

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO,
HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING,
THURSDAY, MAY 29, 1997**

97-23 The regular meeting was called to order at 1:00 p.m by the Presiding Officer, Mayor William E. Thornton, with the following members present: Flores, Lott, Billa Burke, Avila, Vasquez, Herrera, Ross, Marbut, Peak, Webster and Thornton. **Absent:** None

97-23 Invocation - Rev Andrew Wilson, Shiloh Baptist Church.

97-23 Pledge of Allegiance to the flag of the United States.

97-23 **CEREMONIAL ITEMS**

GENERAL H.T. JOHNSON

Mayor Thornton stated that General Johnson is leaving San Antonio shortly, and has been invited to the City Council meeting so that the Council might express its appreciation to him for his service to the City of San Antonio, primarily on the Greater Kelly Development Corporation. He then spoke to General Johnson's vital contributions to the redevelopment of Kelly Air Force Base, then read a formal Certification of Appreciation on behalf of the City Council and the citizens of San Antonio and presented it to General Johnson.

General Johnson thanked the Mayor and City Council for the honor, and lauded the work of the Greater Kelly Redevelopment Corporation.

MAYOR'S CUP SOCCER PROGRAM

Mayor Thornton noted that the M&M/Mars Company will present the Snickers City Soccer program Mayor's Cup on May 31, 1997 here in San Antonio, and introduced Mr Larry Yaffa, National Event Manager for the firm, and Mr Frank Stromboe, Acting Director of Parks & Recreation for the City.

Mr Yaffa and Mr Stromboe explained the program's growth and development, involving some 2,300 young people in San Antonio.

A brief videotaped presentation displayed the program and spoke to its goals.

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Mayor Thornton then read a formal Proclamation designating the event and presented it to Mr Yaffa

Individual Council members congratulated all involved and spoke to the value of soccer to the nation's youth and their development

On a point of personal privilege, Mayor Thornton recognized the presence in the audience today of Ms Hana Ross, wife of Councilman Bob Ross, and their daughter, Sharon.

Mrs. Ross spoke briefly in thanks to the City Council members for their efforts on behalf of the City

97-23 CANVASS OF RUNOFF ELECTION AND DECLARING RESULTS.

Members of City Council and the Mayor conducted the formal canvass of the results of the Runoff Election of May 27, 1997, after which Mayor Thornton announced that there were no changes from the unofficial results as tabulated

Ms. Lott thanked the City Clerk and her staff for conducting an excellent election process.

Mayor Thornton noted that the elections process was done very well, and in a flawless manner

City Clerk Norma S Rodriguez then read verbatim the proposed Ordinance, to wit

ORDINANCE 86073

DECLARING THE RESULTS OF THE CANVASS OF THE MUNICIPAL RUNOFF ELECTION HELD ON THE 27TH DAY OF MAY, 1997

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WHEREAS, the Joint and Special Election for election of members to the San Antonio City Council was held on May 3, 1997, and

WHEREAS, the City Council canvassed the returns at a special meeting held on May 5, 1997, and passed an ordinance declaring the results of said canvass, and

WHEREAS, said runoff election was held on May 27, 1997, and the members of the City Council convened on the regular Council meeting of May 29, 1997, to canvass and declare the results thereof; **NOW THEREFORE:**

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

SECTION 1. The City Council convened on this 29th day of May, 1997, to canvass the returns of the runoff municipal election held on the 27th day of May, 1997, to determine the members of the Council Place No 2, Place No. 4, Place No. 6, and Place No.11 (Mayor) of the City of San Antonio for the ensuing term of office of two years

SECTION 2. The City Council has canvassed the returns and now must declare the results of said election in the manner provided by law After considering, determining, and canvassing all matters of fact appertaining, we, the City Council of the City of San Antonio, for the ensuing term of office of two years

FOR MEMBER OF COUNCIL, PLACE NO 2

“FOR” Nancy Bohman	3467 votes
“FOR” Mario Salas	4148 votes

FOR MEMBER OF COUNCIL, PLACE NO 4

“FOR” Rey Nieto	3229 votes
“FOR” Raul Prado	4893 votes

FOR MEMBER OF COUNCIL, PLACE 6

“FOR” Jose Menendez	3960 votes
“FOR” Cris Bera	3919 votes

FOR MEMBER OF COUNCIL, PLACE 11

“FOR” Kay Turner	48499 votes
“FOR” Howard W Peak	64094 votes

SECTION 3. It is further declared that as a result of said election, the following persons were elected Council Members for a two-year term commencing June 1, 1997

Mario Salas	Member of Council	Place No 2
Raul Prado	Member of Council	Place No 4
Jose Menendez	Member of Council	Place No 6
Howard W Peak	Member of Council	Place No 11 (Mayor)

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and each of them were elected by receiving a majority of all the votes cast for the office for which each was a candidate by the qualified voters of the City of San Antonio voting at said election, and they and each of them are hereby declared to be the lawful and duly elected Council Member of the City for the places specified

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

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

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Mayor Thornton then invited all elected or re-elected City Council members to join the current City Council members on the dais, and presented each with their Certificate of Election, congratulating each

City Clerk Norma S Rodriguez administered the Statement of Appointed Officer oath to each newly-elected or newly-re-elected City Council member, after which those documents were thermofaxed to the Office of the Secretary of State in Austin for recordation. City Clerk Rodriguez noted that once confirmation of that recordation is received here, the new Council members will be formally sworn-in to their offices with a formal Oath of Office

Members of the current City Council congratulated the newly-elected members of the incoming City Council, to take office June 1, 1997

Mayor Thornton spoke to the advent of an exciting new Council team with a new Mayor and a number of new City Council members, despite the large turnover in members. He spoke to the loss of much Council talent and expertise, then recognized each of the retiring City Council members with special bronze plaques commemorating their service to the City of San Antonio

97-23 **CONSENT AGENDA**

Mr Flores made a motion to approve Agenda Items 8 through 22b, constituting the Consent Agenda, with item 20 having been pulled for individual consideration Ms Lott seconded the motion

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

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AN ORDINANCE 86074

ACCEPTING THE LOW, QUALIFIED BID OF TORRES UNIT PRINTING FACILITY TO PROVIDE THE CITY OF SAN ANTONIO WITH THE PRINTING OF THE COALITION NEWSLETTER FOR THE TOTAL OF \$18,083 00

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AN ORDINANCE 86075

ACCEPTING THE LOW BID OF SPACE MASTER INTERNATIONAL TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH A MOBILE HOME FOR A TOTAL OF \$25,109.00.

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AN ORDINANCE 86076

ACCEPTING THE LOW BID OF MONTGOMERY KONE TO PROVIDE THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH ELEVATOR UPGRADES AT THE INTERNATIONAL AIRPORT FOR A TOTAL OF \$45,238.00

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AN ORDINANCE 86077

ACCEPTING THE LOW, QUALIFIED BID OF SAN ANTONIO CONSTRUCTORS, INC. IN THE AMOUNT OF \$266,435 46 IN CONNECTION WITH THE MAHNCKE PARK STREET PHASE III - ELEANOR STREET COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, AUTHORIZING A CONSTRUCTION CONTRACT, REVISING THE PROJECT BUDGET, AUTHORIZING \$19,840 00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, AUTHORIZING \$40,000.00 PAYABLE TO OVERBY DESCAMPS ENGINEERS, INC FOR ENGINEERING SERVICES, AUTHORIZING \$8,332 78 FOR PROJECT OVERSIGHT COSTS, AUTHORIZING \$800 00 FOR ADVERTISING EXPENSES, AND PROVIDING FOR PAYMENT (AMENDS ORDINANCE NO 80988 DATED OCT 24, 1994)

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AN ORDINANCE 86078

ACCEPTING THE LOW, QUALIFIED BID OF E-Z BEL CONSTRUCTION, INC IN THE AMOUNT OF \$172,988 00 IN CONNECTION WITH THE "J" STREET PARK DRAINAGE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT, ADOPTING THE PROJECT BUDGET, AUTHORIZING \$14,000 00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$7,265 50 FOR PROJECT OVERSIGHT COSTS, AND PROVIDING FOR PAYMENT (MBE)

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AN ORDINANCE 86079

AUTHORIZING THE CITY MANAGER TO EXECUTE AN "AGREEMENT FOR THE FURNISHING AND INSTALLING OF TRAFFIC SIGNAL EQUIPMENT BY A MUNICIPALITY" WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND AUTHORIZING A FORCE ACCOUNT FUND IN THE AMOUNT OF \$9,700 00 FOR THE FURNISHING AND INSTALLING OF TRAFFIC SIGNAL EQUIPMENT, RENTAL AND LABOR ON ZARZAMORA STREET FROM SPUR 421 (CULEBRA ROAD) TO COMMERCE STREET

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AN ORDINANCE 86080

AUTHORIZING THE EXECUTION OF A 25-YEAR LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND E JOE KIERSTEAD AND LORI KIERSTEAD, D/B/A ALAMO AUTO TITLE COMPANY TO USE PUBLIC PROPERTY WITHIN LOTS 8 THRU 14, BLOCK 4, NEW CITY BLOCK 8952, ADJACENT AND PARALLEL TO INTERSTATE 35 SOUTH, FOR A USED CAR LOT, FOR A TOTAL CONSIDERATION OF \$5,875.00

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AN ORDINANCE 86081

DECLARING 2,070 SQUARE FEET OF CITY-OWNED PROPERTY LOCATED NORTHWEST OF LOT 10, NEW CITY BLOCK 742 AT THE SOUTHWESTERN END OF WASHINGTON STREET, AS SURPLUS TO THE NEEDS OF THE CITY AND QUITCLAIMING SAID PROPERTY TO CHARLES C BUTT FOR A TOTAL CONSIDERATION OF \$21,479 00, INCLUDING A \$15 00 RECORDING FEE

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AN ORDINANCE 86082

AMENDING ORDINANCE NO 84562, PASSED AND APPROVED ON AUGUST 15, 1996 TO ACCEPT AND EXECUTE A GRANT AWARD CONTRACT FOR ADDITIONAL FUNDS IN THE AMOUNT OF \$78,343.00 FROM THE TEXAS WORKFORCE COMMISSION (TWC) TO PROVIDE QUALITY IMPROVEMENT EQUIPMENT AND MATERIALS THROUGH THE EARLY CHILDHOOD DEVELOPMENT RESOURCES PROJECT (ECDR) FOR THE CHILD CARE MANAGEMENT SERVICES (CCMS) PROGRAM; AND AMENDING THE CCMS BUDGET AND PERSONNEL COMPLEMENT

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AN ORDINANCE 86083

AUTHORIZING (1) SUBMISSION OF THE ANNUAL PROPOSAL/APPLICATION TO THE DEPARTMENT OF DEFENSE (DOD) TO PARTICIPATE IN THE PROCUREMENT TECHNICAL ASSISTANCE PROGRAM COMPETITIVE SOLICITATION FOR COOPERATIVE AGREEMENT APPLICATION (SCAA); (2) ACCEPTANCE OF GRANT FUNDS OF \$149,950.00 SHOULD THE GRANT BE AWARDED BY THE DOD; AND (3) APPROVAL OF A BUDGET AND PERSONNEL COMPLEMENT FOR THE PROGRAM PERIOD BEGINNING JANUARY 1, 1998 TO DECEMBER 31, 1998 SUBJECT TO CITY COUNCIL APPROVAL OF THE FY 1997-98 PROGRAM BUDGET

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AN ORDINANCE 86084

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO COMPROMISE AND SETTLE CAUSE NO 95-CI-17592, IN THE 224TH JUDICIAL DISTRICT COURT, STYLED HOYLE HEINSOHN VS CITY OF SAN ANTONIO, ET AL., IN AN AMOUNT OF \$175,000.00, WITH NO COURT COSTS

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AN ORDINANCE 86085

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO COMPROMISE AND SETTLE CAUSE NO 95-CI-10144, IN THE 166TH JUDICIAL DISTRICT COURT, STYLED ROBERT E SHELTON ET AL VS CITY OF SAN ANTONIO, ET AL., IN THE AMOUNT OF \$125,000 00, WITH NO COURT COSTS

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AN ORDINANCE 86086

APPROVING A RUN/WALK PERMIT BEGINNING AT 6:00 P.M. UNTIL 9.30 P.M., FRIDAY JUNE 13, 1997 IN CONNECTION WITH THE SAN ANTONIO ZULU ASSOCIATION EMANCIPATION 5K RUN/WALK AND AUTHORIZING THE TEMPORARY CLOSURE OF THE FOLLOWING STREETS FOR SAID EVENT. HIGHWAY 90 (EASTBOUND FRONTAGE ROAD) FROM HIGHWAY 90 TO OLD CASTROVILLE ROAD, OLD CASTROVILLE ROAD FROM ACME TO HERBERT, HERBERT FROM OLD CASTROVILLE TO DABNEY, DABNEY FROM HERBERT TO CALLAGHAN, CALLAGHAN FROM DABNEY TO HIGHWAY 90 FROM CALLAGHAN TO CAMARGO PARK ENTRANCE

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AN ORDINANCE 86087

APPOINTING JUAN VASQUEZ (DISTRICT 2) TO THE ANIMAL CONTROL ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON APRIL 3, 1999

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AN ORDINANCE 86088

APPOINTING KATHERINE ANN DIVER (DISTRICT 4) TO THE TAX PHASE-IN ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON MAY 18, 1998.

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97-23 The Clerk read the following Ordinance

AN ORDINANCE 86089

AN ORDINANCE AUTHORIZING THE EXECUTION OF A PARKING AGREEMENT WITH THE UNIVERSITY OF TEXAS AT SAN ANTONIO (DOWNTOWN CAMPUS LOCATION) FOR PARKING RATES IN ACCORDANCE WITH THE AGREEMENT, AND ESTABLISHING A \$1 00 RATE FOR PARKING AT THE MUNICIPAL COURT LOT, LOCATED AT 401 S FRIO, FOR EVENING HOUR AND WEEKEND USE

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

In response to a question by Mr Faris Hodge, Jr., 140 Dora, Mr. John German, Director of Public Works spoke to details of the parking agreement with the University of Texas at San Antonio's downtown campus, narrating a brief video presentation concerning the sites

Mr Hodge stated his belief that this is a good agreement, and addressed the need for additional parking for City Hall

Mayor Thornton, on a point of personal privilege, then presented Mr Hodge with a framed photograph of himself, addressing City Council at its podium, at a past meeting

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

97-23 The Clerk read the following Ordinance

AN ORDINANCE 86090

AUTHORIZING A PORTION OF THE DOWNTOWN AREA TO BE DESIGNATED AS A CLEAN ZONE IN ORDER TO REGULATE CERTAIN COMMERCIAL ACTIVITY WITHIN PUBLIC PROPERTY OR RIGHTS-OF-WAY FROM MARCH 21, 1998 THROUGH APRIL 1, 1998, IN PREPARATION FOR HOSTING THE 1998 NCAA FINAL FOUR BASKETBALL TOURNAMENT DESIGNATING THE GEOGRAPHICAL BOUNDARIES FOR THE CLEAN ZONE, PROVIDING FOR SPECIAL CLEAN ZONE LICENSE PERMITS; AND CRIMINAL PENALTIES TO BE IMPOSED FOR VIOLATION OF THIS ORDINANCE WITH A FINE NOT TO EXCEED \$2,000 00

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

Mr Travis Bishop, Assistant to the City Manager, explained the establishment of a "clean zone" for the 1998 NCAA Final Four Basketball Tournament, narrating a video presentation on the matter

Representatives of the Final Four Organizing Committee and NCAA spoke to plans for the event and the establishment of the "clean zone" to regulate commercial activity on public properties.

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Mr Marbut noted that the group has been working on its Final Four package for the past year, and he thanked all concerned

Mr Flores noted that the "clean zone" is important to the event and to the City

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

97-23 SWEARING-IN OF NEW CITY COUNCIL MEMBERS

City Clerk Norma S Rodriguez stated that the proper recordation of the required Statements of Election Officer, having been confirmed with the Secretary of State's Office, is in order to administer the formal Oath of Office to those concerned.

City Clerk Rodriguez then administered the oaths and congratulated each Councilmember involved

Mr Mario Salas, District 2, thanked members of his family and his other supporters

Mr Raul Prado, District 4, thanked the voters and spoke to looking forward to working with the new City Council

Mr Jose Menendez, District 6, thanked his supporters and his wife, and introduced her to the Council

Mayor-elect Peak thanked all the members of the current City Council for their hard work on behalf of the community, and spoke to looking forward to the new Council term.

Mayor Thornton noted that several major tasks remain to be addressed by the new Council, and spoke of his confidence in the new body

Ms Lott, Ms Billa Burke, Mr Herrera, Mr Ross and Mr Avila, all outgoing Council members, made farewell remarks

Mayor Thornton made farewell remarks, as Mayor

Mr Alexander E. Briseno, City Manager, thanked the present Mayor and City Council members for their kind words for City employees, made in their remarks, and spoke to the significance of public service. He also noted that the City's tax rate has remained the same for the past several years, although the demands for City services continue to expand

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Mayor Pro Tem Vasquez, on behalf of the other members of City Council, then presented Mayor Thornton with a special bronze plaque, and congratulated him on his service to the City of San Antonio

97-23 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE ON CLOSING THE ALLEY BETWEEN BABCOCK AND FREDERICKSBURG ROAD.

Mayor Thornton declared the Public Hearing to be open.

Mr Oscar Serrano, Asset Management Department, explained the proposed alley closure.

The following person appeared to speak

Mr Fred Reynolds, 1202 Waverly, stated that City staff has answered all his questions concerning this matter

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

The Clerk read the following Ordinance

AN ORDINANCE 86091

CLOSING, VACATING AND ABANDONING AN UNIMPROVED 15 FOOT WIDE ALLEY LOCATED BETWEEN BABCOCK AND FREDRICKSBURG ROAD, AS REQUESTED BY ALBERTSONS, INC , FOR A TOTAL CONSIDERATION OF \$1.00

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Mr Avila made a motion to approve the proposed Ordinance Mr Herrera seconded the motion

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

97-23 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE ON CLOSING AUBREY ST. AND ALLEY PARALLEL TO AUBREY STREET.

Mayor Thornton declared the Public Hearing to be open

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Mr Oscar Serrano, Asset Management Department, explained the proposed street and alley closure, and read for the record a list of requirements of his department for development of the project involving the closed street and alley

Mr. Bebb Francis, attorney representing the applicant, spoke to the time-sensitive project and details of plans for the street and alley closure

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

In response to a question by Mr Flores, Mr Serrano discussed the Texas General Land Office agreement to work through the proper agencies, including the Historic Design & Review Commission, in development of this project

Mr Peak spoke in support for the HDRC review and oversight of project plans

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

The Clerk read the following Ordinance

AN ORDINANCE 86092

CLOSING VACATING, AND ABANDONING AN IMPROVED PORTION OF AUBREY STREET AND A PORTION OF AN UNIMPROVED ALLEY PARALLEL TO AUBREY STREET, BOTH LOCATED BETWEEN DURANGO AVENUE AND OLD GUILBEAU STREET, AS REQUESTED BY RIVER PROPERTY JOINT VENTURE, FOR A TOTAL CONSIDERATION OF \$132,560 00

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

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

97-23 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE ON CLOSING THE ALLEY BETWEEN CULEBRA AVENUE AND CARTER STREET.

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Mayor Thornton declared the Public Hearing to be open.

Mr Oscar Serrano, Asset Management Department, explained the proposed alley closure

The following person appeared to speak

Mr Fred Reynolds, 1202 Waverly, spoke to his concern with development of this area

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There being no further citizens to speak to this matter, Mayor Pro Tem Vasquez declared the Public Hearing to be closed

The Clerk read the following Ordinance

AN ORDINANCE 86093

CLOSING, VACATING AND ABANDONING AN UNIMPROVED 12 FOOT WIDE ALLEY LOCATED BETWEEN CULEBRA AVENUE AND CARTER STREET, AS REQUESTED BY M & M PROPERTIES, L P , ET AL , FOR A TOTAL CONSIDERATION OF \$1.00

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Mr Avila made a motion to approve the proposed Ordinance Mr Herrera seconded the motion

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

97-23 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE ON DESIGNATING FRITO-LAY, INC. REINVESTMENT ZONE.

Mayor Pro Tem Vasquez declared the Public Hearing to be open, and noted that, following the presentation, action on this matter may be postponed until the next City Council meeting.

Mr Clint Bolden, Director of Economic Development, briefly explained the proposed tax phase-in, narrating a video presentation, a copy of which is made a part of the papers of this meeting

(Mayor Thornton returned to preside during the staff presentation)

The following persons appeared to speak

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Mr Skip Wood, representing the Greater San Antonio Chamber of Commerce, spoke in support for the proposed tax-phase in and addressed its advantages.

Mr Fred Reynolds, 1202 Waverly, asked the Council to research the whole issue of tax abatements

Mr Andy Sarabia, representing Communities Organized For Public Service (COPS), asked the Council to delay its vote on this matter today, noting that Council on May 15th had asked for development of a cost/benefit analysis program on tax abatements for the ITT Sheraton Convention Headquarters Hotel Project, and asked for the delay so that the new City Council might consider it. He noted that Frito-Lay, Inc projects an average wage of more than \$11 per hour, but asked the for the delay in order for the new Council to decide the issue

Sister Gabriella, also representing COPS, spoke to the need for time to examine the proposal, and asked for a delay in its approval

Mr Mike Harris, representing San Antonio Manufacturers Association, spoke in support for the request, and addressed its advantages

Mr Jack Finger, P O Box 12048, spoke against abating \$500,000 in taxes as well as agreeing to construct a drainage easement improvement He spoke in support for a delay in the vote on this matter

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

Ms Lott noted that this is an excellent development package for District 2, but spoke in support for the requested delay in approving the matter today

The Clerk read the following Ordinance

AN ORDINANCE 86094

DESIGNATING THE FRITO-LAY CORPORATION REINVESTMENT ZONE (4855 GREATLAND DRIVE) LEGALLY DESCRIBED AS 15 044 ACRES OF LAND BEING LOT 8, BLOCK 4, NEW CITY BLOCK 13798, GREAT SOUTH TEXAS INDUSTRIAL PARK, UNTIL 4, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 6800, PAGE 177, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

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

Ms Billa Burke noted that this issue is not the same as the ITT Sheraton project, and spoke to the need to preserve this firm's future as a San Antonio business. She spoke in support for the tax phase-in request and the need for the jobs it would create for San Antonio

In response to a question by Mr Peak, Mr Bolden clarified the amount of taxes to be abated versus the benefits to be derived. He also noted that the proposed six-year tax phase-in applies only to new improvements to the Frito-Lay plant, not the existing plant itself. He then addressed the higher-paying jobs and good benefits for employees

In response to a question by Mr Ross, Mr. Bolden stated that he cannot personally guarantee that Frito-Lay will remain in San Antonio, despite the tax phase-in

Mr Ross spoke to how major businesses determine plant locations, and noted that Frito-Lay is important to San Antonio because of its jobs He further noted that the Tax Phase-In Committee was appointed to look into such tax abatements and to report back to City Council in six months, however, he stated that the Council needs to act on pending requests, in the meantime

Mr Bolden spoke to his concern for the message being sent to the firm's corporate headquarters if the tax phase-in is not granted and the local plant expanded.

Mr Webster spoke to the need to protect the city's present jobs.

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

97-23 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE ON THE FRITO-LAY INC. TAX PHASE-IN AGREEMENT.

Mayor Thornton declared the Public Hearing to be open

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

The Clerk read the following Ordinance

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AN ORDINANCE 86095

APPROVING A TAX PHASE-IN AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH FRITO-LAY, TO EXEMPT SAID CORPORATION FROM AD VALOREM TAXATION SPECIFIED NEW REAL AND PERSONAL PROPERTY IMPROVEMENTS

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

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

97-23 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE ON CADILLAC LOFTS LLC TAX PHASE-IN AGREEMENT.

Mayor Thornton declared the Public Hearing to be open

Mr Clint Bolden, Director of Economic Development, explained the proposed tax phase-in agreement, narrating a video presentation on the matter, a copy of which is made a part of the papers of this meeting

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

The following persons appeared to speak

Mr. Ben Brewer, representing the Downtown Alliance, spoke in support for the tax phase-in agreement, stating that it is needed to make the project feasible for downtown housing

Mr Jack Finger, P O Box 12048, posed several questions relative to tax abatement and jobs in relation to this project

There being no further citizens signed to speak to this matter, Mayor Pro Tem Vasquez declared the Public Hearing to be closed

(At this point, Mayor Thornton returned to the meeting, but did not preside)

The Clerk read the following Ordinance:

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AN ORDINANCE 86096

APPROVING A TAX PHASE-IN AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH CADILLAC LOTS, L.L.C., TO EXEMPT FROM AD VALOREM TAXATION SPECIFIED NEW REAL PROPERTY IMPROVEMENTS TO THE PROPERTY IMPROVEMENTS TO THE PROPERTY (317 LEXINGTON) LEGALLY DESCRIBED AS 2.5666 ACRES OF LAND AND IMPROVEMENTS THEREUPON BEING NEW CITY BLOCK 803, BLOCK 22, LOTS 1-6 IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND RECORDED IN VOLUME 696, PAGES 1702, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

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

Mr Ross spoke to details of the requested tax phase-in.

Mr Vasquez noted that this proposed project provides an excellent housing model for new housing redevelopment in the inner city, and an example of re-use of vacant buildings such as this for application perhaps in his own District 5 area. He spoke in support for the project, but stated that he would support a one-week delay for further study of the issue. He addressed the need to deal with vacant buildings in the inner city, such as this. Mr Vasquez spoke in support of directing City staff to consider amending the tax phase-in guidelines to expand the boundaries for tax phase-ins, eliminate the provision that requires application prior to commencing construction, reducing the threshold for housing from \$4 million to \$750,000, and creating criteria for eligible properties.

Mr Flores spoke to the need to look at such projects in blighted areas, noting that since 1953, this area has lost some 153 residences.

Mr Flores made a substitute motion to postpone action on this matter for a period of one week. Mr Peak seconded the motion.

After discussion and consideration, the substitute motion failed to carry by the following vote: AYES: Flores, Lott, Vasquez, Peak, Webster. NAYS: Billa Burke, Herrera, Ross, Marbut, Thornton. ABSENT: Avila.

The main motion then prevailed by the following vote. AYES: Flores, Lott, Billa Burke, Herrera, Ross, Marbut, Peak, Webster, Thornton. NAYS: Vasquez. ABSENT: Avila.

(At this point, Mayor Pro Tem Vasquez yielded the presiding position to Mr. Flores in order to initiate a motion.)

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Mr Vasquez made a motion to direct City staff to amend the tax phase-in guidelines to expand the boundaries for tax phase-ins, eliminate the provision that requires application prior to commencing construction, reduce the threshold for housing from \$4 million to \$750,000; and create criteria for eligible properties Ms Billa Burke seconded the motion

Mr Peak asked that the motion consider all possible amendments to economic development for inner-city housing criteria at one time

The motion to so direct City staff then prevailed by the following vote AYES. Flores, Lott, Billa Burke, Vasquez, Herrera, Ross, Marbut, Peak, Webster, Thornton NAYS None ABSENT Avila

(At this point, Mayor Thornton resumed the chair to preside)

97-23 The Clerk read the following Ordinance

AN ORDINANCE 86097

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH ATC ASSOCIATES, INC , TO PERFORM ENVIRONMENTAL AND GEOTECHNICAL SERVICES FOR THE CONVENTION CENTER EXPANSION PROJECT, INCREASING THE SCOPE OF WORK, RATIFYING PREVIOUSLY PERFORMED WORK, AND APPROPRIATING FUNDS IN THE AMOUNT OF \$1,300,371 00 FOR THE INCREASED SCOPE OF WORK ASSOCIATED WITH THE CONVENTION CENTER EXPANSION PROJECT, (AMENDS ORD'S 83778 OF MARCH 14, 196 AND 84228 OF JUNE 6, 1996)

* * * *

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

Ms Jelyne Burley, Director of the Convention Center Expansion Office, narrated a video presentation on the need for environmental and geotechnical testing services for the Convention Center Expansion Project

The following persons appeared to speak

Mr Jack Finger, P O Box 12048, spoke to his concern with increasing the scope of work for this firm by some \$1 3 million, stating that he putting this out for bid would be preferred

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In response to a question by Mr. Ross, Mr Bruce Bailey, representing ATC Associates, Inc., noted that testing has found some impacted soils on the site.

Mr Ross then noted that the Texas Natural Resources Conservation Commission has requested removed of those impacted soils from the expansion site

Mr Bailey then spoke to a voluntary cleanup program for any contaminants in the soil on the site and the costs involved in removing any 'hot spots'

Mr Ross stated his belief that the city might want to re-look at the site selected for the new Convention Headquarters Hotel Project, if this is the case, noting that the City didn't consider the possible presence of contaminated soils on that site

Mr. Tom Culbertson, 410 Westwood, volunteered the assistance of his group, Regional Clean Air and Water, to assist with their own experts in this work.

Ms Burley then explained the management of project costs.

Mayor Thornton spoke to the apparent change in rules by Texas Natural Resources Conservation Commission relative to contaminated soils removal, since construction of the Alamodome

Ms Burley spoke to the differences in the two situations, governing removal of contaminated soils

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

97-23 Mayor Thornton asked Mayor-elect Peak to chair the next two agenda items dealing with annexation.

97-23 The Clerk read the following Resolution.

A RESOLUTION NO: 97-23-27

ADOPTING THE 1997-99 ANNEXATION PLAN WHICH IDENTIFIES TWELVE (12) AREAS TO BE CONSIDERED FOR ANNEXATION IN 1997, 1998 AND 1999

* * * *

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

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Ms Rebecca Waldman, Assistant to the City Manager and acting Director of the Department of Planning, narrated a video presentation explaining the rolling three-year annexation plan for the City, a copy of which is made a part of the papers of this meeting. She then spoke to the setting of public hearing dates on the proposed annexation of six areas this year, located in Council Districts 8, 9, and 10

Ms Terry Brechtel, Director of Budget & Management Analysis, spoke to the proposed service delivery plan to be approved and budgetary implications

97-23 RECOGNITION OF VISITORS FROM BELL GARDENS, CALIFORNIA

At this point, the City Council temporarily halted their discussion of the agenda item at hand to officially welcome a group of visitors from Bell Gardens, California, including Mayor David Torres, Mayor Pro Tem Maria S Chacon, Councilmen Salvador Rios and Joaquin Penilla, and City Manager Nabor Enrique Martinez

(ANNEXATION-CONTINUED)

The following persons appeared to speak

Mr Faris Hodge, Jr , 140 Dora, spoke to his belief that the Council is rushing the annexation, and spoke to his concern that the City not annex further property until certain other improvements and services are in place He asked the Council to wait for the next Council before acting, and to consider the new budget

Ms Nancy Engelbert, 10486 Pine Glade, spoke in opposition to the annexations and the lack of services to her particular area of the city

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

97-23 At the request of Councilwoman Lott, the Council agreed to undertake consideration of Agenda Item 33 at this time

The Clerk read the following Ordinance.

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AN ORDINANCE 86098

AUTHORIZING THE EXPENDITURE OF \$1,125.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND TO ASSIST THE TEXAS EMANCIPATION DAY COMMISSION, INC WITH THE PREPARATION FOR THE JUNETEENTH MULTICULTURAL FREEDOM FAIR 1997 TO BE HELD ON JUNE 13, 1997 AT THE MAURY MAVERICK PLAZA AT LA VILLITA; AS REQUESTED BY COUNCILWOMAN DOLORES LOTT

* * * *

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

Rev S Clifton Byrd, representing the Texas Emancipation Day Commission Inc , explained details of the planned events for the Juneteenth Multicultural Freedom Fair 1997

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

97-23 The Clerk read the following Ordinance.

AN ORDINANCE 86099

SETTING PUBLIC HEARING DATES AND TIMES FOR THE SIX AREAS INCLUDED IN THE 1997 COMPONENT OF THE 1997-99 ANNEXATION PLAN WHICH INCLUDES THE BANDERA NORTHWEST, NW MILITARY/FM 1604, US 281 NORTH, JUDSON/FM 1604, EVANS ROAD AND STONE OAK

* * * *

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

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

97-23 At this point, Mayor Thornton having been obliged to leave the meeting, Mr. Peak relinquished the chair to Mayor Pro Tem Vasquez

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The Clerk read the following Ordinance

AN ORDINANCE 86100

ADOPTING THE MASTER PLAN POLICIES AS ADOPTED BY THE PLANNING COMMISSION ON MAY 14, 1997, AUTHORIZING ADDITIONAL PUBLIC MEETING IN EACH COUNCIL DISTRICT FOR THE DEVELOPMENT OF AMENDMENTS TO SAID POLICIES, AND AMENDING ARTICLE II, DIVISION 1 OF THE UNIFORM DEVELOPMENT CODE, ENTITLED "MASTER PLAN ELEMENTS AND CONFORMITY," TO REFLECT THE PASSAGE AND APPROVAL OF THIS ORDINANCE (AMENDS CHARTER 35 OF THE CITY CODE)

* * * *

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

Mr Rebecca Waldman, Assistant to the City Manager and acting Director, Department of Planning, narrated a video presentation on the proposed Master Plan Policies, a copy of which is made a part of the papers of this meeting, explaining the proposed changes

The following persons appeared to speak

Mr Frank Burney, representing the Greater San Antonio Chamber of Commerce and speaking for other chambers, as well, urged Council to adopt these changes and move forward.

Ms Johanna Williams, First Vice-President, San Antonio Conservation Society, spoke in support.

Mr Larry deMartino addressed the rise of neighborhood associations in San Antonio and the San Antonio Coalition of neighborhood Associations, and spoke to the need for a neighborhood master plan

Mr Jack Finger, P O Box 12048, questioned the fiscal impact

Ms Bonnie Conner, representing Northside Neighborhoods For Organized Development, spoke to the need for a Master Plan

Mr Ernani Falcone, representing the Northside Neighborhood Alliance, addressed his concerns with certain documents involved, but spoke in support for the policies and the broad-based committee involved

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Mr Peak spoke to the processes to be followed, complete with checks and balances.

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

97-23 The Clerk read the following Ordinance.

AN ORDINANCE 86101

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO COMPROMISE AND SETTLE ALAMODOME RELATED PERSONAL INJURY AND PROPERTY DAMAGE LAWSUITS STYLED ERIC T FERGUSON, SR , ET AL , V ALAMO IRON WORKS, ET AL,, WILLIAM HERNANDEZ, ET AL V VIA METROPOLITAN TRANSIT, ET AL , AND JEANNINE MARTINEZ, ET AL V CITY OF SAN ANTONIO, ET AL , IN THE AMOUNT OF \$1,900,000 00

* * * *

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

Mr Frank Garza, Acting City Attorney, explained the lawsuits alleging exposure to lead in the development of the Alamodome project A copy of his presentation is made a part of the papers of this meeting He spoke to the proposed settlements and the rationale for them, noting that the Council at this point can only offer to settle the lawsuits, which must be accepted by the other parties

The following persons appeared to speak

Mr Jack Finger, P O Box 12048, addressed his concern with the Alamodome dirt issue

Mr David Arevalo, representing the ROSE organization, stated his concern that the community may not accept the proposed settlements, and asked that this item be postponed and reconsidered

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

Mayor Thornton noted that Mr Arevalo himself is a participant in these lawsuits.

Mr Webster noted that this is a business decision, and stated his belief that it is not cost-effective to try some 700 different lawsuits in court He spoke in support for the proposed settlement.

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Discussion then took place concerning possible costs to try all the lawsuits involved

In response to a question by Mr Peak, Mr Garza spoke to negotiations on the settlement offer and possible future steps to be taken

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

97-23 The Clerk read the following Ordinance.

AN ORDINANCE 86102

APPOINTING ALFREDO M. TAVERA AS A FULL-TIME MUNICIPAL COURT JUDGE FOR A TERM OF OFFICE TO EXPIRE ON AUGUST 31, 1997; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE OF EIGHT AFFIRMATIVE VOTES; AS REQUESTED BY COUNCILMAN ROGER FLORES, II

* * * *

Mr Avila made a motion to approve the proposed Ordinance Mr Flores seconded the motion

Mr Flores explained the recommendation of the Municipal Court Committee and spoke to the background of the prospective Municipal Court judge

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

97-23 The Clerk read the following Ordinance:

AN ORDINANCE 86103

APPROVING A CONTRACT WHEREBY THE CITY WILL ACQUIRE FROM BEXAR COUNTY 30 386 ACRES OF PROPERTY LOCATED AT THE CROSSING OF SALADO CREEK AND WEST AVENUE IN DISTRICT 9 FOR THE PURPOSE OF THE CREATION OF A CITY/COUNTY PARK TO BENEFIT THE CITIZENS OF SAN ANTONIO AND BEXAR COUNTY FOR FAIR MARKET VALUE ESTABLISHED BY THE CITY'S CONTRACTUAL OBLIGATION TO A) INVEST \$400 000.00 IN PARK BONDS FUNDS TO DEVELOP AND CONSTRUCT THE PARK ON THE PROPERTY, TO INCLUDE PEDESTRIAN AND BICYCLE TRAILS, PICNIC FACILITIES, OFF-STREET PARKING

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AND NECESSARY UTILITIES, B) SPEND AN ESTIMATED \$25,000 00 A YEAR FOR 30 YEARS FOR OPERATIONAL EXPENSES FOR THE PARK, SUBJECT TO AN ANNUAL APPROPRIATION OF FUNDS BY THE CITY COUNCIL TO PAY SUCH EXPENSES; AND C) DESIGNATE BY USE 10 216 ACRES OF CITY LAND THAT IS CONTIGUOUS TO THE PROPERTY CONVEYED BY THE COUNTY TOWARDS THE CREATION OF THE PARK; AUTHORIZING HE EXECUTION OF SUCH CONTRACT BY THE CITY MANAGER; AND AUTHORIZING THE ACCEPTANCE OF A DEED CONVEYING THE PROPERTY FROM BEXAR COUNTY UPON TENDER TO THE CITY OF SAN ANTONIO, SUBJECT TO THE APPROVAL OF ITS TERMS AND CONDITIONS BY THE CITY ATTORNEY

* * * *

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

Ms Frances Gonzalez, Director, Office of Special Projects, narrated a brief video presentation, a copy of which is made a part of the papers of this meeting She described the joint city/county project with an interlocal agreement

Mr Peak spoke to a background description of the project

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

97-23 It was the consensus of City Council members present to undertake consideration of Agenda Item 30-B at this time

The City Clerk read a proposed ordinance amending City Code Chapter 36, entitled "Smoking", to prohibit smoking in the workplace, prohibiting smoking in all other uses, including but not limited to food service establishments, retail establishments, and financial institutions, of multi-tenant buildings with certain exceptions and defenses; requiring the posting of signs in designated smoking areas, establishing that a violation of this ordinance is a misdemeanor and will subject the violator to a fine of not more than two hundred dollars (\$200 00) for the first conviction, not more than five hundred dollars (\$500 00) for the second conviction, and not more than two thousand dollars (\$2,000 00) for the third conviction and for each conviction thereafter, and providing for an effective date of October 1, 1997, as requested by Councilmembers Bob Ross and Robert Marbut

Mr Ross made a motion to approve the proposed ordinance Mr Marbut seconded the motion

Dr Fernando Guerra, Director, San Antonio Metropolitan Health District, narrated a video presentation, a copy of which is made a part of the papers of this meeting, speaking to

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recommended changes to the City's smoking ordinance as it relates to the workplace and other sites

The following persons appeared to speak.

Mr Donce Lopez, representing the Greater San Antonio Chamber of Commerce, spoke in support for the proposed ordinance so long as it has a minimal impact upon small businesses and the entertainment industry

Mr George Windrow, 1415 Blackbird Lane, spoke in support for the proposed ordinance

Dr Doug Yee, medical oncologist, stated his opinion that tobacco is the leading cause of cancer deaths.

Mr. Jim Reed, Executive Director, American Heart Association, spoke to his organization's contention that 'second-hand smoke' is deadly, according to an American heart Association study.

A representative of the Hispanic Chamber of Commerce, speaking on behalf of Mr. Heriberto Herrera, its president, spoke in support

Mr Fred Reynolds, 1202 Waverly, spoke to his fears in having an unfunded mandate

Mr. Faris Hodge, Jr , 140 Dora, stated his belief that smoking affects everyone around the smoker.

Mr. Bill de Valcourt, 6039 Spring Time, stated his opinion that this ordinance intrudes upon someone's rights, and stated his belief that the arguments against 'second-hand smoke' are not correct. He expressed his contention that such studies and reports are slanted against smoking.

Ms Shannon Yee, representing the San Antonio Tobacco Coalition, noted that some 80 per cent of this community does not smoke, and she spoke of smoking as a carcinogen, and spoke against the effects of 'second-hand smoke'. She noted that it is the job of government to protect those who cannot protect themselves.

Ms. Rebecca Brady, representing the American Lung Association, spoke to a background of smoking and its effects upon the workplace

Mr T C Calvert, speaking for Ms Beverly Watts Davis, San Antonio Fighting Back, spoke in support for the proposed ordinance, asking the City Council to 'be the voice of children' relative to smoking

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Mr Jim Hasslocher, representing Frontier Foods, spoke to the expensive nature of the ordinance when it requires existing businesses to convert portions of their facilities to meet the regulations of a smoking ordinance. He spoke to the need to look carefully at this proposal.

Mr. Bill Finck, Finck Cigar Company, stated that he is relieved that the proposed ordinance does not apply to his business, which tests cigars in the workplace

Mr. Louis Barrios, Los Barrios Restaurant, Inc., stated that he is opposed to the proposed ordinance as a small businessman, and is against further government regulation

Mr Jack Finger, P.O Box 12048, spoke against federal subsidies to the tobacco industry, as a move to impact tobacco-caused cancer

Mr Nick Calzoncit, representing the Mexican American Advancement Association, spoke in support for the proposed ordinance with some concerns for lessening its impact by certain exemptions He then stated his opinion that this ordinance might actually encourage smoking at smaller, minority-owned restaurants, since those with less than 50 employees are exempt from the ordinance provisions. He spoke in support for a tax break for those having to make building modifications to meet the requirements of the new law

Mr Ross spoke in amplification of requirements for certain modifications that would be necessitated by the ordinance, and urged its support by the City Council.

Mr Marbut spoke to the rationale for the proposed ordinance

Ms. Lott spoke to her position on the proposed ordinance and the reasons, although some constituents might disagree with her position

After consideration, the motion failed to carry by the following vote: AYES: Ross, Marbut, Peak, Webster, Thornton. NAYS Flores, Lott, Billa Burke, Avila, Vasquez, Herrera

97-23 The City Clerk read a proposed ordinance amending City Code Chapter 36, entitled "Smoking", to prohibit smoking in food service establishments with certain exceptions and defenses, requiring the posting of signs and placement of extinguishment receptacles in designated smoking areas; establishing that a violation of this ordinance is a misdemeanor and will subject the violator to a fine of not more than two hundred dollars (\$200.00) for the first conviction, not more than five hundred dollars (\$500.00) for the second conviction, and not more than two thousand dollars (\$2,000.00) for the third conviction and for each conviction thereafter; providing for an effective date for certain portions of this ordinance of October 1, 1997, as applied to certain food service establishments, and providing an effective date for certain portions of this ordinance of June 1, 2001, as applied to certain food service establishments

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Mr. Avila made a motion to approve the ordinance Mr. Ross seconded the motion.

Dr Fernando Guerra, Director, San Antonio Metropolitan Health District, narrated a video presentation, a copy of which is made a part of the papers of this meeting.

The following persons appeared to speak

Mr George Windrow, 1415 Blackbird Lane, distributed "No Smoking" pins to City Council members, and spoke to the need for protection from 'second-hand smoke'. He then spoke to certain statistics on the subject of second-hand smoke and its impact upon young people.

Dr. Doug Yee, medical oncologist, spoke to medically-proven damage from smoke

Mr. Jim Reed, Executive Director, American Heart Association, spoke to the positive effects this proposed ordinance would have on restaurants, and spoke to certain negotiations that have taken place concerning a compromise ordinance

Mr Faris Hodge, Jr., 140 Dora, spoke to examples of separating smokers from non-smokers.

Mr Bill deValcourt noted that this is a political issue, until smoking is completely banned.

Ms. Shannon Yee, representing the San Antonio Tobacco Coalition, noted that the City of Arlington's experience with a similar ordinance shows restaurant usage actually has increased there after the smoking ban was enacted, and spoke in support for the proposed compromise ordinance

Mr Mark Vinson, President-elect, San Antonio Restaurant Association, spoke to a proposed compromise reached on this issue, although his group opposes government intervention

(At this point, Mayor Thornton was obliged to leave the meeting. Mr Webster presided in the absence of the Mayor Pro Tem.)

Mr. Jim Hasslocher, representing Frontier Enterprises, spoke to the costs involved in modifying buildings to meet the ordinance's requirements, and addressed the economic impact

Mr Louis Barrios, representing Los Barrios Restaurant, Inc , spoke against the proposed ordinance and its adverse impact upon businesses

Mr. Nick Calzoncit, representing the Mexican American Betterment Association, noted that the proposed ordinance many bring on lawsuits, and spoke against politicians taking tobacco-related contributions.

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

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Mr T C Calvert, representing San Antonio Fighting Back, spoke to the need to send a strong statement

* * * *

Mr Ross spoke of the need to protect everyone from 'second-hand smoke', and stated his opinion that the San Antonio Restaurant Association is acting in bad faith, when it helped negotiate the compromise, then apparently went back on its word. He further stated his opinion that this might well become a tort issue soon

Mr Marbut stated that it is disappointing to see the turnaround by the Restaurant Association on this issue He noted that the non-smoker has no choice in a smoking environment.

Mr. Webster noted that he has philosophical differences with Mr. Marbut on this issue, and spoke to the expensive costs required to modify buildings to meet the new smoking regulation. He stated that, if enacted, this would need to 'grandfather' current businesses and restrict the new requirements to new buildings

Mayor Thornton spoke to the trend of this issue, across the nation, and spoke to details of the proposed compromise He urged Mr Marbut to bring this issue back before the new City Council

After consideration, the motion failed to carry by the following vote: AYES Ross, Marbut NAYS: Flores, Lott, Billa Burke, Avila, Vasquez, Herrera, Peak, Webster, Thornton. ABSENT. None.

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

97-23 The Clerk read the following Ordinance:

AN ORDINANCE 86104

AUTHORIZING THE EXPENDITURE OF \$800.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND FOR USE BY THE DORIE MILLER PTA TO COVER CHOIR EXPENSES FOR STUDENTS RANGING FROM FIRST TO FIFTH GRADE; AS REQUESTED BY COUNCILWOMAN DOLORES LOTT.

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

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

97-23 The Clerk read the following Ordinance:

AN ORDINANCE 86105

AUTHORIZING THE EXPENDITURE OF \$1,300.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND TO ASSIST THE BROWNIE GIRL SCOUT TROOP #653 PURCHASE UNIFORMS TO BE WORN ON A WEEKLY BASIS, FOR SPECIAL OCCASIONS, AND FOR PUBLIC APPEARANCES, AS REQUESTED BY COUNCILWOMAN DOLORES LOTT

* * * *

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

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

97-23 The City Clerk read a proposed ordinance authorizing the waiving of Maverick Plaza rental fees in the amount of \$7,150 00 to allow Shakespeare in the Park to hold its performances of "Macbeth" and "As You Like It" from June 22-27, 1997, as requested by Councilwoman Lynda Billa Burke

Ms. Billa Burke made a motion to approval the ordinance. Mr. Ross seconded the motion

Mr. Frank Garza, Acting City Attorney, explained the proposed ordinance and noted that City staff is recommending against the fee waiver

After discussion, the motion failed to carry by the following vote. **AYES:** Flores, Lott, Billa Burke, Herrera **NAYS:** Vasquez, Ross, Webster **ABSENT:** Avila, Marbut, Peak, Thornton.

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97-23 The Clerk read the following Ordinance:

AN ORDINANCE 86106

AUTHORIZING THE EXPENDITURE OF \$1,348.08 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND TO PAY FOR SECURITY FOR A DARE TO LOVE FESTIVAL WHICH WILL BE HELD AT LA VILLITA MAVERICK PLAZA ON JUNE 7, 1997, AS REQUESTED BY COUNCILMAN HENRY AVILA

* * * *

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

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

97-23 The Clerk read the following Ordinance:

AN ORDINANCE 86107

AUTHORIZING THE EXPENDITURE OF \$6,640.00 FROM THE DISTRICT 9 CONTINGENCY ACCOUNT FUND TO BE TRANSFERRED TO THE CITY'S SPEED HUMP ACCOUNT TO BE USED FOR DISTRICT 9 RESIDENT'S COST SHARE OF THOSE REQUESTS THAT HAVE BEEN APPROVED FOR SPEED HUMPS; AS REQUESTED BY COUNCILMAN HOWARD W PEAK.

* * * *

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

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

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The Clerk read the following Ordinance:

AN ORDINANCE 86108

AUTHORIZING THE EXPENDITURE OF \$11,222.00 FROM THE DISTRICT 9 CONTINGENCY ACCOUNT FUND TO BE TRANSFERRED TO THE CITY'S MASTER PLAN PROJECT TO BE USED FOR PRODUCING 500 BOOKS OF THE MASTER PLAN PROJECT FOR THE PLANNING DEPARTMENT, AS REQUESTED BY COUNCILMAN HOWARD W. PEAK.

* * * *

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

The following person appeared to speak:

Mr. Faris Hodge, Jr, 140 Dora, spoke against the proposed ordinance

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

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CITIZENS TO BE HEARD

Mr Faris Hodge, Jr, 140 Dora, urged the City Council to work on a zero base budget for the next fiscal year. He also urged that the City Council to adopt an ordinance which would prohibit the passing of the CDBG Budget prior to any City Council Election occasion.

Mr Walter Jones distributed to each Council member a copy of the DMN Newsletter, May-June, 1997 edition, and spoke about the music industry and the need to assure that San Antonio continues to progress in this area and to assert itself with a better image in the music and entertainment industry

Mayor Pro-Tem Vasquez stated that the City of San Antonio already has great prominence in this field and cited the Tejano Music Awards that are presented here annually

He thanked Mr. Jones for his presentation and asked him to come back to the new City Council with his presentation

Mr. and Mrs. Jose Garcia, 383 San Fernando, presented a written statement to the City Council regarding their experiences living in the Mirasol Homes, a copy of the statement is on file with the papers of this meeting

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Mayor Pro-Tem Vasquez spoke to the new state legislation which will address past criminal activity of prospective tenants of public housing and the actions to be taken with regard to existing tenants if they are involved in criminal activity. He urged the Garcias to give this legislation an opportunity to work

97-23 There being no further business to come before the Council, the meeting was adjourned at 8:20 P.M.

A P P R O V E D



WILLIAM E. THORNTON
M A Y O R

Attest



NORMA S. RODRIGUEZ, CMC/AAE
City Clerk

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