

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JUNE 28, 1990.

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The meeting was called to order by the Presiding Officer, Mayor Lila Cockrell, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, VERA, WOLFF, LABATT, HASSLOCHER, COCKRELL. Absent: NONE.

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90-28 The invocation was given by Reverend L. M. Nickles of Dedicated Baptist Church.

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90-28 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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90-28 The minutes of Regular and Special meetings of May 24, 1990 were approved by the City Council.

90-28 MAYOR OF BEAUMONT

Mayor Cockrell introduced Ms. Evelyn Lord, Mayor of the City of Beaumont, Texas, accompanied by her husband, Dr. Sam Lord, and their guests from Great Britain, Charles and Sylvia Fish. She then read and presented an Alcalde presentation to Mayor Lord, and presented a San Antonio tie to Dr. Lord and a book on San Antonio to the visitors from Great Britain.

Mayor Lord thanked the Mayor and Council for the honor.

90-28 REPORT: COMMISSION ON CHILDREN & FAMILIES

Mayor Cockrell introduced Dr. Phyllis Bowie, Chairperson of the Commission on Children and Families.

Dr. Bowie introduced members of the Commission present in the

audience and provided brief reports on the Commission's activities and future plans. She then spoke of VIA Metropolitan Transit's plans for a child care center at their headquarters site, and asked Mayor Cockrell to make a special presentation to the VIA representative present.

Mayor Cockrell presented the special award of the Commission to VIA and spoke to the importance of child care for major institutions.

Ms. Berriozabal thanked the Commission for the report and thanked VIA for its deserved honor.

Mr. Martinez stated that he is pleased that the Commission is moving forward with important issues.

A representative of VIA accepted the award and briefly described the child care program and facilities.

Mrs. Dutmer congratulated VIA on the honor.

Mr. Wolff thanked the Commission for its help on providing facilities for children and babies with AIDS.

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90-28

HEAD START PROGRAM GRANTS

Mr. Kevin Moriarty, Director of the Department of Human Resources and Services, announced that the City of San Antonio is to receive an additional grant of \$1,876,000, above the expected \$5,000,000 previously announced, for use with its Head Start Program for this year.

Ms. Blanche Russ, Parent-Child Inc., made the official announcement of details which will aid an additional 750 children in two phases: July and September. She spoke of the impact of this grant on the City's 22,000 low-income children under the age of five years.

Ms. Berriozabal spoke to the significance of day care and noted that the City still is short in supplying the necessities in child care.

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90-28

CONSENT AGENDA

Mr. Hasslocher made a motion to approve Agenda Items 10 through 35, constituting the Consent Agenda, with items 22, 23, 29, 31 and 32 to be pulled for individual consideration and Item 20 which was pulled earlier by the City Manager. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES:

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

AN ORDINANCE 71,769 .

.
ACCEPTING THE LOW BID OF VOLKER STRUBBE, INC., TO
FURNISH THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH
A HIGH PRESSURE REFILL SYSTEM FOR A TOTAL OF
\$31,950.00.

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AN ORDINANCE 71,770 .

.
ACCEPTING THE PROPOSAL OF STERLING SOFTWARE, INC.,
TO RENEW THE DASD MANAGEMENT SOFTWARE MAINTENANCE
AGREEMENT FOR THE CITY OF SAN ANTONIO INFORMATION
RESOURCES DEPARTMENT FOR A TOTAL OF \$5,943.00.

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AN ORDINANCE 71,771 .

.
ACCEPTING THE PROPOSAL OF SOFTWARE AG OF NORTH
AMERICA, INC. TO RENEW THE DATABASE MANAGEMENT
SOFTWARE MAINTENANCE AGREEMENT FOR THE CITY OF SAN
ANTONIO INFORMATION RESOURCES DEPARTMENT FOR A TOTAL
OF \$64,530.00.

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A RESOLUTION NO. 90-28-35 .

.
AUTHORIZING THE CITY OF SAN ANTONIO TO PARTICIPATE
IN THE STATE PURCHASING AND GENERAL SERVICES
COMMISSION CONTRACT FOR ROCEPHIN FOR A TOTAL OF
APPROXIMATELY \$3,700.00.

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AN ORDINANCE 71,772 .

.
ACCEPTING THE LOW QUALIFIED BID OF CENTURY DATA
FORMS, INC., FOR PRINTING OF PARKING VIOLATION
NOTICES FOR THE CITY OF SAN ANTONIO MUNICIPAL COURTS
FOR A TOTAL OF \$14,900.00.

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AN ORDINANCE 71,773 .

ACCEPTING THE BID OF ISCO, INC. TO FURNISH THE CITY OF SAN ANTONIO ENVIRONMENTAL MANAGEMENT DEPARTMENT WITH PORTABLE FLOWMETERS AND FLOW RECORDERS FOR A TOTAL OF \$9,090.00.

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AN ORDINANCE 71,774 .

CANCELLING THE CONTRACT OF CLS/SAN ANTONIO KEY SERVICE FOR LOCKSMITH SERVICE AND AWARDING IT TO FULLER ALAMO SAFE & LOCK FOR A TOTAL OF APPROXIMATELY \$35,000.00.

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AN ORDINANCE 71,775 .

ACCEPTING THE LOW QUALIFIED BIDS OF ARMSTRONG SUPPLY COMPANY, INTERNATIONAL SUPPLY OF SAN ANTONIO, ALAMO PLUMBING SUPPLY COMPANY AND THE NOLAND COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH PLUMBING SUPPLIES AND PARTS ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF APPROXIMATELY \$5,000.00.

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AN ORDINANCE 71,776 .

ACCEPTING THE LOW BIDS OF TEXAS EQUIPMENT AND ACE WELDING & TRAILING COMPANY TO FURNISH THE CITY OF SAN ANTONIO AUTOMOTIVE OPERATIONS DIVISION WITH TRAILERS FOR A TOTAL OF \$37,072.63.

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AN ORDINANCE 71,777 .

APPROPRIATING AN ADDITIONAL \$28,400.00 PAYABLE TO LOCKWOOD, ANDREWS, AND NEWNAM, INC., TO PROVIDE FOR ADDITIONAL ENGINEERING SERVICES THROUGH THE FINAL DESIGN PHASE FOR THE MISSION DEL LAGO OFFSITE SANITARY SEWER PROJECT; AUTHORIZING AN ADDITIONAL \$2,700.00 FOR THE ENGINEERING CONTINGENCY; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 71,778

APPROVING AND RATIFYING THE "MUNICIPAL CONSTRUCTION AND MAINTENANCE AGREEMENT" INITIALLY EXECUTED IN 1985 BETWEEN THE CITY OF SAN ANTONIO AND THE TEXAS DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION, AND ESTABLISHING A FORCE ACCOUNT FUND IN THE AMOUNT OF \$27,000.00 TO PROVIDE FOR TRAFFIC SIGNAL IMPROVEMENTS IN CONNECTION WITH THE IH 35 (DOWNTOWN Y) FROM N. FLORES TO MARTIN STREET PROJECT.

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AN ORDINANCE 71,779

APPROVING FIELD ALTERATION NO. 1, IN THE AMOUNT OF \$52,349.64, TO THE CONTRACT WITH H. B. ZACHRY COMPANY FOR THE RUNWAY 3-21 RECONSTRUCTION PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT; REVISING THE BUDGET FOR THE PROJECT; AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 71,780

AUTHORIZING PAYMENT IN THE AMOUNT OF \$5,115.25 FOR TITLE CHARGES INVOLVING THE PACIFIC DRAINAGE PROJECT #66A, HI-LIONS DRAINAGE PROJECT #80, AND THE GOLIAD ROAD IMPROVEMENTS PROJECT - S.E. MILITARY TO I.H. 410; APPRAISAL FEES INVOLVING THE BABCOCK ROAD - FREDERICKSBURG ROAD TO ST. CLOUD PROJECT; AND COURT COSTS INVOLVING THE FREDERICKSBURG ROAD PROJECT - FIVE POINTS TO WOODLAWN (SAN PEDRO CREEK CHANNEL IMPROVEMENT) AND APPROPRIATING FUNDS.

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AN ORDINANCE 71,781

AUTHORIZING THE CITY MANAGER OR HIS ASSISTANT CITY MANAGER TO EXECUTE AN EASEMENT TO THE SAN ANTONIO RIVER AUTHORITY IN EXCHANGE FOR THE RELEASE OF AN EASEMENT TO THE CITY OF SAN ANTONIO FROM THE SAN ANTONIO RIVER AUTHORITY.

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AN ORDINANCE 71,782

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$10,593.90 OUT OF GENERAL OBLIGATION BONDS FOR ACQUIRING TITLE TO A PARCEL, ACQUIRING A TEMPORARY EASEMENT AND PAYING FOR TITLE CHARGES IN CONNECTION WITH THE ISOM ROAD - SAN PEDRO TO RAMSEY PROJECT; ACQUIRING A TEMPORARY EASEMENT IN CONNECTION WITH THE HAUSMAN ROAD BRIDGE AT LEON CREEK PROJECT AND ACCEPTING THE DEDICATION OF A PERMANENT EASEMENT IN CONNECTION WITH THE VALLEY HI DRIVE RECONSTRUCTION PROJECT - I.H. 410 TO LACKLAND AFB.

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AN ORDINANCE 71,783

AUTHORIZING THE RELEASE OF A WATER PIPELINE EASEMENT IN COUNTY BLOCK 5104 ALONG THE WEST RIGHT OF WAY OF ZIGMONT ROAD SOUTH OF ST. HEDWIG ROAD AS RECORDED IN VOLUME 1367 AT PAGES 742 THROUGH 744 OF THE OFFICIAL REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS AND AUTHORIZING THE EXECUTION OF ANY AND ALL INSTRUMENTS TO EFFECT SUCH RELEASE.

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AN ORDINANCE 71,784

APPROVING A PROFESSIONAL SERVICES CONTRACT FOR PLANNING, COORDINATION, AND IMPLEMENTATION OF THE CARVER COMMUNITY CULTURAL CENTER AFRICAN CARIBBEAN FESTIVAL, IN THE AMOUNT OF \$24,000 PLUS 10% OF THE NET PROCEEDS.

* * * *

AN ORDINANCE 71,785

AUTHORIZING ACCEPTANCE OF A \$10,000.00 CONTRIBUTION FROM THE ROCKEFELLER FOUNDATION AND ESTABLISHING A SPECIAL FUND TO RECEIVE AND DISBURSE MONIES CONTRIBUTED TO PROVIDE FOR PUBLIC RELATIONS SERVICES FOR THE PROMOTION OF A MEXICAN ART EXHIBITION ENTITLED "MEXICO: SPLENDOR OF 30 CENTURIES."

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AN ORDINANCE 71,786

ESTABLISHING A SPECIAL TRUST FUND TO RECEIVE AND DISBURSE FUNDS FOR THE 1990 CENSUS COMPLETE COUNT EFFORT.

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AN ORDINANCE 71,787

CLOSING ALAMO PLAZA EAST FROM 7:00 A.M., MONDAY JULY 9, 1990, TO 5:00 P.M., TUESDAY, JULY 10, 1990, TO ALLOW FOR THE ECONOMIC SUMMIT - VISIT FOR SPOUSES AT THE ALAMO.

* * * *

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,788

APPROVING FIELD ALTERATION NO. 8 IN THE AMOUNT OF \$20,181.34 AND FIELD ALTERATION NO. 9 IN THE AMOUNT OF \$30,575.00 TO THE CONTRACT WITH V.K. KNOWLTON PAVING CO., INC., TO PROVIDE FOR ADJUSTMENTS IN CONNECTION WITH THE FAIR AVENUE/S. PRESA STREET RECONSTRUCTION PROJECT; AND PROVIDING FOR PAYMENT.

* * * *

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

Mrs. Dutmer expressed her concern with the use of asphalt in lieu of concrete at two major southside intersections in this project.

Mr. Joe Aceves, Director of Public Works, noted that use of the asphalt will minimize disruption to traffic and actually strengthens the street, since concrete is laid below it.

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

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,789

ACCEPTING THE LOW BID OF UNITED ENTERPRISES IN THE AMOUNT OF \$433,106.00 TO PROVIDE FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE PLAZA DE ARMAS RENOVATIONS; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$6,250.00 PAYABLE TO JOHNSON-DEMPSEY AND ASSOCIATES, INC., FOR ARCHITECTURAL SERVICES IN CONNECTION WITH THE SAME PROJECT; AND PROVIDING FOR PAYMENT.

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

In response to a question by Mrs. Dutmer, Mr. Joe Aceves, Director of Public Works, noted that the buildings were purchased in 1987. He explained the flooding and moisture problems in the basement and the need to correct them.

Mrs. Dutmer voiced her concern that these problems were not seen when the City purchased the building, and stated that she cannot vote for this ordinance.

Mr. Alex Briseno, City Manager, noted that the City needs to correct the problems in order to utilize the building.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Wing, Martinez, Vera, Labatt, Hasslocher, Cockrell; NAYS: Berriozabal, Dutmer; ABSENT: Webb, Thompson, Wolff.

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,790

AUTHORIZING THE OVERSIZING OF APPROXIMATELY 1,970 FEET OF SINGLE CUSTOMER MAIN FROM EIGHT (8) INCHES TO TWELVE (12) INCHES ON JONES MALTSBERGER ROAD.

* * * *

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

In response to a question by Mr. Martinez, Ms. Rebecca Q. Cedillo, Director of Planning, explained the request by North East Independent School District to serve its new middle school, and noted that NEISD will pay a portion of the costs involved.

In response to a question by Ms. Berriozabal, Ms. Cedillo explained how the impact fees are calculated.

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

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90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,791 .

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ACCEPTING AN INDEMNITY FROM INNER CITY BROADCASTING COMPANY TO THE CITY OF SAN ANTONIO REGARDING THE USE OF THE CITY PARKING LOT UNDER THE MCALLISTER FREEWAY AT JOSEPHINE STREET IN CONNECTION WITH THE Q96 FM FREEDOM PARTY ON N. ST. MARY'S TO BE HELD JULY 3, 1990, FROM 6:00 P.M. UNTIL 1:00 A.M.

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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 Ms. Berriozabal, Mr. Joe Aceves, Director of Public Works, stated that this is not in the same area as the St. Mary's Street closure issue of some months ago. He stated that this ordinance does not involve a street closure; only use of an area beneath the expressway for parking.

Ms. Berriozabal asked staff to work with neighborhood groups on this for proper notification and explanation, and voiced her concern that the festival involved will cause parking on the access roads, as before. She spoke of the possible need for additional police, which the promoter would have to pay. -

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

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,792

TRANSFERRING TO JAY KHADEM THE TAXICAB OPERATING PERMITS OF AIRPORT CAB CO., ARROW CAB CO., B & B CAB CO., GRADY CAB CO., AND LONE STAR CAB CO.; CONSOLIDATING SAID PERMITS WITH THAT PERMIT HELD BY MR. KHADEM, DOING BUSINESS AS TAXI EXPRESS; AND AUTHORIZING MR. KHADEM'S OPERATION OF A FORTY-EIGHT (48) VEHICLE TAXICAB SERVICE.

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

Ms. Anna Deosdade, Transportation Services Division, Police Department, explained the need for the ordinance because of the buyout of several taxicab firms, noting that City staff recommends approval because of the ease of monitoring and policing of the taxicabs involved.

In response to a question by Mr. Hasslocher, Ms. Deosdade noted that 448 taxicab permits have been issued by the City of San Antonio, most of which are in use.

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

90-28 ZONING HEARINGS

36. CASE Z90057 - to rezone Lot 26, NCB 15970 5102 Pearsall Road, from Temporary "R-1" One Family residence district to "I-1" Light Industry District, located on the southeast side of Pearsall Road, being 3061.37' southwest of the intersection of Pearsall Road and Military Drive West, having 208.33' on Pearsall Road and a maximum depth of 356.86'.

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

Mr. Thompson spoke of his concern for possible pollution from I-1 usage of properties, and stated that he would be willing to seek rezoning on the subject property if pollution from it becomes a problem.

Mr. Thompson made a motion to approve the proposed Ordinance. Mrs. Dutmer 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, Thompson, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Martinez, Hasslocher.

AN ORDINANCE 71,793

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 26, NCB 15970, 5102 PEARSALL 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."

* * * *

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,794

REVISING THE LOCATIONS IN KENNEDY PARK WHERE ALCOHOLIC BEVERAGES ARE BANNED; BANNING GLASS CONTAINERS THROUGHOUT SAID PARK; ESTABLISHING A JULY 10, 1990, EFFECTIVE DATE FOR SUCH REVISIONS AND SUCH BANS; AND SETTING A FINE NOT TO EXCEED \$500.00 UPON CONVICTION OF ANY VIOLATION OF THESE BANS.

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Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Martinez 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, Cockrell; NAYS: None; ABSENT: Martinez, Hasslocher.

90-28

The Clerk read the following Ordinance:

AN ORDINANCE 71,795

AUTHORIZING THE ESTABLISHMENT AND IMPLEMENTATION OF A CLEAN AIR POLICY FOR THE SAN ANTONIO MULTIPURPOSE DOMED STADIUM FACILITY; AMENDING SECTION 36-2 (E) (7) OF THE CITY CODE SO AS TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO THE MULTIPURPOSE DOMED STADIUM FACILITY; AND PROVIDING A SEVERABILITY CLAUSE.

* * * *

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

In response to a question by Mrs. Dutmer, Mr. Roland Lozano, Director of Dome Development, explained the request by the Tri-Agency Coalition for Clean Air to ban smoking, selling or advertisement of tobacco products in the Domed Stadium. He noted that the group, in lieu of such a ban, wants free advertising space adjacent to any such tobacco products advertising on which to deliver its message. He further stated that the Dome Advisory Committee feels that everyone should have the same advertising right, and should pay for advertising space.

Mrs. Dutmer spoke of her concern that there is no ban on alcohol, either, and questions the equality of policing health in the Domed Stadium.

Ms. Vera and Mr. Lozano both spoke to the existing ordinance against smoking in the Domed Stadium and City convention facilities, and of the need to modify that ordinance. They noted that under terms of a proposed ordinance, tenants would have no control over smoking and non-smoking areas, as they do currently when they lease the facilities. They asked for direction to City staff to bring back to City Council an ordinance modifying the current ordinance which gives the tenant the right to decide the smoking issue.

Mrs. Dutmer spoke of her concern that the City is governing every aspect of tobacco sales in the Domed Stadium.

Mr. Thompson stated that he cannot support a restriction on tobacco sales, while providing areas for smoking, at the same time.

Mr. Thompson made a motion to amend the ordinance by restricting tobacco sales and distribution only at concession areas. Mrs. Dutmer seconded the motion.

Ms. Berriozabal spoke against the amendment, stating her belief that the Dome Advisory Commission has a good recommendation, as presented.

Mr. Hasslocher spoke in objection to a restriction on the sale of cigarettes in vending machines when the City allow such sales in other City facilities, and he spoke to the commissions paid to the City by vending machine owners.

Ms. Vera spoke against the amendment, stating that she doesn't feel that banning tobacco sales will hamper tobacco advertising. She noted that a proposed ordinance provides areas for both sides.

Mrs. Dutmer also spoke against the amendment, stating her contention that it discriminates against one segment of the population.

Ms. Berriozabal spoke in favor of eliminating both sales and use of tobacco products in the domed stadium as a public health issue.

After consideration, the motion on the amendment failed by the following vote: AYES: Dutmer, Wing, Martinez, Thompson, Cockrell; Nays: Berriozabal, Webb, Vera, Wolff, Hasslocher; ABSENT: Labatt.

After discussion, upon motion of Mr. Hasslocher, a member of the prevailing side in the previous vote, and seconded by Mrs. Dutmer, the previously-defeated amended motion was reconsidered by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Hasslocher, Cockrell; NAYS: Webb, Vera, Wolff; ABSENT: Labatt.

Mr. Webb stated his belief that both sides had agreed to provisions of the ordinance as presented by the Dome Advisory Commission.

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

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

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, Hasslocher, Cockrell; NAYS: None; ABSENT: Labatt.

Ms. Vera moved to direct City staff to come back to the Council with a proposed ordinance for discussion only carrying out these directives in other convention areas, as well, and one which revises the current ordinance to remove the tenants' prerogatives to set policy on tobacco sales and use in City convention facilities. Ms. Berriozabal seconded the motion.

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

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90-28 Mayor Cockrell declared the Public Hearing to be open.

The Clerk read the following Ordinance:

AN ORDINANCE 71,796

ABANDONING, AND CLOSING A 14.38 FOOT WIDE UNIMPROVED ALLEY LOCATED WITHIN BLOCK 4, NEW CITY BLOCK 591, SAN ANTONIO, BEXAR COUNTY, TEXAS THEN QUITCLAIMING A 0.0687 OF AN ACRE, BEING 2,992.57 SQUARE FEET PORTION OF SAID ALLEY TO THE BOARD OF TRUSTEES OF ST. PAUL UNITED METHODIST CHURCH FOR A CONSIDERATION OF ONE DOLLAR AND AUTHORIZING THE CITY MANAGER OR THE ASSISTANT CITY MANAGER TO EXECUTE A QUITCLAIM IN CONNECTION THEREWITH.

* * * *

No citizen appeared to speak on this matter.

Mayor Cockrell declared the Public Hearing to be closed.

Mr. Webb made a motion to approve the proposed Ordinance. Ms. Berriozabal 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, Labatt, Cockrell; NAYS: None; ABSENT: Wolff, Hasslocher.

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90-28 Agenda Item 5, being a public hearing and consideration of an Ordinance closing, vacating and abandoning an existing 0.052 portion of an acre of an improved alley located between Lots 7, 8 and 9 of Block 1, New City Block 6832, and Lot 10 of said Block 1, New City Block 6832, being also between Stanfield and New Braunfels Avenues, San Antonio, Bexar County, Texas; authorizing the execution of a quitclaim to the Board of Trustees of Highland Terrace United Methodist Church for a consideration of \$710.00; and accepting the dedication of a 35 foot by 50 foot turnaround out of the north portion of Lot 6, Block 1, New City Block 6832, was removed from consideration by the City Manager.

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90-28 Agenda Item 39, being a proposed ordinance accepting the low qualified bid of Hunter Demolition and awarding a construction contract in the amount of \$322,000.00 for the San Antonio Multipurpose Domed Stadium Facility: Demolition, Phase I - Package 1, funded with VIA Sales Tax Revenue, was removed from consideration at this time by the City Manager.

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90-28 Agenda Item 40, being a proposed Ordinance dis-annexing vacant lots 1 to 18, Block 97, NCB 18797, which are adjacent to the current city limits boundary, was pulled from consideration earlier by the City Manager.

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90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,797 .

.
AUTHORIZING THE TERMINATION OF CONTRACTS WITH BALLE
ARTES DEL LAS AMERICAS, BALLE FOLKLORICO DE SAN
ANTONIO, AND COMPANIA DE ARTE ESPANOL, AND
REPROGRAMMING FUNDS TO CONTINUE THE CITY'S
INVOLVEMENT WITH HISPANIC DANCE PROGRAMS.

* * * *

Mr. Eduardo Diaz, Director of the Department of Arts and Cultural Affairs, explained the Ordinance to cancel funding for three local dance companies and to reallocate those funds to a new dance initiative.

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

Mr. Martinez stated that he is sad to see these dance companies going out of business, and spoke to the need for the new dance initiative to promote Hispanic Cultural Arts.

A discussion then took place concerning a future peer panel review for arts funding.

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, Cockrell; NAYS: None; ABSENT: Hasslocher.

90-28 Mayor Cockrell declared the Public Hearing to be open.

The Clerk read the following Ordinance:

AN ORDINANCE 71,798

AUTHORIZING THE REPROGRAMMING OF \$694,708.47 IN CITY-WIDE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONTINGENCY FUNDS TO PROVIDE FOR EXISTING PROJECT SHORTFALLS AND FOR THE CREATION OF NEW PROJECTS; AUTHORIZING THE EXECUTION OF REQUIRED PROJECT CONTRACTS; AUTHORIZING AN AMENDMENT TO THE SCOPE OF WORK FOR THE CDBG KENNEDY PARK PROJECT SO AS TO ENABLE THE INSTALLATION OF GENERAL LIGHTING IN THE SOUTHEAST PARK AREA; AND DECLARING AN EMERGENCY.

* * * *

Various City Council members spoke of their desires in reprogramming of monies in their district funds.

Mr. Tom Culbertson, Regional Clean Air and Water Association, spoke in support of a \$50,000 city-wide allocation from District 3 funds for the purposes of water planning programs.

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

Ms. Vera made a motion to amend the proposed Ordinance by reprogramming \$100,000 from District 7 Discretionary Funds to be broken down as \$45,000 for the Homeowners Incentive Program, and \$55,000.00 for the Fulton Reconstruction Package. Mr. Labatt seconded the motion.

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

Mr. Thompson then made a motion to amend the proposed Ordinance by reprogramming \$90,000.00 from the Dahlgreen Program to Home Improvement Program in District 6. Mrs. Dutmer seconded the motion.

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

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

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

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

90-28 The Clerk read a proposed ordinance approving a license agreement between the City of San Antonio and The University of Texas Health Science Center, to encroach within City Right-Of-Way being within Medical Drive and across Wurzbach Road and authorizing the City Manager or Assistant City Manager to execute a license agreement for a twenty-five year period at a fee of \$24, 385.00.

Mrs. Dutmer moved to approve the Ordinance. Mr. Labatt seconded the motion.

Mr. Wolff spoke in favor of the request for fee waiver on behalf of the University of Texas Health Science Center because it is a governmental entity. He then moved to ammend the ordinance by waiving the fee. Mrs. Dutmer seconded the motion.

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

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

AN ORDINANCE 71,799

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER, TO ENCROACH WITHIN CITY RIGHT-OF-WAY BEING WITHIN MEDICAL DRIVE AND ACROSS WURZBACH ROAD AND AUTHORIZING THE CITY MANAGER OR ASSISTANT CITY MANAGER TO EXECUTE A LICENSE AGREEMENT FOR A TWENTY-FIVE (25) YEAR PERIOD AT A FEE OF \$1.00.

* * * *

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,800

AUTHORIZING THE CITY MANAGER TO EXECUTE THE THIRD
ADDENDUM TO THE PARTICIPATION AGREEMENT FOR THE MUD
CREEK SEWER MAIN SYSTEM, PHASE III.

* * * *

Mr. Joe Aceves, Director of Public Works, explained the background of the Mud Creek sewer main system, including the up-front funding by developers in the area. He noted that many developers have now dropped out of the picture and the properties repossessed. Therefore, a new Addendum has the City putting up some \$109,000 in order to pick up some \$450,000 in improvements, then recouping the City's spent funds through new impact fees.

A discussion then took place concerning the impact of Highway Department reconstruction of U.S. Highway 281 in the area of this sewer line, and the substance of the new Addendum.

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

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Webb 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, Vera, Wolff, Cockrell; NAYS: None; ABSENT: Thompson, Labatt, Hasslocher.

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,801

AUTHORIZING THE EXECUTION OF AN ADDENDUM TO THE
ESCROW AGENT AGREEMENT WITH FROST NATIONAL BANK
WHEREBY FROST SHALL PERFORM CERTAIN FUNCTIONS
RELATED TO THE ADMINISTRATION OF THE VARIOUS MUD

CREEK PARTICIPATION AGREEMENTS AND ADDENDUMS
THERETO, FOR PHASE III, STAGE 1A AND 1B OF THE
PROJECT.

* * * *

Mr. Webb made a motion to approve the proposed Ordinance. Mrs. Dutmer 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, Vera, Wolff, Cockrell; NAYS: None; ABSENT: Thompson, Labatt, Hasslocher.

- - -
90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,802

ACCEPTING THE LOW BID OF UTILITIES CONSOLIDATED, INC., IN THE AMOUNT OF \$1,144,277.50 TO PROVIDE FOR THE CONSTRUCTION OF THE MUD CREEK OUTFALL SANITARY SEWER MAIN, PHASE III, STAGE 1A; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$49,015.00 FOR THE CONSTRUCTION CONTINGENCY; AUTHORIZING \$29,852.53 PAYABLE TO HALLENBERGER/TELFORD, INC., TO PROVIDE FOR PROFESSIONAL AND CONSTRUCTION SUPERVISION SERVICES; AUTHORIZING \$8,000.00 FOR PROJECT ESCROW AGENT SERVICES; APPROVING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$163,969.00 TO DELETE CONSTRUCTION OF TEMPORARY FACILITIES FROM SUBJECT PROJECT; AND PROVIDING FOR PAYMENT.

* * * *

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

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,803

RATIFYING AND APPROVING CHANGE ORDER NO. 14 IN THE AMOUNT OF \$111,487.77 AND CHANGE ORDER NO. 15 IN THE AMOUNT OF \$14,917.01 TO THE CONTRACT CLEARWATER CONSTRUCTORS, INC., TO PROVIDE FOR ADJUSTMENTS IN CONNECTION WITH THE TRIPARTY DOWNTOWN TRANSPORTATION IMPROVEMENTS; AND PROVIDING FOR PAYMENT.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Webb 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, Vera, Wolff, Cockrell; NAYS: None; ABSENT: Thompson, Labatt, Hasslocher.

90-28 The Clerk read a proposed ordinance approving a License Agreement between the City of San Antonio and South Texas Regional Blood Bank, to encroach within City Right-Of-Way, being within McCullough Avenue, and authorizing the execution of a License Agreement for a 25-year period at a fee of \$500.00.

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

Ms. Taffy Nelson, representing South Texas Regional Blood Bank, explained her firm's request for waiver of the City's requested \$500 fee in this case.

Mr. Joe Aceves, Director of Public Works, noted that city staff is opposed to the waiver request, even though the blood bank is a non-profit organization.

Mrs. Dutmer then moved to ammend the ordinance by waiving the fee. Ms. Berriozabal seconded the motion.

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

After consideration, the main motion, as ammended and carrying with it the passage of the following Ordinance prevailed by the following

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

AN ORDINANCE 71,804

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND SOUTH TEXAS REGIONAL BLOOD BANK, TO ENCROACH WITHIN CITY RIGHT-OF-WAY, BEING WITHIN MCCULLOUGH AVENUE; AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT FOR A 25 YEAR PERIOD; AND WAIVING A FEE OF \$500.00.

* * * *

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,805

APPROPRIATING A TOTAL OF \$2,945.50 FROM THE DISTRICT 6 DISCRETIONARY AND IMPROVEMENTS FUND TO PAY FOR THE CATERING BILL AND AWARDS PRESENTED AT THE SCHOOL CROSSING GUARD AWARDS BREAKFAST, AND FOR THE CATERING BILL AT THE RAILROAD TASK FORCE BARGE DINNER AND WORKSHOP.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Webb 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, Wolff, Cockrell; NAYS: None; ABSENT: Labatt, Hasslocher.

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,806

AUTHORIZING THE TRANSFER OF \$500.00 FROM THE DISTRICT 5 DISCRETIONARY AND IMPROVEMENTS FUND TO THE CITY COUNCIL TRAVEL FUND TO COVER ANY TRAVEL EXPENSES ASSOCIATED WITH OFFICIAL CITY BUSINESS INCURRED BY COUNCILMAN WALTER MARTINEZ AS HE ATTENDS THE COMMUNITY AND ECONOMIC DEVELOPMENT STEERING COMMITTEE MEETING IN BIRMINGHAM, ALABAMA, FROM JUNE 29, 1990 TO JULY 1, 1990.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Webb 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, Wolff, Cockrell; NAYS: None; ABSENT: Labatt, Hasslocher.

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,807

REPEALING RULE XIX REDUCTION IN FORCE OF THE MUNICIPAL CIVIL SERVICES RULES OF THE CITY OF SAN ANTONIO ADOPTED ON NOVEMBER 3, 1977; ADOPTING A NEW RULE XIX REDUCTION IN FORCE AND PROVIDING FOR THE EFFECTIVE DATE THEREOF; AND PROVIDING FOR SEVERABILITY.

* * * *

Mr. Alex Briseno, City Manager, spoke to the need for enactment of this ordinance because of City layoffs brought on by budget problems. He spoke to the history of the City's policies for reduction in force, through the Municipal Civil Service Commission, and addressed his own recommendations which closely parallel those of the commission. He noted that they disagree only in the area dealing with whether or not so-called 'bumping' will be only within department and fund, or City-wide. He then spoke to a middle-ground recommendation.

Mr. George K. Noe, Director of Management Services, spoke to the two contrasting recommendations on the RIF policy, mainly the "downward bumping" element, and addressed how the recommended changes would be carried out, if approved.

Mr. Briseno spoke to the weighted 3-2 ratio of performance-to-seniority or longevity, and the creation of a City-wide "safety net" to help find jobs for employees who are bumped from their jobs.

In response to a question by Mayor Cockrell, Mr. Lloyd Garza, City Attorney, noted that the City's legal staff has worked on the policy and feels it is both fair and defensible.

Mr. Robert B. Rendon, representing the American Federation of State, County and Municipal Employees Local 2399, spoke in opposition to the RIF policy, which he stated doesn't give substantial weight to seniority, and he spoke to examples of problem areas with employee performance appraisals.

Ms. Rosa Rosales, representing the National Association of Government Employees, asked for parity and equity for all employees of the City, both uniformed and non-uniformed, and spoke in objection to weighting of employee performance appraisals over seniority and longevity. She asked the Council to allow the seniority rule on RIFs to remain in-place and intact, and stated her opinion that EPAs are both subjective and not fair in all cases. She noted that City employee morale is low, and that the non-uniformed employees have lost 18 benefits over the past several years. She asked that Rule 19 of the Civil Service Rules remain intact, as written.

Mr. Sam T. Alvarado, also representing NAGE, noted that 82 per cent of those facing layoffs are minorities or women, and he stated his belief that EPAs are not accurate. He spoke of his concern with low employee morale, and stated that his organization would have no recourse other than to go to court, if the City Manager's recommendations are approved.

Ms. Gloria Parra, Chair of the Municipal Civil Service Commission, spoke to the commission report and recommendations, and of her own minority report, a copy of which is made a part of the papers of this meeting.

Mr. Glen Snider, member of the Civil Service Commission, spoke to the importance of Rule 19, and addressed certain recommendations of the commission.

In response to questions by Ms. Berriozabal, Mr. Briseno spoke of the major difference between the two recommendations, bumping by department and fund, versus City-wide bumping, and spoke of re-modified recommendations addressed today, noting that staff recommendations have now moved much closer to the recommendations of the Municipal Civil Service Commission.

In response to Mayor Cockrell's question concerning the presence of time constraints-on deciding this issue, Mr. Briseno stated that the City Charter calls for a 10-day deadline within which to act, once the City Council receives the recommendations of the City Manager, as they have today.

A discussion then took place concerning the so-called "safety net" aspect of the bumping recommendations, which would provide for City-wide placement if the department-wide bumping process is not successful in finding new jobs for bumped employees.

Mr. Briseno explained the new "safety net" recommendation and how it would work.

Ms. Parra stated her belief that it is important, for employees morale purposes, that they feel like all options will be available to them, and she spoke in favor of the City-wide bumping provision.

In response to a question by Mr. Thompson, Mr. Briseno addressed the number of employees who are not rated, noting that 41 per cent of these are executives. He also provided a breakdown of the existing ratings given to City employees. He noted that he had also met with the Affirmative Action Committee and stated that, if the City retained the longevity RIF policy only, more women and minorities would be affected than the alternative being recommended.

A discussion then took place on the subjectivity of employee performance appraisals.

Mr. Briseno spoke of his concerns about the City-wide bumping policy application, and explained why he recommends that bumping be done within department and fund, first.

Mr. Wing addressed his concerns about the seniority provision being changed in favor of having the employee performance appraisal become the main criteria for bumping. He stated his belief that this would generate more job grievances being filed, and expressed his opinion that the seniority system is best. He also spoke in favor of the City-wide bumping policy versus the department/fund bumping policy, as recommended by the staff.

Mrs. Dutmer spoke in support for Mr. Wing's comments.

Ms. Berriozabal spoke in support for the seniority system as the basis of employment for City employees and spoke against using the EPA in the City's RIF policy.

In response to a question by Mr. Martinez, Mr. Garza stated his legal opinion that, should the Council decline to take action within the 10-day time-frame of the Charter, the Municipal Civil Service Commission recommendations would prevail and become the new rule.

Mr. Martinez spoke of his concern for minimizing seniority in the RIF policy, and spoke in support for City-wide bumping procedures. He stated his opinion that introducing "productivity" into the matter introduces a new element to the RIF policy. He spoke in favor of a one-week delay in a Council decision on this issue.

Following discussion, Mr. Martinez moved to postpone action until next week on the matter of the three-tiered placement system as

recommended, with the current seniority system to remain unchanged. Mrs. Dutmer seconded the motion. Following further discussion, the motion was withdrawn from consideration.

In response to a question by Mr. Wolff, Mr. James Parker, Attorney, noted that he represents a group of city employees, and stated his feeling that certain legal points of this issue will reach the courts, depending upon City Council's actions.

Mr. Wolff stated his opinion that the previous City Manager was hasty in announcing pending employee layoffs months ago, then having the process coming to the City Council with changes to be made. He then spoke to points in his written statement, a copy of which is made a part of the papers of this meeting.

Mrs. Dutmer made a motion to reject the recommendations of the Municipal Civil Service Commission. Ms. Vera seconded the motion.

Mr. Wing then made a Substitute Motion to approve the recommendations of the City Manager, subject to two changes: (1) the seniority system remains in place in the reduction-in-force matter as the sole RIF criteria; and (2) the three-tiered bumping system as recommended by the City Manger is approved. Mr. Webb seconded the motion.

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

After consideration, the Main Motion, as substituted, and carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Hasslocher, Cockrell; NAYS: None; ABSENT: Labatt.

Mr. Briseno noted that, in effect, Council action today rejects the recommendations of the Municipal Civil Service Commission.

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

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,808

AUTHORIZING THE CITY MANAGER TO SUBMIT A
MODIFICATION TO THE JTPA TITLE IIA PLAN TO THE TEXAS

DEPARTMENT OF COMMERCE FOR THE FIRST YEAR OF A TWO (2) YEAR PERIOD COMMENCING JULY 1, 1990 AND ENDING JUNE 30, 1992; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE CONTRACTS WITH SELECTED SERVICE PROVIDERS; APPROVING THE BUDGET AND PERSONNEL COMPLEMENT FOR DEED PROGRAM ADMINISTRATION AND OPERATIONS AND THE PROCUREMENT OUTREACH PROGRAM.

* * * *

Ms. Ida Givens, representing the YWCA, noted that the staff of the Private Industry Council has not recommended continued funding of the YWCA under JTPA Title II-A Plan, even though no reason was given. She stated that she feels that this process used to select funded agencies under the Plan this year circumvented previous policy to award programs to a for-profit agency. She noted that the YWCA has operated a successful day care operation for some 40 years.

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

Ms. Nancy Hard, 1405 North Main Avenue, Suite 102, representing the Dependent Care Management Group, stated that her firm is a day care provider who locates day care firms to perform the required services, and has some 20 years of experience in this field. She noted that her firm's proposal was ranked first by the PIC staff and approval was made by the PIC Board of Directors.

Mr. Erick Akins, Acting Executive Director, Private Industry Council, spoke to the evaluations made for the day care proposals and the decisions reached..

Mrs. Dutmer spoke of her concerns with the makeup of the PIC board, which contains representatives of service providers.

In response to a question by Mrs. Dutmer, Mr. Akins stated that the PIC staff did not take part in preparation of a proposal for any agency.

In response to a question by Mrs. Dutmer, Ms. Givens spoke to the process used in the selection process and stated that she feels that her organization did not receive due process.

Mr. Akins explained the selection process followed as explained in page 7 of the Request for Proposal.

In response to a question by Mr. Wolff, Mr. Akins contrasted the two proposals concerned.

Mr. Webb spoke of his concern with the lack of JTPA funding for

the YWCA.

Mr. Belvin Steward, representing the staff of the Department of Economic and Employment Development, explained the funding formulas involved.

Mr. Martinez raised several concerns about the funding areas and the lack of funding for the YWCA day care services, including the evaluation factors used.

In response to a question by Mr. Martinez, Mr. Akins noted that the Department of Labor requires high performance standards of its service providers, and that this program is performance-driven.

Mr. Martinez spoke to his concerns for penalizing an agency which places many disadvantaged persons who may not exceed recommended job performance standards set by the state and DOL, and stated that he would vote against the ordinance today. He stated his opinion that this matter needs to go to arbitration.

Ms. Berriozabal spoke to the City Manager's PIC/DEED administrative study report, in response to requests from the City Council, and addressed her concerns with funding some 44 DEED administrative positions at more than \$1 million annually, in addition to the funding made for the PIC administrative staff, as well.

Mr. Rolando Bono, Assistant City Manager, stated that he would discuss certain strategies with the Council along this line, following completion of this agenda item.

A discussion followed, concerning procedures used leading up to PIC board recommendations.

In response to a question by Ms. Berriozabal, Ms. Givens stated that she was not given a chance to make a formal presentation to the PIC Evaluation Board.

Ms. Berriozabal spoke of the YWCA's track record, and stated that she would not support the proposal with this recommendation, excluding the YWCA.

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

Mr. Thompson expressed concern about the decrease in funding for the Westside Parish Coalition.

Mrs. Dutmer also spoke of her concerns over the PIC funding.

Mr. Akins stated that when additional monies become available,

funds can then be allocated to the Westside Parish Coalition.

A discussion then took place concerning un-allocated funds.

Mr. Martinez made a motion to reject the entire package. The motion died for lack of a second.

A discussion followed concerning the repercussions of approval or disapproval of the motion.

Mrs. Dutmer made a motion to amend the ordinance by directing the staff to allocate supplemental funds for the Westside Parish Coalition when they become available. Mr. Wing seconded the motion.

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

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

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90-28

CITIZENS TO BE HEARD

MR. LEO O. POLLARO

Mr. Leo L. Pollaro, Jr., spoke to the Council regarding C & L Salvage, stating that he was issued a citation for not having a Certificate of Occupancy. He thought he was grandfathered when his property was annexed. He is now being told that his business is not in the proper zone. He is unable to get his Certificate of Occupancy until he gets his property rezoned, which is going to cost him \$1200.00. He asked the Council for assistance.

Mr. Webb stated that Mr. Pollaro needs "I-2" zoning not "I-1".

Mrs. Cedillo stated that the City Council can initiate a request for rezoning with six (6) signatures to have the staff begin the process.

Mr. Webb stated that Mr. Pollaro did not know that he needed to apply for non-conforming rights, and that he would be initiating a memo with the required six signatures for initiation of the zoning case.

Mr. Martin Rodriguez, Code Compliance Director, stated that although citations have been issued they can hold action on this case.

Mrs. Vera stated that it's important to note that this case is

because of annexation, not as a result of down zoning.

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MR. CHARLES A. STACK

Mr. Charles A. Stack, 446 Alicia Avenue, stated that he lives directly behind an automotive repair shop and complained that the business operates outside of the building and parking is authorized on both sides of the street. They also use his property to turn into since they have no other manner to exit from the area. He has previously complained about this issue and has been told that nothing can be done about it. He is also harrassed by the people operating this services. He stated he would be willing to testify if this case would be taken to court.

Mrs. Vera stated that she has worked with Mr. Stack on this issue and it's not just his problem since there have been numerous complaints on this property.

Mr. Rodriguez, Code Compliance Director, gave a history of the situation. They have been unsuccessful in trying to get the case prosecuted. Twenty parking signs have been removed and there's a traffic problem caused by the parking of cars on both sides of the street.

Mrs. Vera stated that access to the business is on Alicia Avenue not Culebra and perhaps the use is too intense. Even if the property were down zoned the owners of the property could still operate. She would be willing to do this if it would help.

(Mayor Cockrell was obliged to leave and Mayor Pro Tem Webb presided.)

Mr. Stacke suggested that a driveway be built on a vacant lot in order that they could use this property to turn their cars around; also limit parking on both sides and that abandoned autos be removed from the front of the parking lot in order to allow parking for this business.

Mayor Pro Tem Webb stated that Mrs. Vera and the Code Compliance Officer will work on this situation as well as the Dept. of Public Works.

MR. GAYLORD STEVENS

Mr. Gaylord Stevens, representing the Viet Nam War Museum, showed a video presentation to the Council on their new museum which was opened in December 1988. He stated that this is the only museum of its kind in the United States. He stated that they will need contributions in order to keep the museum opened.

* * * *

MS. TERESA WEAVER

Teresa Weaver, Citizens Against Pornography, spoke to the Council regarding a present Ordinance regulating Adult Arcades in San Antonio. She spoke of the history of this particular Ordinance and the Supreme Court has upheld these regulations, however there are still business operating in violation of this Ordinance. She expressed concern the Council is not actively enforcing this Ordinance. She urged Council to support the enforcement of these ordinances.

(Mayor Cockrell returned to the meeting and presided.)

City Attorney Mr. Garza stated that one of the cases against the Show Palace has been rescheduled time and time again. The City has not been able to get service to the owner of the Apollo establishment. These cases take a very long time to prosecute and bring to trial.

In response to Mr. Wolff, Mr. Garza stated that these are City ordinances and can only be tried at Municipal Court.

Mr. Wolff suggested that directions be given to the court that this is a high priority with the Council.

Mr. Garza stated they can look into getting a status report.

Mr. Frank Wing stated the courts are in search of space. Community standards are reflected with Ordinances passed by the Council and there is an established track record.

Mrs. Dutmer stated any action to stop pornography has her full backing.

Mr. Wolff stated he will direct this to the Municipal Court.

MRS. LETICIA LOPEZ

Mrs. Leticia Lopez, 10958 Braddock, thanked the City Council and the Police Department for their cooperation in this matter.

MR. ROBERT FRIEDRICHS

Mr. Robert Friedrichs, 29443 Red Bus Hill, reiterated the comments made by the previous speakers. He urged the City Council to have these cases prosecuted.

The regular City Council meeting recessed at 8:50 P.M. and reconvened at 9:30 P.M.

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,809

AUTHORIZING THE SUBMISSION OF A MODIFICATION TO THE JOB TRAINING PARTNERSHIP ACT (JTPA) TITLE III ECONOMIC DISLOCATION AND WORKER ADJUSTMENT ASSISTANCE ACT (EDWAAA) PLAN TO THE TEXAS DEPARTMENT OF COMMERCE (TDOC) FOR THE FIRST YEAR OF A TWO-YEAR PERIOD COMMENCING JULY 1, 1990 AND ENDING JUNE 30, 1992; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE CONTRACTS WITH SELECTED SERVICE PROVIDERS; APPROVING THE BUDGET AND PERSONNEL COMPLEMENT FOR DEED PROGRAM ADMINISTRATION AND OPERATIONS.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Martinez 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, Vera, Wolff, Cockrell; NAYS: None; ABSENT: Thompson, Labatt, Hasslocher.

90-28 The Clerk read the following Ordinance:

AN ORDINANCE 71,810

CLOSING A PORTION OF MONTANA STREET ON JUNE 29 THROUGH JULY 2, 1990, SO THAT IT MAY BE USED BY ALAMO IRON WORKS FOR ITS MOVE FROM THE DOME SITE.

* * * *

Mr. Webb made a motion to approve the proposed Ordinance. Mr. Martinez 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, Vera, Wolff, Cockrell; NAYS: None; ABSENT: Thompson, Labatt, Hasslocher.

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90-28

JTPA REPORT

Ms. Berriozabal stated that, because of the lateness of the hour, she would be distributing to other Council members copies of the JTPA report, which can be discussed in more detail next week.

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90-28 Council recessed at 9:33 P.M. into a "B" Session work session on Board/Commission appointments, recessing at 10:30 P.M. for Executive Session to hear discussion on bids received on Hyatt Hotel land, and discussion of possible purchase of GLI tract at Vista Verde South. Council.

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The Mayor reconvened the "A" Session and announced that the City Council had heard a briefing by the City Attorney and Staff on the aforementioned subjects and direction was given to the Staff by the Council to proceed on these matters. The meeting was adjourned at 10:51 P.M.

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A P P R O V E D

Lila Cockull

M A Y O R

ATTEST:

Karna S. Rodriguez
C i t y C l e r k