-18 The Clerk read the following Resolution:

A RESOLUTION NO: 97-18-23

AUTHORIZING THE PREPARATION AND EXECUTION OF DOCUMENTS, INCLUDING A LETTER OF INTENT TO BID, TO BE A CANDIDATE FOR SELECTION AS HOST CITY FOR THE 2007 PAN AMERICAN GAMES; DESIGNATING THE SAN ANTONIO SPORTS FOUNDATION TO LEAD COMMUNITY EFFORTS FOR HOSTING THE GAMES; AND DESIGNATING THE CITY MANAGER OR HIS DESIGNEE TO COORDINATE CITY STAFF IN SUPPORT OF THE COMMUNITY EFFORT TO CONDUCT THE 2007 PAN AMERICAN GAMES; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON EIGHT (8) AFFIRMATIVE VOTES.

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

Mr. Marbut briefly explained the proposed Resolution dealing with the 2007 Pan American Games.

Mr. Faris Hodge, Jr., 140 Dora, spoke to the need for more information on such items to be made available to the public.

Ms. Susan Blackwell, representing the San Antonio Sports Foundation, addressed the importance of the Pan American Games to San Antonio as both a business and a sports center, noting that three other U.S. cities are expected to apply to host these games. She also noted that no funds are being sought in this regard, at this time.

Mr. Dan Naranjo, also representing the Foundation, urged the Council to support the request and spoke to San Antonio's growing reputation in the world of sports.

Mr. Vasquez stated that he was glad to see the private sector step forward in this matter.

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In response to a question by Mr. Vasquez, Mr. Alexander E. Briseno, City Manager, spoke to how the City would be involved in staff coordination.

Mr. Steve Moore, Director of the Convention & Visitors Bureau, noted that attracting sports to San Antonio is a normal part of the workload of his department.

Mr. Vasquez stated his belief that hotel/motel tax funds should bear the City's financial impact for this work, not the City's General Fund.

Mayor Thornton spoke to the impact of the Pan American Games on San Antonio.

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

97-18 DISCUSSION ON AMENDING CITY CODE CHAPTER #36, ENTITLED "SMOKING"

The City Clerk read a proposed ordinance amending City Code Chapter 36, entitled "Smoking", to prohibit smoking in food service establishments, the workplace, all common indoor areas, and public places with certain exceptions; requiring the posting of signs and placement of extinguishment receptacles in designated smoking areas; establishing a violation of Chapter 36 of the City Code to be a strict liability offense; creating no duty or obligation by the City of San Antonio under this ordinance; establishing that a violation of this ordinance is a misdemeanor and will subject the 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 amending the City Code to reflect the same; 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 approve the ordinance. Mr. Ross seconded the motion.

The following persons appeared to speak:

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Dr. Fernando Guerra, Director, San Antonio Metropolitan Health District, narrated a video presentation, a copy of which is made a part of the papers of this meeting. He addressed a chronology of non-smoking rules since 1986 and spoke to the impact of tobacco smoke on health. He then addressed details of the proposed ordinance.

Mr. Steve Moore, Director, Convention & Visitors Bureau, spoke to the results of a survey on the impact of smoking on conventions, noting that he had discussed this with meeting planners, only one of which had stated that a ban on smoking would have an impact on holding that particular convention here. He further stated that, of five different convention centers polled, only one is smoke-free.

Mr. Duane Wilson, representing the North San Antonio Chamber of Commerce, acknowledged the impact of second-hand smoke, but spoke to his organization's opposition to the ordinance as written. He spoke in favor of letting the marketplace decide the issue, and addressed its economic impact.

Mr. Nick Calzoncit, representing the National Coalition of Hispanic Health and Human Services, Washington, D.C., presented a brief video and spoke to his belief that hispanics are greatly impacted by tobacco smoke. He spoke to the 100-per cent hispanic high school example, and noted that tobacco advertising is within 1,000 feet of the campus. He asked the City to help businesses engineer their air conditioning systems, under the proposed ordinance.

Ms. Nora Mardi spoke to the impact upon health from secondhand smoke.

Ms. Shirley Thompson, 8363 Dawnwood Drive, asked that this matter be tabled until the new City Council can speak to the question of halting smoking on private property. She spoke against government intervention.

Ms. Nancy Bohman spoke in support for the proposed ordinance and addressed the rationale for halting smoking.

Mr. Bill deValcourt spoke against government intruding upon all facets of life.

Mr. Tony Garza, 1700 Jackson Keller Road, spoke in opposition to the proposed ordinance and favors education over prohibition.

Mr. Tommy Calvert, Jr., spoke in support for the proposed ordinance, noting that many states have enacted similar laws. He spoke to major local firms who also have such regulations.

Mr. Marty Meltz provided a handout of materials and addressed the impact of some 24 known human carcinogens, citing a 1994 report of the National Institute of Environmental Health Sciences. He spoke against sending workers into a workplace where carcinogens are present.

Ms. Olive Rowan spoke to the impact of tobacco smoke on those who have no health insurance, especially adults not eligible for Medicaid, as are children. She noted that tobacco smoke impact taxes required to pay for this treatment.

Mr. Mark McCue stated his belief that smoking is a social issue, and he spoke against the proposed ordinance, noting that it will have an economic impact on restaurants.

Ms. Beverly Davis stated her opinion that government must protect both the health and safety of its citizens.

Mr. Karl Norman spoke in support for the proposed ordinance as a health issue as well as a safety issue, and read comments from Mr. Jim Cullum, a performing musician, whose father died of cancer from secondhand smoke.

Dr. Geoffrey Weiss, representing the San Antonio Tobacco Coalition, stated that his group wants tobacco smoke banished.

Mr. Richard de Kan, representing Dick's Last Resort, spoke against having more regulations.

A representative of the Greater San Antonio Hispanic Chamber of Commerce, read from a Resolution of his organization's board, urging the Council to let the market decide this issue, and against imposing more regulations on small business.

Ms. Patricia M. Hohertz, representing the Texas Department of Health, noted that one out of every three young people who smoke will die prematurely, and stated her belief that secondhand smoke, and who it affects, is the real issue here.

Mr. Egon Tausch, 217 King William Street, spoke against the proposed ordinance, stating his belief that it is a movement by 'big government'. He stated his belief that car emissions are more dangerous than secondhand tobacco smoke.

Ms. Phyllis Tausch, 217 King William Street, stated her belief that this is an issue of freedom.

Mr. Sam Dawson, representing the Greater San Antonio Chamber of Commerce, spoke in opposition to the proposed ordinance for regulatory reasons, and noted that his firm, Pape-Dawson Engineers, has a voluntary smoking regulation in place. He spoke to the adverse impact upon small business in order to retrofit their ventilation systems, and proposed that such firms receive rebates if they are required to do so.

Mr. Bob Bomer, also representing the Greater Chamber, spoke to previous agreements to curtail the impact of smoke, and spoke against the proposed ordinance.

Ms. L. Kay Fortune, 922 Willow, also spoke against the proposed ordinance, citing everyone's right to choose.

Ms. Suzanne Lozano, representing the American Heart Association, addressed the impact of secondhand smoke, and stated her belief that the ordinance will have no adverse impact upon restaurants.

Ms. Tanya Villareal, 1222 N. Main, Suite 66, also spoke to the effects of secondhand smoke.

Ms. Cara Lee Suttle stated that smoking affects her both in public and in restaurants.

Ms. Luise L. Joseph, 5702 Muster, spoke against the ordinance.

Mr. George C. Windrow, 1415 Blackbird Lane, spoke in support for the ordinance and to the effects of cancer on his own family. He spoke to the need to reduce exposure to tobacco smoke.

Mr. David W. Deicke, representing Maggie's Restaurant, opposes the proposed amendment and stated his belief that it is unfair to tell people how to run their businesses. He feels the ordinance would adversely affect his own bar business.

Mr. Doug Werpin, President, San Antonio Restaurant Association, spoke against the proposed ordinance and addressed his fears for the economic impact on small businesses.

Mr. Faris Hodge, Jr., 140 Dora, spoke to the effects of lung cancer in his own family, and in support for the proposed ordinance. He also spoke in support for a tax break for businesses having to install new ventilation systems, as a result.

Ms. Gay Gueringer, representing San Antonio Building Owners and Manufacturers Association, spoke in support for the proposed ordinance against smoking in the workplace.

Mr. Adolph Alvarez, owner of Casa Blanca Restaurant, addressed the problems of restaurant owners in controlling smoke in their businesses, noting that the law would be difficult to enforce and provide problems with ventilation. He noted that the waiters and waitresses still would be forced to inhale secondhand smoke. He spoke in support for an ordinance that would require smokefree restaurants.

Mr. Fred Reynolds, 1202 Waverly, stated his opinion that there has been too little notice given for this matter, and asked it be tabled until the new City Council is seated.

Ms. Diana Potthast, representing Candlelight Coffee House, spoke to how the proposed ordinance would affect her business, stating her opinion that a filtration system is too expensive to install.

Mr. Rene Escobedo, representing the American Lung Association, spoke in support for the proposed ordinance, stating his feeling that smoke-free restaurants attract more business and pay less for insurance and cleaning.

Mr. Hans Nadler, owner of Nadler's Bakery, spoke against the proposed ordinance, calling it government encroachment. He asked that customers be allowed to decide whether or not to patronize businesses where smoking is allowed.

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Mr. Forrest Byas, 3702 Hunters Bow, spoke against anything that adversely affects his health, noting that both Plano and Arlington have enacted such ordinances without incident.

Ms. Cynthia Rountree, representing Jacala Mexican Restaurant, spoke against the proposed ordinance. She stated her belief that it is up to each business owner to decide this issue.

Mayor Thornton noted that this proposed ordinance and its provisions are part of a continuing trend in the United States toward a smoke-free environment. He stated his belief that the workplace is the problem, and now is a liability issue to owners. He spoke to the expense to restaurant owners if the ordinance passes, and noted the trend toward protection of non-smokers.

Mr. Ross stated his belief that having a single ventilation system in restaurants doesn't work, and spoke in favor of separating out restaurants from other businesses affected by this proposed ordinance. He also noted that the hotel/motel industry doesn't oppose the proposed ordinance.

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

Mr. Ross stated that the cost for dual ventilation systems is about \$750, not the \$35,000 as suggested by one speaker today, and noted that a study shows no adverse economic impact in other cities with such ordinances.

Mr. Marbut stated that this is a health issue in all venues, and provided examples of increased business for restaurants in cities where such an ordinance has been enacted.

Ms. Billa Burke expressed her concern that the City doesn't have enough inspectors to service the ordinances already in place, and stated that she cannot support the proposed ordinance without data on how many more inspectors will be needed. She then spoke against dictating to businesses in this area.

Mr. Avila addressed his concern with the business issues involved and dictation by government, stating that he is against the proposed ordinance as written.

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Mr. Webster stated his opinion that it would cost between \$1,000 and \$5,000 to split a ventilation system, according to industry sources, and noted that physical partitions also would be required. He spoke to his concern for causing an 'unfunded mandate' for businesses, and spoke to the need to prohibit possession of tobacco by minors. He spoke against the proposed ordinance as written.

In response to a question by Mr. Flores, Mr. Frank Garza, Acting City Attorney, stated that there is no conflict of interest for Mr. Flores, himself a restaurant owner and operator, to participate in this discussion and action.

Mr. Flores addressed his concerns with the ordinance's adverse impact on small businesses, and the question of government dictation. He spoke to the need to educate children of the dangers of smoking. He expressed his belief that businesses should be self-regulating on the matter of smoking, and stated that he would be abstaining from this vote.

In response to a question by Mr. Peak, Mr. Gene Camargo, Director of Building Inspections, estimated a cost of perhaps \$1,000 to \$2,000 per ton, plus electrical work, to split an existing heating, ventilation and air-conditioning system. He estimated that it would take about a five-ton unit to service an average smoking area.

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

Discussion then took place concerning a possible alternative suggestion that the proposed ordinance specifications be applied to new restaurants, with older established restaurants being 'grandfathered'.

Mayor Thornton stated his own opinion that perhaps this issue needs to be tabled and reworked, for later consideration.

After discussion, Mr. Ross made a substitute motion to table this issue to the May 8, 1997 City Council meeting. Mr. Marbut seconded the motion.

The substitute motion prevailed by the following vote; AYES: Flores, Lott, Avila, Vasquez, Herrera, Ross, Marbut, Peak, Webster, Thornton. NAYS: Billa Burke. ABSENT: None.

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The main motion, as substituted, then prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Vasquez, Herrera, Ross, Marbut, Peak, Webster, Thornton. NAYS: None. ABSENT: None.

At this time, both the Mayor and Mayor Pro Tem were obliged to leave the meeting. Mr. Flores presided in their absence.

97-18 PUBLIC HEARING AND ORDINANCE ON THE QUITCLAIMING OF ST. ANTHONY ST. TO SAN ANTONIO INDEPENDENT SCHOOL DISTRICT.

Mr. Flores, presiding, declared the Public Hearing to be open.

Mr. Oscar Serrano, Asset Management Department, briefly explained the proposed closing andquitclaiming of a portion of St. Anthony Street to San Antonio Independent School District.

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

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

The Clerk read the following Ordinance:

AN ORDINANCE 85961

CLOSING, VACATING, AND ABANDONING AN IMPROVED PORTION OF ST. ANTHONY STREET, BETWEEN ARANSAS AND DELMAR STREETS, AS REQUESTED BY THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, FOR A TOTAL CONSIDERATION OF \$13,656.00.

* * * *

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

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

97-18 It was the concensus of City Council members present to at this time undertake discussion and consideration of Agenda item 22.

The Clerk read the following Ordinance:

AN ORDINANCE 85962

ACCEPTING THE LOW, QUALIFIED TOTAL BID, INCLUDING ALTERNATES, OF GREYSTONE INDUSTRIES, L.L.C. IN THE AMOUNT OF \$769,000.00 IN CONNECTION WITH 1989 GENERAL OBLIGATION (G.O.) LIBRARY BOND AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED ST. MARY'S LEARNING AND LEADERSHIP DEVELOPMENT CENTER; AUTHORIZING A CONSTRUCTION CONTRACT; APPROVING THE PROJECT BUDGET; AUTHORIZING \$76,000.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. John German, Director of Public Works, narrated a brief video presentation explaining the project.

Mr. Ross thanked former Councilwoman Yolanda Vera for initiating the idea for co-locating these literacy centers with new libraries, and also expressed his thanks to St. Mary's University for providing the location for the literacy center.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Lott, Billa Burke, Avila, Vasquez,

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Herrera, Ross, Peak, Webster, Thornton; NAYS: None; ABSNET: Vasquez, Marbut.

97-18 The Clerk read the following Ordinance:

AN ORDINANCE 85963

AUTHORIZING THE TEMPORARY CLOSURE OF OCTAVIA STREET BETWEEN SOUTH FLORES AND GREENWOOD STREET FROM 8:00 A.M UNTIL 8:00 P.M., SUNDAY, MAY 4, 1997 FOR THE ANNUAL CINCO DE MAYO FESTIVAL, SPONSORED BY ST. LEO CATHOLIC SCHOOL; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE OF EIGHT (8) AFFIRMATIVE VOTES.

* * * *

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

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

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CITIZENS TO BE HEARD

MR. T.C. CALVERT

Mr. T.C. Calvert asked the City Council to address the issue of the African American Firefighters and their request to be elevated to the level that they should be elevated. He also stated that there is no room for racial discrimination in this City.

MR. HOWARD WEBSTER

Mr. Howard Webster, Firefighters Local 624 also asked the City Council to resolve this issue before litigation is initiated. He stated that they are asking for equal opportunity to compete for a higher level 9 of jobs within the administration of the Fire Department.

Dr. A. B. Devers I also spoke to this same concern and urged the City Council to address the African American Firefighters.

In response to Mayor Thornton, Mr. Rolando Bono, Assistant City Manager, stated that they have been meeting with the attorneys representing the African American Firefighters and will continue these discussions which look promising with hopes of resolution.

Mayor Thornton stated that every action taken by the City Council and City staff needs to be reflective of this entire community and urged continued discussions with both parties.

In response to Councilwoman Billa Burke, Mr. Howard Webster stated they have delayed filing a suit in order to continue dialogue with staff to address this issue.

In response to Mrs. Lott, Mr. Webster stated that their concern is with limits to the upper echelon of the fire department's administrative structure.

MRS. KAY FORTUNE

Mrs. Fortune, 922 Willow, took issue with having to secure City permits to make minor home improvements.

Mrs. Fortune was asked to meet with Mr. Michael Clack, Assistant Director of Building Inspections, who was present in the audience.

MRS. MARIA J. DOMINGUEZ

Mrs. Maria J. Dominguez took issue with an individual being appointed to fill an unexpired term and then becoming a Candidate for that same office. She also objected to not being able to yield her time to another individual during Citizens to be Heard.

MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, expressed his concern to a person not being able to yield his or her time to another person when they wish to address the City Council. He then asked for more toilets during Fiesta; lights still on at Main Plaza; and that more street cleaning be done.

97-18 City Council recessed its regular meeting at 7:10 P.M. to have dinner, then convene in Executive Session for the purpose of:

- A. Attorney/Client consultation regarding the purchase of property legally described as New City block 13814, City of San Antonio, Bexar County, Texas.
 - B. Attorney/Client consultation regarding legal implications relating to the Bond Surety Program for the Convention Center Expansion Project.
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97-18 City Council adjourned the Executive Session and reconvened the regular meeting at 8:14 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 action.

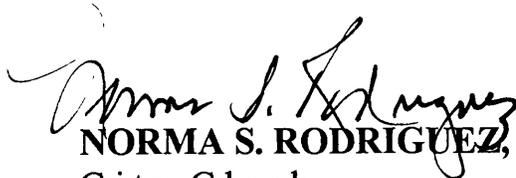
97-18 There being no further business to come before the Council, the meeting was adjourned at 8:15 P.M.

A P P R O V E D



WILLIAM E. THORNTON
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AAE
City Clerk