

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, APRIL 2, 1992.

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

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92-14 Invocation - Reverend Gerald Hubertus, Holy Name Catholic Church.

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92-14 Pledge of Allegiance to the flag of the United States.

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92-14 Minutes of the March 5, 1992 Regular City Council Meeting were approved.

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92-14 NIGHT IN OLD SAN ANTONIO

Mayor Wolff introduced Ms. Inell Schooler, President of the San Antonio Conservation Society, to speak about "Night In Old San Antonio".

Ms. Schooler, in turn, introduced Ms. Beverly Zaiontz, Vice President and Chairperson for NIOSA 1992, and Ms. Zaiontz' vice-chairpersons for this year's celebration during Fiesta Week, which will run from April 21-24.

Ms. Zaiontz and her co-chairpersons presented Council members with their official Fiesta posters and NIOSA medals.

The Mayor and City Council members thanked the Society for the posters and medals.

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92-14

BARBERSHOP HARMONY WEEK

Mayor Wolff introduced the Westwinds Quartet from The Chordsmen barbershop harmony chorus, and the members of that quartet: Mssrs. Jan Scofield, Brad Adams, Bill Hogan and Bill Wilkinson. He then read a formal Proclamation designating "Barbershop Harmony Week" in San Antonio, and presented it to the quartet.

Mr. Scofield thanked the Mayor and Council for the proclamation, and spoke briefly of the quartet, noting that its members have been singing together for only a year.

The group then sang several selections for the entertainment of the Council and the audience, after which each member was presented with an official San Antonio necktie.

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92-14

GREATER SAN ANTONIO CHAMBER OF COMMERCE PRESENTATION

Mr. Joe Krier, President, and Mr. Jerry Fuentes, Governmental Affairs Council chairman, briefly explained the Chamber's newest program, in which Chamber members would meet monthly with various City Council members and tour the different Council districts in order to be briefed, firsthand, on the problems of each district and areas of concern to the Council member of that particular district. They asked Council members to tailor these tours of individual districts to highlight these areas, and noted that arrangements have already been made to begin this program May 2, 1992 with a tour of District 5.

Several Council members complimented the Chamber for initiating this program and spoke of plans for tours of their individual districts in the months to come.

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At the request of Mayor Wolff, it was the concensus of City Council members present to undertake discussion of Agenda Item 37 at this point.

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92-14

The Clerk read the following Ordinance:

AN ORDINANCE 75,537

ACCEPTING A TEXAS LOCAL PARKS RECREATION AND OPEN SPACE FUND GRANT OF \$195,272.00 FROM THE TEXAS DEPARTMENT OF PARKS & WILDLIFE FOR REDEVELOPMENT OF MILAM PARK; AUTHORIZING EXECUTION OF A GRANT AGREEMENT; ACCEPTING A LETTER OF COMMITMENT FROM THE FRIENDS OF MILAM PARK IN SUPPORT OF THE LOCAL

April 2, 1992
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SHARE OF SAID GRANT; AUTHORIZING THE PROJECT AND
ADOPTING A BUDGET.

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

Mr. Ron Darner, Director of Parks & Recreation, spoke to details of the grant received from the state and of the commitment for additional financing from Friends of Milam Park.

Dr. Charles Orozco, Friends of Milam Park, introduced other members of his group in the audience today.

Mr. Jose Jimenez, architect for the project, displayed and briefly explained an architect's rendering of the redevelopment plans for Milam Park, portions of which renovation are being donated by the State of Jalisco, Mexico.

Mr. Perez lauded the public/private partnership involved in the renovation.

Mr. Solis thanked the group for its efforts and spoke to possible improvements in VIA stops around the park.

Mr. Wing spoke to the contributions of Chinese-Americans to the development of this neighborhood.

Dr. Thornton spoke in appreciation for the donation of a gazebo by the State of Jalisco, Mexico.

Ms. Billa Burke stated that she feels that the redevelopment will produce a new "people place" for downtown San Antonio.

Ms. Vera spoke of the ongoing nature of planning for redevelopment of Milam Park and expressed her appreciation to the private sector participants.

Ms. Ayala also expressed her appreciation for the redevelopment plans.

Mayor Wolff noted the longterm commitments being made to redevelopment of the park.

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

92-14 CONSENT AGENDA

Ms. Vera made a motion to approve Agenda Items 6 through 33, constituting the Consent Agenda, with Item 19 removed earlier by City Manager. Mr. Solis seconded the motion.

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

AN ORDINANCE 75,538

ACCEPTING THE PROPOSAL OF MITCHELL MANUALS TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH BOOKS FOR A TOTAL OF \$5,660.00.

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AN ORDINANCE 75,539

ACCEPTING THE PROPOSAL OF GPN TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH VIDEOCASSETTES FOR A TOTAL OF \$3,052.20.

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AN ORDINANCE 75,540

ACCEPTING THE LOW BID OF RESOURCE CONSULTING SERVICES TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH WEATHERPROOF SEATING FOR A TOTAL OF \$17,888.00.

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AN ORDINANCE 75,541

ACCEPTING THE PROPOSAL OF LANDMARK SYSTEMS CORPORATION TO RENEW THE SOFTWARE MONITOR MAINTENANCE AGREEMENT FOR THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT FOR A TOTAL OF \$4,761.00.

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AN ORDINANCE 75,542

ACCEPTING THE LOW BID OF COLBORN MARINE TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION

DEPARTMENT WITH OUTBOARD MOTORS FOR A TOTAL OF \$3,280.00.

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AN ORDINANCE 75,543

ACCEPTING THE LOW BID OF PETERSON BROS., INC. TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION AND AVIATION DEPARTMENTS WITH AN ANNUAL CONTRACT FOR BEDDING PLANTS FOR APPROXIMATELY \$14,000.00.

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AN ORDINANCE 75,544

ACCEPTING THE LOW BID OF NOBE, INC. TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH IMPROVEMENTS AT MAVERICK PLAZA FOR \$4,950.00.

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AN ORDINANCE 75,545

ACCEPTING THE BID OF MORLANDT ELECTRIC TO FURNISH THE CITY OF SAN ANTONIO PLANNING DEPARTMENT WITH A WATER QUALITY MONITORING SYSTEM FOR A TOTAL OF \$98,282.00.

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AN ORDINANCE 75,546

ACCEPTING THE LOW BID OF MOTOROLA, INC. TO FURNISH THE CITY OF SAN ANTONIO PURCHASING AND GENERAL SERVICES DEPARTMENT WITH A RADIO COMMUNICATION EQUIPMENT ANALYZER FOR TOTAL OF \$22,040.00.

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AN ORDINANCE 75,547

ACCEPTING THE LOW BID OF MOTOROLA, INC. TO FURNISH THE CITY OF SAN ANTONIO POLICE AND INFORMATION SERVICES DEPARTMENTS WITH MOBILE DIGITAL TERMINALS FOR A TOTAL OF \$99,425.00 PLUS AN ADDITIONAL \$5,100.00 FOR A ONE YEAR MAINTENANCE AGREEMENT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,548 .

ACCEPTING THE PROPOSAL OF WYETH-AYERST LABORATORIES TO FURNISH THE CITY OF SAN ANTONIO HEALTH DEPARTMENT WITH AN ANNUAL CONTRACT FOR CONTRACEPTIVE IMPLANTS FOR APPROXIMATELY \$50,000.00.

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AN ORDINANCE 75,549 .

ACCEPTING THE LOW BIDS OF WEHRING-GOSS EQUIPMENT COMPANY, BILL PEACE & SON, INC., WAUKESHA PEARCE INDUSTRIES, ANDERSON MACHINERY COMPANY, CASE POWER AND EQUIPMENT, ALAMO FORD NEW HOLLAND, INC. AND CLOSNER EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH HEAVY EQUIPMENT FOR A TOTAL OF \$1,261,852.78.

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AN ORDINANCE 75,550 .

APPROVING FIELD ALTERATION NO. 3, IN THE DECREASED AMOUNT OF \$34,747.06, TO THE CONTRACT WITH H.B. ZACHRY COMPANY FOR THE UPGRADE AIRFIELD LIGHTING CIRCUITS PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT.

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AN ORDINANCE 75,551 .

AMENDING ORDINANCE NO. 73963 TO AUTHORIZE A PROFESSIONAL SERVICES CONTRACT WITH JOHNSON DEMPSEY & ASSOCIATES, INC.; AND AUTHORIZING PAYMENT TO SAID FIRM ALL IN CONNECTION WITH THE DESIGN AND CONSTRUCTION OF THE NEW MAIN LIBRARY.

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AN ORDINANCE 75,552 .

AUTHORIZING AN ADDITIONAL \$30,468.44 FOR ENGINEERING FEES PAYABLE TO HALLENBERGER/TELEFORD, INC. FOR ENGINEERING SERVICES THROUGH THE FINAL DESIGN PHASE AND RIGHT-OF-WAY SURVEYING SERVICES IN CONNECTION

WITH THE SIX MILE CREEK SIPHON SANITARY SEWER REHABILITATION PROJECT; APPROPRIATING SEWER IMPROVEMENT AND CONTINGENCY FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 75,553

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$74,100.00 WITH GADDIS/SIMPSON ENGINEERS, INC., AUTHORIZING \$250.00 FOR BID ADVERTISEMENT EXPENSES; APPROPRIATING SEWER IMPROVEMENT AND CONTINGENCY FUNDS; AND PROVIDING FOR PAYMENT ALL IN CONNECTION WITH THE BELT FILTER PRESS ALL WEATHER SHELTER PROJECT INVOLVING LEON CREEK, SALADO CREEK, AND DOS RIOS WASTEWATER TREATMENT PLANTS.

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AN ORDINANCE 75,554

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$915.00 OUT OF GENERAL OBLIGATION BONDS; ACQUIRING TITLE TO TWO PARCELS IN CONNECTION WITH THE SOUTH FLORES DRAINAGE PROJECT #70-70A.

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AN ORDINANCE 75,555

AUTHORIZING PAYMENT IN THE AMOUNT OF \$740.00 FOR TITLE CHARGES ON THE BABCOCK ROAD PROJECT - NORTH AND SOUTH OF HUEBNER ROAD, SOUTH FLORES DRAINAGE PROJECT #70-70A, PHASE II, LAS PALMAS BRANCH LIBRARY RELOCATION PROJECT AND APPRAISAL FEES ON OCTAVIA DRAINAGE PROJECT #63 AND APPROPRIATING FUNDS.

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AN ORDINANCE 75,556

AUTHORIZING A THREE YEAR AGREEMENT WITH TEAMTENNIS OF SAN ANTONIO, INC., D/B/A SAN ANTONIO RACQUETS, FOR USE OF CERTAIN FACILITIES AT THE JOHN R. MCFARLIN TENNIS CENTER TO CONDUCT TEAMTENNIS MATCHES FOR A FEE OF \$728.00 FOR EACH OF FIVE (5) REGULAR SEASON MATCHES AND \$647.00 FOR EACH POST-SEASON

MATCH, PLUS REIMBURSEMENT TO THE CITY IN AN AMOUNT UP TO \$3,800.00 FOR INSTALLATION AND REMOVAL OF BOX SEATS ON CENTER COURT NO. 21.

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AN ORDINANCE 75,557

RATIFYING THE PROFESSIONAL SERVICES CONTRACT WITH BRUCE DALTON AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$12,342.52 TO PROVIDE SERVICES AS A SALES REPRESENTATIVE IN WASHINGTON, D.C. FOR THE SAN ANTONIO CONVENTION AND VISITORS BUREAU FOR THE PERIOD OF MARCH 15, 1992, THROUGH JUNE 15, 1992.

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AN ORDINANCE 75,558

AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE SAN ANTONIO AREA FOUNDATION FOR \$10,000.00 IN GRANT FUNDS TO SUPPORT THE NEIGHBORHOOD/BARRIO PROGRAM.

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AN ORDINANCE 75,559

ACCEPTING A GRANT IN THE AMOUNT OF \$12,000.00 FROM THE NATIONAL INSTITUTE FOR THE CONSERVATION OF CULTURAL PROPERTY AND THE NATIONAL MUSEUM OF AMERICAN ART, SMITHSONIAN INSTITUTION TO SUPPORT A SURVEY OF OUTDOOR SCULPTURES (SOS!); ADOPTING A BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

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AN ORDINANCE 75,560

AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR SUPPLEMENTAL FUNDING TO THE TEXAS COMMISSION ON THE ARTS' EDUCATIONAL AND TECHNICAL ASSISTANCE PROGRAM (ETAP) IN THE AMOUNT OF \$2,250.00 TO ASSIST THE DEPARTMENT OF ARTS AND CULTURAL AFFAIRS WITH REGISTRATION AND TRAVEL EXPENSES FOR STAFF PARTICIPATION IN TWO UPCOMING ARTS CONFERENCES AND FUNDING FOR CONSULTANT SERVICES FOR AN ARTS MARKETING SESSION TIED TO THE AGENCY PLANNING PROCESS.

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AN ORDINANCE 75,561

ACCEPTING THE PROPOSAL OF ROBERT R. ASHCROFT AND LINDA XIMENEZ TO FURNISH THE CITY OF SAN ANTONIO PLANNING DEPARTMENT WITH GROUP AND TOWN MEETING FACILITATION SERVICES DURING THE DEVELOPMENT OF THE CITY MASTER PLAN FOR A FIXED FEE OF \$10,000.00.

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AN ORDINANCE 75,562

AUTHORIZING \$7,723.57 TO BE APPROPRIATED FROM THE POLICE DEPARTMENT MISCELLANEOUS SPECIAL REVENUE ACCOUNT: CONFISCATED PROPERTY ACCOUNTS FOR DETECTIVE GUADALUPE SALAZAR TO ATTEND A POLYGRAPH EXAMINER TRAINING COURSE FROM APRIL 6, 1992, TO MAY 22, 1992.

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AN ORDINANCE 75,563

REAPPOINTING DR. FERNANDO GUERRA TO THE ANIMAL CONTROL ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON APRIL 3, 1994.

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AN ORDINANCE 75,564

APPOINTING DAVID G. JAYNE TO REPLACE DUANE WILSON ON THE AIRPORT ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 1993.

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AN ORDINANCE 75,565

REAPPOINTING SAM PARNES TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 25, 1993.

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AN ORDINANCE 75,566

APPOINTING VIRGINIA VAN STEENBERG TO REPLACE REBECCA WALDMAN ON THE DOWNTOWN IMPROVEMENT DISTRICT

ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON
JULY 9, 1993.

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AN ORDINANCE 75,567

APPOINTING JAY DUBOSE TO REPLACE MS. G. RANDOLPH
KLINE ON THE FINE ARTS COMMISSION FOR A TERM OF
OFFICE TO EXPIRE ON NOVEMBER 24, 1993.

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AN ORDINANCE 75,568

REAPPOINTING PAUL SMITH TO THE KEEP SAN ANTONIO
BEAUTIFUL COMMITTEE FOR A TERM OF OFFICE TO EXPIRE
ON DECEMBER 22, 1993.

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AN ORDINANCE 75,569

APPOINTING KYE KILPATRICK FOX TO REPLACE MS.
LUCILLE A. COCKRELL ON THE MAYOR'S COMMISSION ON
THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE
DECEMBER 15, 1993.

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AN ORDINANCE 75,570

REAPPOINTING AMADOR V. GARZA TO THE MECHANICAL
BOARD OF APPEALS FOR A TERM OF OFFICE TO EXPIRE ON
MARCH 24, 1993.

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AN ORDINANCE 75,571

APPOINTING ALBERT ALEMAN, JR. TO REPLACE JOE PEREZ
ON THE RIVERWALK COMMISSION FOR A TERM OF OFFICE TO
EXPIRE ON OCTOBER 31, 1993.

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AN ORDINANCE 75,572

CLOSING PORTIONS OF MAIN PLAZA AND TREVINO ALLEY ON
APRIL 12 AND 17, 1992, SO THAT THEY MAY BE USED BY

SAN FERNANDO CATHEDRAL IN CONNECTION WITH ITS PALM
SUNDAY AND GOOD FRIDAY LITURGICAL SERVICES.

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92-14 The Clerk read a proposed Ordinance amending Ordinance No. 62781 to require the removal of cigarette vending machines located less than one half mile of any public or private grammar, middle, or high school; making violations a misdemeanor offense; and establishing a penalty upon conviction of not more than \$2,000.00; and providing an effective date.

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

Dr. Fernando Guerra, Director of the Metropolitan Health District, explained the background of the proposed ordinance and its various elements presented for Council consideration today, as well as the previous discussion of this matter several weeks ago. He noted that state law already prohibits distribution of sample cigarettes to minors; thus, the draft ordinance speaks only to the directed provision that prohibits cigarette vending machines within one-half mile of any school in the City of San Antonio.

Dr. Guerra noted that only two departments of the City of San Antonio forbid smoking in the workplace, currently. He then addressed the estimated annual \$1.5 million loss to the City because of workplace smoking and the estimated costs of enforcement of the proposed ordinance provisions, depending upon which provisions are formally enacted by City Council today.

The following persons then spoke to the Council:

Mr. Ed Zamarripa, speaking for Mr. Bob Satterwhite, Philip Morris Company, spoke to and distributed papers indicating his firm's efforts to discourage smoking by minors.

Mr. Howard Peak, representing the North San Antonio Chamber of Commerce, stated that his organization supports a number of anti-smoking efforts, and noted that the North Chamber believes that businesses should be allowed to enforce such efforts on a voluntary basis. He urged that no major new City staffing increases be approved to enforce any new smoking laws enacted today.

Mr. Robert Elmendorf, representing the San Antonio Vending Machine Association, asked for clarification of direction to City staff on preparation of the proposed ordinance dealing with restrictions on cigarette vending machines.

Mr. Jerry Fuentes, representing the Greater San Antonio Chamber of Commerce, spoke in opposition to any proposed ordinance provision to force businesses to halt smoking in the workplace, by law. He then presented a four-point plan of voluntary compliance of smoking restrictions in the workplace for local businesses.

Mr. Robert Stone stated his belief that the City ordinance infringes upon the rights of citizens.

Mr. Frank Salinas stated his belief that people have the right to fresh, smoke-free air in the workplace.

Mr. Larry Ashworth, representing the San Antonio Jaycees, asked the Council not to enact an ordinance provision dealing with cigarette sampling because of the adverse impact such an action could have upon one of the major sponsors of "La Semana Alegre" during Fiesta Week.

Mr. Jim Koeller, representing the Tri-Agency, spoke in support for a strict smoking ordinance, but would support a two-year phase-in period for such restrictions.

Ms. Lu Ann Pierce asked the Council for protection of non-smokers from cigarette smoke in malls and workplaces.

Mr. John Ethridge, representing Management Concepts, Inc., stated that his firm would move out of town if additional smoking restrictions are imposed in the workplace.

Ms. Olivia Cornyn spoke in support for limits on smoking in the workplace because of medical problems caused by smoking, noting that this is a health issue.

Mayor Wolff then briefly outlined the four main issues involved in this matter, and quoted from a letter from the Philip Morris Company, lobbying for lesser regulations on smoking in San Antonio.

PROPOSED AMENDMENT ON VENDING MACHINE ISSUE:

Dr. Guerra briefly explained the proposed restriction against placement of any cigarette vending machine within one-half mile of any school in San Antonio.

Ms. Vera noted that, over the past two weeks, the City Council offices have received some 73 telephone calls on this issue, with 66 favoring the restriction on vending machines and seven against. She quoted statistics that estimate that some 1,600 teenagers take up smoking every day, and stated her belief that vending machines are the source of most cigarettes for these teenagers.

Ms. Vera offered an amendment to prohibit placement of any cigarette vending machine that might be accessible to minors within one-half mile of any public or private elementary, middle or high school in San Antonio; and to establish the date of October 1, 1995 as the date by which all vending machines accessible to minors will be prohibited inside the City of San Antonio. Dr. Thornton seconded the motion.

Ms. Billa Burke spoke in favor of establishing a "token" system for use of cigarette vending machines in San Antonio.

Mr. Larson stated that he can support the pending amendment, in order to protect children.

Dr. Guerra stated that the cost to enforce this provision would be minimal at this time, with the possible addition of more staff at a later date.

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

PROPOSED AMENDMENT ON CIGARETTE SAMPLING ISSUE:

Dr. Guerra noted that present state law prohibits distribution of cigarette samples to minors; that is, those under age 18. He noted that provisions now being proposed would prohibit distribution of any cigarette samples in any public right-of-way, parks or other City-owned facilities.

A brief discussion then took place concerning cigarette sampling in City convention facilities.

Ms. Billa Burke made a motion to delay consideration of this issue until another Public Hearing can be held on it. Dr. Thornton seconded the motion for discussion purposes.

After consideration, the motion, to delay consideration of this issue until another Public Hearing, failed by the following vote: AYES: Billa Burke; NAYS: Perez, Solis, Ayala, Vera, Thornton, Labatt, Larson, Wolff; ABSENT: Pierce, Wing.

Ms. Vera offered an amendment to prohibit distribution of any cigarette samples in any public right-of-way, park or in any City-owned facilities within the City of San Antonio. Dr. Thornton seconded the motion.

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

PROPOSED AMENDMENT ON SMOKING IN ENCLOSED COMMON-USE AREAS
ISSUE:

Ms. Vera offered an amendment to prohibit smoking in common-use areas, such as in malls and airports, except in designated smoking areas. Dr. Thornton seconded the motion.

Dr. Guerra defined "common areas" and noted that it also would include common-use areas at International Airport.

A discussion ensued concerning "designated smoking areas" in malls.

In response to a question by Mr. Wing, Dr. Guerra spoke to the estimated costs of enforcement of these provisions, including staff of the Metropolitan Health District, Fire Department and any others that might be required. A discussion then took place concerning who would be officially cited for an infraction, during which it was determined that the cited offender would be the smoker, not the mall manager. Dr. Guerra estimated that MHD additional costs would be about \$26,000 to start, that being the cost for one additional person on his staff.

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

Ms. Vera stated her confidence that this program will work by voluntary compliance.

Ms. Ayala voiced her concern with tasking the Fire Department with enforcement of this matter, when the department already is stretched, regarding personnel.

Fire Chief Raul Losoya stated that he cannot enforce the provisions of the proposed ordinance with his present staff.

A discussion then ensued concerning enforcement at International Airport, once the newly-approved food-court concept of food concessions operations is put in place.

In response to a question by Mr. Larson, Mr. Leo Gomez, representing the Greater San Antonio Chamber of Commerce, spoke in favor of voluntary compliance with provisions of this ordinance by businesses in malls.

Mr. Solis stated that he cannot support this ordinance because of increased costs of enforcement.

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

A discussion then took place concerning the impact of enforcement costs.

In response to a question by Mayor Wolff, a representative of the Tri-Agency noted that representatives of the various malls have stated that they are prepared to enforce whatever the Council enacts into law.

Mr. Gomez noted that the Greater Chamber is not opposed to prohibiting smoking in "common areas".

A discussion then ensued concerning the impact of voluntary compliance versus the funding of additional enforcement personnel.

Mr. Alex Briseno, City Manager, stated that he plans no pro-active enforcement, over and above normal inspections by City personnel of the Metropolitan Health District and Fire Department, and will not bring to Council any new staffing requirements for such enforcement during the coming budget, unless he encounters a major enforcement problem.

After consideration, the fourth amendment to the motion, prevailed by the following vote: AYES: Perez, Billa Burke, Wing, Ayala, Vera, Thornton, Labatt, Larson, Wolff; NAYS: Solis; ABSENT: Pierce.

PROPOSED AMENDMENT ON SMOKING IN THE WORKPLACE ISSUE:

Mr. Alex Briseno, City Manager, distributed copies of a memorandum he had written to the Director of Management Services on April 2, 1992, dealing with his direction for development of a new City policy to effectively regulate smoking in the workplaces of the City of San Antonio, itself. A copy of the memorandum is made a part of the papers of this meeting. He then spoke to the extreme diversity of City jobs and their nature.

Ms. Ayala offered an amendment to direct the City Manager to establish a smoke-free indoor environment in all the City's buildings, even in individual offices, in order to provide smoke-free City buildings within one year. Mr. Solis seconded the motion.

Ms. Vera spoke to the need, in her opinion, for a "phase-in" period, and asked the Metropolitan Health District to begin smoke-cessation programs for City employees.

Mr. Wing offered a second amendment to direct the City Manager to come back to the City Council in four to six weeks with a plan for a

policy to address creation of a "no-smoking" policy in the City's indoor workplaces, those being common areas or work areas. Ms. Billa Burke seconded the motion.

A discussion then took place concerning phase-in of new "no-smoking" regulations in City workplaces, and how Southwestern Bell Telephone Company effected this throughout its five-state area.

Dr. Thornton spoke in support for the phase-in approach.

A discussion ensued concerning the timing issues involved with Ms. Ayala's motion, during which it was determined that it could be phased in within one year.

After consideration, the second amendment, to the motion, prevailed by the following vote: AYES: Perez, Billa Burke, Wing, Solis, Labatt, Larson, Wolff; NAYS: Ayala, Vera, Thornton; ABSENT: Pierce.

Mayor Wolff then spoke in clarification of the direction given by the amendment just enacted, stating that it involved a "smoke-free common workplace environment".

After consideration, the first amendment to the motion, failed by the following vote: AYES: Ayala, Vera, Thornton; NAYS: Perez, Billa Burke, Wing, Solis, Labatt, Larson, Wolff; ABSENT: Pierce.

Ms. Billa Burke spoke to the need to provide counseling services for persons wishing to quit smoking.

Ms. Vera then offered an amendment to require that "every employer would have to offer employees a smoke-free common workplace" in the City of San Antonio. Dr. Thornton seconded the motion.

Dr. Guerra then re-defined "common workplace".

Ms. Vera then further defined "workplace", for purposes of this proposed ordinance amendment, to be "a smoke-free workplace environment where two or more employees work together".

Mr. Larson then offered an amendment to support the wording of the Resolution enacted by the Greater San Antonio Chamber of Commerce and to incorporate the language therefrom into this ordinance. Mr. Wing seconded the motion.

Mr. Koeller, representing the Cancer Society, stated that he is willing to accept the wording of this Resolution, providing a stronger ordinance dealing with smoking in the workplace is not enacted.

A discussion, pro and con, then took place concerning the two pending amendments.

In response to a question by Ms. Vera, Dr. Guerra noted that only experience would provide the City with an idea of how much enforcement of the proposed ordinance would cost, but noted that, in all probability, one additional staff person for both the Metropolitan Health District and Fire Department would be required, at the least.

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

After consideration, the first amendment, to the motion, failed by the following vote: AYES: Vera, Thornton, Wolff; NAYS: Perez, Billa Burke, Wing, Solis, Ayala, Labatt, Larson; ABSENT: Pierce.

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

AN ORDINANCE 75,573

AMENDING ORDINANCE NO. 62781 TO PROHIBIT SMOKING IN CERTAIN PLACES; PROHIBITING CIGARETTE VENDING MACHINES IN CERTAIN PLACES; PROHIBITING DISTRIBUTION OF FREE SAMPLES OF SMOKING PRODUCTS ON PUBLIC STREETS AND IN CITY FACILITIES; MAKING VIOLATIONS A MISDEMEANOR OFFENSE AND ESTABLISHING A PENALTY UPON CONVICTION OF NOT MORE THAN \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

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Mayor Wolff stated that the Chambers of Commerce involved and the city's employers need to work together to insure compliance with the law.

In response to a question by Dr. Thornton, Mr. Gomez discussed how the Greater San Antonio Chamber of Commerce will proceed with the various portions of the Chamber Resolution.

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

92-14 The Clerk read the following Ordinance:

AN ORDINANCE 75,574

CANCELLING THE YUCCA STREET (AMANDA-RAILROAD) PROJECT AND THE WILMA JEAN SIDEWALKS PROJECT; REPROGRAMMING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$1,013,918.78 MADE AVAILABLE IN PART FROM SAID PROJECT CANCELLATIONS TO ADDRESS EXISTING PROJECT SHORTFALLS AND CREATE NEW CDBG PROJECTS; REVISING THE APPROPRIATE CDBG BUDGETS; AND AUTHORIZING THE EXECUTION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH.

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Mayor Pro Tem Labatt declared the Public Hearing to be open.

Mr. Andrew Cameron, Community Development Officer, explained the proposed reprogramming action, including the expenditure of some \$7,000 per municipal swimming pool in order to keep those pools open seven days each week through this spring and summer.

Mr. Andres Cortez, representing Communities Organized for Public Service, spoke in favor of the proposed reprogramming.

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

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

Several City Council members spoke in support for the proposed reprogramming of CDBG funds.

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

92-14

CITIZENS TO BE HEARD

TEXAS TEENAGE CRIME COMMISSION

A group of representatives of the Texas Teenage Crime Commission appealed to the Council to reconsider their proposal of 400 summer youth jobs with JTPA monies. They also mentioned that each Council member had received a packet of information listing their concerns.

Those speaking before the Council were:

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Matt Bond
Mauro Leal
Zack Shepard
Mary Helen Herrera
George Hornberger, Jr., Executive Director
Claudia Yarborough

DON WILKINS CASTILLO

Mr. Don Wilkins Castillo spoke to problems in District 1 especially with regards to a person who is representing himself to be a minister but actually is involved in illegal activity. He stated that this person has four outstanding tickets yet has not been picked up by the police.

92-14 The Clerk read the following Ordinance:

AN ORDINANCE 75,575

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE GENERAL LAND OFFICE TO SPONSOR A LOCAL SEMINAR AND WORKSHOP ON ENVIRONMENTAL AND RECYCLING ISSUES; APPROPRIATING FUNDS IN THE AMOUNT OF \$5,000.00 FOR THE CITY'S SHARE OF THE COST; AND PROVIDING FOR PAYMENT.

* * * *

In response to a question by Ms. Ayala, Mr. Dan Cardenas, Solid Waste Manager, spoke to the funding source involved.

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

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

92-14 The Clerk read the following Ordinance:

AN ORDINANCE 75,576

APPROVING THE SUBMISSION OF A PROPOSAL FROM THE ALAMO SERVICE DELIVERY AREA TO THE U.S. DEPARTMENT OF LABOR FOR A \$500,000.00 DEMONSTRATION PROJECT WHICH TARGETS HIGH-RISK YOUTHS GROWING UP IN HIGH POVERTY INNER-CITY NEIGHBORHOODS AND RURAL AREAS.

* * * *

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

Mr. Kevin Moriarty, Director of Community Initiatives, spoke to this as one of four target programs in the nation, and addressed details of the intense competition for designation as one of the four.

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

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92-14

CITIZENS TO BE HEARD (CONTINUED)

MS. GEORGIA GILES

Ms. Giles asked for details as to how the summer hiring program for youths would work in San Antonio this summer, and voiced her concern with why some agencies received funding for this program and some did not.

Mayor Pro Tem Labatt explained that the San Antonio Works Board will be coming to City Council for final approval of this expenditure soon.

Ms. Giles was referred to Mr. Erick Akins for explanation of the answers to her questions.

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92-14

The Clerk read the following Ordinance:

AN ORDINANCE 75,577

APPROVING THE PROPOSED TRANSPORTATION PLANNING PROGRAMS TO BE CONDUCTED DURING FISCAL YEAR 1991 - 1992.

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

Ms. Rebecca Q. Cedillo, Director of Planning, explained the three programs involved.

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

92-14 The Clerk read a proposed Ordinance as requested by Councilmember Billa Burke, authorizing the use of City Council Discretionary funds to assist the Open Space Advisory Board in meeting costs amounting to approximately \$2,400.00 incurred for the development of an open space brochure.

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

Mr. Ron Darner, Director of Parks & Recreation, noted that the need is actually \$1,000.00, since some other agencies also are contributing to this funding request.

City Council members then made varying contributions from their Discretionary Funds, totalling some \$700.00.

Ms. June Kachtik, representing the Open Spaces Advisory Board, explained the brochure to be printed as part of the overall open spaces consideration.

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

AN ORDINANCE 75,578

AS REQUESTED BY COUNCILMEMBER BILLA BURKE, AUTHORIZING THE USE OF CITY COUNCIL DISCRETIONARY FUNDS TO ASSIST THE OPEN SPACE ADVISORY BOARD IN MEETING COSTS AMOUNTING TO APPROXIMATELY \$2,400.00 INCURRED FOR THE DEVELOPMENT OF AN OPEN SPACE BROCHURE.

* * * *

92-14 The Clerk read the following Ordinance:

AN ORDINANCE 75,579

AUTHORIZING THE USE OF DISTRICT 3 DISCRETIONARY FUNDS IN THE AMOUNT OF \$1,000.00 TO ASSIST THE SOUTH SIDE CHAMBER OF COMMERCE IN ITS EFFORTS RELATING TO THE IMAGE ENHANCEMENT CAMPAIGN.

* * * *

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

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

92-14 The Clerk read the following Ordinance:

AN ORDINANCE 75,580

AUTHORIZING THE SAN ANTONIO BOTANICAL CENTER SOCIETY TO CONDUCT THE ANNUAL VIVA BOTANICA EVENT AT THE SAN ANTONIO BOTANICAL CENTER AND AUTHORIZING EVENT ADMISSION FEES OF \$3.00 AND \$0.50¢ RESPECTIVELY FOR ADULTS AND CHILDREN AGE 4 THROUGH 13.

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

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

92-14 The Clerk read the following Ordinance:

AN ORDINANCE 75,581

AUTHORIZING PAYMENT OF FEES IN THE AMOUNT OF \$9,980.47 TO THE FIRM OF GROCE, LOCKE & HEBDON IN

CONNECTION WITH GERMAN HERITAGE PARK LEASE
NEGOTIATIONS.

* * * *

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

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

92-14 The Mayor Pro Tem recessed the "A" Session at 5:30 P.M. in order to convene the Executive Session to discuss the following:

Consultation concerning attorney-client matters (real estate, litigation, contracts, personnel and security) may be discussed.

A) Briefing on the proposed settlement of Cause No. 88-CI-06354, styled Randall Bryson vs. City of San Antonio, VIA Metropolitan Transit Authority, and Hunter Industries, Inc., f/k/a Olmos Construction Company, Inc.

B) Briefing on current litigation styled Tina Kaulfas, et al vs. City of San Antonio, et al.

C) Briefing on possible intervention in the ongoing Catfish Farm Litigation.

D) Briefing on the proposed settlement of Cause No. 91-CI-02608, styled Stanley Martinez vs. City of San Antonio, Valdez.

E) Briefing on the UNAM contract negotiations.

92-14 The Mayor reconvened the "A" session at 6:09 P.M. and stated that the City Council had been briefed on all the above stated matters except for the discussion on the Catfish Farm. He then asked the Clerk to read Item #43.

92-14 The Clerk read the following Ordinance:

AN ORDINANCE 75,582

AUTHORIZING THE SETTLEMENT OF JUDGMENT IN CAUSE NO. 88-CI-06354, STYLED RANDALL BRYSON VS. CITY OF SAN ANTONIO, VIA METROPOLITAN TRANSIT AUTHORITY, AND HUNTER INDUSTRIES, INC., F/K/A OLMOS CONSTRUCTION COMPANY, INC. IN THE 224TH JUDICIAL DISTRICT COURT, BEXAR COUNTY TEXAS IN THE AMOUNT OF \$225,000, AND DECLARING AN EMERGENCY.

* * * *

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

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

92-14 There being no further business to come before the Council, the meeting was adjourned at 6:11 P.M.

A P P R O V E D

Robert W. Wolff
M A Y O R

Attest:

Norma S. Rodriguez
C I T Y C L E R K