

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO, HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, FEBRUARY 13, 1992.

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The meeting was called to order by the Presiding Officer, Mayor Pro Tem Billa Burke, in the temporary absence of Mayor Nelson Wolff, with the following members present: PEREZ, PIERCE, BILLA BURKE, WING, SOLIS, AYALA, VERA, THORNTON, LABATT, LARSON, WOLFF. Absent: NONE.

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92-07 Invocation - Dr. David Roach, Good Shepherd Presbyterian Church.

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92-07 Pledge of Allegiance to the flag of the United States.

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92-07 Minutes of the January 16, 1992 Regular City Council Meeting were approved.

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92-07 12TH ANNUAL FINE WINE & CUISINE TASTING FUNDRAISER

Mayor Pro Tem Billa Burke noted that KLRN TV will hold its 12th Annual Fine Wine & Cuisine Tasting Fundraiser on Sunday, February 16, 1992, at North Star Mall, where wines and food items from around the world will be served. She further noted that all proceeds from this event will benefit KLRN TV, public television station for San Antonio and South Central Texas. She then introduced Ms. Mary Martha Arana Cook of KLRN TV.

Ms. Cook explained the need for funds to maintain public television in San Antonio, and invited members of the City Council to join the upcoming event and to serve as "honorary corkers".

Representatives of KLRN TV then presented Council members with special baskets of condiments.

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YOUTH ORCHESTRAS OF SAN ANTONIO

Mayor Pro Tem Billa Burke noted that Youth Orchestras of San Antonio is a non-profit organization funded in part by the City and made up of three separate groups: the Youth Philharmonic of San Antonio, the Youth Symphony, and the San Antonio Youth Chamber Orchestra. She explained that the young musicians range in age from eight to 21 years and represent all geographic and socio-economic sectors of the community. She then introduced Ms. Brigitte Saidi, board member of Youth Orchestras.

Ms. Saidi spoke to the backgrounds of some of the orchestra members, noting that some come from as far away as Monterey, Mexico.

Representatives of the Youth Orchestras then thanked the City for the opportunity to play in the community orchestras, and presented the City Council with a large Valentine in recognition of their support.

City Council members spoke to the importance of music as an alternative to other, more harmful, youth activities today, and thanked the youth orchestras members and leaders for their community work.

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VISITING MAYOR PRO TEM FROM LONGVIEW, TEXAS

On a Point of Personal Privilege, Mayor Pro Tem Billa Burke introduced Councilwoman Joan Berry of Longview, Texas, whose daughter is Ms. Billa Burke's assistant. The Mayor Pro Tem then presented Councilwoman Berry with a San Antonio book.

Councilwoman Berry spoke of her family ties to San Antonio, and thanked the Mayor Pro Tem and City Council for the recognition and gift.

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

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MR. JORGE POSADAS

Mayor Wolff introduced Mr. Jorge Posadas, a member of the first class of the San Antonio Education Partnership students to enter college. He noted that Mr. Posadas entered the program while at Harlandale High School, and will earn his Bachelor of Arts degree this May from Our Lake of the Lake University. He then introduced Ms. Loretta Schlegel, university registrar and director of the Education Partnership program at Our Lady of the Lake University.

Ms. Schlegel stated that her university is pleased to join with the City Council today in honoring Mr. Posadas, and she spoke to his early completion of a four-year curriculum in only three years when he graduates in May, after which he plans to teach school in his former school district.

Mayor Wolff lauded Mr. Posadas and his accomplishments as an example for others to emulate.

Mr. Posadas spoke of his understanding of his responsibilities as a result of the educational opportunities the program has given him.

92-07      CONSENT AGENDA

Ms. Billa Burke made a motion to approve Agenda Items 8 through 35, constituting the Consent Agenda, with Item 14 to be pulled for individual consideration. Mr. Solis seconded the motion.

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

AN ORDINANCE 75,193

ACCEPTING THE PROPOSAL OF LIBRARY VIDEO COMPANY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH VIDEOCASSETTES FOR A TOTAL OF \$8,909.55.

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AN ORDINANCE 75,194

ACCEPTING THE PROPOSAL OF UNIVERSITY PUBLICATIONS OF

AMERICA TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH MICROFILM FOR A TOTAL OF \$9,100.00.

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AN ORDINANCE 75,195 .

ACCEPTING THE PROPOSAL OF LIBRARY SOURCE TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH VIDEOCASSETTES FOR A TOTAL OF \$3,745.52.

\* \* \* \*

AN ORDINANCE 75,196 .

ACCEPTING THE PROPOSAL OF STANDARD & POOR'S CORPORATION FOR RENEWAL OF THE SUBSCRIPTION TO STANDARD & POOR'S SERVICES FOR THE CITY OF SAN ANTONIO PUBLIC LIBRARY FOR A TOTAL OF \$11,100.00.

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AN ORDINANCE 75,197 .

ACCEPTING THE PROPOSAL OF SCHOLARLY RESOURCES, INC. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH MICROFILM FOR A TOTAL OF \$3,335.00.

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AN ORDINANCE 75,198 .

ACCEPTING THE PROPOSAL OF DUN & BRADSTREET SOFTWARE FOR RENEWAL OF A FIXED ASSETS ACCOUNTING SOFTWARE AGREEMENT FOR THE INFORMATION SERVICES DEPARTMENT FOR A TOTAL OF \$11,310.00 ANNUALLY.

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AN ORDINANCE 75,199 .

ACCEPTING THE PROPOSAL OF COMPUTER ASSOCIATES INTERNATIONAL FOR THE RENEWAL OF A SECURITY SCHEDULE SOFTWARE LICENSE FOR THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT FOR A TOTAL OF \$33,493.50.

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AN ORDINANCE 75,200 .

RATIFYING AND CONFIRMING ALL ACTIONS TAKEN BY CITY STAFF IN ACCEPTING THE PROPOSAL OF A-1 ELEVATOR SERVICE, INC. FOR THE EMERGENCY REPAIR OF A PASSENGER ELEVATOR AT THE CITY OF SAN ANTONIO CONVENTION FACILITIES; AND AUTHORIZING PAYMENT IN THE TOTAL AMOUNT OF \$18,472.92.

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AN ORDINANCE 75,201 .

ACCEPTING THE LOW QUALIFIED BIDS OF ALAMO PLUMBING SUPPLY COMPANY AND ARMSTRONG SUPPLY COMPANY, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH WATER CONSUMPTION REDUCTION FIXTURES AND PARTS FOR A TOTAL OF \$43,860.90.

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AN ORDINANCE 75,202 .

ACCEPTING THE LOW BID OF GOLDTHWAITE'S OF TEXAS, INC. TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH A WATER INJECTION AERATOR FOR A TOTAL OF \$22,500.00.

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AN ORDINANCE 75,203 .

CANCELLING THE CONTRACT OF LAWN EQUIPMENT AND REPAIR SERVICE FOR TORO PARTS AND SERVICE AND AWARDED IT TO GOLDTHWAITE'S OF SERVICE AND AWARDED IT TO GOLDTHWAITE'S OF TEXAS, INC. FOR APPROXIMATELY \$3,000.00.

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AN ORDINANCE 75,204 .

ACCEPTING THE LOW BID OF LONGHORN PROPANE COMPANY TO FURNISH THE CITY OF SAN ANTONIO AUTOMOTIVE OPERATIONS DIVISION WITH AN ANNUAL CONTRACT FOR PROPANE FOR APPROXIMATELY \$125,000.00.

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AN ORDINANCE 75,205

ACCEPTING THE LOW, QUALIFIED BID OF E-Z BEL CONSTRUCTION CO., INC. IN THE AMOUNT OF \$356,833.39 IN CONNECTION WITH THE VISTA VERDE SOUTH U.D.A.G. PROJECT, PHASE III; AUTHORIZING A CONTRACT; AUTHORIZING \$35,683.34 FOR CONSTRUCTION CONTINGENCIES, AND \$3,699.42 FOR ENGINEERING EXPENSES; REVISING THE PROJECT BUDGET AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,206

RATIFYING THE WORK AND ACCEPTING A PROPOSAL IN THE AMOUNT OF \$4,200.00 FROM LOCKWOOD, ANDREWS & NEWMAM, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE WESTSIDE MAIN SANITARY SEWER REHABILITATION PROJECT PHASE II; APPROPRIATING SEWER REVENUE BOND FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,207

ACCEPTING THE LOW, QUALIFIED BID OF MALDONADO NURSERY AND LANDSCAPING, INC. IN THE AMOUNT OF \$29,138.00 IN CONNECTION WITH THE MILLER'S POND PARK IMPROVEMENTS, PHASE II PROJECT; AUTHORIZING A CONTRACT; REVISING THE PROJECT BUDGET; AUTHORIZING \$5,474.17 FOR CONSTRUCTION CONTINGENCIES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,208

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$5,100.00 WITH PAPE-DAWSON CONSULTING ENGINEERS, INC., FOR ENGINEERING SERVICES RELATING TO THE NEW MAIN LIBRARY; AUTHORIZING \$600.00 FOR ENGINEERING CONTINGENCIES; APPROPRIATING 1989 GENERAL OBLIGATION LIBRARY BOND FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,209

AUHTORIZING THE EXECUTION OF FOUR ONE-YEAR LEASES TO CLEAR CHANNEL COMMUNICATIONS, INC. (WOAI RADIO), KSAT-TV, SAN ANTONIO LIGHT, AND THE EXPRESS-NEWS CORPORATION, RESPECTIVELY, FOR USE OF FOUR LOFT OFFICES LOCATED ON THE SECOND FLOOR AT CITY HALL FOR A TOTAL ANNUAL REVENUE OF \$5,071.00.

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AN ORDINANCE 75,210

AUTHORIZING PAYMENT IN THE AMOUNT OF \$8,321.87 FOR PROCESSING FEES ON DOLLARHIDE OUTFALL DRAINAGE PROJECT #81; TITLE CHARGES ON SOUTH FLORES DRAINAGE #70-70A PHASE II, ASHLEY ROAD RECONSTRUCTION - BASCUM BLVD. TO S. FLORES, SCIENCE PARK DRAINAGE PROJECT #58H, I & J, JOHNSTON BRANCH LIBRARY; BILLBOARDS REMOVAL ON FREDERICKSBURG ROAD - FIVE POINTS TO WOODLAWN (SAN PEDRO CREEK CHANNEL IMPROVEMENTS); AND APPROPRIATING FUNDS.

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AN ORDINANCE 75,211

AUTHORIZING A LICENSE AGREEMENT FROM THE CITY OF SAN ANTONIO TO THE GAL-TEX HOTEL CORP. d/b/a SAN ANTONIO MENDER HOTEL TO USE A SIDEWALK PORTION OF CITY OF SAN ANTONIO RIGHT-OF-WAY ALONG ALAMO PLAZA EAST NEAR BLUM STREET FOR THE CONSTRUCTION OF CONCRETE STEPS, THE CONSIDERATION BEING \$500.00.

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AN ORDINANCE 75,212

AUTHORIZING DR. LINDA BRAUN, DOING BUSINESS AS ALAMO PLAZA OPTICAL, AS TENANT, UNDER THAT CERTAIN LEASE AGREEMENT WITH THE CITY OF SAN ANTONIO, APPROVED BY ORDINANCE NUMBER 72738 ON DECEMBER 6, 1990, TO SUB-LEASE 350 SQUARE FEET OF HER 1,250 SQURE FOOT SPACE TO RICHARD BLAZQUEZ FOR A RETAIL ART AND SOUVENIRS SHOP TO BE LOCATED AT 210 NORTH PRESA STREET WITHIN THE CITY'S RIVERBEND PARKING GARAGE.

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AN ORDINANCE 75,213

AUTHORIZING THE EXECUTION OF CONTRACT CHANGE NOTICE NO. 1, COMPRISED OF ATTACHMENTS 2 AND 3 TO THE CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH; AUTHORIZING THE ACCEPTANCE OF \$320,148.00 IN CASH AND IN-KIND SUPPORT; REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 1992/93 ESTABLISHED IN ORDINANCE 75075 PASSED JANUARY 16, 1992; AUTHORIZING PERSONNEL POSITIONS; AND APPROPRIATING FUNDS.

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AN ORDINANCE 75,214

APPROVING THE SUBMISSION OF A PROPOSAL AND ACCEPTANCE OF A GRANT OF \$140,591.00 TO PROVIDE FUNDING TO THE EMERGENCY FOOD AND SHELTER BOARD PROGRAMS FROM OCTOBER 1, 1991 TO SEPTEMBER 30, 1992 FOR THE CATEGORIES OF: FIRST MONTH'S RENT PROGRAM- \$33,000.00; RENT ASSISTANCE PROGRAM- \$60,443.00; MORTGAGE ASSISTANCE PROGRAM- \$45,000.00; AND EMERGENCY SHELTER PROGRAM- \$2,148.00.

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AN ORDINANCE 75,215

APPOINTING HILARY SAUNDERS TO REPLACE REBECCA WALDMAN ON THE RIVERWALK COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 31, 1992.

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AN ORDINANCE 75,216

REAPPOINTING JAMES HASSLOCHER TO THE BEXAR METRO 911 DISTRICT FOR A TERM TO EXPIRE ON FEBRUARY 28, 1993.

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AN ORDINANCE 75,217

REAPPOINTING HEBERTO GUTIERREZ TO THE BEXAR METRO 911 DISTRICT BOARD OF MANAGERS FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 28, 1994.

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AN ORDINANCE 75,218

CLOSING ALAMO PLAZA IN CONNECTION WITH THE SAN ANTONIO LIVING HISTORY ASSOCIATION'S PRESENTATION OF THE "13 DAYS OF THE ALAMO" ON SUNDAY, FEBRUARY 23, 1992, FROM 1:00 P.M. TO 5:00 P.M.; ON FRIDAY, MARCH 6, 1992, FROM 6:00 A.M. TO 7:00 A.M.; ON SATURDAY, MARCH 7, 1992, FROM 1:00 P.M. TO 3:00 P.M.; AND ON SUNDAY, MARCH 8, 1992, FROM 1:00 P.M. TO 3:00 P.M.

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AN ORDINANCE 75,219

CLOSING KENTUCKY AVENUE BETWEEN ELMENDORF AND ZARZAMORA, BETWEEN 8:00 A.M. ON SATURDAY APRIL 25, 1992, AND 11:00 P.M. ON SUNDAY, APRIL 26, 1992, IN ORDER FOR THE LITTLE FLOWER CATHOLIC CHURCH TO HOLD ITS ANNUAL FESTIVAL DE AMISTAD.

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AN ORDINANCE 75,220

CLOSING WEST BOUND NUEVA STREET, FROM ALAMO TO PRESA, BETWEEN 6:00 P.M. ON FRIDAY, APRIL 3, 1992, AND 8:00 P.M. ON SUNDAY, APRIL 5, 1992, IN ORDER FOR THE HISTORIC LITTLE CHURCH OF LA VILLITA TO HOLD ITS ANNUAL STARVING ARTIST ART SHOW.

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92-07 The Clerk read the following Ordinance:

AN ORDINANCE 75,221

ACCEPTING THE LOW BID OF ALAMO FORD NEW HOLLAND, INC. TO FURNISH THE CITY OF SAN ANTONIO AUTOMOTIVE OPERATIONS AND WASTEWATER MANAGEMENT WITH A COMPOSTING WINDOW MACHINE FOR A TOTAL OF \$172,497.00.

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Mr. Archie Titzman, Director of Purchasing & General Services, briefly explained the equipment involved in this proposed ordinance and the bid process followed by the City, leading to its recommendation to accept the bid put forth by the low bidder involved.

Mr. Clay H. Bates, representing Claymar, asked the City Council to reconsider the recommended award of this bid. He stated his belief that the low-bid equipment does not meet certain specifications, and he spoke to those specifications. He then presented members of the City Council with a packet of information on this matter and spoke to the trial history of the recommended equipment and instances of its alleged failure. He then stated his belief that his firm's equipment is a proven product.

Mr. Dennis Oleteo, President, Alamo Ford New Holland, spoke to a number of other pieces of his equipment currently being used by the City of San Antonio, and spoke in refutation of certain data presented by his competitor.

In response to a question by Mayor Wolff, Mr. Oleteo spoke to the current litigation over the recommended low-bid equipment in Islip, New York.

In response to a question by Mr. Larson, Mr. Titzman noted that, in his opinion, both pieces of equipment involved meet the City's bid specifications. He addressed the question of the engine used in the low-bid equipment and noted that other users of this equipment have had success with it. He then spoke in recommendation of award of the bid to the low bidder, and briefly spoke to the warranty on the equipment.

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

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

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92-07 The Clerk read the following Ordinance:

AN ORDINANCE 75,222 .

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ACCEPTING THE PROPOSAL OF CARIBBEAN CLEAR, FOR THE  
PURCHASE OF A SWIMMING POOL RECIRCULATION FILTRATION

AND SANITATION SYSTEM FOR THE CITY OF SAN ANTONIO  
PARKS AND RECREATION DEPARTMENT FOR A TOTAL OF  
\$87,500.00; APPROPRIATING FUNDS, AND PROVIDING FOR  
PAYMENT.

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Mr. Ron Darner, Director of Parks & Recreation, explained the need for the recirculation, filtration and sanitation system for the City's swimming pool at Roosevelt Park, which at present uses up to 17 million gallons of water each year because it has to be drained and refilled frequently, rather than filtered, because of lack of such a system at the pool. He noted that he is asking the Edwards Underground Water District to pay a portion of this cost because it is a water-saving measure.

Mr. Pierce 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: Perez, Pierce, Billa Burke, Wing, Ayala, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Solis.

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At the request of Councilman Perez, it was the pleasure of City Council to undertake consideration of agenda item 40 at this time.

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92-07 The Clerk read the following Ordinance:

AN ORDINANCE 75,223

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APPROVING A PARADE PERMIT FOR THE SAN ANTONIO PUBLIC LIBRARY "YOUTH PARADE" AND FESTIVAL SCHEDULED FOR SATURDAY, FEBRUARY 29, 1992; AND APPROPRIATING CITY COUNCIL DISCRETIONARY FUNDS IN AMOUNTS TOTALING \$1,200.00 FOR SECURITY COSTS USED IN CONNECTION WITH THE EVENT.

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

A discussion took place concerning the \$1,200 cost for security at the Public Library "Youth Parade".

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Ms. Maria Cossio, Executive Director, Library Foundation, spoke to details of the proposed parade event.

Ms. Mary Briseno, member of the Library Foundation, addressed the number of groups scheduled to participate in the parade.

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

92-07 The Clerk read the following Ordinance:

AN ORDINANCE 75,224

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$699,958.00 WITH W.E. SIMPSON COMPANY, INC. FOR PERFORMANCE OF A COST OF SERVICE STUDY IN CONNECTION WITH THE ENVIRONMENTAL PROTECTION AGENCY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM-PART II STORMWATER PERMIT APPLICATION; APPROPRIATING SEWER OPERATIONS AND MAINTENANCE FUNDS; AND PROVIDING FOR PAYMENT.

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

Mr. Willie Horton, Assistant Director of Wastewater Management, explained the need for the Cost of Service Study, which is the first of two parts to the project.

In response to a question by Mr. Larson, Mr. Horton and Mr. Joe Aceves, Director of Public Works, discussed the need for both the study and the project, which is mandated by the Environmental Protection Agency, though no federal funds are available to help pay for its cost.

Mr. Aceves spoke of having met recently at the federal level to speak concerning the adverse impact of federally-mandated projects, when only local funding is available to pay for it.

A discussion then ensued concerning the adverse effects of such requirements on local budgets.

Mayor Wolff noted that President Bush has promised a moratorium on such federal mandates, in the future.

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

92-07 ZONING HEARINGS

4A. CASE Z92014 - to rezone the south 200 feet of Parcel 4 and the south 200 feet of the west 286.85 feet of Parcel 5, NCB 16331 from "B-2" ERZD Business Edwards Recharge Zone District to "B-3R" ERZD Restrictive Business Edwards Recharge Zone District, 195 N. Loop 1604 West located on the north side of N. Loop 1604, 213.49 feet west of the intersection of North Loop 1604 and Stone Oak Parkway, having 626.45 feet on N. Loop 1604 and a depth of 1107.80 feet.

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

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

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

AN ORDINANCE 75,225

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 200 FEET OF PARCEL 4 AND THE SOUTH 200 FEET OF THE WEST 286.85 FEET OF PARCEL 5, NCB 16331 FROM "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT TO "B-3R" ERZD RESTRICTIVE BUSINESS EDWARDS RECHARGE ZONE DISTRICT, 195 N. LOOP 1604 WEST. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4B. CASE Z91154 PP - to rezone Lot 13, NCB 12731 from "O-1" Office District to "B-2NA" Non-Alcoholic Sales Business District, 843 Lockhill Selma located on the northeast side of Lockhill Selma Road, 180 feet southeast of the intersection of Northcrest Drive and Lockhill Selma, having 80 feet on Lockhill Selma and a depth of 357.14 feet.

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

Mr. Andy Guerrero, Land Development Services, noted that nine affirmative Council votes would be necessary in order to approve the requested rezoning, because of the amount of opposition involved.

Mr. Allan Polunsky, attorney for the proponent, addressed the zoning history of the property in question, noting that the tailor shop occupying a portion of the property has been at that location for the past 19 years, even though this usage has been found to be in violation of the zoning regulations. He noted that the property owner has twice in the past years sought to bring the property into compliance with the City's zoning regulations.

Ms. Jeanette Sims, 918 Northcrest, spoke to her objections to the requested rezoning, and distributed photographs to the City Council of her home and its relation to the adjacent property. She noted that the property in question was zoned O-1 Office District in 1968 as a buffer zone between the businesses and the nearby residences. She further noted that requested rezoning of the subject property has been defeated twice, over the years since its 1968 zoning. She then distributed photographs of the subject property.

Mr. Jesse Sims, 918 Northcrest, read a letter of opposition from a neighbor who could not be in attendance today, and spoke to the instances where rezoning has been defeated on the subject property.

In rebuttal, Mr. Polunsky stated that one of the photographs, depicting an overgrown area, is actually a photograph of City of San Antonio right-of-way, and not the subject property. He then spoke in refutation to certain other charges made by opponents, and stated that the proponent is willing to erect a fence and to deed-restrict the subject property.

A discussion then took place concerning City zoning laws and the uses allowed under them, including fencing, hours of operation, etc.

Mr. Thornton questioned all concerned about maintenance plans for the subject property and urged closer cooperation between all parties concerned. He then spoke in favor of approving the rezoning

request, subject to certain stipulations designed to protect the nearby residential area: (1) granting a B-1 zoning with a six-foot solid screen fence to be erected and maintained along the north and west property lines, to be constructed prior to the effective date of the ordinance; (2) that there be no activity on the subject property between the hours of 10:00 P.M. and 7:00 A.M.; and (3) that no lighting be directed into the nearby residential properties.

Mr. Guerrero noted that only the fencing requirement can be directed by the City Council.

Mr. Polunsky stated that he would insure that the other two items are deed-restricted and recorded prior to the effective date of the ordinance involved.

Mr. Thornton made a motion to grant the requested B-1 Business District zoning, provided that a six-foot solid screen fence is erected and maintained along the north and west property lines. The motion also recognizes the promise of counsel for the proponent to deed-restrict the matters of hours of operation and lighting restrictions. Ms. Vera seconded the motion.

Mayor Wolff noted that he would be abstaining from this vote.

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

AN ORDINANCE 75,226

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, NCB 12731 FROM "O-1" OFFICE DISTRICT TO "B-1" BUSINESS DISTRICT, 843 LOCKHILL SELMA. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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It was the concensus of City Council members present to temporarily halt consideration of zoning cases at this time in order to consider agenda item 39, dealing with the District 6 Learning Center and its site selection.

92-07 The Clerk read the following Ordinance:

AN ORDINANCE 75,227

ACCEPTING THE RECOMMENDATION OF THE AD HOC LEARNING CENTERS SITE SELECTION COMMITTEE THAT THE DISTRICT 6 LEARNING CENTER BE CONSTRUCTED ON THE 2.3 ACRE TRACT RECENTLY APPROVED BY CITY COUNCIL AS THE LOCATION FOR THE NEW LAS PALMAS BRANCH LIBRARY; AND AUTHORIZING THE CITY MANAGER TO PROCEED WITH NECESSARY ACTION TO DESIGN, CONTRUCT, AND EQUIP THE LEARNING CENTER IN CONJUNCTION WITH THE CONSTRUCTION OF THE NEW LAS PALMAS BRANCH LIBRARY.

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

Ms. Elizabeth Garza, chairperson of the COPS Site Selection Committee, spoke to the Public Hearing held and the subsequent recommendation to co-locate the District 6 Learning Center with the new Las Palmas Branch Library.

Ms. Angelina Garza, Communities Organized for Public Service, spoke to the history of the new branch library and learning center plans, and the recommendations of the Site Selection Committee. She spoke of the need to include this District 6 Learning Center in the next upcoming library bond sale in order to provide the needed funds to construct the center.

In response to a question by Ms. Ayala, Mr. Kevin Moriarty, Director of Community Initiatives, stated that he is looking toward a formal opening of this new facility in about 16 months.

Mr. Alex Briseno, City Manager, stated that he is looking at issuing the next set of library bonds sometime in the spring, possibly in the April-May timeframe.

Ms. Vera favors co-locating the Learning Centers with branch libraries.

Several City Council members congratulated COPS and the Site Selection Committee on its hard work leading up to this recommendation.

Mr. Thornton spoke to his concern that two separate City departments are involved with the Branch Libraries and the Learning Centers, but noted that they are cooperating and coordinating these matters.

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

It was the concensus of City Council members present to undertake discussion of Agenda Item 27 at this time, prior to returning to consideration of the remainder of the zoning cases.

92-07 The Clerk read the following Ordinance:

AN ORDINANCE 75,228

AUTHORIZING THE EXECUTION OF A LETTER OF AGREEMENT WITH BANK ONE TEXAS, N.A., EXTENDING THE TERM OF THE CURRENT LEASE AGREEMENT FOR THE DEPARTMENT OF ARTS AND CULTURAL AFFAIRS OFFICE SPACE IN THE STAACKE-STEVEN'S BUILDING BETWEEN MARCH 1, 1992 AND AUGUST 31, 1992 FOR \$1,667.25 PER MONTH; AND AMENDING A LEASE AGREEMENT WITH THE MAJESTIC DEVELOPMENT COMPANY FOR A FIVE-YEAR TERM COMMENCING SEPTEMBER 1, 1992, FOR \$1,878.75 PER MONTH FOR THE FIRST YEAR, INCREASING FOUR PERCENT (4%) COMPOUNDED ANNUALLY, SUBJECT TO ANNUAL APPROPRIATION AFTER SEPTEMBER 30, 1992.

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

A discussion took place concerning plans for the ultimate move of the City's Arts & Cultural Affairs Department to the Majestic Building next August.

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

92-07 ZONING HEARINGS (CONTINUED)

4C. CASE Z92001 - to rezone A 3.162 acre tract of land out of NCB 18226 from "R-A" Residence-Agriculture District and "B-2" Business District to "I-1" Light Industry District, 11200 Block of I.H. 10 East Expressway located on the southeast side of I.H. 10 East Expressway, being 545.74 feet northeast of the intersection of U.S. Hwy 90 East and Graytown Road, having 52.24 feet on I.H. 10 East Expressway and a depth of 500.00 feet.

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

In response to a question by Mr. Pierce, Mr. Gerald Dubianski, the proponent, spoke to plans for the use of the property in question for light vehicle repair.

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

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

AN ORDINANCE 75,229

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 0.094 ACRE TRACT OF LAND OUT OF NCB 18226 AND A 3.068 ACRE TRACT OF LAND OUT OF NCB 18226 FROM "R-A" RESIDENCE-AGRICULTURE DISTRICT AND "B-2" BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT AND "I-1" LIGHT INDUSTRY DISTRICT, 11200 BLOCK OF I.H. 10 EAST EXPRESSWAY. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4D. CASE Z92012 (CC) - to rezone Lots 20 and 102A, save and except the south 100 feet, NCB 10838 and the south 100 feet of Lots 20 and 102A, NCB 10838 from "A" Single Family Residence District to "B-1" CC Business District for a hospital and "B-2" CC Business District with special City Council approval for a hospital and a helistop.

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

Mr. Gene Dawson, Jr., representing Baptist Memorial Hospital System, addressed the history of the property in question and this request for rezoning, including its infrequent usage for a helistop, estimating that it would be used in the range of 5-6 times per year.

Mr. Harry Smith, Administrator, Southeast Baptist Hospital, spoke to the planned uses for the property in question, and noted that opponents are concerned with the impact that a helipad would have on their homes nearby. He then addressed the need for a helistop near the hospital's Emergency Room and surgical areas.

Mr. Willard Busselman, 4235 Chandler, voiced his concern with the location of the helistop so close to his home because of safety and noise considerations, and asked City Council to oppose the request.

Mr. Dawson noted that a helistop had been there for the past 20 years, with only about three or four annual uses.

Ms. Billa Burke spoke in support for quality health care for all and in support of this rezoning request, stating that she would meet with representatives of the hospital and the opponents to work out their differences.

Mr. Wing spoke in support of the request.

Mr. Thornton noted that small health care provider facilities everywhere are struggling, including those in southeast San Antonio, and lauded the Baptist Memorial Hospital System for providing health care to this area of the city.

Ms. Billa Burke 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, Billa Burke, Wing, Solis, Ayala, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Vera.

AN ORDINANCE 75,230

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 20 AND 102A, SAVE AND

EXCEPT THE SOUTH 100 FEET, NCB 10838 AND THE SOUTH 100 FEET OF LOTS 20 AND 102 A, NCB 10838 FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "B-1" CC BUSINESS DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A HOSPITAL AND "B-2" CC BUSINESS DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A HOSPITAL AND A HELISTOP. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4E. CASE Z91165 - to rezone Lots 156 and 157, Block 4, NCB 15731 from Temporary "R-1" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District, 161 Dinn Drive located on the north side of Dinn Drive, 1077.36 feet west of the intersection of Dinn Drive and Fratt Road, having 100 feet on Dinn Drive and a depth of 150 feet.

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

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

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

AN ORDINANCE 75,231

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 156 AND 157, BLOCK 4, NCB 15731 FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 161 DINN DRIVE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4F. CASE Z92004 - to rezone Lots 11 and 12, Block 32, NCB 2065 from "F" Local Retail District to "B-3NA" SUP Non-Alcoholic Sales District with special use permit for contractor with outside storage, 1803 Culebra located northwest of the intersection of Neff Avenue and Culebra Road, having 155.53 feet on Neff Avenue and 100 feet on Culebra Road.

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

Mr. Perez made a motion to approve the recommendation of the Zoning Commission. Ms. Billa Burke seconded the motion.

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

AN ORDINANCE 75,232

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 11 AND 12, BLOCK 32, NCB 2065 FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" SUP NON-ALCOHOLIC SALES BUSINESS DISTRICT WITH SPECIAL USE PERMIT FOR A CONTRACTOR'S OFFICE WITH OUTSIDE STORAGE, 1803 CULEBRA. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4G. CASE Z92005 - to rezone Lots 36 A and 36 C, Block A, NCB 11529 from "F" Local Retail District to "B-3R" Restrictive Business District, 1903 Bandera Road located on west of the intersection of Broadview Drive and Bandera Road, having 200 feet on Bandera Road and 175 feet on Broadview Drive.

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

Mr. Bob Moore, 7902 Restless Wind, stated that he is requesting a B-3R zoning on his aunt's property for the location of an auto sales and repair facility.

Mr. Harold Hohman, 123 Hohman, speaking as representative of three property owners in the area, stated that they would support the request if a fence is added between the two properties involved.

Mrs. Rose Hohman, 123 Hohman, noted that she was never notified by mail that this case was coming up.

Mr. Andy Guerrero, Land Development Services, confirmed that a notice was mailed to her about this meeting.

Mr. Moore stated his willingness to erect a fence in the rear of his property.

A discussion then took place concerning possible fencing along Broadview, as well, during which it was noted that this area is not part of the zoning request at hand.

Ms. Vera made a motion to approve a "B-3NA" Non-Alcoholic Sales Business District zoning on the property in question, provided that a six-foot solid screen fence is erected and maintained along the southwest property line. Mr. Solis seconded the motion.

Mr. Guerrero explained why fencing cannot be required of this proponent along the Broadview segment of property under discussion.

A discussion then ensued concerning the matter of unsightly vehicles located on the proponent's property and the need for fencing along Broadview.

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

AN ORDINANCE 75,233

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 36 A AND 36 C, BLOCK A, NCB 11529 FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 1903 BANDERA ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4H. CASE Z92010 - to rezone Lot 3, Block 4, NCB 18284 from Temporary "R-1" Single Family Residence District to "R-3" Multiple Family Residence District, 7750 Culebra Road located between Culebra Road and Ingram Road, 904-52 feet northwest of the intersection of Culebra Road and Ingram Road, having 380.64 feet on Culebra Road, 342.72 feet on Ingram Road and a maximum depth of 956 feet.

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

Ms. Vera made a motion to approve the recommendation of the Zoning Commission. Mr. Solis 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, Solis, Ayala, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke.

AN ORDINANCE 75,234

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 3, BLOCK 4, NCB 18284 FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, 7750 CULEBRA ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4I. CASE Z92007 - to rezone A 2.00 acre tract of land out OF Tract 1B, NCB 14746 from "B-3R" Restrictive Sales District to "B-3" Business District, I.H. 10 Northwest Expressway and Utex Blvd. located northwest of the intersection of Utex Blvd., and I.H. 10 Northwest Expressway, having 339.40 feet on Utex Blvd., and 11.95 feet on I.H. 10 Northwest Expressway.

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

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

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

AN ORDINANCE 75,235

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 2.00 ACRE TRACT OF LAND OUT OF TRACT 1B, NCB 14746, I.H. 10 NORTHWEST EXPRESSWAY AND UTEX BLVD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4J. CASE Z92015 - to rezone A 17.879 acre tract of land out of NCB 12050 from "F" Local Retail District to "B-3" Business District, 333 N.W. Loop 410 Expressway located at the intersection of Isom Road, San Pedro Avenue and N.W. Loop 410 Expressway, having 1216.74 feet on Isom Road, 273.71 feet on San Pedro Avenue and 879.92 feet on N.W. Loop 410 Expressway.

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. Solis seconded the motion.

Mr. Labatt spoke to plans to reconstruct Isom Road alongside this property and the possible impact this construction might have on driveways into the property.

Ms. Lois Miller, realtor, The Price Company, stated that she has been working closely with the City in this regard.

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

AN ORDINANCE 75,236

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 17.879 ACRE TRACT OF LAND OUT OF NCB 12050 FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, 333 N.W. LOOP 410 EXPRESSWAY. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4K. CASE Z91080 - Q - to rezone Lots 1 thru 8, Block 7, NCB 707, 602 Matagorda Street, 211-215-219-225- 229-233 Lavaca Street, 613 Indianola Street from "D" Apartment District to "R-2" Two Family Residence District and "R-2" SUP Two Family Residence District with special use permit for a 9 unit apartment located on the northeast side of Lavaca street between Matagorda Street and Indianola Street, having 154 feet on Matagorda Street, 154 feet on indianola Street and 440 feet on Lavaca.

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

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

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

AN ORDINANCE 75,237

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 NORTH 224.46 FEET OF LOT 17, BLOCK B, NCB 8695 FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 258 DEERWOOD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

92-07 The Clerk read the following Ordinance:

AN ORDINANCE 75,238

AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$4,838,023.44 WITH H.B. ZACHRY COMPANY IN CONNECTION WITH THE CHERRY STREET DRAINAGE #15B PHASE I PROJECT; AUTHORIZING \$207,476.59 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCIES, AND AUTHORIZING \$57,450.17 FOR ADDITIONAL ENGINEERING FEES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

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

Mr. Joe Rodriguez, Assistant Director of Public Works, briefly explained the project and its impact upon the nearby Alamodome.

In response to a question by Mr. Pierce, Mr. Rodriguez noted that both phases of this project have been funded.

A discussion ensued concerning the impact of possible additional land acquisition in the area for the Alamodome, including parking areas for the Alamodome east of Cherry Street.

Mr. Roland Lozano, Director of Dome Development, noted that the Neighborhood Plan, including the question of parking for the Alamodome, currently is under consideration.

Mr. Perez spoke to his concern that possible future land acquisition for future Alamodome parking might be adversely affected by this drainage project.

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

92-07 The Clerk read the following Ordinance:

AN ORDINANCE 75,239

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO EFFECT THE FULL AND FINAL SETTLEMENT OF CAUSE NO. 90-CI-14870, STYLED RAUL GUERRA AND CAROLYN GUERRA

V. CITY OF SAN ANTONIO, FOR THE TOTAL SUM OF  
\$10,000.00.

\* \* \* \*

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

Mr. Lloyd Garza, City Attorney, explained the settlement proposal.

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

- - -  
92-07 The Clerk read the following Ordinance:

AN ORDINANCE 75,240 .

.  
AUTHORIZING PAYMENT OF A JUDGEMENT STYLED BATARLA V.  
CITY OF SAN ANTONIO, CAUSE NO. 89-CI-03421 IN AN  
AMOUNT OF APPROXIMATELY \$56,999.52 PLUS ANY INTEREST  
ACCRUED AFTER FEBRUARY 13, 1992, UNTIL PAID.

\* \* \* \*

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

Mr. Lloyd Garza, City Attorney, noted that this is payment for a judgement resulting from a lawsuit which the City lost on appeal.

Mr. Labatt spoke of his concern for the City having been found guilty in this case merely because it was operating machinery in the area. He noted that horses from the nearby riding stables can use portions of Brackenridge Park under terms of the original grant from George W. Brackenridge, and that City policy has been that when horses come near to machinery operating in the area, that machinery shuts down. He further stated that this was the case in this matter, as well, but when the machinery was re-started following passage of the horses and riders, a backfire caused one horse to bolt and run, throwing the rider. He also noted that the riding stables carry no insurance, to his knowledge.

Mr. Larson stated his belief that the City should not be liable for this situation, and that research should be performed to determine if this riding stable operation has the right, by grant, to Brackenridge Park usage.



A discussion then took place on the question of perceived rights to ride horses in Brackenridge Park, under terms of the original grant.

Mr. Garza stated that his staff would search the grant documents for its provisions in this regard.

A discussion ensued concerning possible state legislation dealing with liability insurance, in such cases. The Transportation Advisory Board was requested to look into use of City streets for operations such as the riding stables.

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

- - -  
92-07 The Clerk read the following Ordinance:

AN ORDINANCE 75,241

ACCEPTING THE LOW QUALIFIED BID OF KUNZ CONSTRUCTION COMPANY, INC., AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,195,852.00 WITH A CONSTRUCTION CONTINGENCY OF \$79,668.00 FOR THE ALAMODOME: PACKAGE 12A - MONTANA SITE PREPARATION, FUNDED BY THE 1/2 PERCENT SALES TAX COLLECTION.

\* \* \* \*

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

Mr. Roland Lozano, Director of Dome Development, stated that this ordinance deals with the start of the depression of Montana Street in the Alamodome area, which includes \$200,000.00 in funding to remove from the site and dispose of contaminated soils already stored on the Alamodome property, and any additional contaminated soils found as a result of the depression of Montana Street. He further noted that the recommended low bidder is some \$1.5 million below the next low bidder.

A discussion took place concerning past project performance by the low bidder on this project, details of work to be accomplished under this contract, and the cost of environmental work on the project.

In response to a question by Mr. Labatt, Mr. Joe Aceves, Director of Public Works, discussed the ramifications of possible removal of a contractor from the list of qualified bidders "for cause".

He noted, however, that if the cause of the contention on any project is resolved by all concerned, it will be difficult to disqualify that contractor from bidding because of that now-resolved problem.

Mr. Labatt spoke in favor of finding a way to disqualify this particular contractor from future City project bidding, should problems develop with that contractor on this project.

Mr. Lloyd Garza, City Attorney, noted that it is difficult to disqualify a contractor from bidding on a project if they have completed previous projects.

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

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

92-07 The Clerk read the following Ordinance:

AN ORDINANCE 75,242

AUTHORIZING EXECUTION OF THE AGREEMENT FOR INTERIM SHUTTLE SERVICE AT THE SAN ANTONIO INTERNATIONAL AIRPORT WITH ADVANTAGE EXPRESS, INC. FOR A TERM ENDING ON AUGUST 31, 1992; AND DECLARING AN EMERGENCY.

\* \* \* \*

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

Mr. Mike Kutchins, Director of Aviation, reviewed previous direction to City staff and the history of this particular ordinance.

Mr. Perez, chairman of the Transportation Advisory Board, stated that the contract with SuperVan, Inc. has been withdrawn and the service ended, and he spoke to the interim contractor, Advantage Express, and its parent firm, Advantage Rent-A-Car.

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

Mr. Doug Almond, representing Advantage Express, stated that his firm would provide interim shuttle service for International Airport through August 31, 1992, and would compete for the new long-term shuttle contract, under a new Request for Proposal. He addressed the type of vehicles to be used and noted that the actual name to be used by the interim shuttle service would be decided upon, probably tomorrow.

Mr. Solis addressed the alternatives available to the City Council.

In response to a question by Mr. Thornton, Mr. Almond stated that he would use 15-passenger vans for the service.

Mr. Thornton spoke of his concerns with the possible adverse image of San Antonio being projected by some taxicabs and their drivers, and spoke in support for a dress code for taxicab drivers.

Ms. Ayala urged the new interim shuttle service to work in concert with the taxicabs to present the best possible face of San Antonio for its many visitors.

Mr. Larson discussed the possibility of having dual providers of the shuttle service.

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

- - -  
92-07 The Clerk read the following Ordinance:

AN ORDINANCE 75,243

AUTHORIZING AND DIRECTING PAYMENT OF A JUDGMENT AND COURT COSTS IN THE TOTAL AMOUNT OF \$122,729.74 IN CAUSE NO. 87-CI-06523 STYLED LORI HENSON V. THE STATE OF TEXAS AND THE CITY OF SAN ANTONIO IN THE 73RD JUDICIAL DISTRICT COURT OF BEXAR COUNTY.

\* \* \* \*

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

Mr. Steve Arronge, Assistant City Attorney, Trial Section, explained how the Tort Reform Act had saved the City a considerable sum of money in this judgement case, and he spoke to its details, resulting in a major reduction of its original \$14 million jury award to the plaintiff.

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

92-07 City Council recessed its Regular Meeting at 5:03 P.M. to convene in informal "B" Session to discuss (A) Status Report on the Youth Curfew, and (B) Youth Commission Report, reconvening in regular session for Citizens to be Heard.

92-07

CITIZENS TO BE HEARD

MR. RODOLFO MACIAS CABRERA

Mr. Cabrera addressed the Council in Spanish and distributed a copy of his prepared statement to the Council, a copy of which is on file with the papers of this meeting. He is particularly taking issue with the pending visit of Carlos Salinas de Gortari, whom he claims is not the Constitutionally elected President of Mexico.

MR. DWAYNE "SPARKY" ANDERSON

Mr. Anderson spoke to the Council about his interest in working with City staff in the recycling effort. They are also working with state, federal and local authorities on the entire recycling effort. He made mention of the many industries they are currently working with on recycling of their particular products.

POT-BELLIED PIGS

Ms. Gail Williams, 9236 Tree Village Drive again spoke to the Council regarding the need to address the issue of the pot bellied pigs and requested that the City Council amend the animal control ordinance to allow the keeping of pigs as pets. She gave her reasons for this request.

Ms. Barbara Lyons, 4709 Palo Alto Drive, distributed a prepared statement to the Council, reiterating the statements made by the previous speaker. (A copy of the statement is on file with the papers of this meeting.)

REV. R. A. CALLIES, JR.

Rev. Callies distributed a prepared statement to the Council outlining his concerns on needed improvements and maintenance to some points of attractions in the east side of San Antonio. (A copy of the statement is on file with the papers of this meeting.)

Mr. Pierce asked Rev. Callies to call his Administrative Aide, Mr. Griffin. He will then assure that a follow up meeting with Mr. Ron Darner, Director of Parks and Recreation, is arranged.

MR. ALBERT RODRIGUEZ

Mr. Rodriguez stated that he is representing his church, Glory of Christ, in urging that the City Council do something to help the youth of our City. He is currently working with Ms. Elizabeth Hernandez on the Save the Youth Campaign which she recently instituted.

MRS. ROSA ROSALES

Mrs. Rosales, State Director of LULAC, also stated that they are very concerned with the youth problems in San Antonio. They feel that the city is in a state of emergency and that city monies are needed to begin preventable and intervention programs which will address the problems before it is too late.

MR. JOSE GALLEGOS, JR.

Mr. Jose Gallegos, Jr. spoke to the Council about his involvement with gang activities in San Antonio. He stated that he was fired as State Director on Texans War on Drugs for arranging a meeting with two rival gangs. He introduced two families of innocent victims of gang violence. He urged the Council to consider a pro active multi-dimensional approach to deal with the issue of gang violence. He will be going on a fast to bring attention to this issue. He wants to raise \$25,000 for a new campaign entitled, "San Antonio GAINS" which will focus on prevention and intervention strategies. He plans to also utilize this money for anti-gang media campaigns and prevention. He urged the Council's support in this effort.

MR. LEE BATES

Mr. Bates stated that he knows firsthand the problems with gang activities since he used to be a gang member. He commended the Youth Commission for their report, although, it was from second hand information. He also stated that the City is not doing enough and feels that more media coverage bringing the gang activity before the public is warranted.

MR. ROBERT A. CHAVEZ

Mr. Chavez stated that he too is concerned with gang activity and is working with a new group entitled, "Reunited Youth Gangs of San Antonio", to address some of the problems of the youth in the community. He stated that he will be bringing to the City Council some more family members whose sons have been killed in gang activity.

MS. ELIZABETH HERNANDEZ

Ms. Hernandez, Save the Youth/SA GAINS, stated that she recently instituted this new program in order to work with the youth of the community. Her own 14 year old nephew was killed by a gang member.

Mayor Wolff commended her for her concern in the community and asked her to reduce to writing the program activities for his perusal.

(City Council recessed its regular meeting for dinner at 7:10 P.M., reconvening in regular session at 7:49 P.M.)

WATER CONSOLIDATION PRESENTATION

Mayor Wolff explained briefly the sequence of events to take place in this presentation.

Mr. Joe Aceves, Director of Public Works, then presented a summary of "General Policy Issues" and his full report and recommendations on "Consolidation of City Water Utilities". Copies of each are made a part of the papers of this meeting. His report to City

Council included a summary of recommendations on general policy issues; five new board issues; and two personnel issues. He then addressed outstanding bond refunding and a financial summary.

The following citizens then appeared to speak:

Mr. Tom Culbertson, representing Regional Clean Air and Water, spoke of his concerns that money is the overriding consideration of the proposed merger of water utilities, even though he favors that consolidation, and spoke to his need for more information in order to fully assess the situation.

Ms. Kay Turner stated her opinion that the proposed consolidation should not include appointment of any current City Water Board trustees, and asked further that the City not appeal further the Applewhite lawsuit matter. She spoke to her concerns that mistakes in the Applewhite Reservoir situation has cost the taxpayers millions of dollars, and she addressed the need for CWB funding of augmentation of the Edwards Aquifer.

Ms. Linda Chavez-Thompson, American Federation of State, County and Municipal Employees, spoke to the possible options for employees' pay matters in the consolidation, and civic service system matters, asking that her organization have a voice in the drafting of new rules governing these affected employees.

Ms. Rosa Rosales, National Association of Government Employees, stated that she approves the package as it relates to the employees and civil service matters to be patterned after the City's current civil service system. She urged that all City employees, not only those affected by the consolidation action, be given raises in pay and benefits.

Mr. Henry Rodriguez, NAGE, asked that Council appoint new board members who will be sensitive to the people, and asked to have a civil service system emplaced, similar to the City's current system.

Mr. Howard Peak, representing the North San Antonio Chamber of Commerce, spoke pro and con to several points raised in the staff presentation and urged that expeditious steps be taken in restructuring the outstanding bonds; that assurances be given that no positions will be lost through the consolidation; and that there be no rate increases as a result.

Mr. R.N. Briggs spoke to his concerns with street problems, many caused by City Water Board work, and urged that CWB pay for repairs to those streets.

Mr. Guenther Krellwitz spoke in support for consolidation of the city's water utilities, and urged implementation of regulations that

insure that no future board member can sue the City, so long as he/she sits on the presiding board involved. He urged closer interaction with the Edwards Underground Water District, which he feels needs to support San Antonio's efforts in the water area, noting that San Antonio pays some 90 per cent of EUWD's budget.

Mr. Jay Gwin, representing the Greater San Antonio Chamber of Commerce, spoke in support for staff recommendations for consolidation, and urged that City Council only be in control of bonds for any new water agency and not have direct control of its budget. He spoke in support of payment of a transfer fee, but in an amount that neither gains nor loses money for the City.

Mr. Phil Barshop, 200 Bluff Cove, asked that the City approve consolidation of the water utilities, and he spoke to recommendations regarding qualifications of new board members, their terms in office, and the size of that board. He spoke of the need to move forward in the handling of water issues for the area, under direction of a new manager. He also stated his belief that the new board must be autonomous and free from politics.

Mr. Mike Harris, representing the San Antonio Manufacturing Association, lauded Mr. Aceves and his staff for an excellent report, and recommended that the new board needs to make more than two reports to City Council each year, noting that close communication is vital. He then addressed several other areas of recommendation and urged that the City Council act now on this matter.

Mr. Sam Lopez, 337 Grobe, Chairman, City Water Board, noted that City Water Board believes in the recommended consolidation, but feels that the new agency should be autonomous. He also urged City Council not to demand budget oversight of the new agency.

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Mrs. Billa Burke made a motion to approve staff recommendations. Mr. Labatt seconded the motion.

Mayor Wolff stated his opinion that the time to move in this matter is now, noting that the Texas Water Commission plans to implement a water plan for this region as early as next week, with all parties having 30 days to look over the plan and comment on it. He noted that the financial bond market is good for a refunding issue at this time, and addressed others aspects of the proposed consolidation plan. He urged that the City be "revenue-neutral" in any franchise fee for the new board, since the City is not seeking to make money from the transaction. He noted that an augmentation study must be done, and expressed his confidence that the community is together on this proposed consolidation package for a new water plan for San Antonio.

Mr. Labatt stated his belief that something positive is coming to fruition in this matter, and he thanked Mr. Aceves and his staff for an excellent plan. He stated his belief that the City Council should have the right to look at the new board's budget, but stated that he would not let his opinion in this matter stand in the way of a unanimous vote of City Council for approval of the overall plan.

Mr. Thornton lauded the City and City Water Board staffs for their close cooperation in assembling the necessary data for this consolidation report, and spoke to the need for a comprehensive new "mission statement" on water for this area. He then addressed what he considered the individual high-points of the consolidation plan.

Ms. Ayala spoke in favor of the plan.

Mr. Larson spoke in support of the consolidation report and of the need to encourage the input of water re-use as an integral part of the plan.

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

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92-07 There being no further business to come before the Council, the meeting was adjourned at 9:18 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