

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, APRIL 23, 1987.

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

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87-21 The invocation was given by Reverend Robert Emmitt, Thousand Oaks Baptist Church.

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87-21 The members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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87-21 The minutes of the Special City Council meeting of April 6, 1987 were approved.

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87-21 KING ANTONIO LXV

Mayor Cisneros introduced King Antonio, the 65th and welcomed him to City Hall.

King Antonio, in the person of Mr. Jack Saunders, briefly described the week of activities during Fiesta Week so far and spoke briefly of the remaining schedule of events. He then introduced Miss Fiesta, Ms. Sarah Jean Cooper as well as his escorts and aides. King Antonio and members of his contingent then distributed gifts to the Mayor and Council as well as special commemorative fiesta medals.

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87-21 "JOHNNY BE GOOD"

Mayor Cisneros spoke to details of the movie "Johnny Be Good" which is now being filmed in San Antonio and of its expected \$4 - 5 million economic impact on the local economy. He then introduced Mr. Adam Field, the Producer and Mr. Jeffrey Chernov the Co-Producer & Unit Production Manager, present in the audience.

Mr. Fields and Mr. Chernov then presented the Mayor with a special directors chair and also distributed special "Johnny Be Good" t-shirts to members of the City Council.

Mr. Fields then spoke to the progress of filming and of his own background with major studios.

Mr. Chernov spoke of the filming locations in San Antonio and the city's major attractions to film companies. He also spoke of the recruitment of a local young man as one of the main characters in the film.

Mayor Cisneros presented both men with "Alcaldes de la Villita".

Mayor Cisneros then thanked Ms. Kathy Rhodes, head of the city's Film Commission for her hard work in recruiting film companies for production in San Antonio.

87-21

MS. SIMONA B. ELKIN

Mayor Cisneros noted that some six months ago while in Los Angeles speaking at a University there he met Ms. Simona B. Elkin, the Associate Director, Classification & Rating Administration, Motion Picture Association of America, Inc. He then introduced her noting that she is a native San Antonian.

Ms. Elkin then addressed the film rating system currently in use.

Ms. Elkin speaking of her San Antonio history noted that she had attended Burbank High School.

Mayor Cisneros stated that he will ask the City Council to approve a special new honorarium for San Antonians who have brought great honor to this city. He noted that Ms. Elkin will be the first recipient of that new award when it is finally created and he then presented her with a special book and a scarf.

Ms. Elkin then introduced her husband, Marv Elkin present in the audience as well as her son and other relatives who also were present in the audience today.

87-21

OFFICIAL FIESTA T-SHIRTS

Mayor Cisneros introduced Mr. Al Espinoza of South Texas

Sportswear, the concessioner for the official Fiesta t-shirts.

Mr. Al Espinoza, the president of South Texas Sportswear spoke of his selection by the Fiesta Commission to print the official t-shirts which he then presented as well as caps to members of the City Council.

87-21

TLAQUEPAQUE GUADALAJARA, MEXICO

Mr. Ray Medina introduced Mr. Hector Gomez, the Secretary of the Chamber of Commerce of Tlaquepaque Guadalajara, Mexico.

Mr. Gomez stated that he was in San Antonio to present a documentary of his city to the city of San Antonio. He then presented a copy of the television documentary to Mayor Cisneros.

Mayor Cisneros spoke of the city of Tlaquepaque as an artist center and of the occasion when the city of San Antonio once traded fire equipment for Mexican tile materials for use in La Villita. Mayor Cisneros then thanked Mr. Gomez for his contribution.

87-21

DEFENSE LANGUAGE INSTITUTE

Mayor Cisneros welcomed members of a class of students from the Defense Language Institute of Lackland Air Force Base.

Each student then stood, stated his name, rank and his nation.

87-21

BRITISH BROADCASTING COMPANY

Dr. Gail Wilson, of the City Manager's office, introduced Mr. David Dickinson of the British Broadcasting Corporation of Great Britain.

Mayor Cisneros welcomed Mr. Dickinson to San Antonio and to the Fiesta festivities.

87-21

CONSENT AGENDA

Mr. Harrington made a motion to approve Agenda Items #5 - 24, constituting the Consent Agenda, with the exception of Items #16, 20, & 22 which were pulled for individual consideration. Mr. Webb seconded the motion.

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

AN ORDINANCE 64,906

ACCEPTING THE LOW BIDS OF MONTGOMERY MUNICIPAL SUPPLY AND NAYLOR SUPPLY COMPANY, INC. TO FURNISH THE CITY OF SAN ANTONIO ENVIRONMENTAL MANAGEMENT DEPARTMENT WITH SEWER MAINTENANCE EQUIPMENT FOR A TOTAL OF \$161,135.00.

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AN ORDINANCE 64,907

ACCEPTING THE LOW BID OF CATO ELECTRIC CO. TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH THE REMOVAL AND REPLACEMENT OF SIX WOODEN LIGHT POLES AT NORMOYLE BASEBALL FIELD FOR A TOTAL OF \$13,300.00.

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AN ORDINANCE 64,908

ACCEPTING THE BID OF COOPER EQUIPMENT CO. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH A VACUUM SWEEPER FOR A TOTAL OF \$46,000.00.

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AN ORDINANCE 64,909

ACCEPTING THE LOW QUALIFIED BIDS OF FLAGHOUSE, INC., B.S.N. CORPORATION, ANACONDA-KAYE SPORTS, WORLDWIDE CORPORATION, VALS'S SPORTS, POTCHERNICK'S SPORTING GOODS, SPORTS AND RECREATIONAL PRODUCTS, ALEX ACOSTA SPORTING GOODS, AND OSHMAN ATHLETIC GOODS TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION WITH SPORTING GOODS FOR A TOTAL OF \$10,199.78.

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AN ORDINANCE 64,910

AUTHORIZING FIELD ALTERATION NO. 3 IN AN AMOUNT OF \$22,028.00 TO DAVIS CONSTRUCTORS, INC., CONTRACTOR IN

CONNECTION WITH THE ARNESON RIVER THEATRE
RESTORATION PROJECT.

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AN ORDINANCE 64,911

AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT
CHANGE ORDER #15 IN THE AMOUNT OF \$29,529.25, FOR
THE CATEGORY 4, PACKAGE "F", TO PROVIDE FOR
CONSTRUCTING THE REVISED CONNECTING STRUCTURE ON
HART AVENUE.

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AN ORDINANCE 64,912

APPROPRIATING \$500,000.00 PAYABLE TO THE SAN ANTONIO
RIVER AUTHORITY FOR RIGHT-OF-WAY ACQUISITION
RELATING TO THE OUTLET STRUCTURE FOR THE SAN PEDRO
CREEK TUNNEL PROJECT FROM QUINCY TO GUADALUPE.

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AN ORDINANCE 64,913

AUTHORIZING FIELD ALTERATION NO. 4 ON THE O'CONNOR
ROAD (FROM NACOGDOCHES ROAD TO STAHL ROAD) PROJECT
IN THE AMOUNT OF \$20,832.07 TO PROVIDE FOR THE FINAL
RECAPITULATION OF PROJECT COST BASE ON COMPLETED
QUANTITIES.

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AN ORDINANCE 64,914

AUTHORIZING EXECUTION OF PROFESSIONAL SERVICES
CONTRACT WITH LEW, ALLEN & WONG, INC., TO PROVIDE
ARCHITECTURAL SERVICES FOR THE INTERIOR
MODIFICATIONS OF CITY HALL, 4TH FLOOR; AND
AUTHORIZING \$42,500.00 FOR DESIGN SERVICES RELATED
TO THE ARCHITECTURAL, MECHANICAL, ELECTRICAL AND
PLUMBING SYSTEMS.

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AN ORDINANCE 64,915

AUTHORIZING THE FIELD ALTERATION NO. 5 ON THE
SOUTHEAST POLICE SUBSTATION IN THE AMOUNT OF

\$64,157.00 TO PROVIDE FOR AN ADDITIONAL FUEL DISPENSER WITH THE (2) HOSES, ONE CONTROL TERMINAL AT THE FUEL STATION, ENLARGING THE SUMP PIT, INSTALLING AN ENTRY BARRIER AT THE CARWASH, AND AUTHORIZING A REVISION TO THE DRAINAGE DITCH ALONG HOUSTON STREET.

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AN ORDINANCE 64,916

ACCEPTING A PROPOSAL FROM THE UNIVERSITY OF TEXAS AT SAN ANTONIO IN THE AMOUNT OF \$4,946.00 TO PROVIDE ARCHEOLOGICAL MONITORING DURING CONSTRUCTION OF THE ASHBY DRAINAGE #30 AND 31 PROJECT.

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AN ORDINANCE 64,917

AUTHORIZING \$10,740.00 AND AUTHORIZING PAYMENT FOR EXPENSES INCURRED FOR THE SAN ANTONIO WASTEWATER FACILITIES IMPROVEMENT PROGRAM, CATEGORY 4, PACKAGE "E", "G" & "H"; MUD CREEK OUTFALL SEWER AND PROBANDT SEWER PROJECT.

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AN ORDINANCE 64,918

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$179,383.35 OUT OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF ACQUIRING TITLE AND/OR EASEMENTS; ACCEPTING THE DEDICATION OF TITLE AND/OR EASEMENTS; ALL IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

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AN ORDINANCE 64,919

TERMINATING THAT CERTAIN LEASE WITH JERRY POTTS, D/B/A LONE STAR LOOMWORKS AND AUTHORIZING A ONE-YEAR LEASE AGREEMENT ON BUILDING NUMBER 20 IN LA VILLITA WITH ROMAYNE L. MERTENS D/B/A VILLAGE WEAVERS.

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AN ORDINANCE 64,920

AUTHORIZING THE SUBMISSION OF A PROPOSAL TO THE DEPARTMENT OF DEFENSE (DOD) FOR FUNDING UNDER THE COOPERATIVE AGREEMENT PROPOSALS FY-87 PROGRAM TO SHARE IN THE COST OF OPERATING THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT'S PROCUREMENT OUTREACH PROGRAM; AUTHORIZING POSITIONS AND ESTABLISHING A BUDGET.

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AN ORDINANCE 64,921

AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR PARTICIPATION IN THE CERTIFICATION PROGRAM UNDER THE TEXAS CITIES FOR ECONOMIC LEADERSHIP PROGRAM (TEXCEL) ADMINISTERED BY THE TEXAS ECONOMIC DEVELOPMENT COMMISSION (TEDC).

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AN ORDINANCE 64,922

AMENDING ORDINANCE NO. 58881 REGARDING THE CONTRACT WITH CITY TOWING ASSOCIATES, INC.

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87-21 The Clerk read the following Ordinance:

AN ORDINANCE

AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE TO EXECUTE A CONTRACT BETWEEN THE CITY AND ALAMC TITLE COMPANY, AND COMMERCIAL ABSTRACT AND TITLE COMPANY, TO PROVIDE CERTAIN TAX INFORMATION TO THESE TITLE COMPANIES THROUGH COMPUTER FACILITIES FOR A TWO-YEAR PERIOD WITH A NINETY (90) DAY CANCELLATION PROVISION.

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

In response to questions from the City Council, Mr. Louis J. Fox, City Manager, stated that a representative from the Information Resources

Department was on route to the City Council Chambers to explain this matter and asked for a short delay.

Mr. Dutmer made a motion to table this matter. Mr. Webb seconded the motion.

The vote to table this matter prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Harrington, Cisneros; NAYS: None; ABSENT: Thompson, Labatt, Hasslocher.

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87-21 The Clerk read the following Ordinance:

AN ORDINANCE 64,923

AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH THE PDVA GROUP FOR DESIGN AND PERMITTING OF WASTEWATER FACILITIES FOR THE TEXAS RESEARCH PARK AND CONCORD OIL COMPANY IN WESTERN BEXAR COUNTY.

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

In response to a question by Mrs. Dutmer, Mr. Frank Kiolbassa, Director of Environmental Management, discussed the discharge of sewage into the Medina River from these Wastewater facilities.

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

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87-21 ZONING HEARINGS

25. CASE Z87057 - to rezone a 10.860 acre tract of land out of CB 4786, from Temporary "R-1" ERZD One Family Residence District Edwards Recharge Zone District to "B-3" ERZD Business Edwards Recharge Zone District, located on the south corner of Huebner Road and Bitters Road, having 738.27' on Bitters Road and 796.5' on Huebner Road.

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

Mr. Andy Guerrero, Planner III, noted that the opponents to the case have requested the City Council to postpone this matter at this time.

Mr. Otis Hibler, representing the proponent, stated that the proponent in this case does not favor a lengthy postponement of this case but would accept a short delay if requested.

Mayor Cisneros stated that the City Council later today will be taking up the matter of review of standards for developments over the Aquifer and he will be asking the business community to hold off on zoning cases over the Aquifer until a study of the current regulations and proposed regulations is completed. He stated further that he will vote against any case over the Aquifer until a discussion and decision is made on these Aquifer matters.

Mr. Hasslocher stated that this case was already in progress when discussions were begun on the aquifer matters over the past several weeks.

Mr. Roland Lozano, Director of Planning, noted that some seven cases over the Edwards Aquifer are now in process of rezoning with three of them approved Tuesday by the Zoning Commission and sent forward to the City Council.

Mrs. Dutmer made a motion to postpone this item for two weeks. Mr. Wing seconded the motion.

The motion to postpone, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros.

Zoning Case Z87057 was postponed for two weeks.

26. CASE Z87058 - to rezone a 20.957 acre Tract I out of CB 4979, a 2.711 acre Tract II out of CB 4979, from Temporary "R-1" One Family Residence District to "B-3" Business District, Tract I (20.959 acres) is located on the southwest corner of Bitters Road and Blanco Road, having 1244.62' on Blanco Road and 874.19' on Bitters Road and a maximum width of 1829.58' on the southwest boundary. Tract II (2.711 acres) is located on the northwest corner of Blanco Road and Bitters Road, having 41.23' on the curve intersecting Blanco Road and Bitters Road, having a maximum width of 758.29' along Bitters Road.

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

Mr. Harrington made a motion to approve the recommendation of the Zoning Commission provided that driveways and off-street parking are

provided and submitted for approval by the Traffic Engineering Division. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 64,924

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 20.957 ACRE TRACT OUT OF CB 4979 (TRACT I), A 2.711 ACRE TRACT OUT OF CB 4979, (TRACT II), IN THE 14500 BLOCK OF BLANCO ROAD, PROVIDED THAT DRIVEWAYS AND OFF STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

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87-21 The Clerk read the following Ordinance:

AN ORDINANCE 64,925

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

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

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

87-21 The Clerk read the following Ordinance:

AN ORDINANCE 64,926

ACCEPTING A U.S. ENVIRONMENTAL PROTECTION AGENCY GRANT FOR THE CATEGORY 4, PACKAGE "E", RILLING ROAD AND SALADO CREEK COLLECTION SYSTEM RELIEF LINES PROJECT IN THE MOUNT OF \$6,377,150.00; AND ACCEPTING \$151,464.00 FROM THE DEPARTMENT OF DEFENSE IN SUPPORT OF THIS PROJECT.

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

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

87-21 The Clerk read the following Ordinance:

AN ORDINANCE 64,927

ACCEPTING THE BID OF UNIVERSAL CITY CONSTRUCTION INC. IN THE AMOUNT OF \$497,363.00 FOR THE MILLER'S POND COMMUNITY CENTER PROJECT; ESTABLISHING A CONTINGENCY APPROPRIATING FUNDS; REVISING THE BUDGET; AND AUTHORIZING PAYMENT.

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

In response to a question by Mr. Thompson, Mr. Ron Darner, Director of Parks and Recreation, spoke to the construction timetable on the Miller's Pond Community Center project.

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

87-21 Agenda Item #30 had earlier been removed from consideration.

87-21 The Clerk read the following Ordinance:

AN ORDINANCE 64,923

CONFIRMING THE APPOINTMENT OF WILLIAM O. GIBSON AS
POLICE CHIEF.

* * * *

Mr. Louis J. Fox, City Manager, recommended to the City Council that Mr. William O. Gibson be confirmed as the new Chief of Police and he recommended City Council approve the Ordinance. He then spoke about the applicant review process used in this case.

Mayor Cisneros congratulated Chief Gibson on his selection by the City Manager and of his recent performance as acting Police Chief.

Chief Gibson then pledged an "all out" crime fighting effort, and he thanked the City Council for its support.

Mr. Thompson voiced his concern with the selection process used. He spoke to the City Manager's earlier declaration that the acting Chief of Police would not be considered for the job of permanent Chief. He stated that he feels that the ground rules were changed after Chief Gibson was made acting Chief, thus creating an unfair solution.

Mr. Fox stated that he had himself made that initial ruling but had reserved the right to change it at a later date if necessary. He then spoke to the process that led to the changing of his mind in this matter and stated that he feels Chief Gibson very well could have performed poorly as well as in an exemplary manner as acting Chief. He noted that he selected Chief Gibson as the best qualified person for the job and he noted that there were 12 in-house candidates for the job of Police Chief as well as persons outside the city that applied.

Mr. Thompson stated then that he feels that the City Manager should not have changed the ground rules in mid-stream though he has no quarrel with the selection of Chief Gibson as the Police Chief. He stated that as a result of his objections to the process used he will vote against the ordinance.

Mr. Jose Ricardo Garcia, the EEO Director of the League of Latin American Citizens in Texas, stated that he opposes the process which was used and not the actual selection of Chief Gibson. He stated that he feels that equal employment opportunity complaints will arise as a result

of this selection and he spoke to specific cases of highly qualified applicants who were not even finalists in the matter. He then alleged that the screening panel discriminated against several applicants including a number of hispanics. Mr. Garcia stated that a judge has been contacted and has agreed to grant an injunction on the selection on Chief Gibson if asked. He then asked the City Council either to delay this action on the ordinance or to vote against it because of alleged discrimination in the selection process. He then questioned the composition of the screening panel members and their qualifications to serve noting that the panel had no outside members. Mr. Garcia then stated he feels some qualified candidates were eliminated because of time and grade or disciplinary actions which had earlier been taken against them. He then asked the City Council to order an investigation into the selection process because of alleged violations of Title 7 of the Civil Rights Act.

Mr. Webb noted that the grapevine has revealed that Chief Gibson had the inside track for the job throughout the consideration process and he further stated that he understands that Assistant Police Chief Robinson will be demoted when Chief Gibson takes over as Chief of Police.

Mr. Fox noted that the collective bargaining contract gives the Police Chief the right to pick his own Assistant Chiefs.

Mr. Webb stated that he understands the police union wants Chief Robinson demoted and he spoke to several duties which have been removed from Chief Robinson and of his fears that Robinson will be demoted to another position. He spoke against the selection of Chief Gibson as Police Chief and addressed several reasons for that opinion.

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

Mr. Martinez noted that he some predicted some nine months ago that the selection process was an error and stated that he will vote against the ordinance as a vote of no confidence of the City Manager. He noted that the selection of Gibson as Police Chief is very upsetting to him personally and he spoke to the need for confidence and stability in the Police Chief's position. He noted that the issue has to do with the credibility of the selection process and not the individual involved and he stated that he favors citizen input into the process. Mr. Martinez stated further that he feels a selection process kept qualified candidates from full exposure that Gibson had as Acting Chief and thus not having a fair chance at the Police Chief's position.

(Mayor Cisneros returned to the meeting to preside.)

Mr. Martinez stated his opinion that the selection criteria was not the best possible to be used and he questioned the lack of education of Chief Gibson versus the Police Department stress on officers seeking

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higher education.

Mr. Fox spoke of the selection criteria used by the panel noting that some are judgement calls and that education is only one point to be considered. He spoke to desirable job qualifications used in the selection process and those used in the selection of the previous Police Chief.

Mr. Martinez stated again that he feels the selection process was prejudiced.

Mr. Wing stated that he feels an injustice has been done to Chief Gibson and to members of the selection panel in this discussion and he noted that under the terms of the Charter the selection of the Police Chief is the sole responsibility of the City Manager. He spoke to minority representation throughout San Antonio's city government at all levels and stated that he cannot disfranchise the anglo community in this effort and he feels the best man was picked for the job of Police Chief.

Mrs. Dutmer stated her opinion that Chief Gibson was an excellent choice and has the support of the police force rank and file. She further stated that she feels that higher education is not a criteria for a nonselection in this case and she feels the citizens want the best officer to be Chief of Police without regard to race.

Mayor Cisneros stated that he supports the City Manager's decision which, in his opinion, will stand on its own merits.

Mrs. Berriozabal stated that she is upset and angry over the alleged disservice done in this process though Chief Gibson has done a good job as Acting Chief. She further stated her opinion that it was unfair of the City Manager to change his mind to allow the Acting Chief to be considered for permanent Police Chief when he at first stated that this would not be case. She further stated that she feels the selection process thereby was flawed and she will vote against it though this is no reflection on Chief Gibson.

Mr. Harrington stated that he feels the City Manager selected the best man and he hopes Chief Gibson will also pick his best assistants to do the best job possible. He further stated that he feels the City Manager did not err in his decision to consider Gibson for the job of permanent Police Chief.

Ms. Vera congratulated Chief Gibson and spoke in support of the City Manager's recommendations stating that the objective overall in the selection process was to get the best person for the job.

Mr. Labatt commended Chief Gibson for his selection even though the selection process has been questioned today.

point system of risk analysis should be achieved. Mayor Cisneros further stated that he fears the Report is not being utilized as it should be including, one: the recommended point evaluation system, two: Texas Department of Water Resources does not have sufficient staff to supervise development over the aquifer, and three: the identified sensitive areas over the aquifer are not being mapped as required by that report. He then spoke to alternatives facing the City Council in this matter today.

Mayor Cisneros then distributed to members of the City Council a proposed agenda for an upcoming public hearing over the aquifer development matter, stating that he would like to see this held on Monday, May 18. He spoke of having invited representatives of the Texas Department of Water Resources as well as the firm that prepared the Metcalf & Eddy report. He then briefly outlined the two proposed ordinances before City Council today and addressed the possible actions confronting the City Council as well as his feeling that an understanding might be reached on the public hearing that would avoid a major moratorium call. He then spoke to negotiations that have taken place between community groups and representatives of the developers more particularly Mr. Cliff Morton, President of the Greater San Antonio Chamber of Commerce.

Mr. Wing spoke to the reported concensus that has been reached between the community groups and the developers and stated that he will not be moving for a moratorium at this time.

Mrs. Dutmer stated that she is glad the City Council recognizes that it needs help in this aquifer matter, and she stated that she will not vote for a moratorium at this time but will closely watch developments to see that the aquifer is protected.

Mayor Cisneros spoke to the "give and take" by both sides in discussions on this issue.

Mrs. Berriozabal stated that she is gratified that a negotiated solution has now been reached in the matter and she thanked representatives of the community groups for bringing this matter to a head. She then recommended the agenda as proposed by the Mayor for the public hearing to assure that other groups and individuals also can speak if they wish. She also wants recommended actions by the City Council to be included in that agenda.

Mr. Thompson spoke to the four points that he wants to occur as a result of the airing of this issue culminating in actions by the City Council on development matters over the aquifer.

Mr. Labatt stated that he favors the negotiated settlement to this issue.

Mr. Martinez spoke in support of the public hearing and of the consensus reached to review the entire matter.

Ms. Vera spoke to the need to unite community groups and the business community in order to help solve this issue jointly. She spoke in favor of a case by case consideration of zoning cases over the aquifer and of a delay of development over the aquifer until this process is completed.

Mrs. Dutmer spoke to the fact that the Metcalf & Eddy report and its recommendations have been ignored over the years and stated that she will support a plan for a public hearing but is concerned with what will come out of the entire issue.

Mr. Webb spoke in favor of the negotiations.

Mr. Cliff Morton, developer and Chairman of the Board of the Greater San Antonio Chamber of Commerce, stated that water is important to everyone in San Antonio and that the City needs to develop the necessary standards that will assure proper development over the aquifer. He then proposed an "educational forum" to hear all the facts on: 1.) Do current regulations protect the water supply?, and 2.) Is funding present to enforce these regulations?.

Mr. Morton then asked for a voluntary delay in consideration of zoning cases over the aquifer until these questions are answered.

Reverend Bill Easum, representing the Metropolitan Congregational Alliance and Co-chair of Metro IAF, an organization of Communities Organized for Public Service, Metropolitan Congregational Alliance and the Eastside Alliance, stated that these citizens groups will assure that proper recommendations on this matter are carried out.

Ms. Marcia Welch, Eastside Alliance and Co-chair of Metro IAF, spoke of the negotiated agreement to delay zoning cases over the aquifer until the public hearing is held and a course of action is taken.

Ms. Helen Ayala, representing Communities Organized for Public Service, and Co-chair of the Metro IAF, spoke to negotiations and the concerns reached.

Mr. Tola B. Moffitt, representing Lamareau and Associates, developers of the Metcalf & Eddy report stated that his firm will be happy to participate in the forum and he spoke to the importance of the Metcalf & Eddy report.

Mayor Cisneros then introduced Mr. Clyde Bohmfalk and Mr. Billy Boggs, both representing the Texas Water Commission in today's proceedings.

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Mr. Bomfalk spoke to what is included in the water pollution abatement plans as presented to the Texas Water Commission, and he noted that the Commission holds a public hearing annually on its rules and those rules are open to suggestion and possible change. He then addressed the matter of a stringent budget which applies to all state agencies at this time, and he noted that the Texas Water Commission will be handing over to the Edwards Underground Water District some of the measures of control over the areas concerning development over the Edwards Aquifer.

Mayor Cisneros spoke to the current fiscal constraints that are affecting the vital control and protection over the Edwards Aquifer. He spoke to the need for a fresh new look at our controls in this area.

In response to a question by Mayor Cisneros, Mr. Tom Fox, Executive Director, Edwards Underground Water District, agreed with the need to look at the differences between the Metcalf & Eddy recommendations and what currently is being done to protect the aquifer.

Mr. Bohnfalk noted that a proposed bill is before the Texas Legislature which allow the charging of fees to developers over the aquifer in order to pay for any monitoring of those developments.

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

Mr. Tony Cortes, board member of the Edwards Underground Water District, spoke in support of the educational forum, noting that most of the aquifer is outside San Antonio's city limits. He stated that he feels the EUWD will watch closely all development over the aquifer outside San Antonio as well.

Dr. Martin Meltz, representing the San Antonio Round Table, stated that his group wants gas stations banned over the Aquifer Recharge Zone and he noted that the city has only limited power in its extraterritorial jurisdiction. He then spoke to the growth generation of a large mall and he spoke to other recommendations which should be made to protect the aquifer.

Ms. Ann Schnapf, Bexar County Audubon Society, expressed her concern with increased development over the aquifer and the need to restudy the zoning regulations involved.

Ms. Faye Sinkin, Aquifer Protection Association, thanked the City Council for focusing on the matter of water and the need to protect the city's water supply. She stated that she feels the Texas Water Commission cannot effectively monitor the matters of the Edwards Aquifer development because of its current lack of staff and she feels that hazardous materials should not be allowed inside Loop 1604. She also spoke of the need to increase staffing of the City's Aquifer Protection Office.

Mr. Tom Culbertson, hydrologist, stated that the Edwards Underground Water District is the only agency that can monitor and enforce laws over the entire aquifer.

Mrs. Berriozabal stated that the City Council later in this meeting will be discussing the matter of the Applewhite Reservoir and she stated that she feels the City Water Board is continuing to plan for construction of this reservoir, a decision that she labeled "dangerous".

Mr. Thompson stated his opinion again that action must follow the public hearing on the Edwards Aquifer matter.

A discussion then took place concerning possible sites for the public hearing. This issue to be decided at a later time.

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

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87-21 The Clerk read the following Ordinance:

AN ORDINANCE 64,930

AUTHORIZING THE SAN ANTONIO RIVER AUTHORITY TO AWARD CONSTRUCTION CONTRACTS ON FINISH-CUT OF OFFICE SPACE IN THE MARINA, IMPROVEMENTS TO ARSENAL STREET BRIDGE, BETTERMENTS TO SAN ANTONIO RIVER FROM DURANGO TO NUEVA, AND REPLACEMENT OF GATE #4 ON SAN ANTONIO RIVER.

* * * *

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

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

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87-21 At this time, Mr. Webb made a motion to untable Agenda Item #20.. Mr. Thompson seconded the motion.

The vote to untable this item, prevailed by the following vote:
AYES: Webb, Dutmer, Wing, Thompson, Vera, Labatt, Hasslocher, Cisneros;
NAYS: None; ABSENT: Berriozabal, Martinez, Harrington.

Agenda Item #20, being a proposed ordinance authorizing the City Manager of his designated representative to execute a contract between the city and Alamo Title Company, and Commercial Abstract and Title Company, to provide certain tax information to these title companies through computer facilities for a two-year period with a ninety (90) day cancellation provision, was untabled.

In response to a question by Mrs. Dutmer, Mr. Frank Stromboe, representing the Information Resources Department, noted that the ordinance would cost the city some \$7,000.00, however it will receive some \$14,000.00 in return from those seeking access to the city's tax records.

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

AN ORDINANCE 64,931

AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE TO EXECUTE CONTRACT BETWEEN THE CITY AND ALAMO TITLE COMPANY, AND COMMERCIAL ABSTRACT AND TITLE COMPANY, TO PROVIDE CERTAIN TAX INFORMATION TO THESE TITLE COMPANIES THROUGH COMPUTER FACILITIES FOR A TWO-YEAR PERIOD WITH A NINETY (90) DAY CANCELLATION PROVISION.

* * * *

87-21 The Clerk read the following Ordinance:

AN ORDINANCE 64,932

IN SUPPORT OF LEGISLATION DESIGNED TO ADDRESS INHALANT ABUSE.

* * * *

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

Mrs. Karen Kliever, Director of Intergovernmental Relations, stated that she would hand carry the ordinance to Austin on Monday.

Mr. Ricardo Jasso, representing NOSOTROS, briefly explained the provisions of the pending legislation.

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

87-21 The Clerk read the following Resolution:

A RESOLUTION 87-21-35

OPPOSING H.B. 1773 RELATED TO PROHIBITING LOCAL GOVERNMENT ENTERPRISES IN COMPETITION WITH PRIVATE BUSINESS.

* * * *

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

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

87-21 TRAVEL AUTHORIZATION - APPROVED

Travel Authorization for Councilwoman Maria Antonietta Berriozabal to travel to New York, from April 27, 1987 to April 29, 1987, to make a presentation to the American Planning Association on the San Antonio River.

87-21 The Clerk read the following Ordinance:

AN ORDINANCE 64,933

APPOINTING MR. JOE PINA AS MUNICIPAL COURT JUDGE ND MS. SHERYLL TENEYUCA AND MR. JUVENTINO GUERRA AS MAGISTRATES.

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April 23, 1987
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Mr. Wing made a motion to approve the proposed Ordinance. Mr. Thompson seconded the motion.

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

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87-21 The Clerk read the following Ordinance:

AN ORDINANCE 64,934

OPPOSING THE APPLICATION OF DEFENSE LOGISTICS AGENCY TO OPERATE A CHEMICAL STORAGE FACILITY, AND PROVIDING FOR TESTIMONY TO BE GIVEN AT THE PUBLIC HEARING TO BE HELD BY THE TEXAS WATER COMMISSION.

* * * *

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

Mr. Frank Kiolbassa, Director of Environmental Management, explained the proposed storage of some 316,000 gallons of industrial waste produced at Kelly Air Force Base and the ultimate shipping of that waste elsewhere for disposal or recycling. He then spoke to the discovery of a number of barrels of hazardous materials in abandoned drums in a field near Kelly Air Force Base several years ago and he spoke to the hazardous involved to the neighborhoods.

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

Mrs. Lila Landez, Southwest Concerned Citizens, spoke about their concerns with the proposed toxic waste storage by Kelly Air Force Base which will be immediately adjacent to Normoyle Park and a densely populated residential area. She then displayed to the Council a map of the area pointing out the many schools, churches and businesses in the immediate area. Mrs. Landez also stated that the potential danger will affect many more districts than only Council Districts 4 & 5 and she asked that the City Council request Kelly Air Force Base to relocate this facility to an alternate site.

Mr. Bernardo Chavez, representing Communities Organized for Public Service, spoke about his groups efforts to keep the aquifer clean and the fact that the organization is now seeking to have the toxic waste facility relocated from its present position adjacent to Normoyle Park.

Ms. Patricia Ozuna, COPS, also spoke about her group's concerns with the proposed facility which she stated is unstable and unsecure. She asked the City Council to assist the group in relocating the facility.

Ms. Pilar Accivio, reiterated the comments by the previous speaker.

Ms. Dora A. Perez asked the City Council to approve the proposed ordinance.

Ms. Anna Tobin, stated that she is a resident of the area and also reiterated the concerns about the facility and the dangers to the immediate area.

Mr. Martinez stated that he feels the City Council should oppose this application at next Tuesday's public hearing, noting that the site is too close to residences and he feels that there has been little cooperation between the Defense Logistics Agency and the city of San Antonio in this matter. He spoke in opposition to the ten year permit requested but stated that he could support a two year permit to allow relocation of these hazardous materials to a better site in an orderly process.

Mr. Wing stated that he feels the Defense Logistics Agency picked a good site as well as the base is concerned but not in relation to the civilian area adjacent to it. He stated that the neighbors, nevertheless, are willing to allow reasonable time for the federal officials to relocate the toxic waste to a better site.

Mr. Kiolbassa noted if the application is approved this will be the first such permit issued in Texas and he explained the logic behind the Defense Logistics Agency's decision in picking this site as an economic matter.

Mr. Wing discussed the need for cooperation between the Defense Logistics Agency, the city of San Antonio on a disposal plan for such material.

Mr. Martinez offered an amendment to include the staff memorandum with the ordinance. Mr. Wing seconded the motion.

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

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

87-21 The Clerk read the following Resolution:

A RESOLUTION 87-21-36

REQUESTING A 60 DAY EXTENSION TO REPLY TO THE U.S.
ARMY CORP OF ENGINEER'S ENVIRONMENTAL IMPACT
STATEMENT CONCERNING THE APPLEWHITE RESERVOIR.

* * * *

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

Ms. Rebecca Quintanilla Cedillo, Assistant Director of Planning, stated that the resolution requests a 60 day extension to comment on the draft environmental impact statement of the U.S. Army Corps of Engineers regarding the proposed Applewhite Reservoir. The extension will provide for a comment period ending June 30, 1987.

In response to Mrs. Dutmers's question regarding condemnation proceedings on the Walsh property, Mr. Louis J. Fox, City Manager, read from a letter sent to Mr. Van Dyke, December 28, 1983 concerning the City Council's wishes in this matter.

Mr. Thompson stated that he personally favors construction of the Applewhite Reservoir and that he personally does not remember telling City Water Board to stop the Applewhite project.

Mr. Wing stated that City Council suggested to the City Water Board that it take the Applewhite money and to use it to defer a water rate hike which it did.

Mr. Tom Culbertson, local hydrologist, read from a draft environmental impact statement on the Applewhite Reservoir and he expressed his concern over certain comments made in that statement. He urged the City Council to approve the resolution asking for a sixty day delay.

Mr. Phillip M. Ross presented a prepared statement to the City Council, (a copy of which is made a part of the papers of this meeting). He noted that he had written a letter to the Corps of Engineers voicing his own concerns with the draft environmental impact statement and spoke in support of the sixty day delay request.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt; NAYS:

None; ABSENT: Hasslocher, Cisneros.

87-21 The Clerk read the following Ordinance:

AN ORDINANCE 64,935

AUTHORIZING THE WAIVER OF STREET RENTAL CHARGES AND THE TEMPORARY CLOSURE OF CERTAIN STREETS IN THE DOWNTOWN AREA ON SUNDAY, MAY 3, 1987, FROM 7:30 P.M. TO 9:00 P.M.

* * * *

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

Mr. Louis J. Fox, City Manager, explained that now the city is recommending that the sponsor of this race be required to pay for any required police assistance at no cost to the city.

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

87-21 APPLEWHITE RESERVOIR SOIL TESTING

Mrs. Dutmer noted that the City Water Board has enacted a formal resolution to ask the city of San Antonio to allow City Water Board to continue soil testing for the Applewhite Reservoir and she stated that she wants this issue placed on the City Council agenda for formal action.

Mr. Louis J. Fox, City Manager, noted that back in 1983 the City Council directed him to inform City Water Board the City Council wishes that the Water Board not pursue a lawsuit against the Walsh family involving the Applewhite reservoir property, however the City Council never formally passed a formal resolution on this issue. He stated that he would place this matter on an upcoming City Council agenda.

87-21

CITIZENS TO BE HEARD

MR. RICHARD C. GARAY

Mr. Richard Garay, NAGE, spoke to the Council on whether it was proper for Mr. James Hasslocher to be present at the Council Jail when the Sheriff conducted a raid at the jail.

Mrs. Berriozabal stated that the actions of the Councilmember were his own and he was not acting on behalf of the City Council. She also stated that the jail is not under the city's jurisdiction.

Mr. Garay spoke to the many incidents which occurred which he felt were violations of civil and human rights. He also stated that there were seven fires at the jail and yet there were no reports made to the Fire Marshall.

* * * *

MARKET SQUARE

Mr. David Cortez, President of the Market Square Association, spoke regarding the proposed development plan presented earlier in the day for redevelopment of Hemisfair and La Villita. He expressed concern about duplication of another farmers and mexican market, and the detrimental effect on the present market. He stated that they are in the process of completing the development of a master plan for the Market Square area and look forward to making a presentation to the Council by the associations at Market Square.

Mr. Jake Flores, President of El Mercado Merchants Association, reiterated the comments made by Mr. Cortez. He made reference to the Routh development presentation and a new Farmers' market to be called a Public Market. He spoke reasons why the proposed project is not viable in the downtown area. He stated that the proposed project will be detrimental to the Market Square area.

Mrs. Dutmer stated that there are many concerns with the project presented by Routh Development Company.

Mr. Jesse Castillo, President of Farmers Market Tenants Association, spoke in support of redeveloping Hemisfair and La Villita, but did express concern about introducing another Farmers Market as proposed by Enterprise Development.

Mr. Wing spoke in support of the comments made by Market Square representatives.

Mrs. Berriozabal stated that she also feels that a market component is not proper. She also asked that as the project evolves that

the Associations at the Market be kept apprised.

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87-21 There being no further business to come before the City Council, the meeting was adjourned at 7:35 P.M.

A P P R O V E D

ATTEST: *Arma S. Rodriguez*
C i t y C l e r k

Henry Casimiro
M A Y O R

April 23, 1987
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