

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, FEBRUARY 11, 1988.

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

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88-07 The invocation was given by Reverend Andrew Hernandez, Associate Pastor, La Trinidad United Methodist Church.

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88-07 The members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

88-07 SAINT MARY'S HALL STUDENTS

Mayor Cisneros introduced a group of second grade students from Saint Mary's Hall, present in the audience, noting that the group of students studying Government in their Social Studies class and participating in a first-hand look at how local government works. He then welcomed the group of second graders to City Hall.

Mr. Hasslocher noted that he had spoken to the group earlier about City Hall government.

88-07 RESOLUTION OF RESPECT - MR. LESLIE PEPPER

Mayor Cisneros introduced Mrs. Pepper, present in the audience to receive the Resolution of Respect, regarding her husband and then read the following Resolution.

RESOLUTION OF RESPECT
NO. 88-07-13

WHEREAS, a life of service to the community, family and church came to a close for Mr. Leslie Pepper, and

WHEREAS, as a native born San Antonian, his passing leaves our community and region with a deep feeling of sorrow for the loss of such an honored and respected citizen, and

WHEREAS, Mr. Pepper's exemplary services are many, among them Mayor of Sabinas, Texas and owner of the Pepper Irrigation Company in Sabinas, and

WHEREAS, Mr. Pepper represented Uvalde County on the Edwards Underground Water District Board of Trustees serving as vice-chairman and in that capacity as a member of the Joint Water Resources Committee with the San Antonio City Council where he was instrumental in preparing policy and legislation for our future water needs; NOW THEREFORE:

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

SECTION 1. That with the passing of Mr. Leslie Pepper, the City of San Antonio has lost a true friend and valuable asset to its past, present and future.

SECTION 2. That this City Council joins with his family and friends in their sorrow over his death, and extends its sincerest sympathy and prayer of comfort to those who were near him.

SECTION 3. And it is hereby directed that a copy of this Resolution be spread upon the minutes of this meeting and a copy thereof presented to his family as a token of our deepest sympathy.

PASSED AND APPROVED this 11th day of February, 1988.

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

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

Mayor Cisneros spoke of Mr. Pepper's important work on the issue of water in South Texas and the San Antonio area as a steady level-handed spokesman for rural counties.

Mr. Hasslocher, Mr. Labatt and Mr. Wolff then joined the Mayor in presenting the Resolution of Respect to Mrs. Pepper.

Mrs. Pepper thanked the Mayor and Council for the honor bestowed upon her late husband.

88-07

BROTHERHOOD/SISTERHOOD WEEK

Mayor Cisneros read a proclamation designating February 14 - 20, 1988 to be "Brotherhood/Sisterhood Week" in San Antonio.

Mayor Cisneros then spoke of the concept of Brotherhood/Sisterhood and its importance. He congratulated the group for its leadership.

Mayor Cisneros and Mrs. Berriozabal then presented the proclamation to Dr. William E. Thornton, Chairman of the National Conference of Christians and Jews, present in the audience to receive the proclamation.

Dr. Thornton introduced other officials of the National Conference of Christians and Jews present in the audience who thanked the Mayor and Council for the recognition and then introduced four award winners among San Antonio students in the Brotherhood/Sisterhood contest.

Mrs. Berriozabal then presented individual awards to the four winners in the areas of poster, essay, poetry and essay/video. She then spoke of the importance of the National Conference of Christians and Jews Board in San Antonio.

88-07

TAX ASSISTANCE

Mayor Cisneros read a proclamation designating February 7 - 13, 1988, to be "Volunteer Income Tax Assistance and Tax Payer Counseling for the Elderly Week" in San Antonio, and he spoke of the monumental task of the Internal Revenue Service Field Service Offices in handling all of the returns in this part of the country.

Mayor Cisneros then introduced Mr. Gary Booth, the District Director of Internal Revenue present in the audience to receive the

proclamation.

Mr. Booth then thanked the more than 30 volunteers in San Antonio who assist the elderly annually in preparing their income tax returns.

A volunteer in the program, a retired air force veteran briefly discussed his work as a volunteer tax preparer for the elderly.

Mr. Booth noted that the VITA program has prepared more than 10,000 returns in San Antonio alone.

Mayor Cisneros thanked the volunteers for their hard work in this effort and he presented the proclamation to Mr. Booth.

Mr. Booth then in turn presented a plaque to the Mayor for his support of the Volunteer Tax Assistance program.

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KELLY FIELD CUTS
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Mayor Cisneros stated that he had met earlier today with representatives of the labor community concerning the proposed fiscal cuts and furloughs reported to take place at Kelly AFB because of the budget. He then spoke of the City Council's previous resolutions in this regard and spoke of the need to conduct a special meeting later today to enact a proposed resolution expressing opposition to these cuts. Mayor Cisneros then briefly read the proposed Resolution.

Mrs. Berriozabal made a motion to make official the posting to call a 4:30 P.M. Special Meeting today. Ms. Vera seconded the motion.

Mr. Labatt spoke in support of jobs for San Antonio but stated that, nevertheless, he feels that certain actions must be taken to balance the federal budget, and he feels it is not the city's role to get into this matter.

Mr. Hasslocher spoke to the history of proposed budget cuts including the transfer of military services funds to social services at the federal level.

After consideration, the motion to call a Special Meeting, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

88-07 CONSENT AGENDA

Mrs. Berriozabal made a motion to approve Agenda Items #6 - 43, constituting the Consent Agenda, with the exception of items #25, 30, & 38, which were pulled for individual consideration. Mr. Thompson seconded the motion.

Agenda items #13, 29 & 27, had earlier been pulled from consideration by the City Manager.

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

AN ORDINANCE 66,528 .

.
ACCEPTING THE LOW BID OF PAK-MOR MANUFACTURING COMPANY TO FURNISH THE CITY OF SAN ANTONIO ENVIRONMENTAL MANAGEMENT DEPARTMENT WITH REFUSE COLLECTION BODIES FOR A TOTAL OF \$67,600.00.

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AN ORDINANCE 66,529 .

.
ACCEPTING THE LOW QUALIFIED BIDS OF ANCIRA WINTON CHEVROLET, INC., BROADWAY DODGE, GRANDE FORD TRUCK SALES, INC., NORTH STAR DODGE, RED MCCOMBS FORD, SAN ANTONIO TRUCK SALES AND SAN TEX INTERNATIONAL TRUCKS, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH TRUCKS FOR A TOTAL OF APPROXIMATELY \$2,592,734.22.

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AN ORDINANCE 66,530 .

.
ACCEPTING THE LOW BID OF A.M. MULTIGRAPHICS TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH A PAPER CUTTER FOR A TOTAL OF \$4,269.00.

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AN ORDINANCE 66,531 .

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ACCEPTING THE LOW BID OF BEST BARRICADE TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH PLASTIC BARRICADES FOR A TOTAL OF \$5,220.00.

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AN ORDINANCE 66,532

ACCEPTING THE LOW BIDS OF O.M. SCOTT & SONS COMPANY AND CHEMICAL & TURF SPECIALTY COMPANY, INC. TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH HERBICIDES FOR A TOTAL OF \$16,993.32.

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AN ORDINANCE 66,533

CANCELLING THE CONTRACT WITH A BUILDING MAINTENANCE FOR JANITORIAL SERVICES AT THE MIRASOL AND WEST END DENTAL CLINIC AND AWARING IT TO ADVANCED BUILDING MAINTENANCE; AND CANCELLING THE CONTRACT WITH FIRST STATE JANITORIAL SERVICE FOR JANITORIAL SERVICES AT THE BRANCH LIBRARIES AND AWARING IT TO ALONZO BOONE.

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AN ORDINANCE 66,534

APPROVING THE ASSIGNMENT OF THE CURRENT CONTRACT OF JACK BROWN LINEN AND UNIFORM RENTAL TO G & K SERVICES FOR DUST CONTROL SERVICE.

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AN ORDINANCE 66,535

AWARING A CONSTRUCTION CONTRACT TO PECO, INC., DBA PEERLESS EQUIPMENT CO., IN THE AMOUNT OF \$2,429,905.82 AND CREATING MISCELLANEOUS CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$121,495.29 FOR CONSTRUCTION OF THE MITTMAN/HINES/CARSON/ERVIN/NORFLEET/COLEMAN/CODY/BEE STREETS RECONSTRUCTION PROJECT.

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AN ORDINANCE 66,536

AUTHORIZING FIELD ALTERATION NO. 5 IN THE AMOUNT OF \$34,352.60 RELATED TO THE SPRIGGS DALE, ETC. STREET RECONSTRUCTION PROJECT.

AN ORDINANCE 66,542

AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT CHANGE ORDER NO. 14 IN THE AMOUNT OF \$53,112.00 PAYABLE TO BASIC CONSTRUCTORS, INC., FOR THE LEON CREEK ADVANCED SECONDARY TREATMENT PLANT UNITS CATEGORY NO. 2 AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 66,543

APPROPRIATING FUNDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT CHANGE ORDER NO. 7 IN THE AMOUNT OF \$20,637.00, PAYABLE TO R. L. JONES AND COMPANY, INC., FOR THE PEREZ/W. HOUSTON/BLUERIDGE PROJECT AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 66,544

AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT CHANGE ORDER NO. 4 IN THE AMOUNT OF \$14,896.00, PAYABLE TO UTILITIES CONSOLIDATED, INC., FOR THE MUD CREEK OUTFALL SANITARY SEWER, PHASE I AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 66,545

AUTHORIZING PAYMENT TO SCOTT BINFORD, MAI, SRPA FOR CONSULTATION PREPARATION IN THE CASE OF AMELIA C. RAMOS IN THE AMOUNT OF \$4,562.50.

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AN ORDINANCE 66,546

AUTHORIZING AN ADDITIONAL \$14,800.00 FOR ENGINEERING FEES PAYABLE TO POZNECKI-CAMARILLO & ASSOCIATES, INC. IN CONNECTION WITH RUIZ STREET RECONSTRUCTION, PHASE II.

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AN ORDINANCE 66,547

AWARDING A CONSTRUCTION CONTRACT FOR IMPROVEMENTS TO

ADDITIONAL HISTORIC BUILDINGS AND MISCELLANEOUS
STRUCTURES AT HEMISFAIR PLAZA. (J.J. BOYLE GEN.
CONTRACTOR).

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AN ORDINANCE 66,548 .

AUTHORIZING THE SURRENDER OF ONE TAXICAB OPERATING
PERMIT FROM MR. ROSS M. MADDOX TO THE CITY OF SAN
ANTONIO.

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AN ORDINANCE 66,549 .

AUTHORIZING THE CONSOLIDATION OF FOUR (4) OPERATING
PERMITS UNDER ONE TAXICAB COMPANY AND AUTHORIZING
THE CHANGE OF THE NAME OF THE TAXICAB COMPANY TO TOP
CAB COMPANY.

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AN ORDINANCE 66,550 .

AUTHORIZING THE CITY WATER BOARD TO OVERSIZE THE
TWELVE INCH APPROACH MAIN ON SOUTHTON ROAD AND THE
SIX INCH ON-SITE MAIN ON BLUE WING ROAD TO SIXTEEN
INCHES; AND AMENDING ORDINANCE NO. 66501 PASSED ON
FEBRUARY 4, 1988, TO AUTHORIZE THE CITY WATER BOARD
TO OVERSIZE A TWENTY-FOUR INCH MAIN TO THIRTY INCHES
FROM THE UNIVERSITY BOOSTER STATION ALONG BABCOCK
AND HAUSMAN ROADS TO F.M. 1604.

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AN ORDINANCE 66,551 .

AUTHORIZING A LICENSE AGREEMENT WITH SOUTHEAST SAN
ANTONIO BASEBALL LEAGUE, INC. FOR USE OF CITY-OWNED
PROPERTY TO CONDUCT ATHLETIC AND RECREATIONAL
PROGRAMS.

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AN ORDINANCE 66,552 .

AUTHORIZING PAYMENT OF REFUNDS TO PERSONS MAKING A
DOUBLE PAYMENT, OVERPAYMENT OR AS A RESULT OF A
VALUE CHANGE ON 101 TAX ACCOUNTS.

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AN ORDINANCE 66,553

AUTHORIZING PAYMENT OF MEMBERSHIP DUES IN THE AMOUNT OF \$36,867.72 FOR CALENDAR YEAR 1988 TO ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG).

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AN ORDINANCE 66,554

ACCEPTING A PROPOSAL BY CHEN AND ASSOCIATES, CONSULTING GEOTECHNICAL AND MATERIALS ENGINEERS, TO CONDUCT A GEOTECHNICAL ENGINEERING STUDY TO OBTAIN THE REQUIRED DATA FOR, AND TO DESIGN A SUBDRAIN SYSTEM DOWN-GRADIENT FROM THE DUCK POND AT THE CITY OF SAN ANTONIO BOTANICAL CENTER.

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AN ORDINANCE 66,555

PROVIDING \$500.00 IN FUNDING TO THE WOODLAWN LAKE COMMUNITY ASSOCIATION FOR PLANNING, ORGANIZING AND STAGING A NEIGHBORHOOD CENTENNIAL CELEBRATION AND FUND-RAISING EVENT, WITH RECEIPTS TO BE USED FOR REPAYING THE CITY, AND FOR VARIOUS CIVIC IMPROVEMENT AND CLEAN-UP PROJECTS IN THE WOODLAWN LAKE AREA.

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AN ORDINANCE 66,556

ESTABLISHING THE MARTIN LUTHER KING SCHOLARSHIP FUND AND AUTHORIZING PAYMENT.

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AN ORDINANCE 66,557

AUTHORIZING PAYMENT TO THE NEWSLETTER PUBLISHING COMPANY IN THE AMOUNT OF \$4,546.00 FOR SERVICES RENDERED DURING THE MARTIN LUTHER KING HOLIDAY CELEBRATION.

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88-07 The Clerk read the following Ordinance:

AN ORDINANCE 66,558

AUTHORIZING FIELD ALTERATION NO. 7 IN THE AMOUNT OF \$42,135.00 RELATED TO THE SOUTHCROSS BOULEVARD/BOB BILLA DRIVE PROJECT LOCATED IN COUNCIL DISTRICT 3.

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

In response to a question by Mrs. Dutmer, Mr. Wayne Fleenor, Public Works Department, stated that final street topping on this project is scheduled within the next two weeks and he spoke to other details of the ordinance.

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

88-07 At this time the City Council took up discussion of Item #30, being a proposed ordinance authorizing the transfer of thirteen (13) taxicab operating permits from Mr. Raymond Buenteo, owner of Airport Cab Company to Mr. Mohammad J. Khademrohanizad.

Mr. Dan Clowe, attorney representing the proponent, explained his client's reasons for wanting to expand his business of dispatching taxicabs in San Antonio and his own unique approach to the city cab business.

Mr. Roger Ibarra, Supervisor of Public Utilities, explained city staff's questions on this matter including the matter of insurance coverage lapses by the proponent and the payment of permit fees. He also noted that the Transportation Advisory Board had voiced their concern with these particular matters as well.

Mr. Thompson and Mr. Ibarra stated that city policy is that any cab permits surrendered to the city would be returned to the city directly and not sold from one individual to another.

Mr. Thompson stated that, in his opinion, it is illegal to sell a taxicab permit since they are supposed to be returned to the city. He stated further that he feels that too many cab permits have been issued

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permits today.

In response to a question by Mr. Hasslocher, Mr. Ibarra noted that some 457 permits have issued in San Antonio.

Mr. Hasslocher spoke against reissuing these permits.

Mrs. Dutmer spoke to the matter of limousine services in San Antoni and their adverse impact upon the taxicab industry. She spoke in support of Mr. Thompson's request.

A discussion then took place concerning Transportation Advisory Board actions taken in this regard.

Mr. Clowe, representing the proponent explained the questions of insurance lapses concerning his client and offered into evidence written proof from the insurance company that such lapses never occurred.

Mr. Thompson made a motion to deny the request. Mr. Hasslocher seconded the motion.

After consideration, the motion to deny, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Martinez, Vera.

88-07 The Clerk read the following Ordinance:

AN ORDINANCE 66,559

AUTHORIZING A \$25 VEHICLE IMMOBILIZATION (BOOTING) FEE; MAKING IT A CLASS "C" MISDEMEANOR OFFENSE TO DAMAGE A BOOT OR REMOVE A BOOT, BOOTED TIRE, OR BOOTED VEHICLE; AND ESTABLISHING A FINE OF NOT MORE THAN \$500.00 FOR VIOLATION.

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Mrs. Dutmer 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: Berriozabal, Webb, Dutmer, Wing, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Martinez.

88-07 The Clerk read the following Ordinance:

AN ORDINANCE 66,560

AUTHORIZING THE CLOSURE OF A SIX-BLOCK SECTION OF N. ST. MARY'S STREET BETWEEN ASHBY AND MISTLETOE AVENUE ON TUESDAY, FEBRUARY 16, 1988, FROM 6:00 P.M. TO 12:00 MIDNITE IN CONNECTION WITH A MARDI GRAS CELEBRATION ON FAT TUESDAY.

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

Mrs. Berriozabal addressed the concerns of certain neighborhood residents for some of the events planned for the celebration of "Fat Tuesday".

Mr. Louis J. Fox, City Manager, explained the planned events and police presence to be on the scene.

Mr. Wayne Fleenor, representing the Public Works Department, noted that the sponsoring merchants had contracted for representatives to contact neighborhood residents in order to explain the matter to them.

Mrs. Berriozabal spoke to objections of neighborhood residents who stated that they were not contacted about this event and she voiced her concern with the process used in bringing this request to the City Council.

Mr. Fox stated that he feels there was some lack of coordination on this matter.

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, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

88-07 The Clerk read the following Ordinance:

AN ORDINANCE 66,561

AUTHORIZING A LEASE AGREEMENT WITH TEXAS SCIENCE CENTER, INC. FOR USE OF CITY-OWNED PROPERTY IN HEMISFAIR PLAZA FOR DEVELOPMENT, MAINTENANCE, AND OPERATION OF A SCIENCE MUSEUM.

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Mrs. Dutmer made a motion to approve the proposed Ordinance. Ms. Vera seconded the motion.

In response to a question by Mrs. Berriozabal, Mr. Ron Darner, Director of Parks and Recreation, explained that the proponents of the Texas Science Center have five years to raise the required \$15 to 20 million in order to construct this museum and he spoke to the history of the creation of the sponsoring organization and of their success of the success of other science centers located across the nation. He briefly explained the area involved at Hemisfair Plaza.

In response to a question by Mr. Martinez, Mr. Darner addressed the financial and contractual details of the ordinance, noting that the sponsoring group will not take possession of the property until the necessary property has been raised.

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, Wolff, Labatt, Cisneros; NAYS: None; ABSENT: Hasslocher.

88-07 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE - CLOSING AND ABANDONING E. MAGNOLIA AVENUE.

Mayor Cisneros declared the Public Hearing to be open.

Mr. Al Notzen, representing the neighborhood coordinating committee, addressed the history of the planned closure of E. Magnolia Ave. and of negotiations that have taken place with the neighborhood representatives culminating in a document dealing with the agreement.

Mr. Michael Smith, President of the King's Court Housing Association, noted that his group will realize certain properties on which the new housing will be developed.

Mrs. Berriozabal spoke in favor of putting funds received from such actions placed back into a housing trust fund in order to reinvest in San Antonio's neighborhoods.

There being no further citizens to speak, Mayor Cisneros declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 66,562

CLOSING AND ABANDONING A PORTION OF EAST MAGNOLIA

STREET, BETWEEN NEW CITY BLOCKS 861 AND 6498, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A QUITCLAIM DEED TO EMBREY INVESTMENTS, INC., A TEXAS CORPORATION, FOR A CONSIDERATION OF \$25,560.00.

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Mrs. Berriozabal 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, Thompson, Vera, Wolff, Hasslocher, Cisneros; NAYS: None; ABSENT: Martinez, Labatt.

88-07 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE - CLOSING AND ABANDONING TRAIL STREET

Mayor Cisneros declared the Public Hearing to be open.

No citizens appeared to speak.

Mr. Hasslocher asked that City Council members be informed of areas in which these property sales will be taking place prior to the Council meetings involved.

Mayor Cisneros declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 66,563

CLOSING AND ABANDONING A PORTION OF TRAIL STREET, BETWEEN NEW CITY BLOCKS 3088 AND 6498, AND AUTHORIZING THE CITY MANGER, OR HIS DESIGNEE, TO EXECUTE SEVEN (7) QUITCLAIM DEEDS TO THE ADJACENT OWNERS, FOR A CONSIDERATION OF \$1.00.

* * * *

Mr. Hasslocher 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, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Martinez.

88-07 ZONING HEARINGS

44. CASE Z88012 - to rezone Lot 28, Block 79, NCB 2794, 1538 and 1542 West Hildebrand Avenue, from "B-1" Business District to "B-2NA" Non-Alcoholic Sales Business District, located on the southside of W. Hildebrand Avenue, having 50' east of the intersection of Buckeye Avenue and W. Hildebrand Avenue, having 100' on W. Hildebrand Avenue and 107.63' in depth.

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

Ms. Vera made a motion to approve the recommendation of the Zoning Commission provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division, and that a six-foot solid screen fence is erected and maintained along the south property line. Mr. Thompson 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, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Wing, Martinez.

AN ORDINANCE 66,564

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 28, BLOCK 79, NCB 2794, 1538 AND 1542 WEST HILDEBRAND AVENUE, FROM "B-1" BUSINESS DISTRICT TO "B-2NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION, AND THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH PROPERTY LINE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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45. CASE Z88002 - to rezone a 0410 acre parcel of land out of Lot 6, Block 7, NCB 17332, from Temporary "R-1" One Family Residence District to

"B-3" Business District; a 2.535 acre parcel of land out of Lot 6, Block 7, NCB 17332, 1560 Cable Ranch Road, from Temporary "R-1" One Family Residence District to "I-1" Light Industry District; located on the east side of Cable Ranch Road, being 670' south of the intersection of Cable Ranch Road and Lakeside Park, having 301.39' on Cable Ranch Road with a depth of 467.77'.

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

Ms. Vera spoke in favor of a "B-3NA" zoning instead of the requested "B-3".

Ms. Vera made a motion to approve a "B-3NA" zoning, provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Labatt seconded the motion.

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

AN ORDINANCE 66,565

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 0.410 ACRE TRACT OF LAND OUT OF LOT 6, BLOCK 7, NCB 17332, FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES; A 2.535 ACRE TRACT OF LAND OUT OF LOT 6, BLOCK 7, NCB 17332, 1560 CABLE RANCH ROAD, FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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46. CASE 288008 - to rezone a 0.860 acre tract of land out of Lot 34, NCB 12830, 8038 Wurzbach Road, from "B-1" Business District to "B-2" Business District, located on the southeast side of Wurzbach Road, having 248' northeast of the intersection of Wurzbach Road and Floyd Curl Drive, having 237.74' on Wurzbach Road with a depth of 157.50'.

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

Mr. Wolff made a motion to approve the recommendation of the Zoning Commission. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 66,566

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 0.860 ACRE TRACT OF LAND OUT OF LOT 34, NCB 12830, 8038 WURZBACH ROAD, FROM "B-1" BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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88-07 The Clerk read the following Ordinance:

AN ORDINANCE 66,567

ACCEPTING THE HIGH BIDS RECEIVED IN CONNECTION WITH 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. Mr. Wolff 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, Wolff, Hasslocher, Cisneros; NAYS: None; ABSENT: Berriozabal, Martinez; ABSTAIN: Labatt.

88-07 The Clerk read the following Ordinance:

AN ORDINANCE 66,568

APPOINTING CONSTANCE HOOD TO SERVE ON THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM TO EXPIRE ON NOVEMBER 15, 1988.

* * * *

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

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

88-07 The City Council temporarily bypassed Agenda Item #48B.

88-07 The Clerk read the following Ordinance:

AN ORDINANCE 66,569

PROVIDING FOR THE CLOSURE OF ALAMO PLAZA, PEACOCK ALLEY, AND JEFFERSON STREET IN CONNECTION WITH THE FILMING OF A T.V. MOVIE BY EDGAR J. SCHERICK PRODUCTION CO.

* * * *

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: Webb, Dutmer, Wing, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Berriozabal, Martinez.

88-07 CITY PUBLIC SERVICE BOARD TRUSTEE VACANCY

Mayor Cisneros explained the ethnic distribution on the City Public Service Board in the past few years and he recommended Dr. Frank Bryant to be the new CPS Trustee. He asked City Council members to join

him in signing letters to the City Public Service Board recommending Dr. Bryant for that appointment.

Mrs. Dutmer made a motion to approve the request of the Mayor. Mr. Webb seconded the motion.

After consideration, the motion, prevailed by the following vote: AYES: Webb, Dutmer, Wing, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Berriozabal, Martinez.

88-07

RIVERCENTER

Mayor Cisneros briefly outlined plans for the opening of the Rivercenter Mall culminating with a February 20 Saturday morning spectacular.

Mrs. Karen Kliwer, Director of Intergovernmental Relations, stated that she would be coordinating events for City Council members attending that grand opening and she briefly explained the sequence of events beginning tomorrow night with a dinner and a fashion show at the Lord & Taylor store.

A discussion then took place concerning the city's role in the development of Rivercenter.

88-07

HOUSING WORK SESSION

Mayor Cisneros provided several handouts to members of the City Council and briefly outlined the recommended program for the City Council's first weekend retreat and he spoke to the matter of housing programs in San Antonio to be discussed at the weekend work session. He took note of one handout containing the list of citizens that will act as resource persons at that work session.

Mr. Wolff asked that the list include Mr. Wayne Harwell, now on a statewide panel on housing.

Mr. Thompson spoke to the new Henry B. Gonzales housing bill recently signed into law by President Reagan and he addressed the impact of housing foreclosures in San Antonio in recent months.

A discussion then took place concerning other possible invitees to the Saturday work session.

Mrs. Berriozabal noted that she will be attending a Dallas briefing next week on the housing bill in question.

Mr. Wing stated he would like to see how downtown housing affects other areas of the city.

88-07

PRINCIPAL ARTERIAL STREET SYSTEM PROJECT

Mayor Cisneros noted that he had met yesterday with the State Highway Engineer, Mr. Raymond Stotzer, and State Senator Cindy Krier, principally on the matter of the East-West Connector to be built through northside San Antonio. He noted that Mr. Stotzer had requested extending that connector past its present terminal points on each end. He then spoke to the need for the city to apply for PASS funds next week and he asked the Council to be briefed Saturday during its housing work session on that proposed request. He then spoke to the advantages of selecting PASS-eligible projects in order to leverage grant funds.

88-07

WEST COMMERCE STREET DRAINAGE PROJECT

Mayor Cisneros stated that the City Attorney has questioned the matter of awarding a contract to the John Yantis Company for the West Commerce Street Drainage Project while Mr. Tom Yantis, an owner of the firm is presently a member of the City Planning Commission. Mayor Cisneros stated that he would like to hear the State Attorney General's opinion concerning a possible conflict of interest by Mr. Yantis.

Mr. Tom Yantis stated that his personal attorney's feeling that he has no conflict of interest in serving on the Planning Commission and at the same time having a firm in which he owns a substantial interest holding a city contract. He asked that the matter be sent on to the Attorney General for an official opinion.

Mr. Lloyd Garza, City Attorney, expressed his opinion that the City Charter, is clear in this regard that no public official can hold public office and at the same time participate in a city contract. He noted that the Attorney General's opinion only would be advisory in nature and non binding. He stated that the City Charter is a city document and not a state matter. He then voiced his concern with the delay in awarding of this street contract and of the possible need to rebid the contract if it is delayed much further. He then discussed the history of the matter of the Yantis company holding city contracts.

In response to a question by Mr. Wing, Mr. Garza discussed the difference between this and a City Council member abstaining from a vote on a matter involving an entity in which the city is dealing. He noted that in some cases a state law comes into play in this matter.

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Mr. Wing stated that he feels there is an inconsistency in this and thus penalizes citizen businessmen from serving on City Boards and Commissions.

In response to a question by Mr. Wolff, Mr. Garza related the state law involved concerning San Antonio City Charter provisions.

Mr. Wolff voiced his concern to the extent to which such questions may adversely affect service of San Antonio business people on municipal boards and commissions.

Ms. Vera noted that what the city does in this case will affect the service of business people on City boards in the future. She then spoke in support of awarding the bid to Mr. Yantis pending the Attorney General's opinion.

A discussion then took place concerning possible parameters of the problem in San Antonio.

Mayor Cisneros stated that he feels Mr. Tom Yantis is faced with a decision considering the City Attorney's opinion in this matter.

Mr. Yantis stated that he feels this will affect others as well and he is prepared to resign from the Planning Commission if necessary.

Mr. Thompson noted that the Council must adhere to the letter of the law involved.

Mrs. Dutmer stated that she feels that an appeal in this case ultimately must be made to the courts.

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

Several City Council members then discussed the ramifications of the matter.

Mr. Labatt stated that he feels that service on the Private Industry Council is statutory in nature and that he is awaiting a City Attorney opinion on this matter as well.

Mr. Garza then briefly distinguished between this case and the case of City Councilman Hasslocher whose father's firm operates a restaurant in the Tower of the America's.

Mrs. Dutmer requested that the legal staff pursue the general issue of a conflict of interest as it relates to all Boards and Commission.

Mr. Wolff stated that he is concerned that others may be in similar situations regarding city service on boards while holding city contracts and stated that they need to be notified in order to avoid breaking the law since the Council and the City need to be consistent in this matter.

Mr. Garza stated that his office now is drafting a letter to all concerned at the direction of the City Manager.

Mrs. Dutmer stated that she feels that the Private Industry Council is advisory in nature and is not statutory and thus is established by terms of a federal grant and not the City Charter. She spoke in support of the City Attorney's opinion in this case.

Mrs. Berriozabal stated that she feels bid proposals should read in such a way that a bidder when he responds to the bid proposal swears that he or she is not a member of a affected City Board or Commission.

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 88-07 At this point it was the concensus of the City Council to consider Agenda Item #27, previously removed from consideration by the City Manager.

The City Clerk then read the following Ordinance:

AN ORDINANCE 66,570 .

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 ACCEPTING THE BID OF JOHN YANTIS COMPANY IN THE AMOUNT OF \$3,798.073.10 FOR CONSTRUCTION OF PROJECT 58E-WEST COMMERCE STREET DRAINAGE PROJECT; PROVIDING A CONTINGENCY IN THE AMOUNT OF \$189,903.65; AND PROVIDING ADDITIONAL ENGINEERING FEE FOR THE CONSTRUCTION SUPERVISION PHASE IN THE AMOUNT OF \$8,508.24 PAYABLE TO BROWN ENGINEERING CO.

* * * *

Mrs. Dutmer 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, Thompson, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Martinez, Cisneros.

88-07

CRIME PREVENTION COMMITTEE

Mr. Hasslocher stated that his Crime Prevention Committee of the City Council needs to meet next week ahead of a "B" Session consideration for the city's new false alarm ordinance.

88-07

PORTABLE SIGN COMPANIES

Mr. Hasslocher stated that he is planning to circulate a memorandum to other City Council members in order to seek to establish a phase-out time period for portable sign company owners, noting that this is an important issue to those involved in this business.

88-07 The minutes of the Regular City Council Meeting of January 8, 1988, were approved.

88-07

TAXICAB APPEAL - JANRA P. LEWIS

Mr. Roger Ibarra, Supervisor of Public Utilities, detailed the appeal filed by Mr. Janra Lewis and he noted that the requestor was denied a taxicab license because of having six moving traffic violations.

A request was made to hear from Mr. Janra P. Lewis on the matter and it was determined that he was not present in the audience.

Mr. Thompson made a motion to support the staff recommendation to deny the appeal. Mr. Webb seconded the motion.

After consideration, the motion to deny, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Labatt; NAYS: None; ABSENT: Wolff, Hasslocher, Cisneros.

88-07

TAXICAB APPEAL - REYNALDO HERNANDEZ

Mr. Roger Ibarra, Supervisor of Public Utilities, noted that Mr. Hernandez has a Driving While Intoxicated conviction on his driving record in the past five years.

Mr. Reynaldo Hernandez, the requestor, stated that he was off duty at the time of his DWI arrest and he stated that he needs a cab permit in order to earn a living for his family. He then spoke to details of the circumstances involved in his conviction for DWI.

In response to a question by Mr. Thompson, Mr. Jim Fisher, owner of Checker and Yellow Cab Companies, spoke to details of the incidents involved.

Mr. Ibarra noted that Mr. Hernandez also was convicted of unlawfully carrying a weapon.

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

After much discussion on the circumstances of the case, Mr. Thompson made a motion to grant the appeal. Mrs. Dutmer seconded the motion.

After consideration, the motion to approve, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Thompson, Vera, Wolff, Labatt, Cisneros; NAYS: Wing; ABSENT: Hasslocher.

88-07

TAXICAB APPEAL - DAVID C. BELTRAN

Mr. Roger Ibarra, Supervisor of Public Utilities, noted that Mr. David C. Beltran, was convicted of Driving While Intoxicated in his taxicab and he noted that Mr. Beltran have twelve other infractions of the City ordinances involving taxicabs over the past five year period although they are minor infractions and do not relate to the incident for which he was denied his license.

Mr. David C. Beltran, the requestor, spoke to the details of the incident, stating that he was not on duty at the time and he was given a fine and probation. He then outlined other violations that had accrued to him all of a lesser nature and he spoke to the matter of community service work that he has performed.

Mr. Thompson made a motion to grant the appeal. Mrs. Dutmer seconded the motion.

After consideration, the motion to approve, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Thompson, Vera, Wolff, Labatt, Cisneros; NAYS: Wing; ABSENT: Hasslocher.

88-07

TAXICAB APPEAL - CHARLES PRATHER

Mr. Roger Ibarra, Supervisor of Public Utilities, noted that Mr. Charles Prather had been convicted of possession of marijuana on the Fort Sam Houston military reservation several years ago as well as in Bexar

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County and also was cited for resisting arrest.

Mr. Charles Prather, the requestor, stated he does not have a bad driving record and that he has never smoked marijuana on duty. He stated that he does at times indulge in the privacy of his own home.

Mr. Thompson made a motion to deny the appeal. Mrs. Dutmer seconded the motion.

In response to a question by Mr. Martinez, Mr. Ibarra spoke to details of the report concerning the denial noting that the Transportation Advisory Board only considered the matter of Mr. Prather's conviction on the possession of marijuana on a military reservation.

After consideration, the motion to deny, prevailed by the following vote: AYES: Berriozabal, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Cisneros; NAYS: None; ABSENT: Webb, Dutmer, Hasslocher.

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88-07 The City Council recessed at 4:34 P.M., convening a Special Meeting at 4:35 P.M., reconvening in Regular Session at 4:44 P.M. for a "B" Session, followed by Citizens to be Heard.

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88-07

CITIZENS TO BE HEARD

PARADE PERMITS

Mr. John Purnell, President of South Texas TAC, spoke to the City Council regarding the different fund raising events which are held in the downtown area. He mentioned that four of these are on Sunday mornings and one is in the evening. He suggested an amendment to the newly enacted parade ordinance which would enable road races to be held which would not interfere with businesses downtown.

Mr. Richard Valentino, representing the East Central School district, spoke to the City Council about a technicality in the new ordinance and their dilemma about their own situation between the old ordinance and the new ordinance.

Mr. Carl Owens, 11855 I.H. 10 West, stated that he has been involved in races and is endeavoring to bring to San Antonio name races with participants at a national level. He stated that the new parade ordinance, especially the 60 day clause is going to completely disrupt their road race program.

Mr. Shawn Flanagan, Track Coach, UTSA, also spoke expressing the detrimental effect on their fundraising efforts caused by the new parade ordinance.

Mr. Tom C. Benson, stated that he has been involved in many charitable runs in the city, and spoke of the many successful efforts in raising funds for charitable organizations. He stated that the parade ordinance will severely curtail their activities. He urged the City Council to amend the ordinance to exempt runs from the parade ordinance.

Mrs. Berriozabal spoke about the many organizations which have called her in reference to this ordinance. She then spoke to the history of the ordinance and why it was felt that this ordinance was needed. She stated that the ordinance does need to be improved in order that it will not be detrimental to so many worth-while organizations.

Mrs. Dutmer also expressed her concern about the ordinance and stated that she would like to explore the possibility of reviewing it.

Several City Council members stated that they do have a concern with the ordinance as it is written pertaining to runs and walks.

Mr. Marcus S. Jahns, Assistant City Manager, stated that the city staff will be glad to work with these organizations and then report to the City Council on any suggested proposed changes.

The City Council then concurred with asked the City Manager to direct staff to work with these groups especially on the walks and runs and the 30 to 60 day time period.

* * * *

MS. YOLANDA L. HENDERSON

Ms. Henderson, 223 N. Nueces Street, spoke to the Council regarding the problem of stray animals in the city. She stated that there are no viable alternatives to euthanasia. She stated that the City Council needs to establish low cost facilities in all quadrants of the city to assist citizens with free inoculations and neutering services for the stray animals.

Mr. Webb stated that citizens need to use the Animal Control Facility to assist them with the problem of stray animals.

Ms. Henderson stated that this is not an alternative which is acceptable to someone like herself who does not believe in putting animals to sleep.

Mrs. Berriozabal stated that she is aware of this issue which is not unique to San Antonio. She respects and understands the philosophy of Mrs. Henderson. The City Council, is however, forced with the general public health issue. She asked Ms. Henderson to meet with members of the Animal Control Board to discuss these problems. She was also advised to come up with recommendations and bring a proposed plan to the City Council.

* * * *

MR. LEO S. VEITH

Mr. Veith spoke to the City Council regarding his concern with the manner and methods which are proposed to treat San Antonio's water. He also took exception to what he considers is a conflict of interest in a contract of \$400,000 being allocated to provide water lines to Shavano Park. He stated that meanwhile the citizens of San Antonio are faced with low water pressure.

* * * *

MR. TOM CULBERTSON

Mr. Culbertson stated that the previous speaker presented legitimate concerns. He stated that he is very concerned about what he has been reading in the newspaper about the issue of surface water especially his concerns with Applewhite. He stated that the city needs to concentrate on a conservation program, (a copy of his statement is on file with the papers of this meeting).

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There being no further business to come before the City Council, the meeting was adjourned at 7:10 P.M.

A P P R O V E D

Henry Cisneros

M A Y O R

ATTEST: *Thomas S. Rodriguez*
City Clerk