

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBERS, MUNICIPAL
PLAZA BUILDING, THURSDAY, MARCH 14,
1996.

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96-11 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building, "B" Room, to consider the following item(s). The Council members present were: FLORES, AVILA, SOLIS, ROSS, MARBUT, PEAK, WEBSTER, THORNTON. Absent: MC-CLENDON, BILLA BURKE, HERRERA.

A) Staff Presentation of the Small, Minority, Women-Owned Business Advocacy Program (SKEWBALD) Year-End Report - Presentation made by Mr. Manuel Longoria, Assistant Director, Economic Development Department. Goals for this year will be on the Agenda in two weeks.

The "B" Session adjourned at 10:45 A.M.

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96-11 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, McCLENDON, BILLA BURKE, AVILA, SOLIS, HERRERA, ROSS, MARBUT, PEAK, WEBSTER, THORNTON; Absent: NONE.

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96-11 Invocation - Pastor Will Bigot, MacArthur Park Lutheran Church.

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96-11 Pledge of Allegiance to the flag of the United States.

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96-11 Minutes of the January 25, 1996 Regular, City Council Meeting were approved.

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96-11 BOARD/COMMISSION MEMBERS' SWEARING-IN

Mayor Thornton stated that some 46 new members of 10 of the City's boards or commissions are present in the audience today, to be

formally sworn into their new positions with their respective boards or commissions.

Ms. Norma S. Rodriguez, City Clerk, then administered the Oaths of Office, en masse, and offered her congratulations to the new board or commission members.

Mayor Thornton and individual members of City Council then distributed Certificates of Appointment to the new appointees from their respective districts, and offered their personal congratulations.

Mayor Thornton spoke to the importance of the City's boards and commissions, and to their members.

95-11 The Clerk read the following Ordinance:

AN ORDINANCE 83,735

AUTHORIZING THE ISSUANCE, SALE DELIVERY OF CITY OF SAN ANTONIO, TEXAS HOTEL OCCUPANCY TAX REVENUE BONDS, SERIES 1996, IN THE PRINCIPAL AMOUNT OF \$182,012,480.60 IN CONNECTION WITH THE EXPANSION OF THE HENRY B. GONZALEZ CONVENTION CENTER; APPROVING AN OFFICIAL STATEMENT; AUTHORIZING A BOND PURCHASE AGREEMENT; APPROVING AND AUTHORIZING OTHER INSTRUMENTS AND PROCEDURES RELATING THERETO; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON EIGHT AFFIRMATIVE VOTES (SMITH BARNEY INC.)

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

Ms. Nora Chavez, Director of Finance, noted that this proposed Ordinance completes the bonding transaction to provide funds for expansion of the Henry B. Gonzalez Convention Center, and addressed the 15-month history of the expansion project and its financing, narrating a brief video presentation, a copy of which is made a part of the papers of this meeting. She addressed the unique nature of this particular financing package, and spoke to the effects of the most recent national employment figures on the bond market, which she feels now has stabilized. She spoke to the very favorable bond interest rates received for sale of these bonds, and spoke to the distribution of the bond sales activity.

Mayor Thornton congratulated all involved in the bond financing package.

Mr. Alexander E. Briseno, City Manager, spoke to details of the complex issue.

In response to a question by Mr. Ross, Ms. Chavez stated that \$156 million of the bond sale total goes toward the construction itself, and she spoke to the funding of the difference between that figure and the estimated \$182 million actual cost through the Debt Service Reserve Fund.

Mr. Ross asked that City Council be advised on details of that 'gap' funding.

A discussion ensued concerning minority participation and the revenue flow to meet the bonding requirements, and default provisions of the bond sale.

Mr. Ross stated his opinion that it is important to be sure that the bonds are repaid, even above the pledged two per cent of the hotel/motel tax, if necessary.

Mr. Solis thanked City staff and its consultants for their entire coordinated effort in this matter.

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

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96-11 STUDENTS FROM ADAMS ELEMENTARY SCHOOL

Mayor Thornton welcomed and recognized a group of students from Adams Elementary School to the City Council chambers.

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96-11 CONSENT AGENDA

Ms. McClendon made a motion to approve Agenda Items 9 through 30d, constituting the Consent Agenda, with Item 30b having earlier been removed from consideration by the City Manager. Mr. Flores seconded the motion.

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

AN ORDINANCE 83,736

ACCEPTING THE LOW BIDS OF FIREQUIP, INC., SNAP-TITE HOSE, INC./BONN AND CHASE INDUSTRIES, INC. TO

FURNISH THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH
FIRE HOSE FOR A TOTAL OF \$121,969.60.

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AN ORDINANCE 83,737

ACCEPTING THE LOW, QUALIFIED BID OF SAN ANTONIO
CONSTRUCTORS, INC. IN THE AMOUNT OF \$41,942.96 IN
CONNECTION WITH THE KYLE STREET - BERLIN TO
SOUTHCROSS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT;
REVISING THE PROJECT BUDGET; AUTHORIZING \$4,194.00
FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES;
AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND
PROVIDING FOR PAYMENT.

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AN ORDINANCE 83,738

RATIFYING WORK AND AUTHORIZING PAYMENT IN THE AMOUNT
OF \$12,476.00 PAYABLE TO E.S. WRIGHT INVESTMENTS,
INC. IN CONNECTION WITH THE PEACH CREEK APARTMENTS
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT;
REVISING THE PROJECT BUDGET; AND PROVIDING FOR
PAYMENT.

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AN ORDINANCE 83,739

RATIFYING FIELD ALTERATIONS NOS. 5 AND 9 FOR THE
TOTAL AMOUNT OF \$154,086.70 PAYABLE TO REMEDIATION
SERVICES, INC. IN CONNECTION WITH THE REMOVAL,
TRANSPORT AND DISPOSAL OF THE ALAMODOME ON-SITE
LANDFILL AND PAVING OF THE ALAMODOME SOUTHEAST
PARKING LOT.

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AN ORDINANCE 83,740

RATIFYING A 1983 DRAINAGE BONDS AND ECONOMIC AGENCY
(EDA) FUNDED FIELD ALTERATION NO. 3 IN THE AMOUNT
OF \$32,700.00 PAYABLE TO RAMIE CONSTRUCTION COMPANY,
INC. IN CONNECTION WITH THE ELMENDORF STREET
DRAINAGE PROJECT NO. 38, FREDRICKSBURG ROAD, PHASE
II PROJECT.

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AN ORDINANCE 83,741

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 4
- FINAL IN THE DECREASED AMOUNT OF \$125,353.27 TO
THE CONSTRUCTION CONTRACT WITH RAMIE CONSTRUCTION
COMPANY, INC. IN CONNECTION WITH THE SOUTH FLORES
STREET DRAINAGE PROJECT 70-70A, PHASE II, PART 1
PROJECT.

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AN ORDINANCE 83,742

ABANDONING AND RELEASING TO LAST CHANCE FOREVER,
INC., A NON-PROFIT CORPORATION, ALL RIGHT, TITLE,
INTEREST, AND ESTATE THE CITY OF SAN ANTONIO
("CITY") MAY HAVE IN A HOUSE AND LOT LOCATED AT 1910
PROBANDT STREET, GIVEN TO THE CITY UNDER THE CODICIL
TO THE LAST WILL AND TESTAMENT OF ENID BEADING AND
ACCEPTED BY THE CITY PURSUANT TO ORDINANCE NO.
65527, PASSED AND APPROVED AUGUST 20, 1987, SUCH
PROPERTY INTENDED TO BE "THE MOULDER MEMORIAL
ARBORETUM", BUT BEING SUBJECT TO A LONG-TERM
RESIDENTIAL LEASE TO STANFORD MOULDER; WITH SAID
ABANDONMENT AND RELEASE BEING SUBJECT TO A FUTURE
CONVEYANCE OF THE PROPERTY BY LAST CHANCE FOREVER,
INC. TO STANFORD MOULDER AND HIS WIFE.

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AN ORDINANCE 83,743

APPROVING A SIX-MONTH LEASE AND SERVICES AGREEMENT
WITH ALLIANCE BUSINESS CENTERS FOR OFFICE SPACE AND
FEES FOR THE CONVENTION & VISITORS BUREAU AT 1215
17TH STREET, N.W., WASHINGTON D.C., WITH RENTAL IN
THE AMOUNT OF \$1,100.00 PER MONTH BEGINNING APRIL 1,
1996 AND ENDING SEPTEMBER 30, 1996, WITH A RIGHT TO
RENEW AND EXTEND THE AGREEMENT FOR AN ADDITIONAL 12
MONTHS.

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AN ORDINANCE 83,744

APPROVING THE PROFESSIONAL SERVICES CONTRACT WITH
KEITH L. RICE, SPA FOR TECHNICAL ASSISTANCE WITH
THE INSTALLATION, CONFIGURATION, IMPLEMENTATION AND
TRAINING/CONSULTING OF SOFTWARE AG UNCI AND

WORKSTATION PRODUCTS FOR UP TO 200 HOURS AT \$75 PER HOUR PLUS OUT-OF-POCKET EXPENSES.

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AN ORDINANCE 83,745

ACCEPTING THE PROPOSAL OF ANTARES DEVELOPMENT CORPORATION TO PROVIDE AN ELECTRONIC DOCUMENT MANAGEMENT SYSTEM MASTER PLAN (REPRESENTING 500 HOURS); AND TO DESIGN, DEVELOP AND IMPLEMENT TWO (2) DEPARTMENTAL PROTOTYPES (REPRESENTING 650 HOURS) FOR AN AMOUNT NOT TO EXCEED \$89,750 WITH AN OPTION TO EXTEND FOR ADDITIONAL 400 HOURS.

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AN ORDINANCE 83,746

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE TEXAS COMMISSION ON THE ARTS IN THE AMOUNT OF \$1,757.00 TO PARTIALLY SUPPORT THE "URBAN SMARTS" PROGRAM AND ALSO A GRANT FROM THE NATIONAL ENDOWMENT FOR THE ARTS IN THE AMOUNT OF \$19,750.00, ASSOCIATED WITH THE YOUTH ARTS DEVELOPMENT PROJECT.

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AN ORDINANCE 83,747

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO COMPROMISE AND SETTLE CAUSE NO. 215, 205, COUNTY COURT NUMBER FIVE, STYLED SUSAN J. CARILLON AND YVONNE M. CARILLON VS. MARY JANE AGILE AND THE CITY OF SAN ANTONIO, IN THE AMOUNT OF \$12,500.00.

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AN ORDINANCE 83,748

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO COMPROMISE AND SETTLE CAUSE NO. 93-CI -00735, IN THE 45TH JUDICIAL DISTRICT COURT, STYLED ALBERT QUINTANILLA VS. JIMMY ERIES AND THE CITY OF SAN ANTONIO, IN THE AMOUNT OF \$17,500.00.

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AN ORDINANCE 83,749

AUTHORIZING THE CITY MANAGER AND RISK MANAGER TO TAKE NECESSARY ACTION TO SETTLE THE CLAIM OF ARMANDO GARCIA CLAIM NO. 73702556, AGAINST THE CITY OF SAN

ANTONIO IN THE AMOUNT OF \$6,000.00.

* * * *

AN ORDINANCE 83,750

AUTHORIZING THE CITY MANAGER AND RISK MANAGER TO TAKE NECESSARY ACTION TO SETTLE THE CLAIM OF INFRASTRUCTURE SERVICE, INC., CLAIM NO. 73702682, AGAINST THE CITY OF SAN ANTONIO IN THE AMOUNT OF \$7,286.28.

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AN ORDINANCE 83,751

AUTHORIZING THE TEMPORARY CLOSURE OF MAIN PLAZA BETWEEN COMMERCE AND DOLOROSA STREETS FROM 6:00 A.M. UNTIL 2:00 P.M., SUNDAY, MARCH 31, 1996 IN CONNECTION WITH THE PALM SUNDAY SERVICES, SPONSORED BY THE SAN FERNANDO CATHEDRAL.

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AN ORDINANCE 83,752

APPROVING A RUN/WALK PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF SANTA ROSA ADJACENT TO MARKET SQUARE TO DOLOROSA, DOLOROSA FROM SANTA ROSA TO MAIN, MAIN FROM DOLOROSA TO MAIN PLAZA FROM 9:00 A.M. UNTIL 11:30 A.M., FRIDAY, APRIL 5, 1996 IN CONNECTION WITH THE GOOD FRIDAY PROCESSION PARADE, SPONSORED BY THE SAN FERNANDO CATHEDRAL.

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AN ORDINANCE 83,753

AUTHORIZING THE TEMPORARY CLOSURE OF MAIN PLAZA BETWEEN COMMERCE AND DOLOROSA STREETS FROM 6:00 A.M. UNTIL 2:00 P.M., AND ALSO FROM 6:30 P.M. UNTIL 8:00 P.M., FRIDAY, APRIL 5, 1996 IN CONNECTION WITH THE CELEBRATION OF GOOD FRIDAY, SPONSORED BY THE SAN FERNANDO CATHEDRAL.

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AN ORDINANCE 83,754

AUTHORIZING THE TEMPORARY CLOSURE OF MAIN PLAZA BETWEEN COMMERCE AND DOLOROSA STREETS FROM 6:00 A.M. UNTIL 2:00 P.M., SATURDAY, OCTOBER 5, 1996 IN CONNECTION WITH THE SAN FERNANDO HEALTH FAIR,

SPONSORED BY THE SAN FERNANDO CATHEDRAL.

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AN ORDINANCE 83,755

APPROVING A RUN/WALK PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF SAN CASIMIRO, RENOVA, RADA, SOCORRO, SAN RAFAEL, RUIDOSA, SANEZ, AND SANTA RITA STREETS, ALL WITHIN VILLA CORONADO SUBDIVISION, CHAVANEUX ROAD BETWEEN U.S. 281 AND ESPADA ROAD, DESAGUE STREET, ESPADA ROAD BETWEEN DESAQUE STREET AND ESPADA CHURCH FROM 11:00 A.M. UNTIL 3:30 P.M., FRIDAY, APRIL 5, 1996 IN CONNECTION WITH THE GOOD FRIDAY PROCESSION PARADE, SPONSORED BY THE ESPADA CHURCH.

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AN ORDINANCE 83,756

APPROVING A RUN/WALK PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF WHITE AT PARADE, WHITE TO MISSION PARKWAY, MISSION PARKWAY TO MISSION, MISSION TO FELISA STREET BACK TO MISSION, MISSION PARKWAY TO WHITE, WHITE TO PADRE, PADRE TO PYRON, PYRON TO SAN JOSE, BACK TO PYRON, PADRE TO THE MISSION COUNTY PARK ENTRANCE FROM 7:00 A.M. UNTIL 12:30 P.M., SATURDAY, MARCH 30, 1996 IN CONNECTION WITH THE INCARNATE WORD COLLEGE 10K AND 5K RUN/WALK RUN FOR BRAINPOWER.

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AN ORDINANCE 83,757

REAPPOINTING MAXINE N. SALAIS (DISTRICT 1) TO THE CLEAN-UP CITY COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 24, 1998.

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AN ORDINANCE 83,758

APPOINTING KENNETH L. ERFURTH (DISTRICT 3) TO THE OPEN SPACE ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON AUGUST 29, 1997.

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AN ORDINANCE 83,759

APPOINTING MARGARITA VALDEZ GONZALEZ (DISTRICT 1) TO

THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE
TO EXPIRE ON MARCH 31, 1998.

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96-11

ZONING HEARINGS

5A. CASE #Z95272 (CC) - to rezone and reclassify 0.1634 acre tract of land out of Lot 2, Block 1, NCB 16331, At the rear of 18755 Stone Oak Parkway, from "B-2" ERZD Business Edwards Recharge Zone District to "B-3NA" CC ERZD Non-Alcoholic Sales Business Edwards Recharge Zone District with special City Council approval for a communication transmission tower. Property is located northwest of the intersection of Loop 1604 and Stone Oak Parkway, being 931.01 feet north of Loop 1604, having a width of 56.19 feet and a depth of 132.35 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Peak made a motion to approve the recommendation of the Zoning Commission. Mr. Webster seconded the motion.

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

AN ORDINANCE 83,760

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 0.1634 ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 1, NCB 16331, AT THE REAR OF 18755 STONE OAK PARKWAY, FROM "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT TO "B-3NA" CC ERZD NON-ALCOHOL SALES BUSINESS EDWARDS RECHARGE ZONE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A COMMUNICATION TRANSMISSION TOWER. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5B. CASE #Z96003 - to rezone and reclassify Lot 70, Block 3, NCB 11967 E. Ramsey Road, from "A" Single Family Residence District to "B-3R" Restrictive Business District. Property is located on the north side of E. Ramsey Road, 420 feet east of the intersection of Plymouth Avenue and E. Ramsey Road, having 70 feet on E. Ramsey Road and a

depth of 346.7 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

In response to a question by Mr. Peak, Mr. Steve Horvath, the proponent, explained the need for the rezoning in order to make the property zonings uniform. He stated further that no final use for the property has yet been determined.

Mr. Peak 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: Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Flores, McClendon, Billa Burke, Avila.

AN ORDINANCE 83,761

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 70, BLOCK 3, NCB 11967 E. RAMSEY ROAD, FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5C. CASE #Z96014 - to rezone and reclassify 1.463 acres out of NCB 12059, Southeast of Park Central, from "B-3" Business District to "I-1" Light Industry District. Property is located approximately 940 feet east of the intersection of Interpark Boulevard and Park Central, being 28.04 feet southeast of Park Central, having a width of 129.36 feet and depth of 376.36 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Peak made a motion to approve the recommendation of the Zoning Commission. Mr. Webster seconded the motion.

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

AN ORDINANCE 83,762

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 1.463 ACRES OUT OF NCB 12059, SOUTHEAST OF PARK CENTRAL, FROM "B-3" BUSINESS DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5D. CASE #Z95275 - to rezone and reclassify 8.815 acres out of NCB 15726 O'Connor Road, from "I-1" Light Industry District and "B-2" Business District to "R-4" Manufacture Home Residence District. Property is located between O'Connor Road and Weidner Road, 1991.63 south of the intersection of these two road, as measured along Weidner Road, having 231.44 feet on Weidner Road, 202.97 feet on O'Connor Road and a distance of 1988.37 feet between these two roads.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Webster 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: Flores, Solis, Herrera, Ross, Marbut, Webster, Thornton; NAYS: None; ABSENT: McClendon, Billa Burke, Avila, Peak.

AN ORDINANCE 83,763

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 8.815 ACRES OUT OF NCB 15726 O'CONNOR ROAD, FROM "I-1" LIGHT INDUSTRY DISTRICT AND "B-2" BUSINESS DISTRICT TO "R-4" MANUFACTURE HOME RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5E. CASE #Z96002 - to rezone and reclassify Lot 15, Block 1, NCB 15017, North I.H. 10 Expressway, from "P-1(B-3)" UC Planned Unit

Development Business Urban Corridor District to "B-3" UC Business Urban Corridor District. Property is located on the northeast side of North I.H. 10 Expressway, being 560 feet southeast of the intersection of North I.H. 10 Expressway and Huebner Road, having 235 feet on Huebner Road and a depth of 432 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Marbut made a motion to approve the recommendation of the Zoning Commission. Mr. Peak seconded the motion.

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

AN ORDINANCE 83,764

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 15, BLOCK 1, NCB 15017, NORTH I.H. 10 EXPRESSWAY, FROM "P-1(B-3)" UC PLANNED UNIT DEVELOPMENT BUSINESS URBAN CORRIDOR DISTRICT TO "B-3" UC BUSINESS URBAN CORRIDOR DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5F. CASE #Z96022 - to rezone and reclassify 3.391 acres out of NCB 13667, Hamilton Wolfe Road, from Temporary "A" Single Family Residence District to "B-2" Business District. Property is located on the northwest side of Hamilton Wolfe Road, 489.87 feet northeast of the intersection of Hamilton Wolfe Road and Babcock Road, having 303.3 feet on Hamilton Wolfe Road and a depth of 636.61 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Marbut 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: Flores, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: McClendon, Billa Burke, Avila.

AN ORDINANCE 83,765

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 3.391 ACRES OUT OF NCB 13667, HAMILTON WOLFE ROAD, FROM TEMPORARY "A" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5G. CASE #Z96023 - to rezone and reclassify the southeast 192.74 feet of Lot 39, Block 2, NCB 12812, Louis Pasteur Court, from "P-1(B-1)" and "P-1(B-2)" Planned Unit Development Business Districts to "B-1" and "B-2" Business Districts, and the northwest 250.1 feet of Lot 39, Block 2, NCB 12812, 7800 Block of Louis Pasteur Drive, from "P-1(B-2)" Planned Unit Development Business Districts to "B-2" Business Districts. Properties are located southeast of the intersection of Louis Pasteur Drive and Pasteur, Court, having 77.46 feet on Louis Pasteur Drive and 502.08 feet on Pasteur Court.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Marbut 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: Flores, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: McClendon, Billa Burke, Avila.

AN ORDINANCE 83,766

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 SOUTHEAST 192.74 FEET OF LOT 39, BLOCK 2, NCB 12812, LOUIS PASTEUR COURT, FROM "P-1(B-1)" AND "P-1(B-2)" PLANNED UNIT DEVELOPMENT BUSINESS DISTRICTS TO "B-1" AND "B-2" BUSINESS DISTRICTS, AND THE NORTHWEST 250.1 FEET OF LOT 39, BLOCK 2, NCB 12812, 7800 BLOCK OF LOUIS PASTEUR DRIVE, FROM "P-1(B-2)" PLANNED UNIT DEVELOPMENT BUSINESS DISTRICTS TO "B-2" BUSINESS DISTRICTS.

"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5H. **CASE #Z96004 - to rezone and reclassify 9.684 acres out of P-111, NCB 18309 Mainland Road and Olde Village Drive, from "R-5" Single Family Residence District to "P-1(R-5)" Planned Unit Development Single Family Residence District. Property is located northwest of the intersection of Mainland Road and Olde Village Drive, having 1,084.52 feet on Mainland Road and 335.10 feet on Olde Village Drive.**

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

In response to a question by Mr. Ross, Mr. Joe Nix, representing the proponent, stated that certain aesthetics on the property frontage on Mainland Drive has been agreed to in negotiations with the homeowners association.

Mr. Ross made a motion to approve the recommendation of the Zoning Commission. Mr. Flores seconded the motion.

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

AN ORDINANCE 83,767

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 9.684 ACRES OUT OF P-111, NCB 18309 MAINLAND ROAD AND OLDE VILLAGE DRIVE, FROM "R-5" SINGLE FAMILY RESIDENCE DISTRICT TO "P-1(R-5)" PLANNED UNIT DEVELOPMENT SINGLE FAMILY RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5I. **CASE #Z96008 - to rezone and reclassify Lot 8, Block 1, NCB 17637 Culebra Road, from Temporary "R-1" Single Family Residence District, to "B-3NA" Non Alcoholic Sales Business District. Property is located on the southwest side of Culebra Road, 687.19 feet southeast of the intersection of Culebra Road and Rogers Drive having 100 feet on Culebra Road and a depth of 180 feet.**

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Herrera 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: Flores, McClendon, Solis, Herrera, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Billa Burke, Avila, Ross.

AN ORDINANCE 83,768

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 8, BLOCK 1, NCB 17637 CULEBRA ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA" NON ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

96-11 Agenda Item 5J., Zoning Case Z96016, was temporarily bypassed for later consideration during this meeting, due to the temporary absence from the Council chambers of Councilman Avila, in whose district the case is located.

5K. CASE #Z96015 (CC) - to rezone and reclassify A 0.101 acre tract out of NCB 10780, 5363 K-Ber Square Road, from "I-1" Light Industry District to "I-1" CC Light Industry District with special City Council approval for a communication transmission tower. Property is located on the north side of K-Ber Square Road, 1,641.56 feet east of the intersection of K-Ber Square and Loop 410 having 40 feet on K-Ber Square Road, a depth of 55 feet and a maximum width of 110 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Ms. McClendon 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: Flores, McClendon, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Billa Burke.

AN ORDINANCE 83,769

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 0.101 ACRE TRACT OUT OF NCB 10780, 5363 K-BER SQUARE ROAD, FROM "I-1" LIGHT INDUSTRY DISTRICT TO "I-1" CC LIGHT INDUSTRY DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A COMMUNICATION TRANSMISSION TOWER. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

96-11 Mr. Avila having returned to the meeting following a temporary absence, it was the concensus of Council members present to now undertake consideration of Agenda Item 5J, Zoning Case Z96016.

CASE #Z96016 - to rezone and reclassify 9.63 acres out of NCB 15605, save and except the southeast 100 feet, from Temporary "R-1" Single family Residence District to "B-2NA" and Southeast 100 feet out of 9.03 acres, NCB 15605, Pearsall Road, from Temporary "R-1" Single Family Residence District to "B-1" Business District. Property is located south of the intersection of Pearsall Road and Old Sky Harbor, having 618.25 feet on Pearsall Road and 589.78 feet on Old Sky Harbor.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Avila made a motion to approve the recommendation of the Zoning Commission. Mr. Webster seconded the motion.

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

AN ORDINANCE 83,770

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 9.63 ACRES OUT OF NCB 15605, SAVE AND EXCEPT THE SOUTHEAST 100 FEET, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2NA" AND SOUTHEAST 100 FEET OUT OF 9.03 ACRES, NCB 15605, PEARSALL ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-1" BUSINESS

DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5L. CASE #Z96017 - to rezone and reclassify Lot 4, NCB 10757, 3047 Rigsby Avenue, from "A" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District. Property is located on the north side of Rigsby Avenue, 254.24 feet west of the intersection of South W.W. White Road and Rigsby Avenue, having 81.12 feet on Rigsby Avenue and a depth of 258.5 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Ms. McClendon made a motion to approve the recommendation of the Zoning Commission. Mr. Webster seconded the motion.

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

AN ORDINANCE 83,771

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 4, NCB 10757, 3047 RIGSBY AVENUE, FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5M. CASE #Z96005 - to rezone and reclassify Lot 5 and the east 25 feet of Lot 4, Block 41, NCB 7105, 1422 Sacramento Street, from "B" Residence District to "R-3" Multiple Family Residence District. Property is located on the south side of Sacramento Street, 250 feet west of the intersection of Sacramento Street and Catalina Avenue, having 75 feet on Sacramento Street and a depth of 120 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Flores made a motion to approve the recommendation of the Zoning Commission. Mr. Avila seconded the motion.

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

AN ORDINANCE 83,772

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 5 AND THE EAST 25 FEET OF LOT 4, BLOCK 41, NCB 7105, 1422 SACRAMENTO STREET, FROM "B" RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5N. CASE #Z96006 (CC) - to rezone and reclassify 0.0573 acre tract of land out of Lot 31, NCB 8409, 3606 Fredericksburg Road, from "B-3NA" Non-Alcoholic Sales Business District to "B-3R" Restrictive Business District with special City Council approval for a communication transmission tower. Property is located 430.05 feet southeast of the intersection of Fredericksburg Road and Williamsburg, being 545 feet northeast of Fredericksburg Road, having a width and depth of 50 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Flores made a motion to approve the recommendation of the Zoning Commission. Mr. Avila seconded the motion.

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

AN ORDINANCE 83,773

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 0.0573 ACRE TRACT OF LAND OUT OF LOT 31, NCB 8409, 3606 FREDERICKSBURG ROAD, FROM "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A COMMUNICATION TRANSMISSION TOWER. "THE PENALTY FOR VIOLATION IS A

FINE NOT TO EXCEED \$1,000.00."

* * * *

96-11

TELECOMMUNICATION TRANSMISSION TOWERS

In response to a question by Mayor Thornton, Mr. Andy Guerrero, Land Development Services, stated that City Council has just approved the locations for three more telecommunication transmission towers around the city.

Mr. Peak, Chair of a Council committee studying possible new City policy relative to such towers, stated that meetings are ongoing on this matter, and the committee is near to making its recommendations to the City Council.

96-11 The Clerk read the following Ordinance:

AN ORDINANCE 83,774

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$53,400.00 WITH MEDICAL DESTINATION; SAN ANTONIO THROUGH SEPTEMBER 30, 1996, TO MARKET HEALTH CARE IN SAN ANTONIO AND TO BUILD AWARENESS WITH PHYSICIANS AND CONSUMERS IN TARGET MARKET AREAS OF THE MEDICAL RESOURCES AND SPECIALTY CARE AVAILABLE IN SAN ANTONIO.

* * * *

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

Mr. Steve Moore, Director of the Convention & Visitors Bureau, briefly explained the proposed contract.

In response to a question by Mr. Webster, Mr. Moore spoke to how the City currently measures the effectiveness of the efforts of Medical Destination: San Antonio.

In response to a question by Mayor Thornton, Ms. Rita Thompson, Executive Director, Medical Destination: San Antonio, stated that there currently is not City representation on her board of directors, only ad hoc representation; however, the board has authorized the appointment of a City representative to the board, if the City wishes.

Ms. Thompson distributed to Council members a copy of her organization's annual report.

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

Mr. Flores then made a motion to direct City staff to place an item on the Council agenda next week appointing Councilman Jeff Webster as the Council's representative and as a voting member of the Board of Directors of Medical Destination: San Antonio. Mr. Peak seconded the motion.

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

96-11 The Clerk read the following Ordinance:

AN ORDINANCE 83,775

APPROVING FIELD ALTERATION NO. 5 IN THE DECREASED AMOUNT OF \$175,000.00 TO THE CONSTRUCTION CONTRACT WITH HUNTER DEMOLITION AND WRECKING CORPORATION, INC., IN CONNECTION WITH THE ENVIRONMENTAL ABATEMENT AND DEMOLITION OF THE HEMISFAIR ARENA.

* * * *

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

Ms. Jelyne Burley, Director, Convention Center Expansion Office, briefly explained the decreased-amount of the proposed Field Alteration concerning demolition of the Arena.

Mayor Thornton noted that the decreased contract amount reflects City staff holding the contractor to the time-line terms of the contract involved.

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

96-11 The Clerk read the following Ordinance:

AN ORDINANCE 83,776

ACCEPTING THE LOW QUALIFIED BID OF, AND AWARDING A

CONTRACT IN THE AMOUNT OF \$966,939.00 TO SSC OMEGA, A DIVISION OF OMEGA ENVIRONMENTAL, INC. FOR GENERAL CONSTRUCTION RELATING TO THE HEMISFAIR PARKING GARAGE DEMOLITION; AND AUTHORIZING AN ADDITIONAL \$43,512.00 FOR CONSTRUCTION CONTINGENCY EXPENSES.

* * * *

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

Ms. Jelynn Burley, Director, Convention Center Expansion Office, addressed the proposed partial demolition of the HemisFair Parking Garage, whose bids came in over-budget, and spoke to the narrow 'window' for completion of this project so as not to interfere with the San Antonio Spurs' use of the parking garage next season. She then spoke to details of the small and minority business aspects of the contract.

In response to a question by Mr. Webster, representatives of Bartlett Cocke-Incore-Hardin (BIH), project managers, spoke to reasons for the 20 per cent overage for the budget on this work.

In response to a question by Mr. Solis, Ms. Burley and Ms. Terry Williams, Small, Minority and Women-Owned Business Enterprise Program division of the Department of Economic Development, spoke to the contractor's SMWBE statistics.

In response to a question by Mayor Thornton, Ms. Burley stated that City staff is closely watching an over-budget issue with the Convention Center Expansion Project.

In response to a question by Mr. Webster, Mr. Alexander E. Briseno, City Manager, and BIH representatives discussed the payment of some \$175,000 to the contractor if he completes his work by the October 14, 1996 deadline, versus a stipulated \$6,500-per-day penalty for missing that deadline.

Ms. Burley noted that the City is still well within limits for expenditure of the Contingency Funds for the entire expansion project.

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

96-11 The Clerk read the following Ordinance:

AN ORDINANCE 83,777

ACCEPTING THE LOW, QUALIFIED BID OF, AND AWARDING A

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CONTRACT TO INTEGRATED WASTE SPECIAL SERVICES, INC.
IN THE AMOUNT OF \$441,442.00 FOR PARTIAL DEMOLITION
OF THE HEMISFAIR PARKING GARAGE; AND AUTHORIZING
AND ADDITIONAL \$19,865.00 FOR CONSTRUCTION
CONTINGENCY EXPENSES.

* * * *

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

Ms. Jelynn Burley, Director, Convention Center Expansion
Office, addressed the funding and details of the small, minority and
women-owned business enterprise portions of the proposed contract.

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

96-11 The Clerk read the following Ordinance:

AN ORDINANCE 83,778

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING
THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT
WITH THE FIRM OF ATEC ASSOCIATES, INC. TO PERFORM
ENVIRONMENTAL/ENGINEERING SERVICES FOR THE HENRY B.
GONZALEZ CONVENTION CENTER EXPANSION PROJECT;
RATIFYING SERVICES PREVIOUSLY PERFORMED; AND
APPROPRIATING FUNDS IN THE AMOUNT OF \$189,895.00 FOR
SAID SERVICES TO BE PROVIDED IN FISCAL YEAR 1996.

* * * *

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

Ms. Jelynn Burley, Director, Convention Center Expansion
Office, explained the need for environmental engineering services for
this project, including ratification of work already performed.

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

96-11 The Clerk read the following Ordinance:

AN ORDINANCE 83,779

APPROVING THE SELECTION ON THE UNIVERSITY OF TEXAS AT SAN ANTONIO CENTER FOR ARCHAEOLOGICAL RESEARCH TO PERFORM ARCHIVAL RESEARCH AND ARCHAEOLOGICAL INVESTIGATION FOR THE CONVENTION CENTER EXPANSION PROJECT FOOTPRINT AND THE EXISTING BUILDING, AND AUTHORIZING STAFF TO NEGOTIATE THE TERMS AND CONDITIONS; AND TO EXECUTE A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT OF UP TO \$45,000.00 WITH THE FIRM TO PERFORM SAID SERVICES.

* * * *

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

Ms. Jelynn Burley, Director, Convention Center Expansion Office, explained staff's recommendation of the University of Texas at San Antonio to provide archival research and archaeological investigation of the Convention Center Expansion Project footprint.

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

96-11 UPDATE ON INTERNATIONAL CENTER PROJECT BUDGET AND DESIGN ISSUES

Ms. Jelynn Burley, Director, Convention Center Expansion Office, briefly reviewed the history of the International Center project and City Council direction given for reduction of the project budget.

Mr. David Lake, representing Lake/Flato-BRG, narrated a video presentation of certain design reductions and refinements, as well as certain revenue opportunities involved. He spoke in recommendation for the projected \$11.7 million budget for the redesigned project. A copy of his presentation is made a part of the papers of this meeting.

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

Ms. Burley then spoke to a video presentation of the International Center project funding plan, a copy of which is made a part of the papers of this meeting. She noted that the redesigned project leaves some \$338,443 average annual net amount required from the Debt Service Fund.

Mr. Ross spoke to a history of the project and the increasing budget, noting that several meetings have been held on revisions to the project, but the estimated total cost is expected to be some \$11.7 million, still above the original \$8.1 million. He further noted that a large portion of the building will be provided to tenants rent-free, such as the North American Development Bank (NADBank) and the Convention & Visitors Bureau. He spoke to citizens' concerns with doing this project while other deserving projects go unfunded, and stated that he would be offering an amendment to 'go back to the drawing board' for a project design within the \$8.1 million estimate. He stated that he cannot vote in favor of this project, as presented.

Ms. Sally Buchanan, President, San Antonio Conservation Society, noted that this building is critical as a link to the river, and stated that SACS has hired an architect to see how best to maintain this linkage.

Mr. Marbut spoke to the need to develop a procedure for how to handle projects that come in over-budget, and spoke to the critical nature of this building. He stated his belief that a 20 per cent overage is too high.

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

Ms. Burley spoke to how City staff is moving on this, and still within the 'design jury' process.

Mr. Alexander E. Briseno, City Manager, spoke to the advantages of approving the reconfigured estimates and addressing a revised pro forma. He compared this financing for the International Center with that for the new Central Library.

Mr. Flores spoke to the need to 'think big', as San Antonio grows, and spoke in support for this plan.

Mr. Webster addressed his concern with setting budgets and sticking with them, stating his belief that the City needs design parameters within the budget.

Ms. Burley stressed the site-development impact of the project.

Mayor Thornton spoke to the need to develop a policy of holding project design under an established budget, or the design firm will be rejected. He stated that City Council needs to set a policy and not get involved in project-design decisions.

Mr. Briseno spoke to how the 'design jury' process will be utilized in the future, in order to stay within a budget.

Mayor Thornton stated his opinion that City Council needs to set the tone that project managers are responsible for keeping projects under-budget, and noted that the City had sued the project managers in

the Alamodome project.

Mr. Solis stated his belief that a 'design jury' needs to be accountable to a budget 'cap', and stated his confidence in the City Manager when he says that this project is 'doable'. He spoke to the need to learn from experience.

Ms. McClendon stated her belief that the process is flawed, in this case, and spoke to the need to have a project design within a budget. She questioned the role of the project architect in the sequence of events.

Ms. Burley noted that the \$456,000 fee to the project manager is guaranteed, and spoke to their commitment to finding sufficient savings in the project to pay this fee.

Mr. Ross read from the wording on the Request For Proposal for this project, including the estimates of budget parameters.

Mr. Ross made a motion to send the project back and start over. Ms. McClendon seconded the motion.

Mayor Thornton noted that everyone concerned is frustrated over this matter, but stated his opinion that the motion will have adverse consequences to the NADBank and other areas. He stated his belief that the City can successfully manage this project, and that the City Council's message from this discussion should be clear to all. He asked the Council to stay with the City Manager's plan and proceed with the project because of the City's commitments to the NADBank.

In response to a question by Mr. Peak, Ms. Burley spoke to the consequences of possibly delaying this project for two months, including the effects upon the NADBank's current site-lease.

Mr. Peak made a substitute motion to move on with this project as presented by staff. Mr. Flores seconded the motion.

In response to a question by Mr. Solis, Ms. Veronica Zertuche, Assistant City Attorney, spoke to the impact of state law on the hiring of architects and engineers for such a project.

Mr. Solis and Ms. McClendon spoke to their preference for re-design of this project within the stated budget.

Ms. Burley stated that a 60-day delay in the startup for this project will not allow sufficient time for occupancy of the new International Center by September 1, 1996, as needed.

Mr. Marbut spoke in support for finding a middleground on this issue.

In response to a question by Mr. Webster, Ms. Burley spoke to her concept of what a project within the stated budget figure would

provide, noting that the pro forma would change.

After discussion, both the maker and seconder of the main motion agreed to a change in terminology of that motion to allow it to read that the project will be sent back to the present design team, which is to come back to City Council in two weeks with a revised design within the stated budget.

Mayor Thornton briefly summarized the situation and stated his belief that if the project cost goes lower, we risk losing the character of the planned building.

Discussion then took place, defining the exact wording of the main motion, as revised.

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

The main motion, as revised, then failed to carry by the following vote: AYES: McClendon, Ross, Marbut, Webster. NAYS: Flores, Billa Burke, Solis, Herrera, Peak, Thornton. ABSENT: Avila.

Mr. Briseno noted that City staff needs City Council direction on how to proceed with this matter.

After further consideration, Mr. Peak made a motion to approve the staff plan as presented today, with cost reductions. Mr. Solis seconded the motion.

After discussion, the motion prevailed by the following vote: AYES: Flores, Billa Burke, Avila, Solis, Herrera, Peak, Thornton. NAYS: McClendon, Ross, Marbut, Webster.

Discussion then ensued concerning funding plans, including the sale of Certificates of Obligation, and use of certain reserve funds in order to finance the project.

- - -
96-11 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE TAX PHASE-IN ALAMOSA/HILP ASSOCIATES

Mayor Thornton declared the Public Hearing to be open.

Mr. Clint Bolden, Director of Economic Development, narrated a video presentation reviewing the City's tax phase-in program, in view of recent media stories on the subject, and spoke to the reasons for having a tax phase-in program. He spoke to the guidelines used, including the highlighting of the category of 'exceptional investment'. He then provided a brief 'snapshot' of job-creation statistics from eight selected tax phase-in projects granted thus far, including a 74 per cent

success record. He then spoke to an overview of the local hotel/motel industry impact.

Mayor Thornton spoke to certain taxes from which the City profits, as opposed to school districts.

Mr. Bolden then spoke to specifics of the proposed Alamosa/HILP Associates proposed tax phase-in, including the possibility of construction of a public parking garage on the site of the old Gross Bank, now being demolished at Commerce and Navarro Streets, in order to help serve parking requirements of the new hotel.

The following citizens appeared to speak:

Mr. Scott Woroch, Vice-President for Development, Westin Hotels, addressed the economic impact of the new hotel project, and spoke to the benefits package for its employees.

Mr. Joe Solis, representing Communities Organized for Public Service, stated that his organization has serious reservations with the tax phase-in program, and questioned the City's role in tax abatement for projects providing mostly low-wage jobs. He stated that he would like to see an assessment of program benefits.

A representative of Metro Alliance then spoke to a series of questions concerning several aspects of the tax phase-in program, stating his group's concerns that this only continues the influx of low-wage jobs into San Antonio. He asked that the City urge San Antonio Independent School District to reject tax abatement for this project.

Mr. Andy Sarabia, also representing COPS, spoke to a brief history of that organization and stated his belief that history is now repeating itself, telling the world that San Antonio is a low-wage town.

Mr. Glenn Stehle, 701 North St. Mary's Street, stated that he has been following the issue of tax abatements given by the City and the school districts, and asked the Council to vote in favor of the tax abatements involved, stating his fear that 'no jobs will be coming to San Antonio if these abatements are not provided'.

Mr. Ben Brewer, President, Downtown Alliance, spoke to the positive impact to the city through tax phase-in programs, and urged City Council to approve the tax phase-in for this hotel development.

Mr. Doug Leonhard, President, Real Estate Council, spoke to the positive economic impact of this new full-service hotel to be located in the downtown area.

Mr. David McAllister, 109 Wild Rose, stated his belief that tax phase-in is a tool which allows San Antonio to compete with other major cities and increase its tax revenues, in the long run.

Mayor Thornton spoke to the six-signature memorandum written January 31, 1996 and signed by himself, Councilman Flores, and Councilman Solis, relative to a request for delay in consideration of amendment to the Tax Phase-In Guidelines for hotels. A copy of the memorandum in question is made a part of the papers of this meeting. He noted that the request for delay cited two pending hotel applications for tax phase-in which the signers felt should go forward under existing guidelines, including this particular case.

Mr. Alexander E. Briseno, City Manager, stated that the matter of possible amendments to Tax Phase-In Guidelines will be on a Council "B" Session on March 28, 1996.

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

The City Clerk then read the following Ordinance:

AN ORDINANCE 83,780

APPROVING A TAX PHASE-IN AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH ALAMOSA/HILP ASSOCIATES TO EXEMPT SAID CORPORATION NEW, REAL AND PERSONAL PROPERTY IMPROVEMENTS.

* * * *

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

In response to a question by Mr. Flores, Mr. Woroch stated that if the City and Bexar County both grant tax phase-in for the new hotel, he will not seek similar tax phase-in concessions from the San Antonio Independent School District. He then reviewed the benefits package for hotel employees and spoke to the number of positions in supervisory areas of the hotel staff.

Mr. Webster spoke to the synergy of new businesses coming to San Antonio, including this new hotel.

In response to a question by Mr. Avila, Mr. Woroch stated that the project would be difficult to accomplish without the City's tax phase-in, something that he feels would require the company to seek tax phase-ins from other entities.

Discussion then took place concerning minority participation in the construction of this project, during which it was noted that, historically, that minority participation for Westin Hotels has been about 29 per cent.

In response to a question by Mr. Ross, Mr. Woroch stated that construction of the proposed new hotel here is not contingent upon the City building a parking garage on the site of the old Groos Bank, across

the street. He stated that the company will proceed with private financing for the needed parking garage, if the City cannot participate.

Discussion then took place concerning the occupancy rates of San Antonio's downtown hotels.

Mr. Ross stated his belief that tax abatement or phase-in directs economic development to certain target areas, such as the Adam's Mark Hotel in the old NBC Bank Building at Soledad and Pecan Streets. He stated that he would be voting against this matter at hand today, and agrees with COPS that the City needs better-paying jobs; however, he noted that all new jobs are necessary.

Mr. John Keeling, representing the accounting firm of Pannel-Kerr-Foster, Houston, stated his belief that this hotel will not affect San Antonio's ability to attract a 'convention headquarters' hotel to the downtown area.

Discussion ensued concerning the salary spread for the proposed new Westin Hotel for San Antonio.

Mr. Solis noted that COPS and Metro Alliance make good points, and stated that the City has provided many investment possibilities. He further stated that jobs in this proposed new hotel will provide a place to start for many, with the opportunity to grow into better-paying jobs.

In response to a question by Mr. Solis, Mr. Bolden addressed the re-capture provisions of the tax phase-in agreement, and spoke to what happens if the company fails to meet stated goals in that agreement.

Mr. Woroch stated that he would agree to meet the job requirements for 200 or more jobs in the new hotel by the end of the first year of hotel operation, projected to be about June 1999.

Mr. Solis asked that that statement be made a part of the tax phase-in agreement.

Mr. Bolden noted that number of jobs already is a part of the agreement.

Mr. Peak stated that San Antonio needs every new job it can get, and he spoke against degrading the lower-paid positions.

Mayor Thornton summarized the need for all new jobs, regardless of the economic levels of those jobs.

Mr. Marbut noted that the City is spending some \$1.5 million in order to get back some \$8 million, in this case.

Ms. Billa Burke spoke to her concern that people think so little of the jobs in the city's number-two industry.

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

96-11 The Clerk read the following Ordinance:

AN ORDINANCE 83,781

AUTHORIZING THE TEMPORARY CLOSURE OF THE 3100 BLOCK OF WEST FRENCH STREET FROM GERMANIA STREET WEST TO EPWORTH STREET FROM 11:00 A.M. UNTIL 5:00 P.M., SUNDAY, MARCH 24, 1996 IN CONNECTION WITH THE 15TH ANNUAL POLLO FEST SPONSORED BY THE FRIENDS OF ASSUMPTION SEMINARY; AND DECLARING AN EMERGENCY, AS REQUESTED BY COUNCILMAN BOB ROSS.

* * * *

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

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

96-11 The Clerk read the following Ordinance:

AN ORDINANCE 83,782

AUTHORIZING THE TRANSFER OF FUNDS FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND TO THE TRAVEL ACCOUNT FUND IN THE AMOUNT OF \$1,000.00, AS REQUESTED BY COUNCILWOMAN RUTH JONES MCCLENDON.

* * * *

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

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

Mr. Lloyd Garza, City Attorney, narrated a video presentation on the ICG Access Services, Inc./City Public Service contract, a copy of his presentation is made a part of the papers of this meeting. He reviewed the current status of the matter; refusal of the Attorney General to render an opinion on the matter of the 90-day moratorium on drawdown of ICG's Letter of Credit which expires March 15, 1996; status of the franchise agreement process with ICG; and two legal issues involved (The Telecommunications Act of 1996 and the lawsuit involving ICG and Southwestern Bell, or SBC). He spoke to specifics of the Telecommunications Act and the lawsuit, and finally, addressed five recommendations: (1) City recommends that CPS develop a policy that will require a competitive process on all future contracts, (2) Staff does not recommend an extension of the "moratorium" of the contract between ICG and CPS, (3) Allow for PUC (Public Utility Commission) or courts to decide the validity of CPS-ICG contract, (4) Allow for FCC (Federal Communications Commission) to determine whether state law has been preempted, and (5) City will continue to conduct franchise negotiations with ICG.

Mr. Seagal Wheatley, attorney representing Southwestern Bell Corporation, stated that this is an important issue, and he spoke to negotiations on the franchise matter. He asked the City Council to consider recommending or extending the "moratorium" on the drawdown on ICG's Letter of Credit. He further stated his belief that the Telecommunications Act of 1996 covers this situation and the City of San Antonio's right to regulate its own rights-of-way. He also stated his belief that the ICG contract with CPS may be illegal.

Mr. Jim Callaway, representing Southwestern Bell Corporation, spoke to his concern that this puts the City in direct competition with private business. He stated his desire to see the franchise process go forward, and the legal issues be decided before there is a drawdown on ICG's Letter of Credit by CPS.

Mr. Webster stated his belief that the legal issues should be decided first, and asked CPS to hold any action on drawing down on the ICG Letter of Credit.

Mr. Marbut stated that he will have a motion to offer later in this discussion.

Mr. Ross spoke to the need to look at any asset, and not to leave it exclusively to any one firm.

In response to a question by Mr. Ross as to whether or not CPS can sell its system without City of San Antonio approval, Mr. Garza stated that the CPS Indenture provides, via refunding bonds paying off earlier bonds financing the sale of the system to the City, that CPS cannot sell the system without a vote of the electors. He stated that CPS also cannot de-value the system, but can sell a portion of it, if it doesn't de-value the full system's value. He further stated that the

Indenture allows certain management decisions by CPS management.

Mr. Ross stated that, in that context, he feels that CPS cannot lease off a portion of its value to ICG without City of San Antonio approval.

Mr. Garza noted that, once all CPS bonds are paid off, the Deed of Trust prevails.

Mr. Ross stated that he wants to preserve CPS assets until the legal issues can be resolved, and he further stated his belief that the City Council must make the final decision.

Mayor Thornton expressed a desire for future contract provisions involving such entities as City Public Service and San Antonio Water System, for example, to be similar.

Following discussion, Mr. Marbut made a motion that the City recommends that all City agencies develop a policy that will require a public process on the award of all future contracts for the sale of assets, and that such policies be brought back to City Council for approval.

Discussion ensued concerning specifics of the motion, during which Mr. Ross spoke in support for bringing the draft policies back to City Council for approval.

Mayor Thornton stated that, regardless of the formal actions taken on this matter, the message has been sent to CPS, which is the important thing.

Following further discussion, Mr. Marbut withdrew his motion, which had yet to receive a second.

Mr. Peak then made a motion that, within two weeks, City staff is to come back to City Council with recommended guidelines to both City Public Service and San Antonio Water System, addressing concerns about the openness of the process of awarding contracts. Mr. Flores seconded the motion.

After discussion, the motion prevailed by the following vote:
AYES: Flores, McClendon, Billa Burke, Herrera, Ross, Marbut, Peak, Webster, Thornton. NAYS: Solis. ABSENT: Avila.

Ms. McClendon then made a motion to recommend to City Public Service that it not draw-down on the ICG Letter of Credit until after the license has been approved for ICG to do business by a regulatory jurisdiction authority or court; and instructing the City Attorney to send a letter to CPS to that effect. Mr. Webster seconded the motion.

Discussion then took place concerning the definitions involved in the motion and certain suggested changes.

Mr. Ross made an amendment to the pending motion, to change the word "or" to "and". The motion died for lack of a second.

Mr. Solis spoke against the motion, stating his belief that the Council is overstepping its bounds with CPS, and cannot mandate anything to them.

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

A discussion then took place concerning explanation of the franchise agreement in question, during which Mr. Garza stated that City representatives have a meeting on this matter scheduled with ICG representatives next week.

Ms. Billa Burke then made a motion to direct City staff to continue negotiations with ICG on the franchise agreement. Mr. Peak seconded the motion.

Discussion took place concerning the portion of the City Charter that relates to franchises.

In response to a question by Mayor Thornton, Mr. Garza stated that the City of San Antonio's only current franchise agreement is with Paragon Cable, inasmuch as Southwestern Bell now operates here under terms of an Agreement.

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

Ms. McClendon asked that the City Attorney convey the appropriate letter to City Public Service tomorrow.

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96-11 Mayor Thornton announced that the scheduled 4:00 P.M. "B" Session Briefing from the Intergovernmental Relations Office on the 104th Congress Budget Policy Impact and a Work Session on Federal Anitiatives had been cancelled and rescheduled for next week's City Council meeting.

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96-11 CITIZENS TO BE HEARD

There were five citizens signed to speak for the Citizens to be Heard segment but none remained in the Council chambers to speak at this time.

96-11 City Council recessed its regular session for dinner at 7:30 P.M., reconvening at 7:59 P.M.

96-11 City Council recessed its regular session at 7:59 P.M. to convene in Executive Session for:

A. Staff briefing on the proposed response to the preliminary report issued by the Texas Natural Resource Conservation Commission (TNRCC) regarding Alamodome soil remediation.

B. Staff briefing on Alamo Soil Litigation.

C. Staff briefing on a claim styled Barbara Glass against the City of San Antonio, claim No. 100411.

D. Staff briefing on litigation case styled Diana Ramirez vs. City of San Antonio.

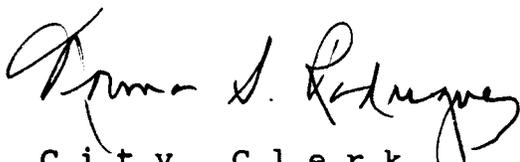
96-11 City Council adjourned the Executive Session and reconvened its regular session at 8:55 P.M., at which time Mayor Thornton announced that the Council had been briefed on the above-stated matters and had taken no official action, but had given City staff direction.

96-11 There being no further business to come before the Council, the meeting was adjourned at 8:56 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