

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
TUESDAY, OCTOBER 22, 1991.

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

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91-45 Invocation - Reverend Stan Wright, Alamo Heights Christian Church.

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91-45 Pledge of Allegiance to the flag of the United States.

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91-45 Minutes of the September 5, 1991 Regular City Council Meeting were approved.

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91-45 RESOLUTION OF RESPECT-HENRY D. NUSSBAUM

Mayor Wolff introduced members of the family of Mr. Nussbaum who were present in the audience to receive the official Resolution of Respect, including his daughter, Ms. Shari Markowitz and her husband, Mr. Stuart Markowitz; his son Allan Nussbaum and his wife, Ms. Kay Nussbaum; his son Mark Nussbaum and his wife, Ms. Lorin Nussbaum; his sister, Ms. Sandra Hern and her husband, Mr. Harold Hern; and his aunt, Ms. Bertye Wolfson.

Mayor Wolff then read the Resolution of Respect:

A RESOLUTION NO: 91-45-63

WHEREAS, LIFE CAME TO A CLOSE FOR HENRY D. NUSSBAUM ON SEPTEMBER 16, 1991; AND

WHEREAS, MR. NUSSBAUM SERVED FOR SOME EIGHT YEARS AS

DIRECTOR OF THE CITY OF SAN ANTONIO'S CONVENTION AND VISITORS BUREAU; AND

WHEREAS, HIS SERVICES TO THE CITY HE BOTH LOVED AND SERVED WITH DISTINCTION CAME AT A TIME OF CRITICAL GROWTH, WHEN HE PERCEIVED THAT HIS DEPARTMENT MUST BEGIN MARKETING SAN ANTONIO AS MUCH MORE THAN A CONVENTION SITE; AND

WHEREAS, AS A RESULT OF HIS EFFORTS, GIANT STEPS WERE TAKEN TO ACQUAINT THE NATION AND THE WORLD WITH SAN ANTONIO'S ADVANTAGES AS AN OVERALL VISITOR DESTINATION, BOTH FOR CONVENTIONS AND LEISURE TRAVEL; AND

WHEREAS, DURING HIS YEARS AS DIRECTOR, THE INITIAL CONTACTS WERE MADE THAT RESULTED IN THE DEVELOPMENT OF A NUMBER OF KEY TOURISM AND CONVENTION ATTRACTIONS, IN LATER YEARS; NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION-1. THAT WITH THE DEATH OF HENRY D. NUSSBAUM THE CITY OF SAN ANTONIO HAS LOST A VALUABLE ASSET TO ITS PAST, PRESENT AND FUTURE.

SECTION-2. THAT THE CITY COUNCIL JOINS WITH HIS FAMILY AND FRIENDS IN THEIR SORROW OVER HIS DEATH, AND EXTENDS ITS SINCEREST SYMPATHY AND PRAYERS OF COMFORT TO THOSE WHO WERE NEAR HIM.

SECTION-3. AND IT IS HEREBY DIRECTED THAT A COPY OF THIS RESOLUTION BE SPREAD UPON THE MINUTES OF THIS MEETING AND A COPY BE PRESENTED TO HIS FAMILY AS A TOKEN OF OUR DEEPEST SYMPATHY.

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

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

Mr. Steve Moore, Director of the Convention & Visitors Bureau, and Mayor Wolff both spoke of Mr. Nussbaum's accomplishments on behalf of the City of San Antonio and reminisced about his life.

91-45

SWEARING-IN OF MAYOR PRO TEM THOMPSON

City Clerk Norma S. Rodriguez administered the Oath of Office to the next incoming Mayor Pro Tem, Mr. Thompson, and congratulated him.

91-45

CONSENT AGENDA

Ms. Vera made a motion to approve Agenda Items 8 through 26a, constituting the Consent Agenda. Mr. Pierce seconded the motion.

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

AN ORDINANCE 74,613

ACCEPTING THE PROPOSAL OF COMPUWARE CORPORATION FOR THE RENEWAL OF A MAINTENANCE AGREEMENT FOR ERROR DETECTION SOFTWARE FOR A TOTAL OF \$3,775.00 ANNUALLY.

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AN ORDINANCE 74,614

ACCEPTING THE PROPOSAL OF THE LEGENT CORPORATION FOR THE RENEWAL OF A MAINTENANCE AGREEMENT FOR DISK MANAGEMENT SOFTWARE FOR THE CITY OF SAN ANTONIO INFORMATION RESOURCES DEPARTMENT FOR A TOTAL OF \$5,940.00 ANNUALLY.

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AN ORDINANCE 74,615

ACCEPTING THE PROPOSAL OF THE AMDAHL CORPORATION FOR THE RENEWAL OF A MAINFRAME COMPUTER SYSTEM MAINTENANCE AGREEMENT FOR THE CITY OF SAN ANTONIO INFORMATION RESOURCES DEPARTMENT FOR A TOTAL OF \$244,032.00 ANNUALLY.

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AN ORDINANCE 74,616 .

ACCEPTING THE BID OF ABBOTT LABORATORIES,
DIAGNOSTICS DIVISION, TO FURNISH THE CITY OF SAN
ANTONIO HEALTH DEPARTMENT WITH MEDICAL LABORATORY
SUPPLIES ON ANNUAL CONTRACT BASIS FOR A TOTAL OF
APPROXIMATELY \$8,000.00.

* * * *

AN ORDINANCE 74,617 .

ACCEPTING THE LOW BID OF EDDIE WYATT, INC. TO
FURNISH THE CITY OF SAN ANTONIO AUTOMOTIVE
OPERATIONS WITH ANTI-FREEZE FOR A TOTAL OF
\$3,097.20.

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AN ORDINANCE 74,618 .

AUTHORIZING PAYMENT TO THE TEXAS WATER COMMISSION
FOR ANNUAL FEES FOR UNDERGROUND FUEL STORAGE TANKS
FOR A TOTAL OF \$4,100.00.

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AN ORDINANCE 74,619 .

ACCEPTING THE LOW BID OF QUALITY EQUIPMENT COMPANY
TO FURNISH THE CITY OF SAN ANTONIO WASTEWATER
MANAGEMENT DEPARTMENT WITH SLUDGE REMOVAL FOR A
TOTAL OF \$39,876.54.

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AN ORDINANCE 74,620 .

ACCEPTING THE LOW QUALIFIED BID OF GALAXIE BODY
WORKS TO FURNISH THE CITY OF SAN ANTONIO FIRE
DEPARTMENT WITH AN ANNUAL CONTRACT FOR EMS BODY
REPAIR FOR APPROXIMATELY \$8,000.

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AN ORDINANCE 74,621 .

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 5
IN THE AMOUNT OF \$67,117.38 TO THE CONTRACT WITH
AMERICAN ROOFING & METAL COMPANY, INC. IN
CONNECTION WITH THE CONVENTION CENTER ROOF

REPLACEMENT PROJECT; APPROPRIATING HOTEL/MOTEL
OCCUPANCY TAX IMPROVEMENT AND CONTINGENCY FUNDS;
AND AUTHORIZING PAYMENT.

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AN ORDINANCE 74,622

APPROVING A PROFESSIONAL SERVICES CONTRACT IN THE
AMOUNT OF \$48,496.00 WITH BROWN ENGINEERING COMPANY
FOR THE PROVISION OF CERTAIN ENGINEERING SERVICES
RELATED TO THE COLERIDGE FROM PARMENTER TO TENNYSON
PROJECT AND AUTHORIZING THE EXECUTION OF SAID
CONTRACT; AUTHORIZING \$9,699.20 FOR ENGINEERING
CONTINGENCY EXPENSES; AUTHORIZING \$200.00 FOR
ADVERTISING EXPENSES; APPROPRIATING FUNDS; AND
PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,623

ACCEPTING THE PROPOSAL OF SOUTHWEST RESEARCH
INSTITUTE IN THE AMOUNT OF \$9,344.00 TO CONDUCT AN
ENVIRONMENTAL ASSESSMENT OF MEDIO CREEK WASTEWATER
TREATMENT PLANT; APPROPRIATING SEWER REVENUE BOND
FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,624

APPROVING THE PRICE, TERMS AND CONDITIONS OF SALE BY
THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO
OF A CERTAIN PARCEL OF LAND LOCATED WITHIN THE
COLONIA SANTA CRUZ COMMUNITY DEVELOPMENT PROJECT FOR
A CONSIDERATION OF \$3,850.00.

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AN ORDINANCE 74,625

AUTHORIZING THE WATER BOARD TO OVERSIZE
APPROXIMATELY 17,400 FEET OF DEVELOPER CUSTOMER
APPROACH MAIN ON PLEASANTON ROAD FROM SIX (6) INCHES
TO TWELVE (12) INCHES, AND APPROXIMATELY 3,200 FEET
OF DEVELOPER CUSTOMER APPROACH MAIN ON FM 2537 FROM
SIX (6) INCHES TO EIGHT (8) INCHES AT AN ESTIMATED
COST TO THE CITY WATER BOARD OF \$251,800.00.

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AN ORDINANCE 74,626

AUTHORIZING THE RENEWAL AND EXTENSION, UNTIL JANUARY 15, 1992, OF A CERTAIN PROFESSIONAL SERVICES AGREEMENT BETWEEN KATHY*JUAN*NENA, MARKETING COMMUNICATIONS COMPANY, AND THE CITY OF SAN ANTONIO, TO ALLOW ADDITIONAL TIME TO COMPLETE THE FINAL PHASE OF A PROJECT ENTITLED "THE ARTS AND THE SAN ANTONIO ECONOMY."

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AN ORDINANCE 74,627

APPROVING RECORDS CONTROL SCHEDULES FOR THE CITY OF SAN ANTONIO POLICE DEPARTMENT AS REQUIRED BY ORDINANCE NO. 72054 PASSED AND APPROVED ON AUGUST 9, 1990; AND AUTHORIZING THE DESTRUCTION OF CERTAIN OBSOLETE RECORDS.

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AN ORDINANCE 74,628

APPROVING THE BYLAWS OF THE COMMUNITY ACTION ADVISORY BOARD AND AUTHORIZING SUBMISSION OF THE BYLAWS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS.

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AN ORDINANCE 74,629

APPROVING THE 1991-92 AMENDED PROJECT WARM PROGRAM PLAN.

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AN ORDINANCE 74,630

APPROPRIATING \$10,000.00 FROM AIRPORT SYSTEM CAPITAL IMPROVEMENT FUNDS, PAYABLE TO THE AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES, FOR THE CITY OF SAN ANTONIO'S SHARE OF THE COSTS OF THE GROUP STORM WATER DISCHARGE APPLICATION FOR SAN ANTONIO INTERNATIONAL AIRPORT AND STINSON MUNICIPAL AIRPORT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,631

APPOINTING CONNIE J. PONCE TO THE CITY OF SAN ANTONIO YOUTH COMMISSION.

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91-45 The Clerk read the following Ordinance:

AN ORDINANCE 74,632

AUTHORIZING THE SALE OF SIX PARCELS OF LAND TO THE HIGHEST BIDDERS FOR A TOTAL OF \$268,313.00; REJECTING BIDS ON TWO ADDITIONAL PARCELS; AUTHORIZING THE CITY MANAGER OR ASSISTANT CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS AND RETURN DEPOSITS RECEIVED FROM UNSUCCESSFUL BIDDERS; AUTHORIZING THE DIRECTOR OF FINANCE TO RECEIVE THE FUNDS AND PAY EXPENSES INCURRED IN THE SALE.

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

Ms. Aurora Garza, Real Estate Division, Public Works Department, outlined the properties for sale and addressed the proposed rebidding on several of the properties, then spoke to the history of the City's sales of surplus properties.

In response to a question by Mr. Labatt, Ms. Garza spoke to details of the sale of the Gallagher Building, near the Alamo, to the Daughters of the Republic of Texas.

In response to a question by Mr. Thompson, Ms. Garza, City Manager Alex Briseno, and Mr. Joe Rodriguez, Assistant Director of Public Works, spoke to where the funds derived from sales of surplus properties are accounted for.

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

91-45 The Clerk read the following Ordinance:

AN ORDINANCE 74,633

APPROVING FIELD ALTERATION NO. 6 TO THE CONTRACT WITH LYDA, INC. IN THE DECREASED AMOUNT OF \$15,000.00 FOR WORK ON THE ALAMODOME: PACKAGE 3A-CONCRETE STRUCTURAL FRAME.

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

Mr. Roland Lozano, Director of Dome Development, described the planned reduction in costs for security at the Alamodome site.

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

91-45 The Clerk read the following Ordinance:

AN ORDINANCE 74,634

ACCEPTING THE PROPOSAL OF ARROW GLASS COMPANY FOR SUBSTITUTE MATERIALS; AND APPROVING FIELD ALTERATION NO. 1 TO THE CONTRACT WITH ARROW GLASS COMPANY IN THE DECREASED AMOUNT OF \$158,000.00 FOR WORK ON THE ALAMODOME PACKAGE: 4C- DOORS/ GLAZING SYSTEMS.

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

Mr. Roland Lozano, Director of Dome Development, explained plans to substitute certain materials for Alamodome doors/glazing systems.

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

91-45 The Clerk read Item 30 being a proposed Ordinance approving a license agreement between the City of San Antonio and Great Northwest Community Improvement Association, Inc., for the erection of

welcome signs within city-owned Right-Of-Way; and authorizing the City Manager or Assistant City Manager to execute a license agreement for a 25-year period for a consideration of \$500.00.

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

Mr. Bill Toudouze, Real Estate Division, Public Works Department, briefly explained the homeowners' association's request for approval of the erection of some 15 signs at entrances to the Great Northwest area, noting that the Great Northwest Community Improvement Association is bearing all costs for applicable fees for this work.

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

Mr. Brian Erickson, representing the association, asked the City to reconsider this action and to consider waiving the fees for the entrance signs, since this is not a commercial venture.

Mr. Martinez made a motion to reconsider the proposed Ordinance. Mr. Pierce seconded the motion.

The City Council then reconsidered agenda item 30.

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

Mr. Labatt made an amendment to the motion to waive the \$500.00 fee. Mr. Pierce seconded the motion.

Mr. Thompson spoke of the precedent being set by the City Council in waiving this fee for neighborhood entry signs, and voiced his concerns for maintenance and liability surrounding those signs.

Ms. Vera stated her reluctance to approve such a waiver, though she supports the plans for erection of neighborhood signs. She stated her fear that other neighborhoods will now follow suit and ask for the same waiver consideration. She stated her belief that the District 8 City Council member, who is ill today and presently not in the Council chambers, might wish to fund this from his discretionary funds.

Mr. Toudouze noted that a previous fee waiver of this type dealt with only a single entry sign, and noted that City staff currently is drafting proposed new policies which will recommend a standardized \$500.00 fee, regardless of the number of signs involved.

Mr. Martinez noted that the \$500.00 fee is for administrative

expenses involved in preparing the license agreement process.

Mayor Wolff stated that he had just spoken to the District 8 representative, Councilman Thornton, by telephone, and noted that Mr. Thornton desired to use his discretionary funds to pay for this.

After consideration, the maker and seconder of the amendment agreed to withdraw their motion.

Ms. Vera made a motion to fund the \$500.00 fee cost equally between the discretionary funds of Districts 7 and 8. Mr. Martinez seconded the motion.

After consideration, the amendment to split the cost equally between the discretionary funds of Districts 7 and 8, prevailed by the following vote: AYES: Perez, Pierce, Wing, Martinez, Thompson, Vera, Thornton, Labatt, Wolff; NAYS: None; ABSENT: Billa Burke, Larson.

After consideration, the main, as amended, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Martinez, Thompson, Vera, Labatt, Wolff; NAYS: None; ABSENT: Billa Burke, Thornton, Larson.

AN ORDINANCE 74,635

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND GREAT NORTHWEST COMMUNITY IMPROVEMENT ASSOCIATION, INC., FOR THE ERECTION BY SAID ASSOCIATION OF WELCOME SIGNS WITHIN CITY-OWNED RIGHT-OF-WAY; AUTHORIZING THE CITY MANAGER OR ASSISTANT CITY MANAGER TO EXECUTE A LICENSE AGREEMENT FOR A 25-YEAR PERIOD FOR A LICENSE FEE OF \$500.00; AND AUTHORIZING PAYMENT OF \$250.00 EACH FROM THE CITY COUNCIL DISTRICTS 7 AND 8 DISCRETIONARY FUNDS TO THE GENERAL FUND TO DEFRAY SAID LICENSE FEE.

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91-45 The Clerk read the following Ordinance:

AN ORDINANCE 74,636

RATIFYING AND CONFIRMING THE ACTIONS OF CITY STAFF IN EXECUTING FIELD ALTERATION NO. 2 TO THE CONTRACT WITH BALLOU CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF \$20,924.40 FOR THE MICRO-SURFACING OF FREILING FROM DEWHURST TO VANCE JACKSON IN CONNECTION WITH THE MICRO-SURFACING 1991 PROJECT.

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

Mr. Joe Rodriguez, Assistant Director of Public Works, explained the need for microsurfacing of the street involved in order to save the City money by having the contractor already working in the area perform this new work. He further noted that the developer will pay for a portion of the costs.

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

91-45 The Clerk read Item 32 being a proposed Ordinance appropriating \$9,600.00 from the District 3 Discretionary account to provide for administrative office support for Councilmember Burke.

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

A discussion ensued concerning the correct costs for this ordinance.

Ms. Julia Castellano-Hoyt, Assistant to the City Council, explained that Councilwoman Billa Burke had asked that the correct cost be \$4,800.

Mr. Thompson made an amendment to correct the amount to be \$4,800.00. Ms. Vera seconded the motion.

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

AN ORDINANCE 74,637

APPROPRIATING \$4,800.00 FROM THE DISTRICT 3
DISCRETIONARY ACCOUNT TO PROVIDE FOR ADMINISTRATIVE
OFFICE SUPPORT FOR COUNCILMEMBER BURKE.

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Mr. Thornton made a motion to postpone the zoning case until November 14, 1991. Mr. Martinez seconded the motion.

After consideration, the motion, to postpone the zoning case, prevailed by the following vote: AYES: Perez, Pierce, Wing, Martinez, Thompson, Vera, Thornton, Labatt, Wolff; NAYS: None; ABSENT: Billa Burke, Larson.

Zoning Case Z91128 CC was postponed.

4C. CASE Z91121 - to rezone P-5, Block 32, NCB 15275 from Temporary "R-1" Single Family Residence District to "B-2" Business District located on the west side of Five Palms Drive, 121 feet northeast of the intersection of Lelani Place and Five Palms Drive, having 123.56 feet on Five Palms Drive and a depth of 730 feet, 5000 Block of Five Palms Drive.

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

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

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

AN ORDINANCE 74,638

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 PARCEL 5, BLOCK 32, NCB 15275 FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, 5000 BLOCK OF FIVE PALMS DRIVE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4D. CASE Z91114 (PP) - to rezone the west 72.6 feet of the south 314.2 feet of Lot 90, NCB 11888, to remove one foot non-access easement previously imposed by Ordinance No. 62333 dated February 13, 1986 located on the north side of Terra Alta Drive, 297.43 feet west of the intersection of Terra Alta Drive and Broadway, 1700 Block of Terra Alta.

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

Mr. Labatt made a motion to approve the recommendation of the Zoning Commission. Mr. Thompson seconded the motion.

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

AN ORDINANCE 74,639

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE WEST 72.6 FEET OF THE SOUTH OF 314.2 FEET OF LOT 90, NCB 11888, TO REMOVE ONE FOOT NON-ACCESS EASEMENT PREVIOUSLY IMPOSED BY ORDINANCE NO. 62333, DATED FEBRUARY 13, 1986, 1700 BLOCK OF TERRA ALTA. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4E. CASE Z91134 - to rezone Lot 13, Block 2, NCB 14686 from "B-1" Business District to 'B-3NA" Non-Alcoholic Business District, 5625 and 5627 Babcock Road located on the northeast side of Babcock Road, approximately 1,210 feet southeast of the intersection of Huebner Road and Babcock Road, having 65 feet on Babcock Road and a depth of 200 feet.

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

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

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

AN ORDINANCE 74,640

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 13, BLOCK 2, NCB 14686 FROM "B-1" BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 5625 AND 5627 BABCOCK ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4F. CASE Z91135 - to rezone a 0.265 acre tract of land out of NCB 17981 from "B-3" Business District to "I-1" Light Industry District located on the northeast side of U.S. Hwy 90 East, being 233 East of the intersection of Ackerman Road and U.S. Hwy 90 East having 154 feet on U.S. Hwy 90 East and a depth of 86.60 feet, 5800 Block of U.S. Hwy 90 East.

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

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

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

AN ORDINANCE 74,641

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 0.265 ACRE TRACT OF LAND OUT OF NCB 17981 FROM "B-3" BUSINESS DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, 5800 BLOCK OF U.S. HWY 90 EAST. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4G. CASE Z91143 - to rezone a 10.6121 acre tract of land out of NCB 13887, being further described by field notes filed in the Department of Planning from P-1(R-5) Planned Unit Development One-Family Residence District and P-1(R-6) Planned Unit Development Townhouse Residence District to to "R-5" One Family Residence District located south of the intersection Lovetree and Oak Briar, having 193.05 feet on Lovetree and a depth of 851.72 feet and 360.9 feet on Oak Briar and a

depth of 520.57 feet, 15100 Block of Oak Briar.

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

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

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

AN ORDINANCE 74,642

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 10.6121 ACRE TRACT OF LAND OUT OF NCB 13887 FROM "P(R-5)" PLANNED UNIT DEVELOPMENT SINGLE FAMILY RESIDENCE DISTRICT AND "P-1(R-6)" PLANNED UNIT DEVELOPMENT TOWNHOUSE RESIDENCE DISTRICT TO "R-5" SINGLE FAMILY RESIDENCE DISTRICT, 15100 BLOCK OF OAK BRIAR. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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91-45 The Clerk read the following Ordinance:

AN ORDINANCE 74,643

CLOSING NORTH ST. MARY'S STREET AND ADJACENT STREETS WITHIN THE BOUNDARIES OF E. MULBERRY ON THE NORTH, MCCULLOUGH AVENUE ON THE WEST, ASHBY ON THE SOUTH AND HIGHWAY 281 ON THE EAST, FROM 4 P.M. THURSDAY, OCTOBER 31, 1991 UNTIL 5:00 A.M., FRIDAY NOVEMBER 1, 1991, FOR THE NORTH ST. MARY'S STREET HALLOWEEN PARTY; AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE NORTH ST. MARY'S STREET MERCHANTS ASSOCIATION; AND DECLARING AN EMERGENCY.

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

Mr. Travis Bishop, Assistant to the City Manager, explained the requested street closures so that the North St. Mary's Street

October 22, 1991

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Halloween Party can be held. He noted that City staff wants the age limit for admission to be 21, and the merchants association is to bear all costs of the event.

Members of the North St. Mary's Street Merchants Association then distributed copies of material to members of the Council.

Mr. Ralph Medina, representing the Tobin Hill Neighborhood Association, noted that a portion of the proceeds of this event would be donated to his association, and he asked that this amount not be diminished by any City-required fees. He spoke in support for the street closure request and the merchants association's request to admit 18-year-olds to the Halloween Party event.

Mr. Mario Bravo, President, St. Mary's Merchants Association, spoke to the popularity of this annual Halloween event, and noted that traffic will be curtailed to all but residents of the neighborhood. He spoke to his association's willingness to pay for City inspectors to inspect the key five-block party area, but not the other neighborhood streets, which are being closed to vehicular traffic in order to protect residents of the neighborhood. He also stated his opinion that the City is requiring too much security, and he asked that persons down to and including age 18 be allowed to attend the Halloween Party. He then spoke to the planned usage of wristbands to identify those over the legal drinking age of 21 years, in order to control the usage of alcoholic beverages.

Mr. Alex Briseno, City Manager, spoke to the need for the required fees in order to pay the City's incurred costs.

Mr. Perez spoke to the large amount of security necessary to insure the safety of those attending this event, and addressed the two fundraising events held each year by the merchants association in order to raise funds to pay for such amenities as increased lighting in the area. He addressed the agreements reached by all sides in this matter, including the street closures and payment of some \$5,100 to pay for the security people.

Mr. Bravo asked that a representative of the San Antonio Police Department be part of an evaluation of security needs for this event, in order to set a proper security figure for next year.

Mr. Perez made a motion to allow persons down to and including age 18 to attend this event; that those under the legal drinking age of 21 years not be given wristbands, allowing them to purchase alcoholic beverages; and that those under age 21 will not be allowed inside places serving alcoholic beverages during this event. Ms. Vera seconded the motion.

Mr. Thompson spoke against waiver of the age-21 limitation on attendance and addressed his concerns that wristbands can be removed and given to anyone, regardless of age. He stated his belief that the City Council is facing a policy issue of allowing minors in areas serving

alcoholic beverages.

Mr. Wing spoke in support for the event, but stated his belief that proper traffic control and security are necessary. He also voiced his concerns with allowing minors into the event, and contrasted this particular event with others held in other areas of the city. He stated that he would be voting against allowing minors inside the party area.

Captain Al Phillipus, San Antonio Police Department, stated that the department agrees that 65 officers located inside the Halloween Party area itself, plus others for traffic control outside the area, are sufficient security.

Ms. Vera spoke to her concern with the City Council possibly giving mixed signals to young people by allowing minors into areas serving alcoholic beverages. She noted, however, that minors already frequent these facilities daily.

Mr. Perez addressed the security in place for this event and clarified his motion, stating his willingness to delete the restriction against minors being allowed "in places serving alcoholic beverages" because most restaurants in the party area serve both food and drink.

After discussion, it was the concensus of the City Council to leave that particular wording in the amended motion.

Mr. Martinez noted that state law permits minors to enter a bar, but forbids them from consuming alcoholic beverages.

Mr. Tom Finlay, Assistant City Attorney, stated his legal opinion that the City can exclude minors from these areas during this event, as an express condition of using City property for the event.

Mr. Briseno noted that the Texas Alcoholic Beverage Commission will not allow temporary permits for sale of alcoholic beverages for this event this year, which, if approved, would allow sale of alcoholic beverages outside the establishments within the Halloween Party area.

Mr. Bill Sanchez, representing Wacko's Cantina, spoke to the use and control of the wristbands.

Mr. Martinez made a Second Amendment to the motion to delete the wording in the First Amendment which would prevent minors from being present inside places serving alcoholic beverages. Mr. Labatt seconded the motion.

After consideration, the seconded amendment failed by the following vote: AYES: Pierce, Martinez, Labatt, Wolff; NAYS: Perez, Wing, Thompson, Vera, Thornton; ABSENT: Billa Burke, Larson.

After consideration, the first amendment, prevailed by the following vote: AYES: Perez, Pierce, Vera, Thornton, Labatt, Wolff; NAYS: Wing, Martinez, Thompson; ABSENT: Billa Burke, Larson.

After consideration, the main motion, as amended and carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Martinez, Thompson, Vera, Thornton, Labatt, Wolff; NAYS: Thompson; ABSENT: Billa Burke, Larson.

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91-45

SECOND PUBLIC HEARING - ANNEXATION OF FIVE AREAS

Mayor Wolff declared the Public Hearing to be open.

Ms. Carol Ensign, 9342 Lamerton, stated that she is frustrated and concerned with being annexed, and questioned the rationale for the annexation actions. She stated that she has not been able to secure sufficient information concerning service plans for the newly-annexed areas and asked that City Council direct a meeting to be held in her neighborhood on the question of annexation of that area.

Mayor Wolff asked City staff to set up meetings on the annexation in the neighborhood concerned and asked Mr. Thornton, as Councilman from District 8, to call the meeting and have City staff in attendance, including representatives of Fire and Police Departments.

Ms. Rebecca Q. Cedillo, Director of Planning, noted that the City Council's Annexation Committee will be meeting November 4, 1991, which is before the First Reading of the annexation ordinance.

Mr. Hector Pena, P.O. Box 690114, developer of "The Park" and "The Waters" of Deerfield subdivision, noted that he is planning to plat his properties landed Unit Developments (PUDs) and to install infrastructure, noting that the homeowners in these areas will pay for the maintenance costs of this infrastructure through a fee.

Mr. Lynn McNames, 7151 Sudbury Circle, asked that annexation of this area be delayed for one year.

A discussion then took place concerning how much of Northwest Crossing can be annexed at this time, given the constraints of state law.

Mr. Thornton asked City staff to look closely at areas which include "mandatory neighborhood associations", in future annexation considerations.

Mr. Wing spoke in summary of last week's First Public hearing on this annexation proposal.

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

91-45 City Council recessed its Regular Meeting at 3:58 P.M. in order to convene a "B" Session discussion on Market Square, reconvening in Regular Meeting at 5:38 P.M.

91-45 PUBLIC ACCESS PROGRAMMING - "THE WORST SHOW"

Councilman Thornton expressed concern about the subject material being shown on the Public Access Channel, namely, The "Worst Show". He stated that the bomb segment was irresponsible and for the safety of our children should have never been aired. He asked what the city could do to keep such programming off the air and what rights the City has to review future programming.

City Manager Briseno stated that the City staff has already begun work on addressing the concerns brought out by the City Council.

Mr. Skip Noe, Director of Management Services, stated that the staff is pursuing two avenues, that is, did the programming violate FCC rules and regulations and a determination is being sought on whether any city or state laws were broken with regard to the particular bomb segment. He also stated that T.J. Connally of Paragon Cable will be investigating the violation of any FCC rules. If any law was violated then appropriate action will be taken.

Dr. Thornton asked that any report be made available to the City's Cable Advisory Committee as well.

In response to a question by Dr. Thornton, Mr. T. J. Connally stated that they have been in contact with their attorneys who are now investigating any violations of the FCC rules. They will also ask for an appeal if they find that they must continue this programming. He detailed the procedure they plan to utilize with regard to this particular public access show.

In response to a question by Mayor Wolff, Mr. Noe stated that the 1984 Cable Act precludes the city from setting up more stringent rules than the FCC.

Mr. Connally stated that programming will definitely be reviewed and that it will be shown as late as possible.

Mr. Thornton again stated that this issue is not one of free speech but rather a question of safety. He then moved that direction be given to the Cable TV Advisory Committee to review programming on the public access channel before it is aired and to keep the Council abreast of their findings. Mr. Labatt seconded the motion. On voice vote, the motion prevailed by the following vote: Ayes: Perez, Pierce, Martinez, Thornton, Labatt, Wolff; NAYS: None; ABSTAIN: Thompson; ABSENT: Billa Burke, Wing, Vera, Larson.

Mayor Wolff urged that this issue be handled expeditiously.

91-45

CITIZENS TO BE HEARD

MR. WENDELL G. ROSE

Mr. Wendell G. Rose, 9645 Ivy Bend, read a written statement from the producer of the public access show, The Worst Show, to the City Council. (A copy of the statement is on file with the papers of this meeting.) He stated that they regretted the incident on the assembly of a bomb and promised that they would never show it again. They are against violence and suggested that Paragon establish a new policy that after a certain number of complaints about the contents of a public access show that the material be reviewed before airing.

Dr. Bill Thornton spoke about his reasoning for expressing his concern over the showing of this show.

Mayor Wolff also expressed concern about the contents of this particular show and asked Mr. Rose to verify that this show would never air the bomb segment again.

Mr. Wing took issue with the statements made by Mr. Rose and stated that full responsibility for airing the show was the producer's and creators. He also took issue with the contents of the show which, in his opinion, is very critical of minorities.

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MS. JOYCE DORRYCOTT

Ms. Joyce Dorrycott, 6454 Village Park, invited the City Council to a town meeting which will be held this Saturday, October 26, 1991, at the Henry B. Gonzalez Convention Center, Room 107 from 10:00 a.m. to 2:00 p.m. This meeting will deal with current problems and issues affecting the youth of our community.

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91-45

DISCUSSION ON POT BELLIED PIGS

MRS. BOBBIE LYONS

Mrs. Bobbie Lyons, 4709 Palo Alto Drive, Von Ormy, Texas, presented a petition to the City Council asking them to place for consideration on a future agenda an ordinance changing the City Code to allow potbellied pigs as household pets within the city of San Antonio. (A copy of this petition is on file with the papers of this meeting). She also spoke to the difference between this species of pig versus the regular farm pig. She urged the City Council to consider this issue.

Mr. Thompson expressed his concern with the already large number of stray animals within the city limits and would not be in favor of adding to this present problem.

Mrs. Paige Kyle, Rt. 2, Box 102, Falls City, TX., also stated that she and her husband have begun breeding this type of pig and they are selling for over \$500.00. She spoke to the benefits of having these animals as pets and stated that they cannot be infected with rabies since they have a natural immunity. She also urged the City Council to consider passage of future ordinance.

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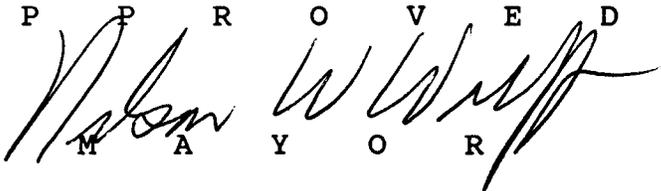
MR. MIKE BIACHE

Mr. Biache, 3802 Salinas, stated that he is the Pastor of the Born Again Temple and had been before the City Council previously seeking funding for his work with the youth of the community. He spoke to the many grand related incidents occurring in our City. However, he had been advised of the separation of Church and State by Councilman Perez and would now ask for assistance in getting him together with organizations who may be able to assist him.

Councilman Perez stated that he and Mr. Wing will meet with Pastor Biache and assist him with this matter.

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91-45 There being no further business to come before the Council, the meeting was adjourned at 6:45 P.M.

A P P R O V E D
M A Y O R



Attest: 
C i t y C l e r k

