

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MAY 14, 1992.

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The meeting was called to order by the Presiding Officer, Mayor Nelson W. Wolff, with the following members present: PEREZ, PIERCE, WING, SOLIS, AYALA, VERA, THORNTON, LABATT, LARSON, WOLFF. Absent: BILLA BURKE.

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92-21 Invocation - Reverend John Cooke, Associate Minister, MacArthur Park Lutheran (ECLA) Church.

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92-21 Pledge of Allegiance to the flag of the United States.

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92-21 Minutes of the April 23, 1992 Regular City Council Meeting were approved.

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92-21 MISS JANINE DELGADO

Mayor Wolff introduced Miss Janine Delgado, second grade student at Royalgate Elementary School, and noted that he had met and spoken with her at a recent basketball game and had asked her to come to a City Council meeting.

Janine and a friend, Alexander, spoke about their school and their studies, after which both were presented special T-shirts.

Mr. Perez noted that he has worked with Janine's grandmother in the past in matters dealing with Victoria Courts.

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92-21

SUL ROSS MIDDLE SCHOOL STUDENTS

Mayor Wolff recognized a group of 34 students from Sul Ross Middle School, accompanied by Principal, Mr. John Bordano, and Shop Instructor, Mr. David Watson. He noted that the student group had spent more than 60 labor recently painting the exterior wall and a retaining wall at the City's Garza Municipal Swimming Pool to rid them of graffiti, and has committed itself to touching-up any graffiti that may reappear at the pool in the future.

Mr. Watson spoke to several other instances where students have cleaned up around their school and the nearby Garza Park areas, and spoke of the students' desires to start up an "adopt-a-building" campaign.

Each of the 34 students present then came forward to identify themselves and to receive "It's People Like You" certificates from City Council members.

Several members of City Council expressed their congratulations to the student group for its accomplishments.

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92-21

SOUTH SAN ANTONIO HIGH SCHOOL GOVERNMENT CLASS

Mayor Wolff welcomed to City Hall a group of students from government classes at South San Antonio High School.

Mr. Wing noted that the South San Antonio High School band and bands from other neighborhood schools had taken part in the recent Law Enforcement Day parade in this area of the city.

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92-21

LEE HIGH SCHOOL SPEECH CLASS

Mayor Wolff welcomed to City Hall members of a Robert E. Lee High School speech class, also present in the audience.

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92-21

RUTH MURPHY - "AT YOUR SERVICE"

Mr. Alex Briseno, City Manager, introduced Ms. Ruth Murphy, Children's Librarian at Johnston Branch Library, recipient of this month's "At Your Service" Award for City employees. He then spoke briefly to her duties and accomplishments.



A videotaped presentation outlined Ms. Murphy's accomplishments with the Johnston Branch Library, after which Mayor Wolff and Mr. Briseno jointly presented her with a special Certificate of Appreciation.

Ms. Murphy stated that the City's libraries look forward to playing major roles in this summer's "CO-alition" program, and asked Council members to encourage their constituents to read more books.

Several Council members congratulated Ms. Murphy on her accomplishments and work with the children at the Johnston Branch Library.

92-21 CONSENT AGENDA

Mr. Solis made a motion to approve Agenda Items 8 through 39, constituting the Consent Agenda with Agenda Item 11 removed by City Manager. Mr. Labatt seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Ayala, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke.

AN ORDINANCE 75,756

ACCEPTING THE LOW BID OF CHUBB NATIONAL FORM, INC. TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH FIREFIGHTING FOAM FOR A TOTAL OF \$8,403.95.

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AN ORDINANCE 75,757

ACCEPTING THE LOW QUALIFIED BIDS OF LIUSKI INTERNATIONAL, DUNCAN BUSINESS MACHINES, HOME & OFFICE PRODUCTS, BARBARA TECHNOLOGIES CORPORATION, HERMONT COMPUTERS, A & E REPROGRAPHICS AND COMPUTER SOLUTIONS TO FURNISH THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT WITH MICROCOMPUTER HARDWARE FOR A TOTAL OF \$15,772.87.

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AN ORDINANCE 75,758

ACCEPTING THE LOW BID OF SELRICO SERVICES TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION

DEPARTMENT WITH THE ANNUAL SUMMER FOOD PROGRAM FOR APPROXIMATELY \$374,474.10.

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AN ORDINANCE 75,759

AUTHORIZING THE EXTENSION OF A CONTRACT WITH BROWNING FERRIS INDUSTRIES FOR DISPOSAL OF SLUDGE FOR THE CITY OF SAN ANTONIO WASTEWATER MANAGEMENT DEPARTMENT FOR APPROXIMATELY \$32,000.00.

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AN ORDINANCE 75,760

ACCEPTING THE LOW QUALIFIED BID OF SOUTHWEST PUBLIC SAFETY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH VEHICLE MOUNTED WARNING SYSTEMS FOR A TOTAL OF \$3,697.50.

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AN ORDINANCE 75,761

ACCEPTING THE LOW BIDS OF TEXAS EQUIPMENT/HORIZON SAVINGS AND TEXAS TRUCK CENTER/FOUNTAIN BODY & HOIST COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH TRUCK BODIES FOR A TOTAL OF \$269,548.20.

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AN ORDINANCE 75,762

ACCEPTING THE LOW BID OF FORMA SCIENTIFIC, INC. TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH UPRIGHT BIOLOGICAL STORAGE FREEZERS FOR A TOTAL OF \$9,655.20.

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AN ORDINANCE 75,763

ACCEPTING THE LOW BID OF RAY O'HERRON COMPANY, INC. TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH A VIDEO PERISCOPE SURVEILLANCE SYSTEM FOR A TOTAL OF \$4,695.00.

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AN ORDINANCE 75,764

ACCEPTING THE LOW QUALIFIED BID OF TEXAS STATE DISTRIBUTORS, INC. TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH SERVICE AMMUNITION FOR \$7,987.25.

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AN ORDINANCE 75,765

ACCEPTING THE LOW QUALIFIED BID OF GT DISTRIBUTORS, INC. TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH AN ANNUAL CONTRACT FOR TRAINING AMMUNITION FOR APPROXIMATELY \$7,728.00.

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AN ORDINANCE 75,766

ACCEPTING THE PROPOSAL OF MOTOROLA COMMUNICATIONS & ELECTRONICS FOR RECONFIGURATION OF THE PUBLIC RADIO SYSTEM FOR THE CITY OF SAN ANTONIO POLICE DEPARTMENT FOR A TOTAL OF \$8,000.00.

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AN ORDINANCE 75,767

AUTHORIZING ADDITIONAL ENGINEERING FEES, IN THE AMOUNT OF \$2,493.00, PAYABLE TO RABA-KISTNER CONSULTANTS, INC. FOR CONSTRUCTION AND MATERIALS TESTING SERVICES IN CONNECTION WITH THE TERMINAL IMPROVEMENTS - 1990 (PACKAGE II) CONSTRUCTION PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT; REVISING THE BUDGET FOR SAID PROJECT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,768

AUTHORIZING ADDITIONAL ENGINEERING FEES, IN THE AMOUNT OF \$3,800.00, PAYABLE TO SOUTHWESTERN LABORATORIES, INC., FOR HYDROCARBON CONTAMINATION TESTING SERVICES IN CONNECTION WITH THE GROUND TRANSPORTATION IMPROVEMENTS (PHASE II) PROJECT AT AT SAN ANTONIO INTERNATIONAL AIRPORT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,769

APPROVING FIELD ALTERATION NO. 6, IN THE DECREASED AMOUNT OF \$18,438.00, TO THE CONTRACT WITH SUBURBAN CONSTRUCTION COMPANY FOR THE AIR CARGO FACILITY - PHASE II (AIRBORNE BUILDING) AT SAN ANTONIO INTERNATIONAL AIRPORT.

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AN ORDINANCE 75,770

AUTHORIZING THE EXECUTION OF AN APPLICATION AND CONTRACT FOR SUPPLY LINE EXTENSION WITH CITY PUBLIC SERVICE; AUTHORIZING \$4,244.25 PAYABLE TO CITY PUBLIC SERVICE FOR INSTALLATION OF GAS AND ELECTRIC FACILITIES AT BRIGHTON PARK SUBDIVISION UNIT I AS RELATED TO THE PACIFIC DRAINAGE PROJECT NO. 66A, PHASE II-B; APPROPRIATING 1983 GENERAL OBLIGATION DRAINAGE BOND FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,771

APPROVING FIELD ALTERATION NO. 4 IN THE AMOUNT OF \$32,000.00 TO THE CONTRACT WITH UTILITIES CONSOLIDATED, INC. IN CONNECTION WITH THE TILLIE DRIVE DRAINAGE PROJECT NO. 114A (LATERALS); AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,772

ACCEPTING THE PROPOSAL OF MSC & ASSOCIATES FOR THE PROVISION OF CERTAIN ENGINEERING AND SURVEYING SERVICES IN CONNECTION WITH THE RECONSTRUCTION OF GRAND JEAN FROM CARLE TO OELKERS PROJECT; AUTHORIZING A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$4,750.00; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,773

ACCEPTING THE PROPOSAL OF E.L. FLY AND ASSOCIATES, INC. FOR THE PROVISION OF CERTAIN LANDSCAPE ARCHITECTURAL DESIGN AND TOPOGRAPHIC SERVICES IN CONNECTION WITH THE BETHEL DAY CARE CENTER

RECREATIONAL IMPROVEMENTS PROJECT; AUTHORIZING A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$5,150.00; REVISING THE PROJECT BUDGET; AUTHORIZING \$2,700.00 OF SAID CONTRACT AMOUNT FOR LANDSCAPE ARCHITECTURAL EXPENSE CONTINGENCIES; AUTHORIZING \$850.00 OF SAID CONTRACT AMOUNT FOR ARCHITECTURAL CONTINGENCY EXPENSES; AUTHORIZING \$1,600.00 OF SAID CONTRACT AMOUNT FOR PRINTING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,774

AUTHORIZING AN ADDITIONAL \$15,634.56 FOR ENGINEERING FEES PAYABLE TO ANIBAL GUTIERREZ, P.E., R.P.L.S., IN CONNECTION WITH THE RECONSTRUCTION OF BERLIN FROM ZARZAMORA TO HURON PROJECT; AND REVISING THE PROJECT BUDGET.

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AN ORDINANCE 75,775

ACCEPTING THE LOW, QUALIFIED BID OF S.A. WINCO, INC. IN THE AMOUNT OF \$61,891.91 IN CONNECTION WITH THE RECONSTRUCTION OF NEER AVENUE FROM IH 10 TO FRESNO PROJECT; AUTHORIZING A CONTRACT; REVISING THE PROJECT BUDGET; AUTHORIZING \$6,189.19 FOR CONSTRUCTION CONTINGENCIES AND \$2,599.46 FOR PROJECT OVERSIGHT COSTS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,776

ACCEPTING THE LOW, QUALIFIED BID OF S.A. WINCO, INC. IN THE AMOUNT OF \$439,976.00 IN CONNECTION WITH THE RECONSTRUCTION OF EDISON FROM CATALINA TO JERRY PROJECT; AUTHORIZING A CONTRACT; REVISING THE PROJECT BUDGET; AUTHORIZING \$43,997.60 FOR CONSTRUCTION CONTINGENCIES AND \$16,184.71 FOR PROJECT OVERSIGHT COSTS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,777

AUTHORIZING AN ADDITIONAL \$17,143.80 FOR ENGINEERING FEES PAYABLE TO FLORES & COMPANY CONSULTING

ENGINEERS IN CONNECTION WITH THE RECONSTRUCTION OF LUBBOCK FROM CORDERO TO SOUTH FLORES PROJECT; AND REVISING THE PROJECT BUDGET.

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AN ORDINANCE 75,778

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 1 IN THE AMOUNT OF \$31,074.70 TO THE CONTRACT WITH THE SANITARY SEWER REHABILITATION PROJECT (SPIII-92, PICKWELL STREET).

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AN ORDINANCE 75,779

ACCEPTING THE LOW, QUALIFIED BID OF STEVENS CONTRACTING IN THE AMOUNT OF \$107,000.00 IN CONNECTION WITH THE SOUTHSIDE YMCA EXPANSION PROJECT; AUTHORIZING A CONTRACT; ACCEPTING A \$62,609.30 CONTRIBUTION FROM THE YMCA IN CONNECTION WITH SAID PROJECT; AUTHORIZING \$5,000.00 FOR CONSTRUCTION CONTINGENCIES; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,780

ACCEPTING THE LOW QUALIFIED BID OF ROSSON BUILDERS, INC. IN THE AMOUNT OF \$61,370.00 FOR SAN ANTONIO GUN CLUB IMPROVEMENTS FUNDED THROUGH A GRANT OF THE TEXAS PARKS AND WILDLIFE DEPARTMENT; AUTHORIZING A STANDARD FORM PUBLIC WORKS CONTRACT, REPROGRAMMING EXPENDITURES IN PROJECT FUND NO. 26-052027; AUTHORIZING A \$2,000.20 CONSTRUCTION CONTINGENCY ACCOUNT, AND AUTHORIZING PAYMENT.

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AN ORDINANCE 75,781

ACCEPTING THE LOW QUALIFIED BASE BID PLUS ADDITIVE ALTERNATE NO. 1 IN AN AMOUNT OF \$132,247.00 BY GUARANTEE PLUMBING AND AIR CONDITIONING, INC., TO REPLACE THE SWIMMING POOL FILTER SYSTEM AT SAN PEDRO PARK SWIMMING POOL, APPROPRIATING \$15,997.00 IN SPECIAL REVENUE FUND NO. 29-008, AND TRANSFERRING SAME TO PROJECT NO. 40-005011, AUTHORIZING A

\$7,000.00 CONSTRUCTION CONTINGENCY, ENCUMBERING
AFORESAID AMOUNTS TOTALING \$139,247.00 AND
AUTHORIZING PAYMENT TO THE CONTRACTOR.

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AN ORDINANCE 75,782 .

AUTHORIZING THE EXECUTION OF A SIX-YEAR LEASE
EXTENSION AND A SIX-YEAR RENEWAL OPTION FOR 1,200
SQUARE FEET OF SPACE OCCUPIED BY THE FIRST CHURCH OF
CHRIST SCIENTIST-SAN ANTONIO AT THE HEMISFAIR
PARKING GARAGE EFFECTIVE JUNE 13, 1992.

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AN ORDINANCE 75,783 .

AUTHORIZING A FIVE YEAR CONTRACT WITH THE CITY WATER
BOARD FOR PURCHASE OF CHILLED WATER SERVICE FOR THE
TOWER OF THE AMERICAS.

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AN ORDINANCE 75,784 .

AUTHORIZING A FIVE YEAR CONTRACT WITH THE CITY WATER
BOARD FOR PURCHASE OF CHILLED WATER SERVICE FOR LA
VILLITA; SAID CONTRACT TO SUPERCEDE THAT CERTAIN
CONTRACT WITH THE CITY WATER BOARD AUTHORIZED BY
ORDINANCE NO. 55246 DATED APRIL 22, 1982.

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AN ORDINANCE 75,785 .

AMENDING ORDINANCE 74560 PASSED ON OCTOBER 17, 1991;
AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL
\$50,000.00 IN JOB TRAINING PARTNERSHIP ACT (JTPA)
MANAGEMENT DEVELOPMENT FUNDS FROM THE TEXAS
DEPARTMENT OF COMMERCE.

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AN ORDINANCE 75,786 .

AUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF
CERTAIN STREETS FROM 7:00 A.M. TO 10:00 A.M. IN

ORDER FOR THE SAN ANTONIO PERFORMING ARTS
ASSOCIATION TO HOLD ITS 5K ARTS RUN ON JUNE 8, 1992.

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92-21 The Clerk read the following Resolution:

A RESOLUTION NO. 92-21-16

REQUESTING CERTAIN BUSINESSES TO TAKE STEPS TO
MAXIMIZE EMPLOYEE SAFETY INCLUDING THE INSTALLATION
OF SURVEILLANCE EQUIPMENT.

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Dr. Thornton made a motion to approve the proposed Resolution.
Mr. Wing seconded the motion.

Dr. Thornton noted that some 269 convenience stores in San Antonio had been robbed since January, and he spoke to the tragic death of convenience store clerk, Melissa Morales. He then spoke to the deterrent effect of surveillance cameras in thwarting or solving convenience store robberies in several other states, and he also addressed other safety requirements for convenience stores.

Mr. Jayar Dailey, representing National Convenience Stores, parent firm of Stop 'n Go Stores, stated that his firm is now in process of installing security cameras in 25 of its stores located in high-risk areas of the city, and noted that the rate of armed robberies of convenience stores has dropped almost 50 per cent since Stop 'n Go Stores began using off-duty law enforcement officers in some stores. He then spoke to other steps being taken to discourage robberies, in the future.

Dr. Thornton thanked the firm for its actions in this area.

Ms. Carrie Wilburn, wife of Officer Jimmy Wilburn, San Antonio Police Department, spoke to her efforts in securing petitions throughout Texas, seeking protection of citizens from robbers of convenience stores.

Mr. Larson noted that effective deterrents to armed robberies include publicizing the fact that a videotape is being made of all actions inside convenience stores.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Ayala, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke, Vera.

92-21 The Clerk read the following Ordinance:

AN ORDINANCE 75,787

AN ORDINANCE APPROVING AND AUTHORIZING THE ISSUANCE OF SHORT TERM OBLIGATIONS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$50,000,000 TO PROVIDE INTERIM FINANCING TO PAY PROJECT COSTS FOR ELIGIBLE PROJECTS FOR THE CITY'S WATER SYSTEM; AUTHORIZING SUCH SHORT TERM OBLIGATIONS TO BE ISSUED, SOLD AND DELIVERED IN VARIOUS FORMS, INCLUDING COMMERCIAL PAPER NOTES, FIXED RATE NOTES, VARIABLE RATE NOTES AND AREVOLVING NOTE AND PRESCRIBING THE TERMS, FEATURES AND CHARACTERISTICS OF SUCH INSTRUMENTS; APPROVING AND AUTHORIZING CERTAIN AUTHORIZED OFFICERS AND EMPLOYEES TO ACT ON BEHALF OF THE CITY IN THE SELLING AND DELIVERY OF SUCH SHORT TERM OBLIGATIONS, WITHIN THE LIMITATIONS AND PROCEDURES SPECIFIED HEREIN; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE SECURITY AND DELIVERY OF SUCH SHORT TERM OBLIGATIONS, INCLUDING THE APPROVAL OF AN AMENDED AND RESTATED ISSUING AND PAYING AGENT AGREEMENT, A AMENDED AND RESTATED REVOLVING CREDIT AGREEMENT AND A AMENDED AND RESTATED DEALER AGREEMENT; APPROVING THE USE OF AN OFFERING MEMORANDUM IN CONNECTION WITH SAID SALE; REPEALING ORDINANCE NUMBERS 69816, 72743 AND 73051; DECLARING AN EMERGENCY AND; PROVIDING AN EFFECTIVE DATE.

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

Ms. Nora Chavez, Director of Finance, explained the need for interim financing for City Water Board operations during the changeover period to its new structure and alignment as the San Antonio Water System.

In response to a question by Mr. Larson, Ms. Chavez discussed other short-term interim financing for City Water Board operations and its advantages, and briefly explained how the \$50 million figure was arrived at.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Ayala, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke.

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

92-21 ZONING HEARINGS

4A. CASE Z92045 (CC SUP) - to rezone the east 340 feet of the west 400 feet of the north 285.6 feet of P-1 and the east 340 feet of the west 400 feet of the south 154.6 feet of P-3, NCB 15670 for (P-1) "B-1" Business District and (P-1) "B-3" ERZD Planned Unit Development Edwards Recharge Zone Business Districts to (P-1) "B-3NA" Planned Unit Development Non-Alcoholic Sales Business District with City Council approval and special use permit for a contractor's office with outside storage, 17427 U.S. Hwy 281 North located on the west side of U.S. Hwy 281 North, 825 feet north of the intersection U.S. Hwy 281 North and having a width of 440.2 feet and depth of 340.

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

In response to a question by Mr. Larson, Mr. Keith Metz, Environmental Protection Officer, briefly outlined his recommendations in connection with the requested rezoning of this property, in order to protect the Edwards Aquifer recharge zone.

Mr. Larson made a motion to approve the recommendation of the Zoning Commission provided that the 15 recommendations of the Environmental Protection Officer are met. Mr. Pierce seconded the motion.

A brief discussion then took place concerning the City's options and recourse to insure compliance with the recommendations of the Environmental Protection Officer.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Vera, Thornton, Labatt, Larson; NAYS: Solis; ABSENT: Billa Burke, Wing, Ayala, Wolff.

AN ORDINANCE 75,788

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE EAST 340 FEET OF THE WEST 400 FEET OF THE NORTH 285.6 FEET OF P-1 AND THE EAST 340 FEET OF THE WEST 400 FEET OF THE SOUTH 154.6 FEET OF P-3, NCB 15670 FROM (P-1) "B-1" BUSINESS DISTRICT AND (P-1) "B-3" ERZD PLANNED UNIT DEVELOPMENT EDWARDS RECHARGE ZONE BUSINESS DISTRICT TO (P-1) "B-3NA" CC SUP ERZD PLANNED UNIT DEVELOPMENT NON-ALCOHOLIC SALES BUSINESS EDWARDS RECHARGE ZONE DISTRICT WITH CITY COUNCIL APPROVAL AND SPECIAL USE PERMIT FOR A CONTRACTOR'S OFFICE WITH OUTSIDE STORAGE, 17427 U.S. HWY 281 NORTH. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4B. CASE Z92029 - to rezone Lot 9 and the north 534.65 feet of Lot 5, NCB 10600 from "B-3" Business District, "LL" First Manufacturing District, "I-1" Light Industry District and "A" Single Family Residence District to "I-2" Heavy Industry District, 927 Eddie Road located on the west side of Eddie Road, 550.15 feet north of the intersection of IH-10 Expressway and Eddie Road, having 566.80 feet on Eddie Road and a depth of 536.91 feet.

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

In response to a question by Mr. Pierce, Mr. Andy Guerrero, Land Development Services, discussed City staff's recommendations in connection with this rezoning case, and asked that the recommendations of the Environmental Protection Officer be included in the ordinance.

Mr. Joe Scott, 120 Mesquite, spoke in support for the rezoning request in order to bring some 100 new jobs to the east side.

Mr. Paul Sword, 1510 East Bitters Road, spoke briefly to the work to be performed at this location.

Mr. Remo D. Belli, President, REMO, Inc., stated that his firm manufactures various percussion instruments for use in the music industry.

In response to a question by Mr. Wing, Mr. Guerrero spoke to the five recommendations of the Environmental Protection Officer.

Mr. Keith Metz, Environmental Protection Officer, addressed the five recommendations and the more stringent guidelines of the Environmental Protection Agency that must be met.

Mr. Wing addressed his concerns with the disposal of hazardous and toxic materials in this area, and spoke against the requested rezoning.

Mr. Guerrero explained City staff's own recommendations in this matter, and noted that the proponent can legally install his business at this site under existing "LL" zoning.

Mr. Larson noted that the Texas Water Commission will be closely monitoring this usage, and spoke in support for the rezoning request.

Mr. Pierce made a motion to approve the recommendation of the Zoning Commission. Dr. Thornton seconded the motion

Mr. Wing explained details of one particular case of pollution by a similar heavy-metal manufacturing firm in this area.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Vera, Thornton, Labatt, Larson; NAYS: Wing; ABSENT: Billa Burke, Solis, Ayala, Wolff.

Mr. Wing asked that he be kept fully informed of the permitting process on planned uses for this property.

AN ORDINANCE 75,789

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 504.65 FEET OF THE NORTH 534.65 FEET OF 5 AND LOT 9, SAVE AND EXCEPT THE NORTH 60 FEET, NCB 10600, AND THE NORTH 60 FEET OF LOT 9 AND THE NORTH 30 FEET OF LOT 5, NCB 10600, FROM "B-3" BUSINESS DISTRICT, "LL" FIRST MANUFACTURING DISTRICT, "I-1" LIGHT INDUSTRY DISTRICT AND "A" SINGLE FAMILY RESIDENCE DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT AND "I-2" HEAVY INDUSTRY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4C. CASE Z92053 - to rezone Lots 6, 7 and 8, Block 1, NCB 3393 from "R-7" Small Lot Home District to "B-3NA" Non-Alcoholic Sales Business District, 129 Canton Street located on the north side of Canton Street, 245 feet east of the intersection of Canton Street and N. Palmetto Avenue, having 147 feet on Canton Street and a depth of 125 feet.

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

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

A brief discussion was held concerning the storing of printing chemicals on this site.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Billa Burke, Ayala, Wolff.

AN ORDINANCE 75,790

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 6, 7 AND 8, BLOCK 1, NCB 3393 FROM "R-7" SMALL LOT HOME RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 129 CANTON STREET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4D. CASE Z92033 - to rezone an 11.904 acre tract of land out of NCB 13790 from "D" Apartment District to "R-3" Multiple Family Residence District, 6700 Block of South New Braunfels Avenue located on the northeast side of South New Braunfels Avenue, 222 feet southeast of the intersection of South New Braunfels Avenue and Koehler Court, having 1,694.49 feet on South New Braunfels Avenue and a depth of 501.75 feet.

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

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

Mr. Andy Guerrero, Land Development Services, briefly explained the "trade-off" involved in this matter, in return for the securing of nearby parklands from the proponent in this case.

Ms. Mollie Jackson, 502 Koehler Court, spoke to her concerns with deterioration of this neighborhood.

Mr. Guerrero noted that the city cannot require the proponent to install fencing along the alley or easement, since the City of San Antonio is the proponent in this case.

Mr. Wing asked the developer to install fencing adjacent to the single-family homes.

During discussion, it was the concensus of the City Council to recommend that a six-foot solid screen fence be erected and maintained as outlined by Mr. Wing in his comments.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Billa Burke, Ayala, Wolff.

AN ORDINANCE 75,791

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS AN 11.904 ACRE TRACT OF LAND OUT OF NCB 13790 FROM "D" APARTMENT DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, 6700 BLOCK OF SOUTH NEW BRAUNFELS AVENUE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4F. CASE Z92050 - to rezone 15.2026 acres of land out of Block 8, NCB 17348 from "B-2" Business District to "R-5" Single Family Residence District, 7800 Block of North Hollow located northeast of the intersection of Apple Green Road and North Hollow, having 306.26 feet on Apple Green Road and 1,235.04 feet on North Hollow.

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

Mr. Larson made a motion to approve the recommendation of the Zoning Commission. Mr. Perez seconded the motion.

In response to a question by Dr. Thornton, Mr. Tom Friesenhahn, representing the proponent in this case, spoke to details of the requested up-zoning, which will be the third such case of up-zoning by this firm in recent months, in preparation for residential uses for the subject property.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Billa Burke, Ayala, Wolff.

AN ORDINANCE 75,792

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 15.2026 ACRES OF LAND OUT OF BLOCK 8, NCBs 13665 AND 17348 FROM "B-2" BUSINESS DISTRICT TO "R-5" SINGLE FAMILY RESIDENCE DISTRICT, 7800 BLOCK OF NORTH HOLLOW. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4G. CASE Z92051 - to rezone P-2C, save and except the south 20 feet, Block 47, NCB 15350, Temporary "R-1" to "B-3NA" and The south 20 feet of P-2C, Block 47, NCB 15350, Temporary "R-1" to "O-1" from Temporary "R-1" Single Family Residence District to "O-1" Office District and "B-3NA" Non-Alcoholic Sales Business District, 7494 Timbercreek Drive located on the south side of Timbercreek Drive, 150 feet east of the intersection of S.W. Loop 410 Expressway and Timbercreek Drive, having 120 feet on Timbercreek Drive and a depth of 186.93 feet.

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

Mr. Rudy Hettler, 1712 West Gramercy Place, speaking for the proponent, explained plans to construct a new commercial building for an auto electrical shop.

A discussion took place concerning the need for fencing adjacent to the single-family homes.

Mr. Ernest Celaya, 426 Lawnwood, President, Meadow Village Neighborhood Association, read from a letter in opposition to establishment of a business in a residential area.

Mr. Hettler noted that the 18-wheel tractor/trailers currently located on the property would be removed.

Ms. Vera made a motion to deny the recommendation of the Zoning Commission. Dr. Thornton seconded the motion.

After consideration, the motion, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Billa Burke, Ayala, Wolff.

Zoning Case Z92051 was denied.

4H. CASE Z92055 - to rezone Lot 12, NCB 7902 from "B" Residence District to "B-2NA" Non-Alcoholic Sales Business District, 606 - 608 Division Avenue located on the south side of Division Avenue, 241.70 feet east of the intersection of IH-35 Expressway and Division Avenue, having 126 feet on Division Avenue and a depth of 334 feet.

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

Mr. Wing spoke in favor of a 30-day postponement of this requested rezoning case, and expressed his belief that location of a motel on this property would be detrimental to the area. He stated that he would favor no more than an O-1 Office zoning on the property.

Mr. Wing made a motion to postpone the Zoning Case for 30 days. Mr. Solis seconded the motion.

After consideration, the motion, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Billa Burke, Ayala, Wolff.

Zoning Case Z92055 was postponed for 30 days.

92-21

FOOD DONATIONS FOR POLICE OFFICERS

On a Point of Personal Privilege, Mr. Larson spoke to the voluntary donation of food for police officers, and asked that the City Council also participate in this drive.

92-21

The Clerk read the following Ordinance:

AN ORDINANCE 75,793

CLOSING, VACATING, ABANDONING AND QUITCLAIMING VARGAS STREET, AND EXISTING IMPROVED STREET BETWEEN HEDGES AND DAKOTA STREETS, SAN ANTONIO, BEXAR COUNTY, TEXAS AS REQUESTED BY THE SAN ANTONIO DEVELOPMENT AGENCY TO REPLAT FOR REDEVELOPMENT AS AN AFFORDABLE HOUSING PROJECT; AND AUTHORIZING THE EXECUTION OF A QUITCLAIM IN CONNECTION THEREWITH.

* * * *

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

Mr. Bill Toudouze, Real Estate Division, Public Works Department, explained plans for redevelopment of this property as an affordable-housing project.

Mr. Pierce spoke in favor of the ordinance.

Mr. Don Williams, San Antonio Development Agency, briefly explained the redevelopment plan.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Vera, Thornton, Labatt, Larson, NAYS: None; ABSENT: Billa Burke, Ayala, Wolff.

92-21 The Clerk read the following Ordinance:

AN ORDINANCE 75,794

AMENDING ORDINANCE 73655 PASSED ON MAY 16, 1991, AND ORDINANCE 75608 PASSED ON APRIL 9, 1992; AUTHORIZING THE BUDGET ADJUSTMENT OF TITLE IIA FUNDS OF THE JOB TRAINING PARTNERSHIP ACT (JTPA) FOR PROGRAM YEAR 1991; AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$66,870.00 FOR COMMUNITIES-IN-SCHOOLS AND \$72,986.00 FOR AACOG FROM UNALLOCATED TITLE IIA FUNDS; AUTHORIZING \$5,600.00 FOR LEEDEE TEAGUE AND ASSOCIATES FOR SUPPORTIVE SERVICE ACTIVITIES TO JTPA CLIENTS; AMENDING ORDINANCE 73659 PASSED ON MAY 16, 1991, ORDINANCE 74706 PASSED ON NOVEMBER 7, 1991, AND ORDINANCE 75419 PASSED ON MARCH 12, 1992; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO ADDITIONAL CUSTOMIZED TRAINING AGREEMENTS UNDER

TITLES IIA AND III/EDWAA WITH SERVICE BY AIR, INC., ITT, SAN ANTONIO HOUSING AUTHORITY, HUMANA HEALTH CARE SYSTEM, CASCO PLASTICS, COLEMAN OUTDOOR PRODUCTS, INC., G.W. PLASTICS, H-E-B, WEPACO CO., GUESS UNIFORM SALES CO., CUSTOMER SERVICE CENTER, EUROSTAR, SAFE TIRE DISPOSAL CORP., AND REMO MANUFACTURING AT A TOTAL COST NOT TO EXCEED \$1,219,377.00 FOR PROGRAM YEAR 1991-92 AS APPROVED BY THE SAN ANTONIO WORKS BOARD IN THEIR MEETING OF APRIL 28, 1992.

* * * *

Mr. Kevin Moriarty, Director of Community Initiatives, explained the proposed multiple actions involved in this ordinance, and emphasized the increased allocation for the PREP Program of the University of Texas at San Antonio in order to help the program meet the losses of funding from other sources. He then spoke to other recommendations involved in the ordinance.

Mr. Solis made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

In response to a question by Mr. Wing, Mr. Moriarty noted that the PREP Program lost two major grants from last year, and also feels the need to expand the program to include more participants.

A discussion then ensued concerning the jobs involved in the new customized training agreements.

Mr. Wing addressed his concerns with the planned additional jobs involving the REMO, Inc. manufacturing firm and the matter of handling of hazardous materials involved.

A discussion then took place concerning the number of agencies whose programs will be expanding as a result of these funds.

Mr. Perez noted that City Public Service is devoting a number of its employees to assist the PREP Program, and asked that the City Water Board do the same.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Ayala, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Billa Burke, Wolff.

- - -
92-21 The Clerk read the following Ordinance:

AN ORDINANCE 75,795

EXTENDING THE MORATORIUM ON SIGN PLACEMENT ALONG PORTIONS OF IH-10 AND LOOP 1604 AS PROVIDED IN ORDINANCE 74097 FOR A PERIOD OF 60 DAYS.

* * * *

Mr. Solis made a motion to approve the proposed Ordinance. Mr. Pierce seconded the motion.

Ms. Rebecca Q. Cedillo, Director of Planning, explained the proposed 60-day extension of the sign moratorium along portions of Loop 1604 and IH 10, in order to give City staff and the committee involved time to complete their full plan. She spoke in anticipation of holding a "B" Session briefing for the City Council on this plan in June.

Dr. Thornton spoke of his concern for the continued proliferation of billboards in other areas of the city.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Vera, Thornton, Labatt, Larson; NAYS: Ayala; ABSENT: Billa Burke, Wolff.

92-21 The Clerk read the following Ordinance:

AN ORDINANCE 75,796

AUTHORIZING PAYMENT OF JUDGMENT IN CAUSE NO. 89-CI-01182, STYLED RAUL GARCIA VS. THE CITY OF SAN ANTONIO IN THE 73RD DISTRICT COURT, BEXAR COUNTY, TEXAS, IN THE AMOUNT OF \$133,983.56 PLUS POST JUDGMENT INTEREST AT 10% PER ANNUM FROM THE 1ST OF NOVEMBER, 1990.

* * * *

Mr. Solis made a motion to approve the proposed Ordinance. Mr. Pierce seconded the motion.

Mr. Alex Briseno, City Manager, spoke to details of the court case involved and the fact that it was appealed by the City all the way to the Supreme Court. He spoke to the necessity for the City to pay this judgement.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Billa Burke, Wolff; ABSTAIN: Ayala.

-
92-21 The Clerk read the following Ordinance:

AN ORDINANCE 75,797

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO COMPROMISE AND SETTLE A CLAIM BROUGHT AGAINST THE CITY OF SAN ANTONIO BY NORMA JEAN HERRERA IN THE AMOUNT OF \$6,500.00.

* * * *

Mr. Solis made a motion to approve the proposed Ordinance. Mr. Pierce seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Billa Burke, Wolff; ABSTAIN: Ayala.

-
92-21 The Clerk read the following Ordinance:

AN ORDINANCE 75,798

AUTHORIZING THE COMPROMISE AND SETTLEMENT OF SANDRA BARRERA V. CITY OF SAN ANTONIO, CAUSE NO. 90-CI-13725 IN THE 224TH JUDICIAL DISTRICT COURT IN THE TOTAL AMOUNT OF \$15,000.00.

* * * *

Mr. Solis made a motion to approve the proposed Ordinance. Mr. Pierce seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Thornton, Labatt; NAYS: Larson; ABSENT: Billa Burke, Vera, Wolff; ABSTAIN: Ayala.

-
92-21 The Clerk read the following Ordinance:

AN ORDINANCE 75,799

APPROVING AN ADMINISTRATIVE SERVICES CONTRACT FOR DISTRICT 3 EFFECTIVE APRIL 29, 1992, THROUGH SEPTEMBER 30, 1992; AND PROVIDING FOR PAYMENT OF

\$900.00 PER MONTH DURING THE CONTRACT PERIOD FROM
THE DISTRICT 3 IMPROVEMENT AND DISCRETIONARY
ACCOUNT.

* * * *

Mr. Perez made a motion to approve the proposed Ordinance.
Mr. Pierce seconded the motion.

After consideration, the motion, carrying with it the passage
of the Ordinance, prevailed by the following vote: AYES: Perez,
Pierce, Wing, Solis, Ayala, Thornton, Labatt, Larson, Wolff; NAYS:
None; ABSENT: Billa Burke, Vera.

92-21 TRAVEL AUTHORIZATIONS - Granted:

Councilwoman Lynda Billa Burke to travel to Washington,
D.C./Arlington, VA/Norfolk, VA/ Ft. Campbell, KY/ Goldsboro, North
Carolina and Jacksonville, North Carolina to attend Joint Chiefs of
Staff's Civilian Tour from May 10, 1992 to May 16, 1992.

Mr. Perez made a motion to approve the proposed Travel
Authorization. Mr. Solis seconded the motion.

After consideration, the motion, prevailed by the following
vote: AYES: Perez, Pierce, Wing, Solis, Ayala, Thornton, Labatt,
Larson; NAYS: None; ABSENT: Billa Burke, Vera, Wolff.

* * * *

Mayor Nelson W. Wolff to travel to Dallas, Texas May 8, 1992
to attend Mayors United on Safety, crime & Law Enforcement (Muscle)
Meeting.

Mr. Wing made a motion to approve the proposed Travel
Authorization. Mr. Perez seconded the motion.

After consideration, the motion, prevailed by the following
vote: AYES: Perez, Pierce, Wing, Solis, Ayala, Thornton, Labatt,
Larson; NAYS: None; ABSENT: Billa Burke, Vera, Wolff.

* * * *

Mayor Nelson W. Wolff to travel to Monterrey, Mexico from
June 1, 1992 to June 3, 1992 to meet with City, State and Business
Community of Monterrey.

Mr. Perez made a motion to approve the proposed Travel
Authorization. Mr. Wing seconded the motion.

After consideration, the motion, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Ayala, Thornton, Labatt, Larson; NAYS: None; ABSENT: Billa Burke, Vera, Wolff.

92-21 The Clerk read the following Ordinance:

AN ORDINANCE 75,800

APPROVING A TAX PHASE-IN AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH GREYSTONE JOINT VENTURE, AN ARIZONA JOINT VENTURE, TO EXEMPT FROM TAXATION SPECIFIED REAL PROPERTY IMPROVEMENTS AND A PORTION OF PERSONAL PROPERTY ON LAND LOCATED IN NCB 18335, CONSISTING OF 294.890 ACRES MORE SPECIFICALLY DESCRIBED HEREIN, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, PURSUANT TO THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT.

* * * *

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

Mr. Clint Bolden, Director of Economic Development, distributed a staff memorandum on this matter to City Council, a copy of which is made a part of the papers of this meeting. He then presented supplementary information relating to the impact of abating some \$10 million in personal property taxes for Greystone Joint Venture. He then explained that, unlike this project, the ability to abate personal property was not available in the Hyatt Resort case when it was considered, and that Bexar County did not so recommend on that particular project. However, such abatement was available when the Greystone Joint Venture project was proposed, and Bexar County voted to abate certain personal property in that project. He then discussed the City's economic development guidelines for abating taxes, including new investment, and he spoke to the number of new jobs being created.

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

Mayor Wolff addressed his concerns with abating taxes on a project that is not yet ready for actual construction, and asked City staff to tighten its regulations in this regard.

In response to a question by Dr. Thornton, Mr. Corky Ingraham, representing Greystone Joint Venture, noted that the joint venture has already invested some \$1.5 million of its own funds in this project, thus far, and he spoke to the progress made in environmental considerations on the project.

A discussion then took place concerning the December 1993 deadline for the beginning of actual construction on the planned hotel and golf course, and the milestone chart requested by City staff.

Ms. Ayala asked that information such as that on this matter currently at hand be made available to Council members before the meeting, and also asked for a copy of the milestone chart.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Ayala, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke, Vera.

92-21 The Clerk read the following Ordinance:

AN ORDINANCE 75,801

APPROVING FUNDS AND AUTHORIZING PAYMENT OF
OUTSTANDING FEES AND EXPENSES IN THE AMOUNT OF
\$365,137.61 FOR THE CASE STYLED SIERRA CLUB V.
LUJAN, ET AL, AND RELATED ACTIVITIES.

* * * *

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

Mr. Lloyd Garza, City Attorney, addressed the Sierra Club lawsuit on which the City of San Antonio already has spent some \$1.6 million, not counting today's ordinance, and noted that the case is set for trial August 10, 1992 in federal court.

Mr. Larson noted that the citizens of San Antonio pay 95 per cent of the budget funds of the Edwards Underground Water District, funds which also have been used by EUWD to pay the cities of San Marcos and New Braunfels for water-related uses, including payments to the Guadalupe-Blanco River Authority, which in turn is suing the City of San Antonio. He then voiced his concern that San Antonio citizens are having to pay for GBRA's lawsuit against the City, through EUWD taxes, and have to pay local taxes, as well.

Mayor Wolff spoke to the recent compromise reached out west in the matter of the spotted-owl controversy, and noted that this is a sign that the federal government's Endangered Species Act is now under close scrutiny.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Ayala, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke.

- - -
At this point, Mayor Wolff was obliged to leave the meeting. Mr. Larson presided in the temporary absence of the Mayor Pro Tem.

- - -
92-21 The Clerk read the following Ordinance:

AN ORDINANCE 75,802 .

.
AUTHORIZING PAYMENT OF OUTSTANDING FEES AND EXPENSES
IN THE AMOUNT OF \$6,473.00 FOR THE CASE STYLED NELDA
WEATHERLY ET AL., V. CITY OF SAN ANTONIO.

* * * *

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

Mr. Lloyd Garza, City Attorney, explained the bill for payment in connection with the City Water Board lawsuit against the City, styled Nelda Weatherly et al v. City of San Antonio. He noted that this case is now winding down toward trial, if a settlement is not reached.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Ayala, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Billa Burke, Solis, Wolff.

- - -
At this point, Mayor Wolff returned to the meeting to preside.

- - -
92-21 City Council recessed its Regular Meeting at 4:02 P.M. in order to convene in informal "B" Session for a Presentation of the Financial Forecast for Fiscal Years 1993-1997, reconvening in Regular Session at 5:28 P.M.

- - -
92-21 The Clerk read the following Ordinance:

AN ORDINANCE 75,803 .

.
APPROVING THE COMPROMISE AND SETTLEMENT OF THE
PENDING LITIGATION CAUSE NO. 91-CI-06830, STYLED
NELDA WEATHERLY, ET AL. VS. THE CITY OF SAN
ANTONIO; PROVIDING FOR A POLICY THAT THE FUTURE

LIGHT OF THE PENDING STATE AND FEDERAL LITIGATION, REPORTS AND STUDIES REGARDING THE NEED FOR A RESERVOIR OR SIMILAR PROJECT AND A VOTE OF THE ELECTORATE TO APPROVE OR REJECT; DIRECTING THE THE DISTRICT COURT BE ADVISED THAT ALL ISSUES ARE SETTLED AND THAT THE SUIT BE DISMISSED; FURTHER PROVIDING THAT NO FURTHER WORK IS TO TAKE PLACE OTHER THAN THAT NECESSARY TO PRESERVE THE TEXAS WATER COMMISSION PERMIT AND U.S. CORPS OF ENGINEERS 404 PERMIT AND REQUIRED BY STATE AND FEDERAL LAW; FURTHER PROVIDING FOR THE COMPLETION OF LITIGATION IN PROGRESS ON MAY 4, 1991, INCLUDING CONDEMNATIONS AND ACQUISITION OF LAND FOR THE PROJECT; AMENDING ORDINANCE 73583 AND RESOLUTION NO. 91-20-31 TO THE EXTENT THAT THEY ARE INCONSISTENT WITH THIS ORDINANCE; APPROVING THE TERMS AND CONDITIONS FOR SETTLEMENT CONTAINED IN THIS ORDINANCE; AND DECLARING AN EMERGENCY.

* * * *

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

City Attorney Lloyd Garza reported on the proposed settlement between Nelda Weatherly, et al v. City of San Antonio, stating the ordinance would announce a policy that the project is to be re-evaluated in light of the changed circumstances and that no action to proceed will take place until such time as the voters have an opportunity to approve or reject continuation or modification of the Project. He further stated that the Ordinance directs that the new Board take steps to amend the permits to allow until December 31, 1995, to make a determination for the Project and to take the steps necessary to preserve the permits.

(Mayor Wolff left the Chambers at 5:40 p.m. and Councilman Larson presided.)

(At this time, Mayor Wolff returned to the Council Chambers and presided over the meeting.)

City Attorney Lloyd Garza then went over the individual aspects of the Ordinance as outlined below:

SECTION 1. The City Council will continue to respect the voters' decision and will not proceed with the construction of the project at this time, but will continue to preserve the permits for the Project until 1995 pending a decision by the state or federal courts and agencies or the legislature regarding the Edwards Aquifer and pending the decision by the Texas Water Commission regarding inter-basin transfers.

SECTION 2. The City Council directs that the decision to proceed with the Project will be made only upon a mandate of the voters of the City of San Antonio by establishing a policy that no action will be taken with regard to the future of the Applewhite Reservoir Project or use of the site for a similar project until the issue is put to the qualified electors of the City for approval or rejection; and

SECTION 3. The City Manager is authorized to direct the City Attorney and the City's outside counsel to immediately turn off the clock on any further trial preparation on the suit styled Nelda Weatherly, et al v. the City of San Antonio until all the parties make a determination on the settlement offer, and upon acceptance by the parties, the Court shall be advised that all issues in controversy have been settled.

SECTION 4. The City Council hereby directs the San Antonio Water System Board of Trustees to re-evaluate the Applewhite Reservoir Project in light of the Emergency Rules and Proposed Permanent Rules of the Texas Water Commission relating to regulation of the Edwards Aquifer, the Citizens' Water Committee Report, pending litigation, and other ongoing and contemplated water studies.

SECTION 5. The City Council hereby directs the San Antonio Water System Board of Trustees to make application to amend the "Time Limitations" provision of Permit No. 3914 issued by the Texas Water Commission to the Water System Board of Trustees of San Antonio to repeal the existing language and to provide that the San Antonio Water System Board of Trustees have until December 31, 1995, to make a decision of whether to forfeit the permit, proceed under the permit, or to modify, revise or convert the Project to other water uses in light of initiatives by the Texas Water Commission, legislative action, pending litigation or studies undertaken by the City of San Antonio. The San Antonio Water System Board of Trustees is further directed to take all action, but only that action, necessary to preserve the state and federal permits related to the Project.

SECTION 6. The City Council further directs the Water System Board of Trustees to terminate all construction and other contracts for the completion of the Applewhite Reservoir Project and further directs that no further work will take place other than work consistent with the directions in this ordinance required to preserve the Texas Water Commission permit and U.S. Corps of Engineers Sec. 404 permit and required by applicable state and federal laws relating to environmental or archaeological issues and completion of litigation in progress on May 4, 1991, including condemnations and acquisition of land for the Project.

SECTION 7. The City Council hereby directs the Water System Board of Trustees to complete the eminent domain proceedings pending in Court on May 4, 1991, so that the portion of the site then being acquired can be available for use as originally intended or for some modified version of the project, but only upon approval of the voters, or in the event that the project is not to be constructed for any reason, then the site can be put to some unrelated public use by decision of the City Council and the Board; and

SECTION 8. The City Council hereby declares that to the extent Ordinance 73583 and Resolution No. 91-20-31 are inconsistent with these directions, they are amended accordingly.

SECTION 9. The City Council hereby directs and authorizes the City Manager and City Attorney to prepare and execute a judgment of dismissal to be entered in the above litigation as follows:

- a. Reciting that the Plaintiffs' terms as Trustees will expire on or before trial on the merits and the litigation as to them is moot;
- b. Reciting that the Trustees were authorized to bring and brought the litigation in good faith to determine their fiduciary responsibilities and to protect themselves from individual liability in light of the substantial sums of money expended on the Project and that the Court finds no basis for imposing any liability on the Board or its members, officers, employees or agents;
- c. Reciting that the issue of whether the initiative provisions of the San Antonio City Charter can be legally utilized to require the abandonment of a project after it has been authorized by the City Council and implementation commenced by the Board remains an open issue and was not decided in this litigation by Final Judgment.
- d. Reciting that all authorizations, contracts, permits and actions by the City of San Antonio and the Board were legal and valid and the Board was legally authorized to acquire property for the Project through purchase and eminent domain proceedings; and
- e. Reciting that all reasonable and necessary costs and expenses of the litigation by the City of San Antonio will be borne by the Board as a project expense necessary to preserve the permits.

SECTION 10. In order to allow the opportunity for acceptance of the offer by the Board on May 19, 1992, and communication with

the Judge by the imposed deadline of May 22, 1992, and submittal on May 29, 1992, so that the City can move forward the development of water conservation and management plans, an emergency is declared so that this ordinance shall become effective immediately upon the affirmative vote of at least eight (8) members of the City Council; otherwise, such ordinance shall become effective in ten (10) days after passage.

The following Citizens spoke:

PHILIP ROSS

Mr. Philip Ross, 9331 Cerro Verde Drive, Attorney, reviewed the process the Applewhite issue took and questioned why Applewhite was never abandoned after voters voted to abolish it.

TOM CULBERTSON

Mr. Tom Culbertson, 511 Westwood, asked that Council give the "Citizens Water Committee" a chance to work.

MERRY BAKER STOUGH

Miss Merry Baker Stough, Sierra Club, spoke of the many solutions to the water problems.

JANET ROZZA

Miss Janet Rozza, 3076 Wright Carpenter Road, San Antonio, Texas 78221, expressed concern that the City might buy property and not do anything with it.

KARL WURZ

Mr. Karl Wurz, 820 Florida, spoke to the history of the Applewhite Reservoir and its limitations in times of drought. He quoted Mayor Lila Cockrell from 1974 as saying that the Applewhite would not be necessary even if we pumped water to San Antonio from the Cibolo Reservoir. Mr. Wurz stated he feels the Applewhite has always been unnecessary.

KAY TURNER

Ms. Kay Turner, 7535 North New Braunfels, expressed a desire for the City to continue with the lawsuit, apply for a variance, and look into recharge, bringing in geologists and hydrologists with their expertise.

CAROL PATTERSON

Ms. Carol Patterson, 410 Larkwood, spoke of the benefits of working together, and the power of bringing factions together. She stated the Water committee is significant, however, that the 1988 Water Plan should not be resurrected.

* * * *

Mayor Wolff stated that this issue is not a debate, and that the city does not plan to build the Applewhite Reservoir; however, the city must keep permits viable.

Ms. Vera stated that she was a proponent for the Applewhite project and the majority of the voters supported it in her District; however, she stated she changed her vote to go along with the wishes of the whole City, but still feels we must hold on to the permit, as she is concerned with regulations and requirements of surface water.

(Mayor Wolff left the Chambers and Mr. Larson sat in as Mayor Pro Tem.)

(Mayor Wolff returned and presided)

Ms. Vera stated the agreement leaves it as an open issue, stating that if the City Council acts on a project, it can no longer be challenged after a certain length of time. She then stated that Section 9-C must clearly state this issue remain open. These safeguards will allow Ms. Vera to support the Ordinance.

Dr. Thornton stated that he supports the Ordinance. He then complemented the Mayor on creating the Water Commission. He stated Applewhite was carried by 1100 votes in District 8, but that the wording was detrimental to understanding and, therefore, passing. He stated he wants to end the lawsuit, stating the city needs to move forward.

Mr. Labatt stated that people elect representatives and that they must be represented by City Council members. He stated that the most important issue is Item 9-C, reciting whether an election after the fact can cause abandonment of a project after it has been authorized by the City Council and remains an open issue. Mr. Labatt then stated he will vote in favor of the Ordinance.

Mr. Perez stated that he will not vote to build the Applewhite without going back to the voters. Now, however, the city needs to focus on a Regional Water Plan.

Mr. Larson stated he is against the Ordinance and that the project is too shallow. Therefore, he will not support Applewhite now or in the future. He stated that both his District and the City had voted this down.

Mr. Solis stated he will vote for the Ordinance, as citizens will have the opportunity to come back and vote.

Ms. Ayala stated this had been an issue for many years, and that the southside has bad water lines; and she, therefore, wants to protect permits. She stated she will vote for Ordinance.

Mr. Pierce voted against the Ordinance, stating the voters have spoken. Delays are due to \$4 million dollars in legal fees stopped.

Mr. Wing stated he would vote for the Ordinance. He clarified that the City has less than sixty days to come up with a water plan.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Wing, Solis, Ayala, Vera, Thornton, Labatt, Wolff; NAYS: Pierce, Larson; ABSENT: Billa Burke.

- - -
92-21 The Clerk read the following Ordinance:

AN ORDINANCE 75,804

DIRECTING THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES TO PROCEED WITH THE COMPLETION OF EMINENT DOMAIN PROCEEDINGS WHICH WERE PENDING MAY 4, 1991, IN CONNECTION WITH THE APPLEWHITE WATER SUPPLY PROJECT, AND REAFFIRMING THE DETERMINATION OF NECESSITY FOR THE ACQUISITION OF CERTAIN PROPERTY IN COUNTY BLOCKS 4188, 4189, 4297, AND 4013, IN SOUTHWEST BEXAR COUNTY IN ORDER TO PROVIDE AN AREA FOR WATER RETENTION, WATER STORAGE AND RESOURCES FOR AUGMENTATION PURPOSES FOR THE CITY OF SAN ANTONIO.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Wing, Solis, Ayala, Vera, Thornton, Labatt, Wolff; NAYS: Pierce, Larson; ABSENT: Billa Burke.

The following persons were then called to speak:

Mr. Phillip Ross, 9331 Cerro Verde Dr., spoke to the violation of the Open Meetings Act. He stated that the law would show that the city is abandoning Applewhite; therefore, there is no need to acquire land that belongs to the people.

Ms. Kay Turner, 7535 N. New Braunfels, questioned the need for more land.

Mr. Tom Culbertson, 511 Westwood, stated he considered himself an expert and that we are reaping the benefits.

Ms. Carol Patterson, 410 Larkwood, spoke to the 1953-54 findings that supplemental water supplies for San Antonio are necessary. She then spoke to the Texas Water Commission Plan for the Edwards Aquifer, which she considered legally questionable.

* * * *

At this point Mr. Labatt made a motion to reconsider Item 54. Mr. Solis seconded the motion.

After consideration, the motion, to reconsider Item 54, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Ayala, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke.

In response to a question by Dr. Thornton, Mr. Lloyd Garza, City Attorney, explained that 26 acres were picked up first, with seven parcels left that are not acquired (150 acres). He stated that the city is not acquiring any more tracts.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Wing, Solis, Ayala, Vera, Thornton, Labatt, Wolff; NAYS: Pierce, Larson; ABSENT: Billa Burke.

- - -
92-21 The Clerk read the following Resolution:

A RESOLUTION NO. 92-21-17 .

.
AUTHORIZING THE CITY ATTORNEY TO TAKE ALL ACTION
NECESSARY, INCLUDING THE FILING OF LITIGATION, TO .

PROTECT THE CITY OF SAN ANTONIO'S RIGHT TO WITHDRAW
WATER FROM THE EDWARDS AQUIFER TO SUPPLY WATER TO
ITS CITIZENS AND CUSTOMERS.

* * * *

Mr. Wing made a motion to approve the proposed Resolution.
Mr. Solis seconded the motion.

Mr. Lloyd Garza, City Attorney, explained details of the Resolution, which will authorize the City Manager to direct the City Attorney and the City's outside attorneys to file suit to review and challenge the Texas Water Commission emergency rules issued April 15, 1992, and take necessary steps to oppose the "underground river" theory.

The following citizens spoke:

Mr. Phillip Ross, Attorney representing several clients, expressed concern with pumping regulations and drought, stating that a variance by the Secretary of Interior is needed.

Ms. Danielle Milam, League of Women Voters, stated they support City Council in this issue.

Mr. Karl Wurz, 820 Florida, spoke of flood control tunnel and expressed support for the Resolution.

Ms. Kay Turner, 7535 N. New Braunfels, stated that Mr. Ron Pucek has a temporary permit to pump water at the Catfish Farm and stated the city has a constitutional right to water. A copy of her statement is on file with the papers of this meeting.

Mayor Wolff questioned Ms. Turner about lobbying for the Catfish Farm.

Ms. Carol Patterson, 410 Larkwood spoke in favor of the Resolution.

Mr. Garza stated the Attorney's Office had already filed for a variance, further explaining the city is filing suit seperately rather than answering their suit, which was filed in Travis County by Guadalupe Blanco River Authority.

In response to a question by Mr. Larson regarding filing an injunction, Mr. Garza explained that since Mayor and Council are in discussion with Mr. John Hall, an injunction would impead progress at this time. However, Mr. Garza assured Mr. Larson this would be an option at a later date, if necessary.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Ayala, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke, Vera.

92-21 The Clerk read the following Ordinance:

AN ORDINANCE 75,805

AMENDING ORDINANCE 75647 PASSED APRIL 16, 1992, SO AS TO CHANGE THE EFFECTIVE DATE OF THE APPOINTMENT OF CLIFF MORTON AS CHAIRMAN OF THE SAN ANTONIO WATER SYSTEM BOARD FROM JUNE 1, 1992, TO MAY 19, 1992; AND DECLARING AN EMERGENCY.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Solis, Ayala, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke, Vera.

92-21

CITIZENS TO BE HEARD

DOLORES NOLAN

Ms. Dolores Nolan, Pre-engineering Program (PREP) asked the City to make up the monies caused by the loss of some of their grants. She stated that the monies available are for only 1,000 students and PREP needs \$200,000 now.

Mayor Wolff informed Ms. Nolan that the City had increased funding for the PREP this year.

Mayor Wolff stated that the City is working with City Public Service is trying to serve additional funding.

Mr. Wing suggested that schools provide teachers to volunteer for program to defray costs.

Ms. Nolan stated that Dr. Berriozabala will be grateful for any assistance.

* * * *

BROOKS WHITE

Mr. Brooks White, 9311 San Pedro, presented Mayor Wolff with a tee shirt with the logo, "Don't Mess With Our Water Texas"

* * * *

DON WILKINS CASTILLO

Mr. Don Wilkins Castillo, 1010 N. Erin St., #513, spoke of the Applewhite Issue having gone too far, and he feels that the people have been misled.

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92-21 There being no further business to come before the Council, the meeting was adjourned at 7:49 P.M.

A P P R O V E D

Nelson W. Wolff
M A Y O R

Attest: *Norma S. Rodriguez*
C I T Y C L E R K

