

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MAY 7, 1987.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Henry Cisneros, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, VERA, WOLFF, LABATT, HASSLOCHER, CISNEROS. Absent: NONE.

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87-23 The invocation was given by Reverend C.W. Black, Jr., Mount Zion First Baptist Church.

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87-23 The members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

87-23 SWEARING-IN OF NEW CITY COUNCIL

City Clerk, Norma S. Rodriguez, administered the oath of office to the members of the new City Council which began May 1, 1987.

Individual City Councilmembers then introduced members of their family as well as friends who are in the audience and also made brief opening remarks.

Mayor Cisneros spoke of the tenure and of the service of each City Councilmember.

87-23 ARMED FORCES WEEK

Mayor Cisneros introduced Mr. Rick Grinnan, Chairman of the Armed Forces Week Task Force and Mr. Al Sonnenberg, Director of Military Affairs of the Greater San Antonio Chamber of Commerce. Mayor Cisneros then read a proclamation designating Armed Forces Week in San Antonio and publicly thanked Mr. Grinnan for his civic leadership.

Mr. Grinnan spoke briefly of the events that will take place during Armed Forces Week in San Antonio this year and he noted that San Antonio's Armed Forces Week is the largest held in the United States.

Mr. Grinnan and Mr. Sonnenberg then distributed special Armed Forces Week lapel pins to members of the City Council.

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HISTORIC PRESERVATION WEEK

Mayor Cisneros introduced Ms. Janet Francis, President of the San Antonio Conservation Society and other members of the Conservation Society present in the audience and read a proclamation designating Historic Preservation Week in San Antonio.

Ms. Janet Francis spoke of the events of Historic Week in San Antonio.

Mayor Cisneros formally presented the proclamation to Ms. Francis.

Members of the San Antonio Conservation Society Board then distributed individual "spirit ribbons" to City Councilmembers.

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VISITING STUDENTS

Mayor Cisneros recognized the presence in the audience today of some 25 students from the Harris Middle School Student Council accompanied by their teacher, Mr. Richard Brooks.

He also recognized the presence in the audience of some 7 students from Bracken Christian Schools Advanced Government Class, accompanied by their teacher, Ms. Diana Rowe.

He then welcomed both groups to City Hall.

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SAN ANTONIO POLICE OFFICER MEMORIAL DAY

Mayor Cisneros introduced Police Chief Bill Gibson and noted that a special day has been set aside to recognize the 28 San Antonio Police Department officers who have died in the line of duty. He then read a special proclamation designating San Antonio Police Officer Memorial Day.

Chief Gibson noted that next Wednesday a special ceremony will be held to observe this special memorial day to be followed by an open house of San Antonio Police facilities on Saturday.

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87-23 Mayor Cisneros read the following statement:

SAN ANTONIO'S AGENDA FOR THE NEXT TWO YEARS

as presented by

Mayor Henry G. Cisneros

to the

New City Council

May 7, 1987

Today we begin a new term of the City Council of San Antonio. It is an historic term upon which we embark in that this will be the last full City Council to serve in the decade of the 1980s. When this Council finishes its work on April 30, 1989, we will be within eight months of 1990. We will be the last City Council that can meaningfully and effectively complete the TARGET '90 goals and put the finishing touches on San Antonio's work program for this decade.

This term will be at once exciting and difficult. I have received some good natured kidding for my description of the next two years as "the politics of joy," but clearly one way of seeing the next two years will be through the eyes of San Antonians who will enjoy the completion of such projects as the following:

- Spring, 1987 - Northwest Freeway Access Roads, from Loop 410 to 1604
- Summer, 1987 - Dos Rios Project
- Summer, 1987 - Completion of the Southeast and Southwest Police Substations
- Fall, 1987 - The HemisFair Parking Garage
- Winter, 1987 - South Texas Nuclear Project Commerical Operation
- Winter, 1987 - HemisFair Plaza Renovations
- Spring, 1988 - RiverCenter Mall and retail stores
- Spring, 1988 - Northwest Freeway Access Roads, Highway 90 to Loop 410
- May 28, 1988 - Sea World of Texas
- Spring, 1989 - Marriott Towers at RiverCenter
- Throughout this period - Completion of 200 streets and drainage projects all over San Antonio
- Completion of sections of the downtown freeway expansion and double-decking.

The kind of satisfaction that comes from seeing projects to fruition is fulfilling. You will each feel a sense of fulfillment and involvement that is deserved and rightfully share it with the people of San Antonio.

But another way of looking at the term ahead is much starker. We face a difficult budget because of a stagnant revenue picture. The State government, facing similar realities, may fund service programs at levels that affect the quality of life here as well as our educational future. And no clear route out of Texas' economic doldrums is apparent. Federal budget difficulties have already resulted in the loss of Revenue-Sharing and now threaten the CDBG Program to a significantly damaging degree.

Yet, from this juxtaposition of good news and not so good news, I conclude that San Antonio is on firmer ground than almost any other city in Texas.

- Our economy is more diversified.
- The injection of outside dollars for military spending, tourism, and research has enabled us to invest in our future.
- San Antonians understand and support our program of "build, create, invest, educate, and work." They proved that in the passage of \$100 million in bonds in 1985, by the rejection of the "Spending Cap" in 1986, and by the recent reaffirmation of our policies.

The key to our success has been to set targets and work hard together to achieve them. Today, as we start a new term, it is time to set forth once again some new targets and suggest ways in which we can work toward them.

I. One of the most difficult subjects of the new term will be the budget. I would ask that by next week, Councilmembers be prepared to bring your list of your highest priorities in the 1987-88 budget to a special budget priorities meeting as well as suggestions as to where you feel cuts, consolidations, or policy changes can be made that will save money. In that session, which we will schedule for next Thursday at 4 p.m., we would try to achieve some consensus among us on which of your individual proposals amass support from our colleagues and can be interpreted as direction to the City Manager from the Council as a whole.

Based on that direction, the Manager would then prepare a set of decision memos which the Council could consider at a second special budget priorities meeting within the month. Based on the choices and guidance received at that second meeting, the Manager would proceed to prepare the preliminary budget which the Council will examine and analyze in depth during June, July and August.

Our strategy must be first to examine expenditure reductions, eliminate fat in the budget, even reduce services we deem inappropriate for such austere times. It may also be necessary to raise new revenues.

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If we reach that conclusion, it must be only after the citizens know we have done everything within our power to hold down expenses and after we have offered clear evidence of what is being gained for those new revenues, such as for example, a fixed increment of additional police officers.

We reject the philosophy of "tax and tax, spend and spend," but we also must be prepared to reject the paralysis that comes from not being willing to explain the importance of basic and essential public services.

II. Clearly, the most pressing of such basic services will involve beefing up our responses to the rise in crime. An element of that response must include the addition of police officers. We now have 1402 officers authorized. It is my hope that over the next four budgets, the City can add at least 100 officers each year. That would mean 100 in 1987, 100 in 1988, 100 in 1989, and 100 in 1990. Thus by October 1, 1990, our Police Department would have an authorized strength of about 1800. It may be that circumstances in the intervening years will require that we increase the Department at an even faster rate than 100 officers per year, but for this year 100 officers at approximately \$3.7 million is a good target.

In addition to manpower additions, there are other crime-fighting priorities which we must monitor:

- * the request for a five-year master plan from the Police Chief,
- * pushing the joint City-County drug abuse task force to generate recommendations and to seek their enactment,
- * focusing on youth crime in its various forms,
- * advancing the idea of community policing, particularly of preventative measures in our neighborhoods, and
- * monitoring the police training program to assure that we make optimal use of the training facility to be constructed.

The first duty of a local government is to provide a level of safety for its citizens. Times change, criminals become bolder, and the legal framework within which our police must work is dynamic. We must be flexible also, constantly seeking pragmatic answers that will work. The Greek philosopher, Heraclitus, wrote: "You cannot step twice into the same river, for other waters are continually flowing in. Nothing is permanent but change." No field of our work is more dynamic than the daily fight against crime.

III. Recently the City Council participated in and endorsed pioneering agreements and legislation as the first phases of a regional water plan. That first step was to support a regional drought plan which included a stronger voice for San Antonio on the Edwards Board. During the next two years, we must move ahead with the next phases of this cooperation. We must be attentive to protection of the Edwards Aquifer, conservation of

our water supply, and reach a consensus on a new drive toward new sources of water for our region.

The conviction that we must cooperate with our partner counties and citizens from across the Edwards Underground Water District derives from our community's belief that our water concerns are best addressed on a regional basis. We are now working together to pass regional drought legislation. Together we plan to convene a conference on long-term, region-wide, conservation measures. And, then we must delicately fashion a plan that sets up water rights, water pricing, and a joint approach to surface water. I believe we can move far along that road over the next two years and intend to ask that we reconvene the work group between the Edwards and the City as soon as the matter occupying our immediate attention -- the drought legislation -- is passed.

I would also propose that we convene a community leadership summit on the regional water plan with the emphasis on review of the surface water alternatives within the next few months in order to advance the community's awareness on this issue.

The next several months will require that we be attentive to the issues raised concerning protection of the Aquifer. The central focus must be to be certain that as the next burst of major development projects is considered we are all confident that the rules for safeguarding the water supply are adequate and that they are being properly enforced by adequate staff.

The educational forum on May 18th is being organized in such a way that any gaps in our safeguards will be commented upon and can be acted upon. I do not want to prejudge the direction that comes from that forum, but I do feel an obligation to set forth some measures which would address my concerns:

- * We need to identify and map out the sensitive areas.
- * We need to see that the Texas Water Commission is funded at the levels necessary to conduct its monitoring functions and clarify the role of the Edwards in carrying out those functions.
- * The City may wish to alter its zoning procedures to require that the TWC clearance is more tightly tied to zoning approvals.
- * We should be attentive to determine which of the additional studies recommended in Metcalf & Eddy are actually being conducted.
- * We need to determine how best to be attentive to the overarching land uses as parcel by parcel the recharge zone is fully developed. Consideration should be given to rules that would declare sensitive area off-limits, declare certain land uses unacceptable altogether, and possibly impose performance standards based on acceptable levels of water quality.

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- * We may wish to consider tighter sewer line construction regulations, such as those now being reviewed by our Environmental Management staff.
- * We may also wish to assess the role of the City's subdivision regulations over the recharge zone.

This is obviously a difficult subject area. I believe it will be necessary, after the May 18th forum, to organize a Council work group with participants from business and community groups. The work group's task would be three-fold: (1) to determine which specific safeguards and rules require strengthening; (2) to determine how the enforcement of safeguards can be enhanced; and (3) to take those actions as directly and speedily as possible.

It will be important that we move deliberately to the conclusions of such a work group. There is a great deal at stake here:

- * the confidence of San Antonians that we are doing all we can to protect our water supply,
- * the confidence of our regional partners that we are preserving the Aquifer as part of the regional water plan, and
- * the confidence of the business community that our rules for development will not be arbitrary or unfairly managed.

I would expect that there would be no effort to extend the voluntary delay of zoning cases which was conceded until May 18th, but that as we go forward with the work group, projects would be coming forward on a case-by-case basis. They will undoubtedly be subjected to a stringent review as to their handling of water quality issues and we should ask the City Manager to assure that the City's Aquifer Protection Office is able to provide us more detailed information on the topography and water sensitivity of each site.

IV. Just as water is a critical part of our infrastructure, so too are streets, drainage, and municipal facilities. Earlier this year, we reached a decision that because the general economy was in the a stagnant condition, we would by-pass the scheduled offering of roughly \$100 million in bond authorization for streets and drainage projects. Though we were successful in passing the public safety bonds, we did fall out of our two-year cycle on streets and drainage. Because of the pressing nature of traffic congestion and because of our continuing drainage problems, it is important that we get back on track as soon as possible. I would suggest that we re-organize the Streets and Drainage Task Force to begin reviewing the staff's recommended projects and to hold hearings in the community to prepare a possible bond list. I cannot say with certainty that the much discussed November election date is the proper time to go forward. We will make that judgment as we see the degree of consensus and support the package generates. But we must start the job and I want to consult with Councilmembers over the next days in order that I can appoint the task force soon. I am reminded with respect to this and

other projects we will take up of the words of Goethe, who said: "The moment one definitely commits oneself, then providence moves too. All sorts of things occur to help that would never otherwise have occurred. A whole stream of events comes from the decision, raising in one's favor all manner of unforeseen incidents and meetings and material assistance which no man could have dreamed would come his way. Whatever you can do, begin it. Boldness has power and magic in it."

V. Your boldness of the past few years has created a downtown today that is dynamically different from the area that so many San Antonians had written off as dying just 10 years ago. Our task will be to keep the momentum moving forward, finishing off key projects, and accommodating new ideas.

Perhaps the project that will most dominate our attention because of its complexity and potential for construction-related disruption is the Tri-Party initiative. This is a tremendous effort that will create an entirely new streetscape and, when matched to the Downtown Market retailing push, will revitalize Houston Street.

Another set of decisions will involve the HemisFair-LaVillita Project, particularly its financing. It has great potential to create an entirely new district in our downtown and is the best plan for re-use of HemisFair we have seen. In recent years, LaVillita has not lived up to its potential or its original idea and that is one of the most attractive aspects of this plan.

Downtown housing will receive more attention than ever before, perhaps in tandem with plans which would create a theatre district by joint use of such buildings as the Aztec, the Majestic, and the Brady/Empire structures.

We will also want to urge early action on the incentives ordinance which is an adjunct to the recently passed Historic Ordinance.

VI. No concerns are repeated as often at City Hall as neighborhood problems - zoning violations, empty and weeded lots, dilapidated structures, business intrusions into neighborhood settings, noise violations, and nuisances. Such problems severely and personally affect the lives of our citizens. Nothing is worse than living next to an eyesore or an abusive, illegal condition which the City takes no action to correct. Slowly but surely, the loser is San Antonio's quality of life.

In recent years we have explored and experimented with varying degrees of success - a neighborhood department, "hot shot" action crews for neighborhood violations and encouraged the drafting of neighborhood plans. We are still searching for the key that would be so effective that it would at once deal in bulldog fashion with neighborhood nuisances and mark the city as a proactive force in defending San Antonio's neighborhood quality of life. I believe it is time that we set as a priority the

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creation of a "neighborhood action unit," a team of uniformed employees assigned to each district whose job it would be to search out neighborhood violations, write citations, and seek corrective actions. I would propose a unit of 20 persons with the necessary vehicles, assigned on a district-by-district basis, but reporting to the Director of Building Inspections. They would represent an assault on neighborhood problems and, in time, move the City from its present reactive, passive and, at worst, totally unresponsive image where neighborhood issues are concerned.

Approaches to central city housing, on multi-lot tracts in our declining neighborhoods or on single lots as the opportunity presents itself, must receive a new focus as part of our neighborhood strategy.

VII. Related to neighborhood issues is the City's ability to provide services in older areas even as we continue to grow into newer areas. That raises the question of our annexation policies. I am proud that after years of haphazard annexations, the committee headed by Councilman Jimmy Hasslocher has put us on a more systematic and phased approach to annexation. We have embarked on a five-year program, of which the first two years proceeded well, though we did have to make adjustments in our services plans as citizens in annexed areas brought potential gaps to our attention. Those concerns about our service plans have raised serious questions about whether we can digest the size of annexations planned for 1987, 1988, and 1989. I would propose that we ask the Annexation Committee to begin to refine the 1987 schedule more carefully, including very likely scaling it down to a package more commensurate with our ability to advance city services on a reliable, reasonable basis. I remain committed to annexation as a means for maintaining authority over growth at the margins of the city, but it is my sense that we have a great deal of in-house work to do before we embark on the next major annexation package. We should do some annexation in 1987. It will be difficult; I will fight for it. The questions are how much, how large, how many people, and how ready are we to serve them without dilution of services in other areas?

VIII. San Antonio's overall economic development effort has been a model for many other cities. And, I do believe that with respect to classic attraction of outside business, we have in place as good a partnership as can be organized. Between the Economic Development Foundation, our Department of Economic and Employment Development, individual business leaders, and the policies of the City Council, we have been very successful. Among the results have been Sea World of Texas, Advanced Micro Devices, Tandy, and VTI-VLSI.

But, one area where no city that I am aware of has been able to put together a truly exemplary effort is the nurturing and support of small businesses. I am proud of a number of our initiatives in this area:

- Our One-Stop-Business Center is widely relied upon by local businesses.

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- Our Federal Procurement Office has been very successful.
- Our relationship with Control Data has resulted in one of the most successful small business incubators in Texas, the Business & Technology Center.
- The new Center for Entrepreneurial Growth is pioneering in how to support fast-growing new businesses.

Still, I believe it is time to declare local self-reliance as one of our major new themes. It is important that we each articulate the idea of San Antonians buying and trading with other San Antonians, building up our own business. Such a "Buy San Antonio" theme should include the City government. I would propose that we take a careful look at whether City policies are sufficiently geared toward San Antonio firms. Over the years when we have raised this subject, we have received vague and less than fully informed responses about the constraints of State law in competitive bidding and professional selection. Yet, I know that other cities in Texas have pushed the limits of local self-reliance farther than we have. I am always at a loss for words in explaining to local business people and professionals how we justify using their tax dollars to pay their competitors from outside the city to do work they could do, even while they must lay off San Antonio workers for lack of local work. I would like to see a top-to-bottom review of our policies in this area and propose a special new Council committee on small business development which would be empowered to hold hearings on the "state of small business" in San Antonio and recommend an action plan to the City government and the community.

IX. One of the last impediments barring San Antonio from her place among the major cities of America is the absence of a major league sports facility. For years, community leaders have wished for and talked about building such a facility - a stadium for football, baseball, track, and many other uses. We are the only city in our size range without a 60,000 plus seat stadium available to it and I believe the only metropolitan area in the top 35 without the capacity to host major sporting events. I believe it is time to take our absolutely best shot at a stadium. It may take years to put together a plan and build it, but we should take a very serious look at it this term.

I am aware of the need to reserve our general obligation bond capacity for needed streets and drainage. Keeping in mind, it has been my goal to put together a financing package without G.O. bonds. While we are not yet near such a financing package, I would hope this term to consider a mix of revenue bonds, private contributions, and possibly cooperation with VIA to use a portion of the sales tax reserved for transportation that may not be needed for expensive capital projects in the immediate future. Another option may be to create a sports authority that can link the possibility of para-mutual betting tracks here with the financing of other sports facilities.

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As for a location, the best site I have seen is the Southern Pacific railyard south of IH-35 in east San Antonio. The railroad has indicated a real interest in moving from that site and a multi-agency redevelopment project could be tied in very positive ways to the Cherry Street Project. There are, of course, many alternate sites and ideas, but for maximum tie-in to our convention facilities and hotels, the stadium should be as centrally located as possible. The site I have mentioned has good access from the north and southsides on Highway 281, from Austin on IH-35 North, and from points west and southeast on IH-35 West.

Obviously there is a lot to think about here, but I would like to proceed until we are persuaded we have hit an impenetrable barrier. If we reach that point, we will stop dead in our tracks; if we do not, we will go forward step by step.

X. There are a host of additional priorities that will require Council decisions or at least a strong degree of follow-up. They would include:

- * Building up our hazardous materials response capabilities, a need which becomes intense and clear in the midst of an emergency such as the Wetmore Road train derailment.
- * City-County cooperation initiatives, an area where we must constantly search for new opportunities to save money and avoid duplication.
- * Completion of the review of our board appointments procedures as presented so excellently by Councilman Labatt.
- * Maintaining a level of attention to our affirmation action goals in City employment and career development.
- * Municipal preparations for the visit of Pope John Paul II and for the Alamo Grand Prix, both of which occur within a week of each other in September.
- * Continuing to work to integrate Vista Verde South and the Cattleman's Square area to build upon such exciting private investments as the renovation of the Missouri Pacific Depot.
- * The Fort Sam Houston Gateway area which requires attention after years of leaving it to the resources of local small businesses, which we hoped would be sufficient to revitalize that area.
- * The Brooks Area Task Force, which is attempting to develop housing, hotels, retail businesses, and government contracting possibilities as generators for major Southeast growth.

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- * Carrying forward the impressive Avenida Guadalupe project which is fast becoming a major showplace in an area too long characterized by desperation and abandonment.
- * The Northward Extension of the Riverwalk to include tunneling by the Corps of Engineers to divert flood waters.
- * Maintaining our involvement in the Austin-San Antonio Corridor Council, which provides a focal point for cooperation on water planning, highway links between our cities, cooperation on air routes, mass transit planning, and energy conservation.
- * Putting our international trade program back on track. The budget decision we reached earlier this year effectively dismantled our exemplary international capability and disrupted key relationships that will take some time to reinstitute. This is an important area of modern municipal involvement and it bears serious and thoughtful discussion.

Beyond these City initiatives, there are a number of projects in which I am asked to be involved as Mayor but which often do not directly involve the city government. As a matter of fact, a great deal of my time is spent on precisely such projects. It is important that you be apprised of the major ones because their success or failure will have an effect on how our city grows and progresses. They include:

- * **The Texas Research Park**, for which a 1500-acre site is now assembled. Efforts are underway to raise the private funds and State monies that will allow the construction of roadways, water lines, and the first research building.
- * **The Biosciences Strategy**, which promises to generate enough jobs that it will be our third economic anchor after the military and tourism. The biosciences goals are excellence in medical education, research, clinical services, and medical products manufacturing. Already, some 37,000 San Antonians work in the biomedical occupations. That figure can be 70,000 over the next decade.
- * Attracting corporate and foundation philanthropic dollars to San Antonio projects will be an important goal of my office. I have submitted proposals for four major projects, including a project which would allow major additions to our high school academic and vocational curricula in order to assure that the skills and talents needed for the projected biosciences jobs can be developed in our own young people.

These, and many other projects which will present themselves in the weeks and months ahead, will assure that we will have a very busy term. It is still a matter of daily pride for me that I am allowed to

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serve our city at this exciting time in its history. I know that is also true of each of you.

I appreciate your willingness to contribute and to serve; the decision to forego a simpler life, which each member of this Council has made. Your lives will be enriched by your service to our city. More than 2300 years ago, it was Aristotle who said: "The only way to achieve true success is to express yourself completely in service of society." Your success will be San Antonio's success. May each of you have good luck and God's blessings as we begin our new term and go forward for San Antonio!

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Mr. Hasslocher spoke of the need for city support for library services.

Mayor Cisneros asked for City Council input and reaction to his statement points, in order to give the City Manager direction to evaluate and to make future recommendations.

Mr. Labatt stated that he feels the Mayor's comments are on track to meet citizen needs.

Mrs. Dutmer discussed the Mayor's comments on police acquisitions.

Ms. Vera stated that she is glad the Mayor's comments touched on assistance to small businesses in San Antonio as well as the war on crime.

Mr. Webb spoke to the need for a police master plan. He noted that his store had been burglarized three times in the past month and he spoke against bringing para-mutual betting proposals to San Antonio, addressing the need to continue removal of delapidated housing and vacant lot cleanup throughout the city.

Mrs. Berriozabal stated that she especially supports the downtown housing issue of the Mayor's comments and the possibility of making purchases locally instead of buying from out of town suppliers. She then spoke to the need to put more strength into neighborhood master plans as well as the development of new sources of revenue for the city.

Mr. Wing spoke of the need to provide basic services to the citizens of San Antonio and to look closely at possible cuts. He also addressed the need for a series of public hearings in order to determine what citizens think about their needs. He then spoke in support of the Mayor's proposals in general.

Mr. Wolff spoke to the importance of development of neighborhoods and stated that he supported Mr. Wing's stance.

Mayor Cisneros stated that he supports a strong involved City Council committee set up which will develop strong programs for the City Council and the City of San Antonio.

Mr. Louis J. Fox, City Manager, stated that he would present the five year forecast to the City Council next week and also will go forward in responding to the City Council's desires as expressed in their comments.

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87-23 The minutes of the Regular City Council meeting of April 16, 1987 were approved.

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87-23 CONSENT AGENDA

Mr. Webb made a motion to approve Agenda Items #4 - 21, constituting the Consent Agenda, with the exception of Items #12 & 20, which were pulled for individual consideration. Ms. Vera seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances and Resolution, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

Mr. Webb stated that he feels such items as fee waivers as expressed in Agenda Item #21 should not be included in the Consent Agenda.

Mayor Cisneros asked the City Manager to make a note of Mr. Webb's objection.

AN ORDINANCE 64,962 .

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ACCEPTING THE LOW BID OF DYNAM, INC., FOR THE ANNUAL SUMMER FOOD PROGRAM FOR THE PARKS & RECREATION DEPARTMENT FOR A TOTAL OF APPROXIMATELY \$425,685.00.

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AN ORDINANCE 64,963 .

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ACCEPTING THE LOW QUALIFIED BID OF THOMAS EQUIPMENT COMPANY, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH LAWN TRACTOR AND RIDING MOWERS FOR A TOTAL OF \$19,883.65.

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AN ORDINANCE 64,964 .

APPROVING FIELD ALTERATION NO. 2, IN THE AMOUNT OF \$8,208.00 TO THE CONTRACT OF J.J. FALBO COMPANY FOR THE VEHICULAR & PEDESTRIAN BRIDGES AT TERMINAL 1 AT INTERNATIONAL AIRPORT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 64,965 .

APPROVING FIELD ALTERATIONS NO. 12 AND 13, IN THE TOTAL AMOUNT OF \$200,771.35, TO THE CONTRACT OF INTERSTATE HIGHWAY CONSTRUCTION.

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AN ORDINANCE 64,966 .

ACCEPTING THE LOW QUALIFIED BID OF HALLMARK ELECTRICAL CONTRACTORS, INC. IN THE AMOUNT OF \$191,428.20, FOR THE REHABILITATION OF THE GUIDANCE SIGN SYSTEM AT INTERNATIONAL AIRPORT; APPROVING A CONTRACT; ACCEPTING A PROPOSAL FOR INSPECTION SERVICES; APPROVING ADDITIONAL ENGINEERING FEES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 64,967 .

AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENT NO. 1 TO THE PRECONSTRUCTION SERVICES CONTRACT FOR THE DESIGN OF A PORTION OF THE RILLING ROAD OUTFALL RELIEF LINE PROJECT WITH W.H. MULLINS, INC., WITH \$36,607.00 PROVIDED FOR INCREASED PAYMENTS.

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AN ORDINANCE 64,968 .

AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH DAY AND ZIMMERMAN, INC., IN THE AMOUNT OF \$285,000.00 TO PROVIDE PROJECT MANAGEMENT ASSISTANCE TO ENVIRONMENTAL MANAGEMENT FOR THE 201 CATEGORY 5 DOWNTOWN PROJECT: TRI PARTY.

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AN ORDINANCE 64,969

AUTHORIZING AN ADDITIONAL \$43,957.96 FOR ENGINEERING FEES PAYABLE TO W.E. SIMPSON COMPANY, IN CONNECTION WITH THE SPRIGGSDALE,ETC. STREETS RECONSTRUCTION PROJECT.

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AN ORDINANCE 64,970

AUTHORIZING AN ADDITIONAL \$31,140.00 AS THE CITY'S SHARE OF THE PROJECTS AUTHORIZED BY A FINANCIAL AGREEMENT WITH THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION FOR THE BOWIE STREET FROM HOUSTON TO COMMERCE AND HOUSTON AND CROCKETT STREETS FROM BONHAM TO BOWIE PROJECTS.

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AN ORDINANCE 64,971

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$332,970.00 OUT OF SEWER FUNDS FOR THE PURPOSE OF ACQUIRING FEE TITLE AND/OR EASEMENTS TO CERTAIN LANDS; ACCEPTING A LICENSE AGREEMENT ON CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN WASTEWATER RIGHT-OF-WAY PROJECTS.

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AN ORDINANCE 64,972

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$30,810.00 OUT OF VARIOUS FUNDS FOR THE PURPOSE OF ACQUIRING TITLE AND/OR EASEMENTS TO CERTAIN LANDS; ACCEPTING THE DEDICATION OF TITLE AND/OR EASEMENTS TO CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

* * * *

AN ORDINANCE 64,973

AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE TO EXECUTE A CONTRACT BETWEEN THE CITY AND STEWART TITLE COMPANY, TO PROVIDE CERTAIN

TAX INFORMATION TO STEWART TITLE COMPANY, THROUGH
COMPUTER FACILITIES FOR A TWO-YEAR PERIOD WITH A
NINETY DAY CANCELLATION PROVISION.

* * * *

AN ORDINANCE 64,974

AMENDING THE LEASE AGREEMENT AT THE MARKET SQUARE
FOR OPERATION OF A MEXICAN FOOD RESTAURANT WITH MR.
& MRS. GENEROSO VELA.

* * * *

A RESOLUTION 87-23-38

APPROVING THE CONCEPT OF JOINT USE OF THE EASTSIDE
PUBLIC HEALTH BRANCH BY THE SAN ANTONIO METROPOLITAN
HEALTH DISTRICT AND THE ELLA AUSTIN COMMUNITY HEALTH
CENTER; DIRECTING THE CITY MANAGER TO ENTER INTO
CONTRACT NEGOTIATIONS WITH THE ELLA AUSTIN HEALTH
CENTER TO FACILITATE SUCH USAGE.

* * * *

AN ORDINANCE 64,975

AUTHORIZING SUBMISSION OF AN APPLICATION TO THE
TEXAS DEPARTMENT OF HUMAN RESOURCES FOR A TITLE XX
FAMILY PLANNING PROJECT CONTRACT.

* * * *

AN ORDINANCE 64,976

WAVING ADMISSION FEES TO THE SAN ANTONIO BOTANICAL
CENTER FOR CHILDREN WHO ARE PARTICIPANTS IN THE VIA
METROPOLITAN SUMMER YOUTH PROGRAM.

* * * *

87-23 The Clerk read the following Ordinance:

AN ORDINANCE 64,977

AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT
CHANGE ORDER NO. 6 IN THE AMOUNT OF \$575,000.00, FOR
THE LEON AND SALADO CREEK WASTEWATER TREATMENT

PLANTS DIGESTER REHABILITATION.

* * * *

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

In response to a question by Mrs. Dutmer, Mr. Gregory J. Kuchy, Assistant Director of Wastewater Management, spoke of the circumstances that dictated the need for this particular ordinance, stating further that as a result the city is not losing any of its wastewater treatment capacity.

In response to a question by Mr. Wolff, Mr. Kuchy addressed the percent of the job already completed as well as its estimated overall completion date.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

- - -
87-23 The Clerk read the following Ordinance:

AN ORDINANCE 64,978

AMENDING CITY CODE CHAPTER 19 ENTITLED "MOTOR VEHICLES AND TRAFFIC", BY ADDING SEC. 19-54 (d) AND BY ADDING "DIVISION 4. RETENTION OF IMPOUNDED VEHICLES WITH UNPAID PARKING TICKETS", SEC. 19-55 THRU 19-62.

* * * *

Mr. Webb made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

In response to a question by Mr. Labatt, Mr. Fred Starke, Assistant City Attorney, briefly outlined the background and the need for this ordinance relative to the setup of procedures that will target the habitual parking ticket violator. He noted that legislation is now before the state legislature in Austin that would provide additional legal tools to assist in the matter of policing repeat violators.

Mr. Labatt spoke in support of the moves to target repeat violators.

In response to a question by Mrs. Dutmer, Mr. Starke briefly discussed several legal points involved in the ordinance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

- - -
87-23 The Clerk read the following Ordinance:

AN ORDINANCE 64,979

ACCEPTING THE HIGH BIDS RECEIVED IN CONNECTION WITH CITY FUNDS AVAILABLE FOR DEPOSIT IN INTEREST-BEARING CERTIFICATES OF DEPOSIT.

* * * *

Mr. Hasslocher made a motion to approve the proposed Ordinance. Mr. Wolff seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson; ABSTAIN: Labatt.

* * * *

- - -
87-23 The Clerk read the following Ordinance:

AN ORDINANCE 64,980

NAMING THE RECENTLY CONSTRUCTED ANNEX TO THE ARNESON RIVER THEATER FOR HELEN FREEBORN KERR.

* * * *

Mrs. Dutmer 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: Berriozabal, Webb, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson; ABSTAIN: Dutmer.

87-23 (At the request of the Mayor, Agenda Items #29 & 30 were temporarily bypassed, Agenda Item #31 had earlier been removed from consideration.)

87-23 The Clerk read the following Resolution:

A RESOLUTION 87-23-39

OPPOSING THE PASSAGE OF HOUSE BILL 1934 BY RICHARDSON OF TRAVIS, RELATING TO THE ESTABLISHMENT OF A COMMISSION ON THE RELEASE OF GENETICALLY ENGINEERED MICROORGANISM.

* * * *

Mr. Webb made a motion to approve the proposed Resolution. Mrs. Dutmer seconded the motion.

Mr. Louis J. Fox, City Manager, explained that this is an economic development issue which might be an impediment to biotechnical firms seeking to locate in Texas and particularly in San Antonio.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

87-23 The Clerk read the following Resolution:

A RESOLUTION 87-23-40

SUPPORTING S.B. 705 RELATED TO THE CREATION OF RESEARCH AND DEVELOPMENT AUTHORITIES.

* * * *

Ms. Vera made a motion to approve the proposed Resolution. Mr. Webb seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

87-23 At the request of the Mayor, Agenda Item #32C was bypassed at this time.

87-23 The Clerk read the following Ordinance:

AN ORDINANCE 64,981

BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, RELATING TO THE ISSUANCE AND SALE OF "CITY OF SAN ANTONIO, TEXAS, GENERAL IMPROVEMENT BONDS, SERIES 1987", INCLUDING THE APPROVAL AND DISTRIBUTION OF A NOTICE OF SALE AND OFFICIAL STATEMENT IN CONNECTION WITH THE ISSUANCE AND SALE OF SAID BONDS; AUTHORIZING THE PUBLIC ADVERTISEMENT FOR THE SALE OF THE BONDS; AND DECLARING AN EMERGENCY.

* * * *

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

Mr. Karl Wurz, 820 Florida, stated that he feels the ordinance is vague and stated his opinion that public safety bond sales at this time may be illegal and he cited a quotation from Vernon's Annotated Civil Statutes, Section 1690-15. He stated further that he feels that bond sales are a burden to the citizen because of the interest costs involved.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

87-23 The Clerk read the following Ordinance:

AN ORDINANCE 64,982

BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, RELATING TO THE ISSUANCE AND SALE OF CERTAIN PROPOSED GENERAL OBLIGATION REFUNDING BONDS BY THE CITY, INCLUDING THE DESIGNATION OF A MANAGING UNDERWRITER AND THE APPROVAL OF AN UNDERWRITING SYNDICATE; DESIGNATION AND APPROVAL OF COUNSEL TO THE UNDERWRITING SYNDICATE; AND THE APPROVAL AND

DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION WITH THE ISSUANCE AND SALE OF SAID BONDS; AND DECLARING AN EMERGENCY. (MERRILL LYNCH CAPITAL MARKETS TO ACT AS MANAGING UNDERWRITER & OTHER MEMBERS TO SYNDICATE & THE LAW FIRM OF MCCALL, PARKHURST & HORTON, LEGAL COUNSEL FOR THE MANAGING UNDERWRITER.)

* * * *

Mr. Webb made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

Mr. Karl Wurz, 820 Florida, stated that he is always happy when interest costs can be saved and he spoke to studies that he has made concerning bond interest rates.

In response to a question by Mr. Wolff, Mr. Carl White, Director of Finance, spoke to new restrictions that have been placed on "advance refunding", and he also explained the procedures used to escrow the funds involved. Mr. White stated that this is the last of two allowable times to legally refund these particular bonds and he spoke of the hope that the city will be able to save some \$10 million in interest rate costs.

In response to a question by Mrs. Berriozabal, Mr. White spoke of the manner used in selecting the managing underwriter and the underwriting syndicate team. He then explained how the selections were actually made.

Mr. Louis J. Fox, City Manager, noted that one firm being used in the underwriting syndicate is a minority firm.

Mrs. Berriozabal stated that she would like to have a written process for the city to follow in future actions such as this. She spoke in favor of using local firms where possible.

Mr. Martinez commended Mr. White for his financial work especially in the advance refunding of bonds.

Ms. Vera spoke in support of Mrs. Berriozabal's request and also addressed her desire to have requests for proposals put out on such matters in the future.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

87-23 ZONING HEARINGS

22. CASE Z87075 - to rezone Lot 30, Block 5, NCB 11191, In the 7700 Block of Somerset Road, from "B" Residence District to "B-3R" Restrictive Business District, located on the northeast corner of Yuma Avenue and Somerset Road, having 49.01' on Somerset Road and 237.48' on Yuma Avenue.

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

Mr. William Hague, attorney, briefly explained the proponents plans to construct a small automotive repair and parts store on the site and he submitted petitions from 12 area property owners in favor of the rezoning request, noting that the area has become increasingly commercial.

Mr. Wing stated that he is against the "B-3" requested zoning in this area, stating instead that he favors an "O-1" zoning.

Mr. Hague stated that his client would be willing to accept a "B-2" zoning.

Mr. Wing made a motion to deny this zoning request. Ms. Vera seconded the motion.

Mrs. Berriozabal stated that she feels the area is residential in nature.

The motion to deny the requested zoning change, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

Zoning Case Z87075 was denied.

87-23

SOUTH PADRE ISLAND OFFICIALS

Mayor Cisneros the presence in the audience today of a number of city officials and other dignitaries from South Padre Island, Texas. He introduced Mr. Robert N. Pinkerton, Jr., Mayor; Mr. Jim Way, Alderman; Mr. Larry Sagness, Alderman; Mr. Leo Silva, Chairman of SPI Tourist Bureau; Mr. Richard Franke, SPI Tourist Bureau; Mr. Eduardo A. Campirano, City Manager.

Mayor Cisneros welcomed the group to City Hall and spoke of the beauty of their community and also addressed the great economic potential of the South Padre Island area.

87-23 ZONING HEARINGS cont.

23. CASE Z87071 - to rezone a 7.21 acre tract of land out of CB 4446, from Temporary "R-1" One Family Residence District to "B-2" Business District, located on the northeast corner of Tezel Road and Silent Oaks, having 930.43' on Tezel Road and 259.34' on Silent Oaks Drive, with a maximum depth of 385.91'.

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

Mr. Eric Weissgarber, 2161 N.W. Military Hwy., stated that he represents a consortium of some ten San Antonio business persons who are owners of the property, explaining that the group wants the rezoning for future business development. He noted that the area along Tezel Road is primarily "B-2" in nature and he noted that the Zoning Commission supports the "B-2" request. He then displayed an aerial photograph of the area which was taken when the property was purchased several years ago showing the absence of roads in the area at the time.

Mr. Andy Mireles, 7422 Silent Sunset, distributed photographs of his own area property as well as the property concerned and spoke against the intrusion of any business development onto this particular property.

Mr. Hector Hernandez, 7451 Silent Sunset, spoke against business development directly behind his property.

Mr. William Raymond, 7411 Silent Sunset, spoke against commercial uses on property directly behind his home.

Mr. Weissgarber spoke of having made numerous offers to meet with neighboring property owners in this regard and of the amendment made of the original zoning request down zoning the request to a "B-2" before the Zoning Commission.

Mr. Wolff made a motion to approve the recommendation of the Zoning Commission provided that a six-foot solid screen fence is erected and maintained along the east property line, and that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Further provided that a single-story structure height limitation is imposed within the first 50-feet along the east property line, and that a 15-foot greenbelt is established and maintained along the east property line, and that existing trees within that 15-foot area are maintained. Mrs. Dutmer seconded the motion.

Mr. Wolff noted that Tezel Road is part of the major thoroughfare plan of the city of San Antonio and he noted that annexation of this particular area brought on zoning restrictions which the area did not have beforehand.

Mr. Weissgarber offered to set aside a 50-foot portion of the property along the east property line with a one story building height restriction, and also to leave a 15-foot greenbelt in its natural state with trees intact also along the east property line.

Following a discussion these two stipulations were included in the motion to approve by the maker and seconder of the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

AN ORDINANCE 64,983

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 A 7.21 ACRE TRACT OF LAND OUT OF CB 4446, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE EAST PROPERTY LINE, AND THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION. FURTHER PROVIDED THAT A SINGLE-STORY STRUCTURE HEIGHT LIMITATION IS IMPOSED WITHIN THE FIRST 50-FEET ALONG THE EAST PROPERTY LINE, AND THAT A 15-FOOT GREENBELT IS ESTABLISHED AND MAINTAINED ALONG THE EAST PROPERTY LINE, AND THAT EXISTING TREES WITHIN THAT 15-FOOT AREA ARE MAINTAINED. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

24. CASE Z87071 - to rezone Lot 16, NCB 11511, In the 1000 Block of Bandera Road, from "B-2" Business District to "B-3NA" Non-Alcoholic Sales Business District, located on the southwest side of Bandera Road, being approximately 323.41' southeast side of Cheryl Drive, having 143.31' on Bandera Road, with a maximum depth of 206.58'.

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

Ms. Vera made a motion to approve the recommendation of the Zoning Commission provided that eight-feet of dedication is given along Bandera Road; that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division; and that a six-foot solid screen fence is erected and maintained along the south property line. Mr. Hasslocher seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

AN ORDINANCE 64,984

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 LOT 16, NCB 11511, IN THE 1000 BLOCK OF BANDERA ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, PROVIDED THAT EIGHT FEET OF DEDICATION IS GIVEN ALONG BANDERA ROAD; THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION; AND THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH PROPERTY LINE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

25. CASE Z87064 - to rezone a 6.357 acre tract out of Lot 1, Block 4, NCB 17874, from Temporary "R-1" One Family Residence District to "B-3" Business District, located northwest of the intersection of Marbach Road and Hunt Lane, having 285.5' on Hunt Lane and 829.93' on March Road with 23.64' on the curb return.

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

Ms. Vera made a motion to approve the recommendation of the Zoning Commission with deed restriction provisions. Mr. Hasslocher seconded the motion.

Ms. Vera asked to make it a point of record that her approval is contingent upon certain deed restrictions that have been agreed to by the

proponent.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

AN ORDINANCE 64,985

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 A 6.357 ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 4, NCB 17874, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

* * * *

26. CASE Z87072 - to rezone a 100.709 acre tract of land out of NCB's 15068, 14472, 14474, 14475, 17297, 17298 and 17299, from Temporary "R-1" One-Family Residence District to "R-5" One-Family Residence District, located 70.50' southwest of the intersection of Refrma Drive and Celeste Drive, extending west 4240' and having a maximum width of 1690.'

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. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

AN ORDINANCE 64,986

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 A 100.709 ACRE TRACT OF LAND OUT OF NCB'S 15068, 14472, 14474, 14475, 17297, 17298 and 17299, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE

DISTRICT TO "R-5" ONE-FAMILY RESIDENCE DISTRICT.

* * * *

87-23 The Clerk read the following Ordinance:

AN ORDINANCE 64,987

ADOPTING LIQUID WASTE TRANSPORTATION & DISPOSAL REGULATIONS.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Hasslocher seconded the motion.

Mrs. Pat Nix, Executive of San Antonio Manufacturers Association, stated that her organization is on record in support of the liquid waste haulers ordinance.

Mr. H.D. "Curly" Johnson, owner of a local transport firm, spoke against the ordinance, stating that he feels it places more restrictions on small businesses and does not eliminate grease in the disposal system. He also stated his opinion that the city will not be able to enforce the ordinance.

Mr. Frank Kiolbassa, Director of Environmental Management, noted that the Environmental Protection Agency (EPA) requires that the city regulate industrial waste. He noted that EPA has expressed its concerns with the ordinance and noted that other city's have stated that their ordinances are enforceable. Mr. Kiolbassa addressed the need for the ordinance in order to receive a plant permit from EPA.

(At this point Mayor Cisneros was obliged to leave the meeting, Mrs. Berriozabal presided.)

In response to a question by Mr. Hasslocher, Mr. Kiolbassa explained how a small restaurant uses grease traps in order to catch stray grease and then have those traps cleaned out and the resulting refuse hauled away and later discharged into the city's wastewater system at a designated point. He noted that recently liquid waste haulers have been discharging their waste into the city's landfill under permit. He noted that the city is now moving to a system whereby liquids will be discharged into the wastewater treatment system and solids will be disposed of at city landfills.

Mr. Hasslocher stated that he favors allowing those in the liquid waste hauling business to help frame the city's regulations in order to

reach the most common good and fairness in this matter. He spoke against alienating the local business community.

Mr. Louis J. Fox, City Manager, spoke of most of the economic burden being on city's in controlling waste.

A discussion of illegal dumping into the wastewater treatment system and into area creeks and rivers then was held.

Mrs. Dutmer noted that the Manufacturers Association actually helped the city in drafting this ordinance and she spoke of EPA pressure on the city to enact the ordinance. She then spoke in support of the ordinance.

Mr. Wing spoke in support of the ordinance and spoke to the need to begin working toward control of toxic and hazardous waste materials as well.

In response to a question by Mr. Labatt, Mr. Kiolbassa discussed prosecution means in enforcement of the ordinance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

- - -
87-23 The Clerk read the following Resolution:

A RESOLUTION 87-23-41

EXPRESSING THE OPPOSITION OF SAN ANTONIO'S CITY COUNCIL TO H.B. 1602.

* * * *

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

Mrs. Dutmer noted that this Resolution is in support of legislation removing independent school districts from the paying of payments in lieu of taxes.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

87-23 The Clerk read the following Ordinance:

AN ORDINANCE 64,988

PRORATING THE ANNUAL VENDOR'S PERMIT FEE.

* * * *

Mr. Webb made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher; NAYS: Wing; ABSENT: Cisneros.

87-23 The Clerk read the following Ordinance:

AN ORDINANCE 64,989

AMENDING THE CONCESSION CONTACTS WITH ALAMO CONCESSIONS SUPPLY COMPANY, INC. AND PASEO DEL RIO BOATS TO REQUIRE PEDAL BOAT PASSENGERS AGED 12 AND UNDER TO WEAR LIFE PRESERVERS AND TO REQUIRE READILY ACCESSIBLE LIFE PRESERVERS TO BE AVAILABLE ON ALL PEDAL BOATS.

* * * *

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

Mr. Ron Darner, Director of Parks and Recreation, briefly explained the requirement for wearing of life preservers in certain circumstances by users of paddle boats on the San Antonio River.

Mr. Labatt spoke to the matter of the drowning of a four year child recently as being the trigger for creation of this ordinance.

A discussion then took place of extending these regulations possibly to other bodies of water inside the city of San Antonio such as Woodlawn Lake.

Mr. Darner stated that he will investigate this possibility and will report back to the City Council on it.

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

Mrs. Dutmer stated that she feels the ordinance does not go far enough.

In response to a question by Mr. Thompson, Mr. Darner differentiated between the terms used in this ordinance with those used in state law which require life preservers to be aboard a vessel but perhaps not required to be worn.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

- - -
87-23 The Clerk read the following Ordinance:

AN ORDINANCE 64,990 .
ACCEPTING THE PROPOSAL OF WILBUR SMITH & ASSOCIATES, INC. IN THE AMOUNT OF \$25,000.00 TO PERFORM THE TRAFFIC CIRCULATION AND ACCESSIBILITY STUDY FOR THE CATTLEMAN SQUARE AREA.

* * * *

Mr. Martinez made a motion to approve the proposed Ordinance. Mr. Thompson seconded the motion.

Mr. Martinez briefly explained that business people located in Cattleman's Square favor this transportation study and he noted that it does not have anything to do with any possible removal of the nearby overpass bridge.

A discussion then took place concerning the timeline for a final study report and a decision on the feature of the overpass bridge.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

- - -
87-23 The Clerk read the following Ordinance:

AN ORDINANCE 64,991 .
EXTENDING THE TERMS OF OFFICE OF ALL MEMBERS OF THE

00399

BOARD OF TRUSTEES OF THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY AND APPOINTING CERTAIN TRUSTEES TO SERVE ON THE BOARD OF DIRECTORS. (OSCAR MUNOZ, ELENA OVIEDO, COL. ROY BURLEY, KATRINA E. MEREDITH, OSCAR GALINDO, FRANK REED, LUCY M. HALL, PETE VAN DE PUTTE, JANELLE MCARTHUR, CARY PLOTKIN KAVY, REAGAN HOUSTON IV.)

* * * *

Mayor Cisneros that the ordinance sets up one or two year terms for trustees of the San Antonio Local Development Company with six of the trustees to be given two year terms and five to be given one year terms.

Each City Councilmember then drew a slip of paper containing either a one year or a two year term on it and their selection for the board of trustees then receive the term that each City Councilmember drew.

Mrs. Berriozabal made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

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87-23 The Clerk read the following Ordinance:

AN ORDINANCE 64,992

DESIGNATING CERTAIN MEMBERS OF THE COUNCIL AS MAYOR PRO-TEM FOR SPECIFIED PERIODS OF TIME THROUGH APRIL 30, 1989.

* * * *

Members of the City Council each then drew an individual slip of paper from a container, that slip of paper containing their Mayor Pro-Tem term during the two year term of this new Council.

Mrs. Berriozabal made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

May 7, 1987
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87-23 The Clerk read the following Resolution:

A RESOLUTION 87-23-42 .

DIRECTING THE PLANNING DEPARTMENT TO INITIATE A
ZONING CASE IN LOTS 7, 8, 9 AND 10, NCB 1965, TO
REZONE THE PROPERTY FROM "R-1" TO "R-2".

* * * *

Ms. Vera made a motion to approve the proposed Resolution. Mr. Labatt seconded the motion.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

- - -
87-23 The Clerk read the following Ordinance:

AN ORDINANCE 64,993 .

AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION
OPTION AGREEMENT WITH ENCORE DEVELOPMENT
CORPORATION EXTENDING THE EXISTING HEMISFAIR HOTEL
GROUND LEASE.

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

Mayor Cisneros briefly explained details of the ordinance, stating that he feels it is an act of good faith on the part of the city.

Mr. Mario Mendiola, President of the San Antonio Hotel/Motel Association spoke in opposition to the ordinance, stating that his group is against using public monies on a private enterprise and he also objected to the slow payback by the developer. He then asked the City Council to delay action on this ordinance until all aspects can be discussed.

Mrs. Dutmer discussed Encore Development Corporation's non-compliance with deadlines and also addressed reports of unsigned agreements. She then asked for a one week delay in passage of this ordinance.

Mayor Cisneros briefly reviewed past policy decisions of the City Council in regard to this matter, stating further that he feels this is a good faith agreement to make an 18 month delay for the benefit of the San Antonio business community.

In response to a question by Mrs. Dutmer, Mr. David Garcia, Special Projects Officer for the city of San Antonio, confirmed that Encore has agreed to an 18 month extension in order to renegotiate its lending agreements and perhaps seek a better interest rate in its financing package.

In response to a question by Mr. Labatt, Mr. Louis J. Fox, City Manager, briefly discussed details of discussions that have been held with certain hotel interests and with Encore on a possible extension of construction time. Mr. Fox also stated his feeling that a new downtown hotel will be built by someone on this site.

Mrs. Berriozabal stated that she feels that Encore Development Corporation has not lived up to its commitments and she quoted from the original ordinance provisions that allowed only "nonsubstantive" changes.

Mr. Garcia discussed the original agreements and the ownership of the parking garage now nearing completion. He then stated that he agrees that city staff change the agreement and the ordinance substantially.

Mrs. Berriozabal stated that she feels that city staff made substantial changes in that agreement.

A discussion then took place between Mrs. Berriozabal and Mr. Garcia concerning the number of points dealing with hotel agreements, construction and so forth.

Mrs. Berriozabal voiced her concern with the entire issue of the lack of information available to her on city staff actions on this project. She stated that she plans to put together her own report and to make it available to city staff, members of the City Council and to the general public. She then questioned the manner in which the matter is being handled and also questioned the viability of Encore to fulfill its commitment to the city. She asked for a 1 week delay before City Council makes a final decision on this requested extension with Encore Development Corporation.

Mrs. Berriozabal offered a substitute motion for a 1 week delay in order to obtain a staff report on the viability of Encore Development Corporation and time for her own report to be completed. Mr. Webb seconded the motion.

Mr. Thompson spoke against any delay in action on this matter and spoke of the need to make the parking garage into a usable viable product.

In response to a question by Mr. Thompson, Mr. Garcia discussed other possible hotel construction of the downtown area, projects that are pending and could well begin within the next 18 months.

In response to a question by Mr. Wolff, Mr. Garcia stated that the city is tied to Encore on this site and that the city has access to financial matters involving Encore.

Mr. Wolff stated that he favors a 1 week delay on action on this matter and he want the city to secure an option that would allow it to switch to another developer for the hotel project unless Encore is agreeable to meeting another developer's offer to lease the land from the city.

Mr. Fox noted that Encore has about a \$2 million investment in this property already and he feels that its is in the best interest of all concerned to delay the Sheraton Hotel construction for 18 months.

In response to a question by Mr. Martinez, Mr. Garcia noted that the 18 month delay will bring a more orderly insertion of more downtown hotel rooms.

Mr. Martinez stated that he feels the city is gaining nothing from the 18 month delay while the developer is gaining everything. He stated that he wants the city to negotiate to secure benefits for the city of San Antonio as well and he spoke in support of a 1 week postponement.

Mr. Fox stated that he feels the 18 month delay will lessen adverse impact on older downtown hotels with less occupancy rates.

Mayor Cisneros spoke briefly to the sequence of events leading up to this point in this matter.

Mr. Webb stated that he favors letting another developer build a hotel on this site since Encore has not met the terms of its contract to begin construction.

In response to a question by Mayor Cisneros, Mr. Garcia discussed other Encore projects around the nation that are apparently making good progress as a sign that the firm is not having financial difficulties.

Ms. Vera spoke in favor of the 18 month delay in Sheraton Hotel construction.

The vote on the substitute motion failed to carry by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Wolff, Nays; Wing, Thompson, Vera, Labatt, Hasslocher, Cisneros; ABSENT: None.

The vote on the main motion, prevailed by the following vote:
AYES: Wing, Thompson, Vera, Labatt, Hasslocher, Cisneros; NAYS:
Berriozabal, Webb, Dutmer, Martinez, Wolff; ABSENT: None.

87-23 The City Council recessed its regular session at 6:05 P.M. in
order to go into Executive Session, reconvening at 6:20 P.M.

87-23 The Clerk read the following Resolution:

A RESOLUTION 87-23-43

DIRECTING CITY STAFF TO ENTER INTO NEGOTIATIONS WITH
DENTON UTILITIES CONCERNING PAYMENT OF THE JUDGMENT
IN GSD LTD. AND DENTON UTILITIES, INC. V. CITY OF
SAN ANTONIO, CAUSE NO. 85-CI-20260 IN THE 57TH
JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS.

* * * *

Mrs. Dutmer made a motion to approve the proposed Resolution.
Mr. Labatt seconded the motion.

After consideration, the motion, carrying with it the passage of
the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb,
Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher,
Cisneros; NAYS: None; ABSENT: None.

87-23 The City Council then recessed its Regular Meeting at 6:21 P.M.
in order to convene a Special Meeting. The Special Meeting was adjourned
at 6:22 P.M. and the Regular Meeting was reconvened at 6:23 P.M.

87-23

CITIZENS TO BE HEARD

MR. PHILIP M. ROSS

Mr. Ross, 307 Burnet Street, stated that the Corps of Engineers
has granted a 60 day delay in action on the Draft Environmental Impact
Statement on the Applewhite Reservoir. He submitted 2 copies of his own
investigation which he feels makes Applewhite a wastewater recipient from
a number of sources. He questioned the City Council's stance on the
Applewhite matter. He stated that he feels the Draft Environmental Impact

Statement has a number of inaccuracies and also has the support of the City Water Board.

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

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LIBRARY SYSTEM

Ms. Patty Ewing, Alta Vista Neighborhood Association, spoke against the closure of any library in the city particularly the San Pedro Branch.

Ms. Yvette Roberts and other students of Kriterion Montessori School presented a petition in opposition to the closing of the San Pedro Branch Library.

Mr. Ed Torres, 131 W. Mayfield, President of the Pan Am Library Association, spoke of their concerns with the proposed 5% & 10% budget costs faced by the library system.

Ms. Janice Lindquist also expressed concern with the proposed funding cuts faced by libraries and the many benefits provided by the library system to the citizens of San Antonio.

Mr. Willie Perino, 1616 San Pedro Avenue, also expressed concern over the lack of funding support to the library system. He spoke of other city department's, especially the fire and police budgets being increased while the library system's budget is further being reduced. He suggested a Metropolitan Library System supported by city and county residents.

In response to a question by Mr. Labatt, Mr. Mike Sexton, Library Director, stated that libraries are going to 51 hour library weeks and no libraries will be closing.

Mr. Webb asked for a report on the Carver Library and the dollar amount associated with 60 hour library week versus the proposed 51 hour week.

Mr. Thompson spoke in support of pursuing the idea of utilizing volunteers at libraries in order to keep libraries from closing. He also stated that federal and state funds must be preserved. He spoke of maintaining present level library services.

Mr. Wolff suggested to Mr. Sexton that the school districts be contacted regarding joint operation at the Cody branch.

A discussion took place on the number of hours that a library is opened and the extension of these hours.

Mrs. Dutmer stated that there are concerns with the closing of libraries or reductions of hours at the branches, however money is very scarce.

Ms. Vera stated that her employer, USAA, has large volunteer organization and she would like the opportunity of working with the library system in providing volunteers.

Mr. Hasslocher spoke of his concern with maintaining present level of services. He also spoke of the many issues which affect the budget picture.

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MR. TOM CULBERTSON

Mr. Culbertson, 511 Westwood, expressed appreciation to the City Council for passage of the Resolution last week for the extension requested of the Corps of Engineers. He also spoke of the importance of conservation for the preservation of the Aquifer.

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MR. DON WILKINS CASTILLO

Mr. Castillo spoke to the City Council about his appearances before the courts on false accusations by the Building Inspections Department. He also stated that the police department has labeled him a terrorist, and he has been falsely accused.

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AIRPORT POLICE

Mr. Mark Gonzales, 9718 Berryville, spoke to the City Council about his job as an Airport Police Officer. He stated that their duties are identical to those of a police officer. He stated that they are trained to complete traffic accidents and feel it is a waste of time and money to have to call a San Antonio Police Officer to file an accident form at the Airport. He asked that the City Council spend time with the Airport Police Officers to find out what their job entails.

In response to a question by Mrs. Dutmer, Mr. Gonzales stated that he hopes to apply to the San Antonio Police Department in the future.

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MR. GABRIEL SANCHEZ

Mr. Sanchez asked for the city's support of their San Antonio Golden Jazzers at the National completion level to be held on July 5 - 9. He stated that they need financial support to enable the young people to make this trip possible.

Mr. Wing asked that the staff meet with Mr. Sanchez on this issue to see if any grant monies can be obtained.

Mrs. Dutmer asked the groups to have this publicized in the newspaper.

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MR. WAYNE EICHOLS

Mr. Eichols spoke of the proclamation issued by the Mayor on "Barrier Free Week." He presented to City Council a copy of an ordinance by the County of Broward relating to handicapped parking violators and stated that this service is done at no cost to the county. He asked that the City Council consider presenting this ordinance to the city staff in order that they may review the ordinance and a possible adoption by the San Antonio City Council. He stated that he works with handicapped persons and there is a great number of volunteers willing to serve.

Several Councilmembers stated that the idea presented by Mr. Eichols is a very good one and asked that city staff review the ordinance as presented by Mr. Eichols.

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There being no further business to come before City Council, the meeting was adjourned at 7:30 P.M.
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A P P R O V E D

ATTEST: *Norma J. Rodriguez*
C i t y C l e r k

Henry Cisneros
M A Y O R

May 7, 1987
sr