

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO,
HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING,
THURSDAY, DECEMBER 19, 1996.**

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96-50 The City Council convened in an informal "B" Session at 10:00 a.m., Municipal Plaza Building, "B" Room, to consider the following items(s):

A. Staff Presentation of Code Compliance 'Dangerous Buildings' Code Revisions - Council moved that the staff recommendations be forwarded to "A" Session and that a public hearing be held before the Council formally considers these revisions at an "A" Session, with a minimum of one week delay between the public hearing and the official Council action.

B. Quarterly Update of the Convention Center Expansion Project - Council moved that staff (a) conduct a thorough operational review of the Central Plant System, (b) engage necessary consultants to assist in a thorough evaluation of 'ownership by the city', (c) determine the most appropriate location for a thermal storage facility, (d) Initiate an RFQ process for the design of a thermal storage facility, (e) proceed with payment to KMW for design services rendered to date on the new Central Plant, (f) proceed with payment to BIH for construction management services related to the termal utilities. Once staff has presented the ownership issues to City Council, staff will recommend a process/schedule to proceed with private management of the Central Plant System.

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

"B" Session adjourned at 11:45 A.M.

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96-50 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, Solis, Herrera, Ross, Marbut, Peak, Webster and Thornton. **Absent:** None.

96-50 Invocation - Rev. Herman Price, Jr., St. John's Missionary Baptist Church.

96-50 Pledge of Allegiance to the flag of the United States.

December 19, 1996

96-50

bgg

1

JERRY E. MARSHALL

Mayor Thornton stated that Mr. Jerry E. Marshall had retired December 14, 1996 as Executive Director of the Bexar Metro 9-1-1 Network, and had been invited to Council meeting today to be recognized for his accomplishments and to officially thank him on behalf of the citizens of San Antonio. He noted that accompanying Mr. Marshall today are Mr. Jimmy Hasslocher, Board President of the Bexar Metro 9-1-1 System, and Mr. Bill Buchholtz, the new Executive Director.

Mr. Hasslocher spoke to a brief history of the Bexar Metro 9-1-1 System.

Mayor Thornton then read a Certification of Appreciation and presented it to Mr. Marshall, who in turn spoke to his work with the system.

Mr. Buchholtz addressed plans for the system's future.

Members of the Council thanked Mr. Marshall and Mr. Hasslocher for their years of service to the system.

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MAYOR PRO TEM FLORES

City Clerk Norma S. Rodriguez administered the Oath of Office to incoming Mayor Pro Tem Roger Flores II and congratulated him.

Mayor Thornton thanked Mr. Herrera for his service as outgoing Mayor Pro Tem.

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HOLIDAY GIFTS

Mayor Thornton spoke to the holiday season and noted that, this year, he and his wife, Carolyn, have donated funds to some 15 community organizations who work with the needs of the people, in the names of the City Council members and key City staff.

City Council members individually thanked the Mayor and his wife for their thoughtfulness, and identified the community organizations involved.

December 19, 1996

96-50

bgg

2

Mr. Ross stated that he and his wife have donated funds to the Jefferson Area CoOp to purchase fruit baskets for the elderly of that segment of the community, in the names of the City Council members and key City staff.

Council members and the Mayor thanked Mr. Ross and his wife for their gesture.

Mayor Thornton spoke to San Antonio's low level of unemployment this year, and spoke to the need to think of others in these times of federal funding cutbacks.

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96-50 CONSENT AGENDA

Mr. Flores made a motion to approve Agenda Items 7 through 46d, constituting the Consent Agenda, with Items 17 and 23 having earlier been removed from consideration by the City Manager, and Items 18, 25, 26, 31 and 42 having been pulled for individual consideration. Ms. Lott seconded the motion.

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

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AN ORDINANCE 85315

ACCEPTING THE LOW, QUALIFIED BID OF THE GRAPHIC SHOP TO PROVIDE THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH THE PRINTING OF A FLIGHT GUIDE BROCHURE AND NEWSLETTER FOR A TOTAL OF \$38,284.00. (MBE)

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AN ORDINANCE 85316

ACCEPTING THE LOW BID OF LOWEN COLOR GRAPHICS TO PROVIDE THE

December 19, 1996

96-50

bgg

3

CITY OF SAN ANTONIO POLICE DEPARTMENT WITH LOGO MARKINGS FOR POLICE VEHICLES FOR A TOTAL OF \$22,317.00.

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AN ORDINANCE 85317

ACCEPTING THE LOW, QUALIFIED BID OF INTERSTATE BATTERY SYSTEM OF ALAMO CITY TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH AUTOMOTIVE BATTERIES FOR EMS MODULAR AMBULANCES ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF APPROXIMATELY \$35,000.00 ANNUALLY.

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AN ORDINANCE 85318

ACCEPTING THE LOW, QUALIFIED BID OF AMBU, INC. TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH DISPOSABLE RESUSCITATORS ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF APPROXIMATELY \$16,000.00 ANNUALLY.

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AN ORDINANCE 85319

RENEWING THE CONTRACT OF KENNEDY ASSOCIATES TO PROVIDE THE CITY OF SAN ANTONIO WITH TRUNKING RADIOS AND ACCESSORIES FOR USE IN NON-PUBLIC SAFETY APPLICATIONS FOR A TOTAL OF APPROXIMATELY \$20,000.00 ANNUALLY.

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AN ORDINANCE 85320

EXERCISING AN OPTION TO EXTEND THE CONTRACT OF FIESTA DATA SYSTEMS, INC. TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT WITH COMPUTER HARDWARE AND SOFTWARE

December 19, 1996

96-50

bgg

4

INSTALLATION FOR A TOTAL OF APPROXIMATELY \$75,000.00 ANNUALLY.
(MBE)

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AN ORDINANCE 85321

ACCEPTING THE LOW PROPOSALS OF COMMONWEALTH COMPUTER COMPANY, COMPUTER SOLUTIONS, AND IPI GRAMMTECH, INC. TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT WITH MICROCOMPUTER SOFTWARE FOR A TOTAL OF APPROXIMATELY \$40,000.00 ANNUALLY. (MBE/WBE)

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AN ORDINANCE 85322

ACCEPTING THE LOW PROPOSALS OF COMMONWEALTH COMPUTER COMPANY, COMPUTER SOLUTIONS, IPI GRAMMTECH, INC. AND VIA TECHNOLOGY TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT WITH MICROCOMPUTER HARDWARE FOR A TOTAL OF APPROXIMATELY \$2,000,000.00 ANNUALLY. (MBE/WBE)

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AN ORDINANCE 85323

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH SLAY ENGINEERING COMPANY, INC. BY AUTHORIZING ADDITIONAL 1987 GENERAL OBLIGATION BOND FUNDS IN THE AMOUNT OF \$44,000.00 FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE FREDERICKSBURG ROAD, PHASE II - SANDOVAL - WOODLAWN PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE 67625 DATED AUG.4, 1988)

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December 19, 1996

96-50

bgg

5

AN ORDINANCE 85324

SELECTING PAPE-DAWSON CONSULTING ENGINEERS, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE BABCOCK ROAD: DEZAVALA ROAD - HAUSMAN ROAD PROJECT; AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES CONTRACT FOR AN AMOUNT NOT TO EXCEED \$277,147.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 85325

AMENDING ORDINANCE NOS. 64717, PASSED ON MARCH 12, 1987 AND 70037, PASSED ON AUGUST 17, 1989 AND DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF GAS AND ELECTRICAL TRANSMISSION AND DISTRIBUTION LINES EASEMENTS OVER, ACROSS, UPON AND UNDER CERTAIN PRIVATELY OWNED REAL PROPERTY AND CERTAIN FEE PROPERTY FOR AN ELECTRICAL TRANSFORMER SUBSTATION LOCATED IN THE FOLLOWING AREAS OF BEXAR COUNTY AND COMAL COUNTY, TEXAS: BEXAR: JAMES HAMILTON SURVEY A-344 (COUNTY BLOCK 4915); BEATY, SEALE AND FORWOOD SURVEY A-113 (COUNTY BLOCK 4926); F. VALDEZ SURVEY A-786 (COUNTY BLOCK 4913) AND A-787 (COUNTY BLOCK 4908); E.F. MOORE SURVEY A-512 (COUNTY BLOCK 4914); E. MARTIN SURVEY A-524 (COUNTY BLOCK 4909); CEREACE CONTIS SURVEY A-158 (COUNTY BLOCK 4912); WM. BRISBIN SURVEY A-54 (COUNTY BLOCK 4900); ROMPEL, KOCH AND VOGES SURVEY A-1020 (COUNTY BLOCK 4901); W.W. ALLEN SURVEY A-34 (COUNTY BLOCK 4866); C. VOGES AND F. KOCH SURVEY A-984 (COUNTY BLOCK 4872); E. GONZALES SURVEY A-288 (COUNTY BLOCK 4902); HERMAN J. HUPPERTZ SURVEY A-934 (COUNTY BLOCK 4865); ADAMS, BEATY & MOULTON SURVEY A-38 (COUNTY BLOCK 4930); RUDOLPH FROEBEL SURVEY A-927 (COUNTY BLOCK 4934); L.C. GROTHAUS SURVEY A-932 (COUNTY BLOCK 4931); COMANCHE CREEK IRRIGATION C. SURVEY A-175 (COUNTY BLOCK 4932) AND A-176 (COUNTY BLOCK 4833); NATHANIEL LEWIS SURVEY A-425 (COUNTY BLOCK 4829); COMAL: JAMES HAMILTON SURVEY A-267; PHILIP HANKAMMER SURVEY A-243; JOSEPH THOMPSON SURVEY A-613; H.W. BOEHM SURVEY A-91. FOR THE PUBLIC PURPOSE OF THE CONSTRUCTION OPERATION AND MAINTENANCE OF: (1) THE NORTH LOOP GAS TRANSMISSION AND DISTRIBUTION LINES BETWEEN THE

December 19, 1996

96-50

bgg

6

NORTHGATE 24 INCH GAS TRANSMISSION PIPELINE LOCATED ON BLANCO ROAD (FM 2696) AND SAN PEDRO AVENUE (US 281) FOR THE CITY OF SAN ANTONIO GAS SYSTEM AND (2) THE STONE GATE ELECTRICAL TRANSFORMER SUBSTATION LOCATED ON THE WEST RIGHT OF WAY LINE OF HIGHWAY 281 IN BEXAR COUNTY AND (3) THE OUTER LOOP ELECTRICAL TRANSMISSION AND DISTRIBUTION LINES BETWEEN THE GREEN MOUNTAIN ELECTRICAL SUBSTATION LOCATED IN COMAL COUNTY AND THE HILL COUNTRY ELECTRICAL SUBSTATION LOCATED IN BEXAR COUNTY FOR THE CITY OF SAN ANTONIO ELECTRIC SYSTEM; AUTHORIZING ALL APPROPRIATE ACTION OF THE CITY PUBLIC SERVICE BOARD OF SAN ANTONIO IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE ANY SUCH NEEDED EASEMENTS, FEE PROPERTY AND RELATED RIGHTS OF INGRESS AND EGRESS THAT CANNOT BE ACQUIRED THROUGH NEGOTIATION; RATIFYING AND AFFIRMING ALL ACTS AND PROCEEDINGS HERETOFORE DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE CITY PUBLIC SERVICE BOARD TO ACQUIRE SUCH EASEMENTS AND FEE PROPERTY; AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY AND INCIDENTAL TO SUCH ACQUISITIONS OR EMINENT DOMAIN PROCEEDINGS TO SURVEY, SPECIFY, DEFINE AND SECURE THE NECESSARY EASEMENT AND FEE PROPERTY RIGHTS; DECLARING THE SECTIONS OF THE ORDINANCE TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION OF THIS ORDINANCE IS DETERMINED TO BE INVALID.

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AN ORDINANCE 85326

AUTHORIZING A PURCHASE CONTRACT WITH EARLE LEONARD FOR THE ACQUISITION OF APPROXIMATELY 31.8 ACRES OF LAND LOCATED ALONG LORENCE CREEK EAST OF HENDERSON PASS IN PARTS OF NCB 13833, NCB 13834, AND NCB 17679, FOR USE IN THE DEVELOPMENT OF PARKLAND IN CITY COUNCIL DISTRICT 9; ESTABLISHING A 1994 PARKS GENERAL OBLIGATIONS BOND PROJECT BUDGET AND TRANSFERRING FUNDS; AUTHORIZING UP TO \$95,000.00 FOR LAND ACQUISITION; AUTHORIZING \$10,000.00 FOR PARK DEVELOPMENT IN CONNECTION WITH THIS PROJECT; AND PROVIDING FOR PAYMENT.

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December 19, 1996

96-50

bgg

7

AN ORDINANCE 85327

AUTHORIZING THE EXECUTION OF A TWELVE-MONTH LEASE RENEWAL AGREEMENT FOR 2,102 SQUARE FEET OF SPACE IN SUITE 326 OF THE AVANTE PLAZA BUILDING LOCATED AT 401 W. COMMERCE WITH THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES (LESSOR) FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) TO HOUSE THE OCCUPATIONAL HEALTH ACTIVITIES OF THE CITY OF SAN ANTONIO AT A MONTHLY COST OF \$2,240.30; APPROPRIATING FUNDS AND APPROVING PAYMENTS TO THE LESSOR IN CONNECTION THEREWITH.

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AN ORDINANCE 85328

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,157.00 TO STEWART TITLE COMPANY FOR TITLE SERVICES IN CONNECTION WITH THE WURZBACH PARKWAY PROJECT AND STONE OAK FIRE STATION SITE; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 85329

DECLARING THE REMAINING NORTHEAST PORTION OF LOT 16, BLOCK 141, NEW CITY BLOCK 8822, LOCATED ON THE NORTHEAST CORNER OF GARDINA STREET AND I.H. 10 WEST, AS SURPLUS TO THE NEEDS OF THE CITY; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR DEED WITH MARTHA ZEPEDA, A SINGLE WOMAN, AND THE ABUTTING OWNER, TO PURCHASE THIS PROPERTY THROUGH A PAYMENT PLAN FOR A CONSIDERATION OF \$2,210.00; AND AUTHORIZING EXECUTION OF A QUITCLAIM BY SAID CITY MANAGER ONCE THE PURCHASE PRICE HAS BEEN PAID IN FULL.

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December 19, 1996

96-50

bgg

8

AN ORDINANCE 85330

ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$5,000.00 FROM THE SAN ANTONIO CONSERVATION SOCIETY TO ASSIST WITH THE RESTORATION AND PRESERVATION OF HISTORICAL AND ARCHIVAL CITY DOCUMENTS; CREATING A NEW REVENUE INDEX CODE; AND AMENDING THE GENERAL FUND BUDGET.(AMENDS ORDINANCE 84788 DATED SEPT. 19, 1996)

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AN ORDINANCE 85331

AMENDING ORDINANCE NOS. 84277, 84278, 82414 AND 83891 BY AMENDING FUNDING OF JOB TRAINING PARTNERSHIP ACT PROGRAMS FOR THE PROGRAM YEAR 1995 PLANS FOR TITLE IIB (SUMMER YOUTH PROGRAM) BY REDUCING FUNDING BY \$334,523.00, TITLE IIC (YEAR ROUND YOUTH PROGRAM) BY INCREASING FUNDING BY \$330,000.00 AND TITLE III (DISLOCATED WORKER PROGRAM) BY REDUCING FUNDING BY \$147,797.00; AND FOR THE PROGRAM YEAR 1996 PLANS FOR TITLE IIA (ADULT PROGRAM) BY INCREASING FUNDING BY \$212,139.00 AND IIC (YEAR ROUND YOUTH PROGRAM) BY INCREASING FUNDING BY \$365,070.00; AND AUTHORIZING THE MAYOR, AS THE CHIEF ELECTED OFFICIAL FOR THE CITY OF SAN ANTONIO, TO SIGN SAID PLAN AMENDMENTS.

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AN ORDINANCE 85332

AMENDING ORDINANCE NO. 84996, WHICH ADOPTED THE STATE CRIMINAL JUSTICE DIVISION FUNDED PROJECTS FOR FY 96-97, BY RESCINDING \$112,290.00 OF THE GRANT AWARD ALLOCATED FOR THE RESPONSIBLE ADOLESCENT PARENTING PROGRAM.

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December 19, 1996

96-50

bgg

9

AN ORDINANCE 85333

AUTHORIZING THE CONTINUATION OF THE CONTRACT WITH TRANSAMERICA OCCIDENTAL LIFE INSURANCE COMPANY FOR GROUP TERM LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT, AND ADDITIONAL LIFE INSURANCE COVERAGE FOR AN ADDITIONAL ONE (1) YEAR PERIOD BEGINNING JANUARY 1, 1997 THROUGH DECEMBER 31, 1997 IN AN AMOUNT OF \$457,460.00.

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AN ORDINANCE 85334

AUTHORIZING THE CONTINUATION OF THE CONTRACT WITH UNITED DENTAL CARE OF TEXAS, INC. FOR DENTAL MAINTENANCE ORGANIZATION (DHMO) SERVICES FOR AN ADDITIONAL ONE (1) YEAR PERIOD BEGINNING JANUARY 1, 1997 THROUGH DECEMBER 31, 1997 IN AN AMOUNT OF \$407,271.00.

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AN ORDINANCE 85335

AUTHORIZING THE CONTINUATION OF THE CONTRACT WITH SOUTHWEST VISION SERVICE PLAN (VSP) TO PROVIDE VISION CARE SERVICES FOR ACTIVE CIVILIAN EMPLOYEES FOR AN ADDITIONAL ONE (1) YEAR PERIOD BEGINNING JANUARY 1, 1997 THROUGH DECEMBER 31, 1997 IN AN AMOUNT OF \$305,060.00.

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AN ORDINANCE 85336

AUTHORIZING THE ACCEPTANCE OF ONE (1) DIAMONDBACK ZETEC 19" YELLOW COLOR BICYCLE VALUED AT \$720.00 DONATED BY MR. TOMMY DAVIS, PRESIDENT AND THE MEMBERS OF THE HIGHLAND HILLS

December 19, 1996

96-50

bgg

10

NEIGHBORHOOD ASSOCIATION FOR USE BY THE SAN ANTONIO FEAR FREE ENVIRONMENT OFFICERS.

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AN ORDINANCE 85337

AUTHORIZING THE ACCEPTANCE OF ONE (1) DIAMONDBACK MOUNTAIN YELLOW COLOR BICYCLE VALUED AT \$750.00 DONATED BY MR. T. SHAWN SULLIVAN, OPERATIONS DIRECTOR OF SOUTH PARK MALL FOR USE BY THE SAN ANTONIO POLICE DEPARTMENT SOUTH SERVICE AREA OFFICERS.

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AN ORDINANCE 85338

AUTHORIZING THE ACCEPTANCE OF \$236,189.00 ALLOCATED FROM THE BEXAR METRO 911 DISTRICT FOR FISCAL YEAR 1996-97 FOR FUNDING OF FIVE TEMPORARY SERVICES POSITIONS, COMMUNICATION EQUIPMENT MAINTENANCE, EQUIPMENT PURCHASES, TRAINING, AND STREET ADDRESSING FOR OUTLYING AREAS OF THE CITY.

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AN ORDINANCE 85339

AUTHORIZING THE APPLICATION AND ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$222,875.00 FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE SOUTH TEXAS HIGH INTENSITY DRUG TRAFFICKING AREA COORDINATOR PROJECT FROM JANUARY 1, 1997 THROUGH DECEMBER 31, 1997

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AN ORDINANCE 85340

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH ARTSMARKET CONSULTING, INC. IN AN AMOUNT NOT TO EXCEED

December 19, 1996
96-50
bgg
11

\$27,000.00 TO CONDUCT AN ARTS IN EDUCATION PLAN; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 85341

SELECTING MGT OF AMERICA, INC. TO PROVIDE PROFESSIONAL SERVICES IN CONNECTION WITH CONDUCTING A BUSINESS AVAILABILITY UPDATE TO AIDE IN DEVELOPING SMWBA CONTRACTING GOALS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT FOR AN AMOUNT NOT TO EXCEED \$29,630.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 85342

ADOPTING THE 1994 EDITIONS OF THE UNIFORM BUILDING CODE AND THE 1994 UNIFORM FIRE CODE ALONG WITH LOCAL AMENDMENTS.

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AN ORDINANCE 85343

ADOPTING THE 1994 UNIFORM MECHANICAL CODE ALONG WITH LOCAL AMENDMENTS.

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AN ORDINANCE 85344

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO FOR EMERGENCY MEDICAL TECHNICIAN (EMT) TRAINING AND EMS MEDICAL DIRECTOR SERVICES FOR A TWO (2) YEAR TERM BEGINNING JANUARY 1, 1997 THROUGH DECEMBER 31, 1998 AT AN ANNUAL COST OF \$979,703.00 FOR EACH YEAR.

December 19, 1996

96-50

bgg

12

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AN ORDINANCE 85345

AUTHORIZING THE EXECUTION OF A RENEWAL OPTION ON THE CURRENT AGREEMENTS WITH THE FIRMS OF ARTER & HADDEN AND AKIN, GUMP, STRAUSS, HAUER & FELD, LLP. FOR FEDERAL REPRESENTATION IN WASHINGTON, D.C. FOR A TERM BEGINNING JANUARY 1, 1997 THROUGH DECEMBER 31, 1997 WITH AN AMOUNT OF \$96,000.00 PAYABLE TO EACH FIRM FOR SAID PERIOD.

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AN ORDINANCE 85346

APPROVING A RUN/WALK PERMIT IN CONNECTION WITH THE HAPPY HOLIDAY 5K RUN FROM 9:00 A.M. UNTIL 11:30 A.M., SATURDAY, DECEMBER 28, 1996; AND AUTHORIZING THE TEMPORARY CLOSURE OF ONE LANE OF THE FOLLOWING STREETS FOR SAID EVENT: WHITE FAWN FROM 15403 WHITE FAWN TO HIGH MOUNTAIN, HIGH MOUNTAIN FROM WHITE FAWN TO DOE LANE, DOE LANE FROM HIGH MOUNTAIN TO WILD EAGLE, WILD EAGLE, WILD EAGLE TO SHADY HOLLOW, SHADY HOLLOW FROM FOX TO DOE LANE, DOE LANE FROM SHADY HOLLOW TO HIGH MOUNTAIN, HIGH MOUNTAIN FROM DOE LANE TO WHITE FAWN, WHITE FAWN TO END AT 15403 WHITE FAWN.

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AN ORDINANCE 85347

APPOINTING JOE C. MEDELLIN (DISTRICT 6) TO THE HIGHER EDUCATION AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 1998.

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AN ORDINANCE 85348

December 19, 1996
96-50
bgg
13

APPOINTING ELIZABETH M. KERLEY (DISTRICT 10) TO THE HOUSING TRUST FUND BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON MAY 30, 1998.

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AN ORDINANCE 85349

APPOINTING SYLVIA SCHMIDT (DISTRICT 10) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 15, 1998.

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AN ORDINANCE 85350

APPOINTING PATRICIA FERNANDEZ (DISTRICT 6) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 15, 1998.

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96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85351

AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$35,000.00 FOR CONSTRUCTION AND EQUIPMENT STARTUP COSTS RELATED TO THE WESTOVER HILLS TEMPORARY FIRE STATION PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

Fire Chief Robert Ojeda explained the proposed ordinance.

December 19, 1996

96-50

bgg

14

The following citizens appeared to speak:

Mr. Ruben Espronceda, representing Save Our Stations, agreed that fire services are needed in Westover Hills but not at the expense of the inner-city's fire services. He spoke to his perception of community fears that Fire Station 13 will be closed permanently and addressed the 'informational picketing' underway outside that station. He then addressed several demands, including provision of temporary quarters for the Station 13 firefighters on-site while the building is being renovated, and funding for the new fire services to the newly-annexed areas.

Mr. Antonio Diaz, 1423 McKinley Avenue, stated that the community does not wish to have its fire coverage diminished, and reiterated the demands of the previous speaker. He urged the City to use sales tax 'overages' to pay for keeping Station 13's firefighters on-site during renovation.

Ms. Josie Villareal, representing Citizens Organized For Adequate Fire Protection, also asked that Station 13's firefighters be given temporary on-site quarters during the renovation of the building, and also spoke to the importance of the EMS unit stationed there.

Ms. Rose Paascha, King William District, spoke to the reasons for wanting to keep the Station 13 firefighters there during the renovation, and spoke against diluting fire services to the inner-city.

Mr. Michael F. Rankin, representing the Firefighters Union, 735 West Magnolia Avenue, stated that the community groups all want the firefighters of Station 13 kept on-site at least until after the public hearing January 23, 1997 on the Fire Department Master Plan issue, stating his belief that the City Council needs more research done before taking this recommended action on the agenda today. He then refuted the Fire Chief's claim of an average citywide response time for firefighters of four minutes and 15 seconds.

Mr. Ralph Medina, also representing the union, spoke to his definition of 'the truth' and the need for the Council to base its decisions on fact.

A discussion took place at this time concerning the Five-year Fire Department Master Plan.

In response to a question by Mayor Thornton, Chief Medina stated that as a District Fire Chief, he feels that he has been denied certain information.

In response to another question by Mayor Thornton, Mr. Rolando Bono, Assistant City Manager, noted that Chief Medina was a subcommittee chairman during the drafting of the Fire Department Master Plan.

Mr. John Anderson, representing the Firefighters Union, stated that the union is on record as objecting to the fire plan being presented today, and stated his feeling that someone has been 'lying' in this matter. He stated his desire to have a fair hearing.

December 19, 1996

96-50

bgg

15

Mr. Glenn Stehle asked that no fire plan go forward until after the public hearing on this matter, and he spoke against removing firefighters from the inner-city.

Mr. Faris Hodge, Jr., 140 Dora, spoke to his concern that all citizens did not know the details of the Fire Department Master Plan, including the department's future needs, and he also spoke to the lack of proper addresses on houses. He also expressed concern with the stated response-times, and asked that today's action be held off until after the January 23, 1997 public hearing.

Mr. Herrera noted that funds already have been allocated and needed for this proposed move, and noted that Fire Station 13 is not being shut down, but being rebuilt.

Mr. Ross reiterated that Fire Station 13 is being rehabilitated, not closed, as has been done to other fire stations in the past. He noted that it is dangerous to have employees nearby during removal of asbestos from a building, and spoke to his concern that some may be placing the health of firefighters second, behind perceived needs. He stated his belief that it is not fair to play on people's fears, and that if problems exist, they must be faced. He also stated his belief that this problem cannot be solved by confrontation, and spoke against inter-departmental fighting within the Fire Department.

Mr. Solis voiced his concern with political agendas involved in this matter, but stated his feeling that the neighbors' questions and concerns need to be answered.

In response to a question by Mr. Solis, Chief Ojeda noted that there will be a slight increase in firefighting response-times in this case, something on the order of 35 to 50 seconds.

Chief Ojeda then displayed a video map to explain locations of area fire stations and EMS units, including 'peak period coverage' to this particular area of the city.

Mr. Solis briefly summarized this explanation for benefit of the neighborhood concerned and asked that the City do the same type of explanation to other neighborhoods affected by the Master Plan.

In response to a question by Mr. Avila, Chief Ojeda noted that recent renovation work at Fire Station 21 had that station's firefighters quarterly temporarily in an on-site trailer. He also noted that the temporary shutdown of Fire Station 13 for renovation will result in increased response-times, depending upon the location of the call within that particular area. He contrasted the work on Fire Station 13 with that performed on Station 21, and stated that he has urged the temporary move of Station 13 firefighters off-site for safety reasons and to allow room for work equipment of the contractor to be located there.

In response to a question by Mr. Avila, Mr. Bono noted that firefighters were active in the formulation of the Master Plan, and now are expressing concerns about it at this point.

December 19, 1996

96-50

bgg

16

Chief Ojeda noted that this type of situation will be repeated several more times, as part of the Master Plan.

Ms. Billa Burke spoke to her concern with the agendas involved in this issue and the scare tactics used. She stated her belief that if the firefighters' union president wants more and better equipment, he should come to the City Council with the issue, and that safety is the issue in this case.

Mr. Webster spoke against politicizing this issue and noted that District 10 has but three fire stations, while the area in question today has 12 in an area smaller than the size of District 10. He stated his opinion that it is time to re-direct fire services, as called for in the Master Plan.

Mr. Peak spoke in support for getting more information out to the citizens on this matter.

Ms. Lott addressed her concern with how, and by whom, the people are being led on this issue.

In response to a question by Mr. Herrera, Chief Ojeda spoke to the response times in the Station 13 and Westover Hills areas.

Mayor Thornton summarized the Fire Department Master Plan, and stated that he regrets certain charges made by persons in Fire Department management against the Fire Chief. He stated his belief that if the Master Plan is wrong, it needs to be addressed.

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

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96-50 SAN ANTONIO CONSERVATION SOCIETY GRANT

Mr. Peak noted that one of the Ordinances enacted as part of today's Consent Agenda involved a \$5,000 grant from the San Antonio Conservation Society to help the City restore and reserve its archival records, and he thanked the Society on behalf of the citizens and the City.

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96-50 The Clerk read the following Ordinance:

December 19, 1996

96-50

bgg

17

AN ORDINANCE 85352

SELECTING ERNST AND YOUNG, L.L.P./KENNETH LEVENTHAL REAL ESTATE GROUP TO PROVIDE REAL ESTATE AND FINANCIAL CONSULTATION TO THE CITY IN CONNECTION WITH THE CONVENTION HEADQUARTERS HOTEL PROJECT; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT IN AN AMOUNT NOT TO EXCEED \$50,000.00 IN FEES AND EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

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

96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85353

AMENDING THE ANIMAL CONTROL ORDINANCE NO. 79180, DATED NOVEMBER 18, 1993, CODIFIED IN CITY CODE CHAPTER 5, ENTITLED "ANIMALS AND FOWL" TO: 1) REQUIRE IMPOUNDMENT OF ANIMAL DESIGNATED AS DANGEROUS UNTIL FINAL DETERMINATION; 2) REQUIRE THE VERIFICATION BY A BEXAR COUNTY CLINIC VETERINARIAN THAT HE/SHE HAS BEEN HIRED TO PERFORM THE REQUIRED NEUTERING OR SPRAYING, BEFORE A DANGEROUS ANIMAL IS RELEASED BY THE ANIMAL CONTROL FACILITY; 3) REQUIRE THE HEARING OFFICER OF DANGEROUS ANIMAL APPEALS TO PREPARE A WRITTEN MEMORANDUM OF FINDINGS AND DECISION; 4) CHANGE THE METHOD OF REQUIRED IDENTIFICATION OF A DANGEROUS ANIMAL FROM TATTOOING TO MICROCHIP IMPLANTATION; 5) REQUIRE DOG AND CAT VACCINATION AT THE AGE OF 12 WEEKS TO CONFORM TO NEW STATE LAW; 6) REQUIRE CATS AND DOGS TO BE LICENSED AT TIME OF VACCINATION; 7) SHORTEN THE TIME A DOG OR CAT MAY REMAIN IN THE CITY WITHOUT A LICENSE TO 30 DAYS; 8) AMEND THE DEFINITION OF POULTRY TO INCLUDE TURKEYS, ALL DOMESTIC FOWL, AND ANY FOWL RAISED TO SELL OR EAT; AND 9) AMEND CITY CODE

December 19, 1996

96-50

bgg

18

CHAPTER 5 "ANIMALS & FOWL" TO REFLECT SAID ORDINANCE AMENDMENTS.

* * * *

96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85354

AUTHORIZING THE CONTINUATION OF THE CONTRACTS WITH THE FOLLOWING HEALTH MAINTENANCE ORGANIZATIONS (HMO'S) : HUMANA HEALTH CARE PLANS FOR AN AMOUNT OF \$1,494,856.00, PACIFICARE OF TEXAS, INC., FOR AN AMOUNT OF \$3,149,535.00, PRUDENTIAL HEALTH PLAN, INC., FOR AN AMOUNT OF \$2,534,742.00, AND PCA HEALTH PLANS OF TEXAS, INC., FOR AN AMOUNT OF \$26,890.00, FOR AN ADDITIONAL ONE (1) YEAR PERIOD BEGINNING JANUARY 1, 1997, THROUGH DECEMBER 31, 1997.

* * * *

Mr. Webster 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:** Lott, Avila, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Flores, Billa Burke, Solis.

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

The Clerk read the following Ordinance:

AN ORDINANCE 85355

AMENDING CERTAIN PROVISIONS OF THE SMALL, MINORITY AND WOMEN BUSINESS ADVOCACY (SMWBA) PROGRAM POLICY ADOPTED PURSUANT TO ORDINANCE NO. 77758, DATED APRIL 8, 1993, TO REVISE PROVISIONS RELATING

December 19, 1996

96-50

bgg

19

TO THE LOCAL BUSINESS ENTERPRISE DEFINITION, THE SMALL BUSINESS ENTERPRISE DEFINITION, PERFORMANCE STANDARD PERCENTAGE POINTS, THE PROGRAM NAME AND GOAL-SETTING PROVISIONS. (ALSO AMENDS CHAPTER 16 OF THE CITY CODE)

* * * *

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

Mr. Ross offered an amendment that, in the definition of "Small Business Enterprise", only 50 per cent of the U.S. Small Business Administration (SBA) size standard be applied.

Mr. Ross spoke to the definition of a small business under this SBA standard and stated his belief that it would have an adverse impact upon San Antonio's small businesses.

After consideration, the motion died for lack of a second.

Mr. Ross offered a second amendment to clarify the definition of "local business" as one which is located in Bexar County.

After consideration, the motion died for lack of a second.

Mr. Webster stated that he understands Mr. Ross's concerns, but supports the recommendations as presented by the Small Business Committee.

Mr. Solis spoke to his concerns with what constitutes a true 'small business', those which are marginal in nature. He asked the Small Business Committee to give consideration to these true 'small businesses', and stated that he, too, understands Mr. Ross's concerns in this area.

Discussion took place concerning the difference between gross and net revenues as they apply to small businesses.

Mr. Marbut stated that the committee would look at this matter.

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

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96-50

PLANET HOLLYWOOD SIGN APPEAL

December 19, 1996

96-50

bgg

20

20

Ms. Ann B. McGlone, Historic Preservation Officer, spoke to details of the appeal by Planet Hollywood relative to a sign at 245 East Commerce Street, and noted that City staff recommended approval of the sign.

Mr. Mark Gomez, representing Planet Hollywood, briefly explained his firm's appeal of the ruling by the City's Historic and Design Review Commission.

In response to a question by Mr. Flores, Ms. McGlone stated that the sign in question is similar in size to that allowed for the nearby Hard Rock Cafe, and she spoke in support for the appeal.

In response to a question by Mr. Solis, Mr. Ramon Vasquez, Chairman, Historic and Design Review Commission, stated the commission's stance against more signage along the river, and of the need to get control of these signs and take a careful look at them.

Ms. McGlone explained the reasons for City staff's support for the appeal, noting that Planet Hollywood has agreed to remove another sign.

96-50

The Clerk read the following Ordinance:

AN ORDINANCE 85355-A

RESOLVING AN APPEAL OF THE RECOMMENDATION OF THE HISTORIC AND DESIGN REVIEW COMMISSION REGARDING A SIGN AT 245 E.COMMERCE FOR PLANET HOLLYWOOD.

* * * * *

Mr. Flores 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:** Flores, Lott, Avila, Solis, Herrera, Peak, Webster, **NAYS:** None; **Absent:** Billa Burke, Ross, Marbut, Thornton.

96-50- WATER AND WASTEWATER IMPACT FEES

Mr. Rebecca Q. Cedillo, Vice President, San Antonio Water System, narrated a video presentation on recommendations on the impact fee program update, and noted that a public hearing has been set for February 7, 1997 at 4:00 P.M. A copy of her presentation is made a part of the papers of this meeting.

December 19, 1996

96-50

bgg

21

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

Mr. Raul B. Fernandez, Chairman, Capital Improvements Advisory Committee, asked for City Council approval of the ordinance setting the public hearing.

In response to a question by Mr. Ross, Ms. Cedillo discussed the 300-gallon average daily water usage, the surcharges, and how they apply to various examples of water usage.

The Clerk read the following Ordinance:

AN ORDINANCE 85356

SETTING THE PUBLIC HEARING DATE FOR CONSIDERATION OF THE MAXIMUM IMPACT FEE CALCULATION FOR WATER AND SANITARY SEWER SYSTEMS AND RELATED 1996-2006 CAPITAL IMPROVEMENTS PLAN (CIP)

* * * *

Mr. Ross 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, Avila, Solis, Herrera, Ross, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Marbut.

96-50 The Clerk read the following Resolution:

A RESOLUTION NO. 96-50-59

CONSIDERATION A REQUEST PURSUANT TO SECTIONS 28-220(b) AND 35-315(b) OF THE CITY OF SAN ANTONIO CODE FROM LARRY GOTTSMAN OF UNIQUEST SIGNING SOLUTIONS ON BEHALF OF SEA ISLAND SHRIMP HOUSE TO PLACE A SIGN ON A NEW BUILDING LOCATED AT 4323 AMERISUITES DRIVE, WITHIN THE INTERSTATE HIGHWAY 10/FARM TO MARKET ROAD 1604 URBAN CORRIDOR.

* * * *

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

December 19, 1996

96-50

bgg

22

Mr. Michael Clack, Assistant Director of Building Inspections, explained the proposed Sea Island Shrimp House sign involved, and noted that City staff recommends approval.

Mr. Ross noted that the sign will be located below the roofline level.

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

96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85357

AUTHORIZING PAYMENTS OF REFUNDS TOTALING \$30,353.47 TO PERSONS MAKING A DOUBLE PAYMENT, OVERPAYMENT, OR AS A RESULT OF A VALUE CHANGE ON 13 TAX ACCOUNTS.

* * * *

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

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

96-50 The City Clerk read a proposed ordinance approving an increase in the Paragon Cable Basic Tier Rate, based upon a finding that Paragon's basic tier rate filing is in compliance with applicable Federal Communications Commission Regulations, from \$8.70 per month to \$8.84 per month, to become effective January 1, 1997.

Mr. Ross made a substitute motion to move the consideration of the proposed Ordinance to January 9, 1996. Meeting ,

December 19, 1996

96-50

bgg

23

Mr. Octavio Pena, Director of Internal Review, narrated a video presentation explaining the proposed increase in Paragon Cable's basic tier rate, which is regulated by the City of San Antonio, and spoke to the need for the rate increase.

There was no representative of Paragon Cable present, in response to inquiries of the City Council members.

After discussion, Mr. Ross made a substitute motion to continue this proposed ordinance to the next City Council meeting, set for January 9, 1997. Mr. Solis seconded the motion.

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

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

The proposed rate increase ordinance was continued to January 9, 1997.

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96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85358

ADOPTING THE FISCAL YEAR 1996-97 PUBLIC ART PLAN; APPROPRIATING PROGRAM SUPPORT FUNDS FOR THE PUBLIC ART COMPONENTS OF PHASE I OF THE AIRPORT PARKING EXPANSION PROJECT, PHASE II OF THE CONVENTION CENTER EXPANSION PROJECT, MISSION TRAILS AND VARIOUS PARKS AND BUILDING PROJECTS IN AN AMOUNT OF \$94,030.00.

* * * *

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

Mr. Eduardo Diaz, Director of the Department of Arts & Cultural Affairs, narrated a brief video presentation on the Public Art Plan and its applicability to Phase I of the Airport Parking Expansion Project. A copy of his presentation is made a part of the papers of this meeting. He

December 19, 1996

96-50

bgg

24



noted that the plan requires an annual report to City Council on the matter of public art plans for capital improvements.

Ms. Billa Burke thanked members of her committee for their work on this matter, and noted that some of the funding for public art on capital improvements projects will be going into the renovation of Fire Station 13, discussed earlier in this meeting.

In response to a question by Mr. Ross, Mr. Diaz noted that some of the "one per cent for public art" program was approved for use prior to the actual approval of the total program.

Mr. Webster asked that certain concerns raised earlier be addressed by the Council committee, and also asked City Council members to send letters to the committee, asking that these particular questions be addressed.

In response to a question by Mayor Thornton, Mr. Diaz spoke to citizen participation in selection of capital improvements projects affected by the Public Art Plan.

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

- - -
96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85359

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH BILL FITZGIBBONS IN AN AMOUNT NOT TO EXCEED \$30,000.00 FOR PUBLIC ART DESIGN SERVICES IN CONNECTION WITH PHASE I OF THE AIRPORT PARKING EXPANSION PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

Mr. Eduardo Diaz, Director of the Department of Arts & Cultural Affairs, provided details of the Airport Parking Expansion Project, and the expertise of the selected artist in similar projects.

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

December 19, 1996

96-50

bgg

25

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

96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85360

AUTHORIZING THE TERMINATION OF A CONTRACT WITH CAMBRIAN ENERGY SYSTEMS/NEO AND AUTHORIZING THE CITY MANAGER TO ENTER AN AGREEMENT WITH ECOGAS CORPORATION TO PLAN, DESIGN, CONSTRUCT, AND OPERATE A METHANE RECOVERY AND REUSE FACILITY AT NELSON GARDENS LANDFILL IN ACCORDANCE WITH A LANDFILL GAS LEASE APPROVED BY THE CITY COUNCIL IN 1988 AND AMENDED IN 1995. (AMENDS ORD. 67042 JOF MAY 5, 1988 & ORD. 83367 OF DEC. 21, 1995)

* * * *

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

Mr. John German, Director of Public Works, narrated a video presentation explaining the proposal to terminate one contract and to approve another. A copy of his presentation is made a part of the papers of this meeting.

Mr. Avila spoke in support for the proposal.

In response to a question by Mr. Ross, Mr. German spoke to details of the proposal and its advantages to the City.

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

96-50 The Clerk read the following Ordinance:

December 19, 1996

96-50

bgg

26

AN ORDINANCE 85361

AMENDING THE PROPOSAL SERVICES CONTRACT WITH RAFAEL ALDAVE AND HOHN DOLK-WILLIAMS, FACILITATORS FOR THE MAYOR'S COMMITTEE IN WATER PLAN AND POLICY DEVELOPMENT, BY AUTHORIZING ADDITIONAL SAN ANTONIO WATER SYSTEM FUNDS IN THE AMOUNT OF \$89,003.00 FOR ADDITIONAL SERVICES AND COSTS RELATED TO SUPPORT SERVICES AND COMMITTEE EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. John German, Director of Public Works, explained the proposed ordinance seeking additional funds from San Antonio Water System for the facilitators of the Mayor's Water Committee.

Mr. Ross spoke to the need for the additional funds and read from a prepared statement, a copy of which is made a part of the papers of this meeting.

Mr. Flores spoke in support for the proposed ordinance.

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

It was the concensus of City Council members present to temporarily bypass consideration of Agenda Item 52 at this time.

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96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85362

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF A TWO (2) MONTH EXTENSION WITH A 45-DAY RENEWAL OPTION OF THE EXISTING CONTRACT WITH BEXAR COUNTY TO PROVIDE CRIMINAL

December 19, 1996

96-50

bgg

27

LABORATORY SERVICES TO THE SAN ANTONIO POLICE DEPARTMENT BEGINNING JANUARY 1, 1997 AND ENDING FEBRUARY 28, 1997 WITH A MONTHLY PAYMENT TO BEXAR COUNTY IN THE AMOUNT OF \$36,475.00.

* * * *

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

Ms. Paula Stallcup, Acting Director of Intergovernmental Relations, explained the proposed contract extension with Bexar County.

Mr. Peak, Chairman of the City-County Cooperation Committee, spoke to the difficulty in putting together this contract, and spoke in support for the contract extension.

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

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96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85363

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE BEXAR COUNTY HOSPITAL DISTRICT D/B/A UNIVERSITY HEALTH SYSTEM FOR THE PROVISION OF PUBLIC HEALTH SERVICES TO THE CITIZENS OF UNINCORPORATED BEXAR COUNTY BEGINNING JANUARY 1, 1997 THROUGH DECEMBER 31, 1997 FOR A TOTAL CONTRACT AMOUNT OF \$505,696.00.

* * * *

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

Ms. Paula Stallcup, Acting Director of Intergovernmental Relations, explained the proposed contract with the University Health System.

Mr. Solis spoke to his concern with the decision of the University Health System relative to operations of the downtown Brady-Green Clinic, expressing his concern for the adverse impact of this action on the population. He asked that City Council consider directing staff to prepare a
December 19, 1996

96-50

bgg

28

formal resolution expressing Council's concern for these actions.

Mayor Thornton spoke in agreement with Mr. Solis's request.

Mr. Solis made a motion directing City staff to prepare a resolution expressing City Council's deep concern for actions taken by University Health System relative to the Brady-Green Clinic, and asking representatives of the system to come before City Council to address the matter. Mr. Flores seconded the motion.

Mr. Avila spoke of this matter as a community issue affecting the inner-city.

Mr. Ross stated his belief that the services at Brady-Green Clinic are not being terminated, but merely switching those services to an appointment basis to avoid prolonged waiting problems. He agreed that the System should come before City Council to address this issue.

Mayor Thornton then asked Councilmembers Solis, Avila, Flores and Ross to meet with representatives of University Health System to discuss the proposed resolution.

96-50 The City Clerk read a proposed ordinance authorizing the execution of a Real Estate Purchase Agreement between the City of San Antonio, Rogers Ranch and Vulcan Materials, Inc. to acquire 137 acres of land on Huebner Lane (known as the Vulcan Quarry), 52 acres of land located north of DeZavala Road and west of N.W. Military Hwy. (known as the Rogers Ranch Property); establishing a three-year timeframe for payment and for assuming ownership of the property; appropriating \$1.6 million from 1994 General Obligation Drainage Bonds from the Upper Olmos Creek Drainage Project, \$1.1 million from the Stormwater Fee Reserve Fund, and \$0.4 million from 1994 G.O. Parks Bonds, and authorizing the Director of Public Works to carry out the terms and conditions of the purchase agreement.

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

Mr. John German, Director of Public Works, narrated a video presentation explaining the proposal, a copy of which is made a part of the papers of this meeting.

The following citizens appeared to speak:

Mr. Ray Hamilton, First Vice President, Northside Neighborhoods for Organized Development, spoke to a newspaper article quoting Ms. Danielle Milam, San Antonio Water System board member, as questioning the need for a rush on this issue. He then took issue with the published remarks and spoke to longstanding flooding problems along Upper Olmos Creek and the need for flood control measures. He then spoke to the City's actions in this regard to alleviate flooding, and took note of a 1994 letter from then-Mayor Wolff to San Antonio Water System speaking to the Venefits of this plan and the use of SAWS funds.

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December 19, 1996

96-50

bgg

29

In response to a question by Mr. Marbut, Mr. German spoke to the contingencies written into the purchase agreement and the required studies involved, and the need to provide the City with a way to withdraw from the agreement, if necessary. He spoke of this plan as the cheapest option to control flooding in this area, and that Vulcan has agreed to the agreement terms. He then discussed pollutants and their filtering in the quarry-area catchment basin.

In response to a question by Mr. Peak, Mr. German discussed issues yet to be resolved.

Mr. Ross addressed several concerns, including flood and land values.

In response to a question by Mr. Ross, Mr. German noted that the City thus far has purchase some 26 homes in the floodprone areas of Olmos Creek, while others remain subject to flooding today.

Mr. Ross addressed the need to update land appraisals in the affected area on properties the City is purchasing.

Discussion then ensued concerning residential usage of a portion of the affected area, and how the remainder of the property will be utilized.

Mr. Ross questioned the need to rush into this matter, and asked that it be postponed for 30 days.

Mr. German stated his desire that City staff be given the authority to proceed with negotiations.

Mr. Ross made a substitute motion to authorize City staff to proceed with negotiations with the understanding that the issue will come back to the City Council for a final decision, and that the issue will be reviewed and approved by the board of San Antonio Water System before it comes back to City Council. (During later discussion, it was agreed that the issue will come back to City Council on or about March 30, 1997). Mr. Peak seconded the motion.

In response to a question by Mr. Solis, Mr. Joe Aceves, President, San Antonio Water System, noted that the needed SAWS funds have not yet been approved by his board, but that much of the needed funding is being earmarked from the stormwater fee reserve fund, which the City Council can decide upon for expenditure.

Mr. Solis stated his belief that the City Council needs to set priorities for use of these stormwater fee reserve funds, noting that this proposed usage would take about \$1 million of the top of those funds.

A discussion ensued concerning stormwater recharge into the Edwards Aquifer and its filtration, and the possible impact of Camp Bullis, just north of this area.

December 19, 1996

96-50

bgg

30

Mr. Solis wants the SAWS board to approve this issue prior to it coming back to City Council for action.

Both the maker and seconder of the pending substitute motion agreed to accept Mr. Solis's request as part of the substitute motion.

Mayor Thornton spoke to the chronology of stormwater recharge plans, leading up to today's issue, and noted that environmental concerns have changed since 1991. He stated that this issue cannot disrupt the Camp Bullis military medicine mission.

In response to a question by Mayor Thornton, Mr. Bob Matthews, consultant to Vulcan Materials, Inc., stated his opinion that Vulcan needs the City's decision in order to proceed any further.

Mr. Gene Powell spoke to the need to get a decision on the City's commitment or go forward with another plan for use of this area.

Mr. Ross stated that the City cannot approve a contract without knowing all its details beforehand, perhaps excepting the cost. He stated that he has a strong interest in this agreement, subject to approval of certain issues.

Mr. Powell noted that the estimated cost for Vulcan to move its entire operation from the current quarry to a new quarry site is \$3.1 million.

Discussion ensued concerning a possible 60-90-day timeframe for negotiations and approval by the Texas Natural Resources Conservation Commission.

Mr. Matthews stated that Vulcan can handle a 60-90-day timeframe, but spoke to his hope for an initial agreement today, stating his fear for the culmination of the project with a lengthy delay.

Mr. Marbut spoke to his concerns with a lengthy delay and his expectation of what could happen with the quarry in the interim. He spoke to his fears for possible new flooding and perhaps loss of life.

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

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

December 19, 1996

96-50

bgg

31

96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85364

AUTHORIZING A CONTRACT WITH THE FREE TRADE ALLIANCE SAN ANTONIO IN THE AMOUNT OF \$150,000.00 FOR THE PURPOSE OF MAKING SAN ANTONIO THE CENTER OF TRADE FOR THE AMERICAS; AND AUTHORIZING PAYMENT.

* * * *

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

Ms. Elizabeth Costello, Director of International Relations, narrated a video presentation on a history of the Free Trade Alliance San Antonio, a copy of which is made a part of the papers of this meeting. She then spoke to the goals and achievements of the Alliance.

Mr. Jose Martinez, representing the Alliance, addressed a brief history of the organization.

Mayor Thornton spoke to the important of the 'inland port' at Columbus, Ohio, a city also hard-hit by a military base closure some years ago. He called this an opportunity for San Antonio to do likewise.

In response to a question by Ms. Lott, Ms. Costello spoke to the roles of the various Alliance partners.

Mr. Rolando Bono, Assistant City Manager, stated that each Alliance partner contributes \$75,000, and the City of San Antonio contributes \$150,000.

Ms. Costello noted that all local Chambers of Commerce are players in the Alliance.

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

December 19, 1996

96-50

bgg

32

96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85365

AUTHORIZING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH KELL MUNOZ WIGODSKY, INC., FOR THE CONVENTION CENTER EXPANSION PROJECT; AUTHORIZING AND RATIFYING ADDITIONAL DESIGN SERVICES FOR THE PROJECT; AND APPROPRIATING FUNDS IN AN AMOUNT NOT TO EXCEED \$1,924,196.00 FOR SAID AMENDMENT AND ADDITIONAL SERVICES (AMENDS ORD'S 78835 - 09/30/93; 80551-07/28/94; 80974-10/13/94; AND 81540 - 01/26/95)

* * * *

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

Ms. Jelynn Burley, Director, Convention Center Expansion Office, narrated a video presentation explaining the needed amendment and providing an update on the project. A copy of her presentation is made a part of the papers of this meeting.

The following citizens appeared to speak:

Mr. Ruben Espronceda, representing Save Our Stations, spoke to his concerns with the possible closure of Fire Station 13 and earlier City Council comments on the subject. He questioned the Fire Department Master Plan, and stated his belief that funds can always be found to upgrade the Police Department, but not so the Fire Department, in his opinion. He noted that the City can upgrade its Convention Center, but not the Fire Department, and he questioned the use of hotel/motel tax funds to pay for the expansion, while at the same time cutting Fire Department expenditures and diluting its services.

* * * *

Mr. Ross status his belief that the contractual obligation to the architect in this was 15 per cent of the total cost.

December 19, 1996

96-50

bgg

33

In response to a question by Mr. Ross, Ms. Burley addressed the architectural design costs for the International Center and the Convention Center Expansion Project, both, noting that the fees are based on construction costs.

Ms. Rebecca Waldman, Assistant to the City Manager, noted that the International Center is only one part of the \$772,617 architectural design services costs.

Mr. Ross stated that he cannot vote in favor of this proposed ordinance until he knows the costs compared to the original contract, he also spoke to his concerns with a lack of backup documents.

Ms. Burley noted that Mr. Ross is concerned with the costs for the International Center, and she will get that information for him.

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

Mayor Thornton asked the City staff to provide Mr. Ross with the appropriate figures.

Inasmuch as Agenda Item 65 is somewhat related to this issue, it was the concensus of City Council members present to undertake consideration of that Agenda Item at this time.

96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85366

AUTHORIZING AND RATIFYING ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES PERFORMED BY BARTLETT COCKE-HARDIN FOR THE CONVENTION CENTER EXPANSION PROJECT; AND APPROVING FUNDS IN AN AMOUNT NOT TO EXCEED \$298,421.00 FOR SAID AMENDMENT AND ADDITIONAL SERVICES. (AMENDS ORDINANCE NO. 82280 DATED MAY 25, 1995)

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

December 19, 1996

96-50

bgg

34

Ms. Jelynn Burley, Director, Convention Center Expansion Project, explained the additional project costs.

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

96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85367

AUTHORIZING THE WAIVER OF SIDEWALK RENTAL FEES TOTALING \$5259.60 ON THE TRAVIS FLORES STREETS FOR THE RESTORATION PROJECT OF THE ROBERT E. LEE HOTEL BEGINNING DECEMBER 19, 1996 AND ENDING MARCH 19, 1997; AS REQUESTED BY COUNCILMAN ROGER FLORES, III.

* * * *

Mr. Flores 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:** Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Marbut.

96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85368

AUTHORIZING REIMBURSEMENT IN THE AMOUNT OF \$14,400.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND TO COUNCILMAN ROBERT A. HERRERA FOR A FULL-TIME ADMINISTRATIVE SERVICES CONTRACT WITH ORLANDO RAMIREZ (\$1,800.00 PER MONTH) FROM JANUARY 1, 1997, TO MAY 31,

December 19, 1996

96-50

bgg

35

1997, AND A PART-TIME CONTRACT WITH THOMAS RENE AGUILLON(\$900.00 PER MONTH FROM DECEMBER 1, 1996, TO MAY 31, 1997; AS REQUESTED BY COUNCILMAN ROBERT A. HERRERA.

* * * *

Mr. Herrera 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:** Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Marbut.

- - -
96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85369

AUTHORIZING THE EXPENDITURE OF \$1,197.16 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND PAYABLE TO HELP DEFRAY THE EXPENSES OF THE CLETO L. RODRIGUEZ V. F.W. POST # 8842 FOURTH ANNUAL REMEMBRANCE DAY HELD ON DECEMBER 14, 1996 TO HONOR SAID CONGRESSIONAL MEDAL OF HONOR RECIPIENT; AS REQUESTED BY COUNCILMAN ROBERT A. HERRERA.

* * * *

Mr. Herrera made a motion to approve the proposed Ordinance. Mr. Avila 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, Avila, Solis, Herrera, Ross, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Marbut.

- - -
December 19, 1996

96-50

bgg

36
C O C

It was the concensus of City Council members present to temporarily bypass Agenda Item 61 and undertake consideration of Agenda Item 62 at this time.

96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85370

AMENDING CHAPTER 36 OF THE CITY CODE TO PROHIBIT THE DISPLAY OR USE OF ANY CIGARETTE VENDING MACHINE UPON ANY PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF SAN ANTONIO, EXCEPT IN LIMITED CIRCUMSTANCES WHERE MINORS WILL NOT HAVE ACCESS TO SUCH CIGARETTE VENDING MACHINES; AND PROVIDING THAT A VIOLATION THEREOF SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN \$2,000.00 AS A CLASS C MISDEMEANOR, AS REQUESTED BY COUNCILMAN ROBERT MARBUT.

* * * *

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

The following citizens appeared to speak:

Ms. Suzanne Lozano, representing the American Heart Association, spoke in support for the proposed Ordinance for the protection of her children.

Dr. Geoffrey Weiss, M.D., representing San Antonio Tobacco Coalition and the American Cancer Society, also spoke in support for the ordinance.

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

Rev. Butch Seward, representing Ella Austin Health Care, also spoke in favor of the ordinance.

December 19, 1996

96-50

bgg

37

Mr. Tommy Calvert, Jr., speaking for the American Cancer Society and the Bicultural Organization for leadership Development, applauded Mr. Marbut for sponsoring this proposed ordinance, and for Ms. Lott, his Council representative, for supporting it.

Mr. Janice Theis, President, District 20, Texas PTA South Texas, spoke in support for the ordinance.

Ms. Karen Norman, representing the Cancer Center Council, and Mr. T.C. Calvert both spoke in favor of enactment of the ordinance.

Ms. Beverly Watts-Davis, representing San Antonio Fighting Back, spoke to her concern that federal funds could be jeopardized if San Antonio does not exert efforts to curb tobacco sales. Rev. H. L. Bracy, representing Westend Neighborhood Association, stated that he would like to see stiffer penalties in the ordinance.

Mr. Faris Hodge, Jr., 140 Dora, spoke in favor of the ordinance, and also asked that the Council's weekly Agenda be published in the newspaper.

Mr. Robert Elmendorf, 3434 Copeland, cigarette vending machine owner, urged support of State Senator Judith Zaffarini's legislation to fine minors for smoking, and spoke to federal laws already restricting sale of cigarettes to minors.

Mr. Ruben Espronceda asked that smoking signage be restricted.

Mr. Marbut apologized for his temporary absence from today's City Council meeting, and stated that he had been called to the scene of a major apartment fire on Fredericksburg Road, in his Council District 8. He then spoke to the statistics related to smoking and health.

Mr. Peak and Mr. Herrera both spoke in support for the proposed ordinance.

Ms. Lott also spoke in support, but questioned the wording "except in limited circumstances".

Mr. Marbut explained the need for that wording in the proposed ordinance.

Mr. Avila and Mr. Solis both spoke in support.

Mr. Flores noted that he usually against governmental intervention in individual rights matters, but noted that Council needs to be unified on this issue, and he spoke in support.

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

December 19, 1996

96-50

bgg

38

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96-50 City Council recessed its regular session at 8:15 P.M. for dinner and to convene in Executive Session for:

A. Attorney/Client consultation regarding legal implications involved with reconsidering Alamo Concessions consolidated contract for services in Brackenridge and Koehler Parks.

B. Attorney/Client consultation regarding TNRCC Executive Director's Preliminary Report related to Alamodome soils.

City Council adjourned the Executive Session and reconvened the regular session at 10:05 P.M., at which time Mayor Thornton stated that Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

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96-50 **CITIZENS TO BE HEARD**

Mayor Thornton read from the rules for conduct of City Council meetings, noting that Council business sometimes pushes back Citizens To Be Heard, and noted that the citizen Signup Sheet states that Citizens To Be Heard will be held at "5:00 P.M. or as soon as possible thereafter".

There were no citizens to be heard at this time.

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96-50 **AGENDA ITEMS 52 AND 66 PULLED**

Mayor Thornton announced that Agenda items 52 and 66, to wit, were pulled from consideration.

Agenda Item 52. A proposed ordinance approving the terms and conditions and authorizing the execution of an Agreeen Order with the Texas natural Resources Conservation Commission ("TNRCC") in the matter of the City of San Antonio and VIA Metropolitan Transit Authority, SWR No. 30549 involving the Alamodome and an agreement with VIA metropolitan Transit Authority ("VIA") relating to VIA's financial participation in the amount of \$350,000.00 for the remediation of Alamodome soil off-site locations.

Agenda Item 66. A proposed ordinance ratifying the professional services and appropriating additional funds for the professional services contracts related to Alamodome environmental December 19, 1996

96-50

bgg

39

litigation, regulatory and remediation efforts and authorizing the transfer of \$946,839.24 to the Alamodome Environmental Fund for these services from the following firms at the specified amounts: (A) Ratifying \$61,503.22 for the contract with Cox & Smith, Inc. and appropriating an amount not to exceed \$180,000.00 for a total appropriation of \$241,503.22 for legal litigation efforts; (B) Ratifying \$46,941.27 for the contract with Lloyd, Gosselink, Fowler, Blevins and Mathews, P.C., and appropriating an amount not to exceed \$42,000.00 for a total appropriation of \$88,941.27 for regulatory assistance; and (C) Ratifying \$8,994.75 for the contract with Cook-Joyce, Inc. and appropriating an amount not to exceed \$607,400.00 for a total appropriation of \$616,394.75 for environmental engineering service.

- - -
96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85371

AUTHORIZING REIMBURSEMENT IN THE AMOUNT OF \$9,500.00 FROM THE DISTRICT 9 CONTINGENCY ACCOUNT FUND TO COUNCILMAN HOWARD W. PEAK FOR A FULL-TIME ADMINISTRATIVE SERVICES CONTRACT WITH CHARLES A. MAZUCA (\$1,900.00 PER MONTH) FROM JANUARY 2, 1997, THROUGH MAY 31, 1997; AS REQUESTED BY COUNCILMAN HOWARD W. PEAK.

* * * *

Mr. Peak made a motion to approve the proposed Ordinance. Ms. Billa Burke 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, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** None

- - -
96-50 The City Clerk read a proposed ordinance authorizing the expenditure of \$600.00 from the District 4 (\$300.00) and District 6 (\$300.00) Contingency Account Funds to help pay the cost of renting the Joe Ward Gym for the Catholic Youth Organization (CYO) basketball season; as requested by Councilmembers Henry Avila and Robert A. Herrera.

December 19, 1996

96-50

bgg

40



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

Mr. Avila spoke to the need for an overall \$1,200.00 for this project, and asked other City Council members for contributions to the effort.

During discussion, Councilman Peak pledged \$100.00 from his District 9 Contingency Account Funds.

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

AN ORDINANCE 85372

AUTHORIZING THE EXPENDITURE OF \$700.00 FROM THE DISTRICT 4 (\$300.00), DISTRICT 6 (\$300.00) AND DISTRICT 9 (\$100.00) CONTINGENCY ACCOUNT FUNDS TO HELP PAY THE COST OF RENTING THE CITY'S JOE WARD GYM FOR THE CATHOLIC YOUTH ORGANIZATION (CYO) BASKETBALL SEASON; AS REQUESTED BY COUNCILMEMBERS HENRY AVILA AND ROBERT A. HERRERA.

* * * *

96-50 The Clerk read the following Ordinance:

AN ORDINANCE 85373

RECONSIDERING ORDINANCE NO. 84943, PASSED AND APPROVED ON OCTOBER 10, 1996, WHICH AMENDED SIX (6) CONCESSION AGREEMENTS WITH ALAMO CONCESSIONS, INC. FOR CONCESSION SERVICES IN BRACKENRIDGE AND KOEHLER PARKS; AS REQUESTED BY COUNCILMAN BOB ROSS.

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December 19, 1996

96-50

bgg

41

Mr. Ross spoke to the consolidation ordinance in October which amended six Concession Agreements with Alamo Concessions, Inc. for concession services in Brackenridge and Koehler Park. He then spoke to the financial disclosure statement attached to the ordinance papers relating to Alamo Concessions, Inc. which stated that Mr. Philip Sheridan owned the firm. He then spoke to the December 1, 1996 letter from Sheridan, sent to the City Manager, which stated that he had not owned stock in the firm for more than a year, and that he was employed by the firm as General Manager. He further stated his belief that certain of the above information is incorrect.

Mr. Ross made a motion to approve the proposed Ordinance. Mr. Peak seconded the motion.

The following citizen appeared to speak:

Mr. Tim Maloney, attorney for Alamo Concessions, Inc., asked for a clarification of the proposed Ordinance.

* * * *

Mr. Frank Garza, First Assistant City Attorney, stated that the proposed Ordinance would direct the City Manager not to proceed with consolidation of the contracts or agreements involved. He noted that this action has no effect upon the agreements already in force

Mr. Maloney stated his opinion that it is deplorable to convict someone without giving him the opportunity to discuss the matter, and suggested that perhaps an error was made in the preparation of the paperwork noted by Mr. Ross. He asked the Council to give the man and his company a chance to speak to the issue, noting that the ramifications of the proposed Council action will go far beyond tonight. He asked the City Council to allow the firm to provide the Council with the facts, and spoke once again in objection to any action by the Council tonight.

Mayor Thornton spoke in clarification of the proposed Ordinance and addressed its ramifications. He urged the City Manager to complete the audit of the contracts involved and to report back to City Council in 30 days.

December 19, 1996

96-50

bgg

42

Mr. Alexander E. Briseno, City Manager, stated that he would do so.

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

96-50 There being no further business to come before the Council, the meeting was adjourned at 10:59 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

December 19, 1996

96-50

bgg

43