

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MARCH 21, 1985.

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

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85-22 The invocation was given by Sister Eucharica Doyle, St. Paul's School.

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85-22 The City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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85-22 MS. HELEN F. KERR

Mayor Cisneros explained that the City is about to present an Alcalde de La Villita to Ms. Helen F. Kerr of Somerset, Texas because of her generous contribution for renovation of the Arneson River Theater. He then asked Ms. Kerr and members of the Arneson River Theater Restoration Steering Committee to come forward.

Mr. Bob Carlson, Chairman of the Committee, then introduced members of the steering and campaign committees, along with Ms. Kerr. He thanked Ms. Berriozabal for having fostered the original idea for raising funds from the private sector to restore the Arneson River Theatre, and also thanked Mr. Ron Darner, Director of Parks and Recreation, and his staff for their cooperation.

Mayor Cisneros read and presented the Alcalde proclamation to Ms. Kerr, along with an official scarf of the City of San Antonio. Members of the City Council and the audience then joined in a round of applause for Ms. Kerr.

Ms. Berriozabal thanked all concerned for their efforts and explained the campaign to raise funding to complete the project, calling it a good project for all citizens.

Ms. Kerr thanked the Mayor and Council for the honor.

85-22

SHAIKA SUBAH AL-KHALIFA

Mayor Cisneros recognized the presence in the audience today of Shaika Subah Al-Khalifa of Bahrain, who is a guest of the U.S. State Department for a seven-week personnel management training program, presently visiting in San Antonio.

Mr. Leroy Harvey, Director of Personnel, briefly explained the reason for this visit to San Antonio, and noted that Shaika Subah is a member of the royal family of Bahrain that has governed the nation since the 18th century. He also noted that Shaika Subah has a presentation to make to the City of San Antonio. Mr. Harvey stated that Subah also is responsible in his nation for the recruiting of professional personnel for the nation of Bahrain.

Mayor Cisneros welcomed Shaika Subah to San Antonio.

Shaika Subah spoke of his appreciation for the cooperation given him on his seven-week tour of the nation, and briefly explained his family's role in governing Bahrain. He noted that the nation is an international banking center which now is seeking to diversify its economic base, and thus is recruiting technical personnel from around the world.

Mayor Cisneros presented Shaika Subah with an official book on the City of San Antonio and a tie-tack, then read and presented a proclamation making him an Alcalde de La Villita.

Shaika Subah then presented the City of San Antonio with a silver coffee service piece.

Mayor Cisneros accepted the gift on behalf of the City of San Antonio and stated that it would occupy a prominent place in the City Hall trophy case.

Members of the City Council then individually welcomed Shaika Subah to San Antonio.

85-22

BOY SCOUT TROOP 285

Mayor Cisneros noted the presence in the audience today of members of Boy Scout Troop 285 of Coker United Methodist Church, along

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with their adult leaders, Mrs. Ted Lee and Mr. Jerry Lee. He welcomed the group to City Hall.

85-22

MR. VICTOR CASTILLO

Mayor Cisneros noted the presence in the audience today of Mr. Victor Castillo, quarterback of the state championship football team from Brackenridge High School in 1963, and his daughter Lisa, now visiting from Kansas. He introduced both to the audience and members of the City Council.

85-22

TENNIS WEEK

Mayor Cisneros introduced the group present in the audience to receive a Tennis Week proclamation from the City, and spoke of Mr. Leo Rose and of his background, including that of team owner of the professional tennis team in San Antonio.

Mayor Cisneros then read a Proclamation for Tennis Week, and presented it to Mr. Rose.

Mr. Rose spoke of the magnitude of the upcoming 1985 Kaepa U.S.T.A. Mens' National Hardcourt Tennis Championship to be held March 25-31, 1985 at McFarlin Tennis Center, noting that Kaepa, a local shoe manufacturer, is putting up some \$16,000 in prize money for the tournament. He then compared this to a recent tennis tourney in California with only a \$5,000 total purse. He then spoke of the beautification work at McFarlin Tennis Center, and thanked Mr. Alderete for being instrumental in having much work done at the Center. He noted further that proceeds of the tournament will go for various tennis benefits and to pay the costs of work at McFarlin. He also spoke of the good cooperation of the Parks and Recreation staff.

Mr. John Braubach, representing the tournament sponsors, spoke of their pride in the \$340,000 facelift of the McFarlin Tennis Center recently, paid for by Mr. John McFarlin, the City of San Antonio and certain private subscriptions. He then invited members of the City Council to attend the tourney and he and Mr. Rose then distributed special caps to members of the City Council.

Mr. Rose spoke briefly of the new pro tennis league and the team from San Antonio, noting that the brief season begins July 10 and runs until August 11. He also spoke of the possibility of TV coverage of league play.

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Mayor Cisneros lauded Mr. Rose's initiative in forming this team to represent San Antonio.

In response to a question by Mr. Webb, Mr. Rose spoke of the many local junior tennis programs that are held at the various municipal tennis centers in San Antonio, and the fact that a number of these programs will be held by members of the San Antonio pro tennis team.

Mayor Cisneros spoke of Kaepa as being a local firm, and he also spoke of Mr. Rose's important part in the recent Muscular Dystrophy Telethon.

85-22 DEFENSE LANGUAGE INSTITUTE/LACKLAND AIR FORCE BASE

Mayor Cisneros noted the presence in the audience today of a group of officers from various nations, presently attending the English language course at the Defense Language Institute at Lackland Air Force Base. He noted that this group includes many leaders of various nations, and welcomed the group to San Antonio and to City Hall.

The Mayor and members of the City Council then distributed the official book on San Antonio to representatives of the nations of Venezuela, Senegal, Saudi Arabia, Liberia, Yemen, Mali, Egypt, Thailand, Morocco, the Phillipine Islands, Somalia, Peru, Algeria, Honduras, and the Ivory Coast.

85-22 PUBLIC COMMENTS BY COUNCIL MEMBERS

Mayor Cisneros stated that he has been approached by representatives of several community and church-related organizations concerning alleged comments made by a City Council member concerning certain "red-baiting" innuendos that he feels constitute a dangerous accusation when made in public discourse by a member of the Council. He noted that several persons have asked to address the City Council today on this matter, and he asked for Council concensus to hold that discussion at 4:30 P.M.

Mayor Cisneros stated his personal opinion that he would like for the City Council to declare that this type of attack is not condoned by the City Council and should not be carried out in public discourse.

Mr. Thompson made a motion to hear concerned citizens at 4:30 P.M. on this matter. Mr. Webb seconded the motion.

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The motion prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Cisneros; NAYS: Harrington, Archer, Hasslocher; ABSENT: None.

85-22 The minutes of the City Council meetings of February 28, 1985 and March 7, 1985 were approved.

85-22 COMMENDATION TO FIREFIGHTERS

On a matter of personal privilege, Mrs. Dutmer stated that a resident of District 3 has sent a letter of commendation to the Fire Department and its Emergency Medical Services division concerning efforts by several Emergency Medical Technicians' efforts to save the life of a person recently.

She further stated that Mr. Carl Hardin, 346 East Ackard Place, first wrote a letter to the Fire Chief of March 18, 1985, a copy of which is on file with the papers of this meeting. She noted that Mr. Hardin then wrote a letter to her the following day, enclosing a copy of the original letter to the Fire Chief, copies of both of which are on file with the papers of this meeting.

In the original letter, Mr. Hardin commended Fire Captain Robert Ojeda and Firefighters Perry Metheney, Jerry Reyes and Louie Baldares of Fire Station 21, and EMT's Kenneth Harris and George Gay of Fire Station 22, concerning the emergency aid given him at Fire Station 21 at 5537 South Flores Street on February 28, 1985.

85-22 CONSENT AGENDA

Mr. Harrington made a motion that Agenda Items 6 - 22, constituting the Consent Agenda, be approved with Item 18 pulled for individual consideration. Mr. Hasslocher seconded the motion.

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

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AN ORDINANCE 60,421 .

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ACCEPTING THE LOW BID OF CLIFFORD, INC. TO FURNISH
THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH
SIGNAL CABLE FOR A TOTAL OF \$6,108.

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AN ORDINANCE 60,422 .

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ACCEPTING THE PROPOSAL OF CENTURION BUSINESS
COMPUTERS TO RENEW THE MAINTENANCE CONTRACT FOR
CENTURION 5300 FOR THE AVIATION DEPARTMENT FOR A
TOTAL OF \$7,368.

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AN ORDINANCE 60,423 .

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ACCEPTING THE LOW BID OF PREMIER COURTS TO FURNISH
THE CITY OF SAN ANTONIO PARKS & RECREATION
DEPARTMENT WITH WINDSCREENS FOR MCFARLIN & FAIRCHILD
TENNIS CENTERS FOR A TOTAL OF \$13,015.

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AN ORDINANCE 60,424 .

.
ACCEPTING THE LOW BIDS OF VAN WATERS & ROGERS AND
O.M. SCOTT & SONS TO FURNISH THE CITY OF SAN ANTONIO
PARKS & RECREATION DEPARTMENT WITH HERBICIDES FOR A
TOTAL OF \$16,903.40.

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AN ORDINANCE 60,425 .

.
ACCEPTING THE BID OF LINCOLN MOORE CONSTRUCTION IN
THE AMOUNT OF \$16,744.70 FOR THE CONSTRUCTION OF
WATERPARK SUBDIVISION OFF-SITE SEWER PROJECT;
PROVIDING A CONTINGENCY; AND APPROVING A CONTRACT.

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AN ORDINANCE 60,426

AUTHORIZING AN ADDITIONAL \$3,052.32 FOR ARCHITECTURAL FEES PAYABLE TO ALBERT E. MCCALL & ASSOCIATES, IN CONNECTION WITH THE ELLA AUSTIN CHILD CARE CENTER PROJECT.

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AN ORDINANCE 60,427

APPROPRIATING AN ADDITIONAL \$52,300.00 FOR ENGINEERING FEES PAYABLE TO OZUNA AND ASSOCIATES, INC., IN CONNECTION WITH THE COMMERCE STREET - CALLAGHAN TO MILITARY PROJECT.

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AN ORDINANCE 60,428

APPROPRIATING \$1,637.00 IN PAYMENT FOR EXPENSES INCURRED IN DURANGO STREET OVERPASS; ELMENDORF STREET DRAINAGE PROJECT #38; INGRAM ROAD - CALLAGHAN ROAD TO I.H. 410; SAN ANTONIO WASTEWATER FACILITIES IMPROVEMENTS PROGRAM, CATEGORY NO. 4, PACKAGE D, LEON CREEK OUTFALL; SAN PEDRO HILLS UNIT #21 SANITARY SEWER; AND STONEWALL STREET - BUFFALO TO PANAM.

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AN ORDINANCE 60,429

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$1,870.00 OUT OF VARIOUS FUNDS FOR THE PURPOSE OF ACQUIRING TITLE AND/OR EASEMENTS TO CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN RIGHT OF WAY PROJECTS.

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AN ORDINANCE 60,430

GRANTING AND MANIFESTING A LICENSE TO GUNTER PLAZA INVESTORS, A PARTNERSHIP, TO OCCUPY SPACE OVER A PUBLIC STREET RIGHT OF WAY, BEING PARTS OF SOUTH ST. MARY'S AND EAST TRAVIS STREETS, ADJACENT TO LOTS 2, 4, 6, A7, NEW CITY BLOCK 407.

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AN ORDINANCE 60,431

AUTHORIZING EXECUTION OF A LEASE AGREEMENT AT SAN ANTONIO INTERNATIONAL AIRPORT WITH THE DEE HOWARD COMPANY AND SUPERSEDING PRE-EXISTING LEASES WITH SAID LESSEE.

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AN ORDINANCE 60,432

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

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AN ORDINANCE 60,433

AUTHORIZING CITY CO-SPONSORSHIP OF A NATIONAL MINORITIES ARTS CONFERENCE, "DIALOGUE II"; ESTABLISHING A BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$3,200.00 IN SUPPORT OF SAID CONFERENCE.

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AN ORDINANCE 60,434

AMENDING CHAPTER 38 (TRAFFIC REGULATIONS) OF THE CITY CODE SETTING FORTH LOCATIONS AT WHICH ELECTRONIC TRAFFIC CONTROL SIGNALS ARE IN FULL OPERATION; DESIGNATING STOP SIGN LOCATIONS; DESIGNATING YIELD-RIGHT-OF-WAY LOCATIONS; PROHIBITING PARKING AT ALL TIMES ON CERTAIN STREETS; PROHIBITING CERTAIN TURNS; ESTABLISH CERTAIN SCHOOL ZONES; AND PROVIDING THAT VIOLATIONS HEREOF BE PUNISHABLE BY A FINE OF NOT LESS THAN \$1.00 NOR MORE THAN \$200.00.

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AN ORDINANCE 60,435

ESTABLISHING A FUND ACCOUNT FOR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) SECTION 312 REHABILITATION LOAN PROGRAM AND AUTHORIZING THE FINANCE DEPARTMENT TO ESTABLISH A PROGRAM FUND BUDGET TOTALING THE CURRENT HUD APPROVED CEILING AMOUNT OF \$722,628.00 FOR REHABILITATION LOANS.

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TRAVEL AUTHORIZATION - APPROVED

Mayor Henry G. Cisneros to travel to Washington, D.C. from March 22, 1985 to March 26, 1985 to attend the National League of Cities Meeting.

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Councilwoman Maria Antonietta Berriozabal to travel to Washington, D.C. from March 22, 1985 to March 26, 1985 to attend the National League of Cities Meeting.

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85-22 WINDSCREENS FOR TENNIS COURTS

Mr. Archer noted that his son plays in a tennis league that competes at Fairchild Park, and that the facility has no windscreens similar to those whose purchase was just authorized by the City Council today for McFarlin Tennis Center. He asked that windscreens be considered for Fairchild Park, as well, and also construction of new water fountains.

Mr. Ron Darner, Director of Parks & Recreation, noted that this is planned in future construction, and briefly explained the purpose of windscreens around tennis courts.

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85-22 The Clerk read the following Ordinance:

AN ORDINANCE 60,436

AUTHORIZING PAYMENT OF REFUNDS TO PERSONS MAKING OVERPAYMENTS OR DOUBLEPAYMENTS ON 621 TAX ACCOUNTS.

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Mrs. Dutmer voiced her concern with the reasons behind the tax refunds, noting that there is some \$290,000 involved.

Mr. Carl White, Director of Finance, noted that much of the refund total involved three large accounts, each representing either an overpayment or a duplicate payment to the City. He spoke to details of the Ordinance.

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Mrs. Dutmer made a motion to approve the 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, Eureste, Thompson, Alderete, Harrington, Archer, Cisneros; NAYS: None; ABSTAIN: Hasslocher; ABSENT: None.

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ZONING HEARINGS

23. CASE Z85015 - to rezone Parcel 2A and Parcel 3, NCB 12750, in the 13200 Block of Old Blanco Road, from Temporary "R-1" One Family Residence District to "B-3" Business District, located northwest of the intersection of Voelcker Lane and Old Blanco Road, having 1238' on Voelcker Lane and 686' on Old Blanco Road.

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

Mr. Andy Guerrero, Planner II, noted that the staff has received 26 notices in opposition to this request, and one in favor.

Mr. Harrington made to motion to deny the requested rezoning. Mr. Eureste seconded the motion.

The motion to deny prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Eureste, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Wing, Thompson.

CASE Z85015 was denied.

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24. CASE Z85038 - to rezone Lot 14, Block 17, NCB 3616, 2323 Arbor Place, from "B" Residence District to "R-2A" Three and Four Family Residence District, located on the northside of Arbor Place, being 100' east of the intersection of 24th Street and Arbor Place, having 50' on Arbor Place and a depth of 159.82'.

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

Mr. Andy Guerrero, Planner II, noted that the staff has received 15 notices in opposition to this request, and further stated that nine affirmative votes would be needed to approve this request by the City Council.

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Mr. Nicasio Dimas, representing the proponent, stated that the property owners have a four-plex located on this property, and it has been used as a four-plex since the residence was built in 1968. He stated that the rezoning is being sought only to recognize, legally, the usage of the property. He further stated his belief that the neighbors are concerned about possible change in the neighborhood, and he noted that three of these rental units are the sole source of the proponent's income and support. He denied that the rezoning would cause possible economic hardship on the neighbors, and distributed photographs of the immediate area and its homes, stating that he feels that this usage has not harmed the area.

Ms. Emilia Ramos, Area Vice-President, Communities Organized for Public Service, noted that the present zoning only allows "B" Residential uses, not a four-plex.

Mr. Geronimo Torrez, 2327 Arbor Place, the next-door neighbor, noted that the proponent does not live in the residence in question, and spoke of neighbors having had problems for years with health-related complaints, police calls and other problems, all stemming from the subject property or its residents. He stated his contention that the proponent does not screen her tenants or make any rules for their conduct, and addressed drug-related problems that have occurred with certain of those tenants. He spoke against the request.

Ms. Guadalupe Leyva, 2226 Arbor Place, spoke of past problems with residents of the residence concerned, and voiced her concern for property values in the area.

Mr. Rafael Martinez, 2306 Arbor Place, noted that he had sent a letter to members of the City Council, stating his objections.

Mr. Arturo Mercado, 2314 Arbor Place, asked that the area be kept residential in nature, and spoke in opposition to the rezoning request.

Mr. Dimas spoke of other residential rental units in this area and the need for multi-family housing.

Ms. Berriozabal voiced her concern with using this property in non-conformance with the zoning laws, stating her opinion that this property is not being managed properly.

Ms. Berriozabal made a motion to deny the requested rezoning. Mrs. Dutmer seconded the motion.

Mrs. Dutmer spoke against the request.

Mr. Thompson stated his belief that the neighbors have valid concerns.

Mr. Eureste stated his opinion that the landlord of this property is not exercising proper responsibility.

In response to a question by Mr. Eureste, Mr. Dimas spoke to the subject matter involved in several photographs circulated by opponents to the rezoning request.

Mr. Eureste spoke of the need to upgrade this residence.

The motion to deny prevailed by the following vote: AYES: Berriozabal Webb, Dutmer, Eureste, Thompson, Alderete, Harrington, Hasslocher, Cisneros; NAYS: None; ABSENT: Wing, Archer.

Case Z85038 was denied.

25. CASE Z85017 - to rezone Lots 4 thru 9, 14 thru 17, Block 6, NCB 3213, in the 200 Block of Wharton and McMullen, from "B" Residence District to "R-2A" Three and Four Family Residence District, located on the northwest side of the Southern Pacific Railroad Right of Way between Wharton Street and McMullen Street, having a total of 258' on the Railroad Right of Way, 281.2' on McMullen Street and 168' on Wharton Street.

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

Mrs. Dutmer made a motion to approve the requested rezoning provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Webb seconded the motion.

Mrs. Dutmer spoke briefly to the overall character of the neighborhood.

Mr. Andy Guerrero, Planner II, stated that the area is predominantly residential single-family homes, and stated staff's opinion that R-2 would be a higher housing density than staff would recommend.

The motion to approve the requested rezoning prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Thompson, Alderete, Cisneros; NAYS: None; ABSENT: Wing, Eureste, Harrington, Archer, Hasslocher.

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AN ORDINANCE 60,437

AMENDING CHAPTER 42 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 LOTS 4 THRU 9 AND 14 THRU 17, BLOCK 6, NCB 3213, IN THE 200 BLOCK OF WHARTON AND MCMULLEN STREETS, FROM "B" RESIDENCE DISTRICT TO "R-2A" THREE AND FOUR-FAMILY RESIDENCE DISTRICT PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

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26. CASE Z85026 (S.R.) - to rezone Lot 10, Block 2, NCB 6397, 1023 S. New Braunfels, from "B" Residence District to "R-3" Multiple Family Residence District for a day care center with over twenty children, located northwest of the intersection of South New Braunfels and Dumoulin Avenue, having 50' on South New Braunfels and 150' on Dumoulin Avenue.

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

Mr. Webb made a motion to approve the requested rezoning provided that 2.2 feet of street right-of-way dedication is provided along South New Braunfels Avenue and Dumoulin Avenue. 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, Thompson, Alderete, Cisneros; NAYS: None; ABSENT: Wing, Eureste, Harrington, Archer, Hasslocher.

AN ORDINANCE 60,438

AMENDING CHAPTER 42 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 10, BLOCK 2, NCB 6397, 1023 SOUTH NEW BRAUNFELS AVENUE, FROM "B" RESIDENCE DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT FOR A DAY-CARE CENTER CARING FOR OVER TWENTY (20) CHILDREN, PROVIDED THAT 2.2 FEET OF STREET

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RIGHT-OF-WAY DEDICATION IS PROVIDED ALONG SOUTH NEW
BRAUNFELS AVENUE AND DUMOULIN AVENUE.

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27. CASE Z85029 - to rezone Lots 7, 8, 9, Block 1, NCB 8881, 2426 Culebra Road, from "F" Local Retail District to "I-1" Light Industry District, located on the southside of Culebra Road, being 293.3' east of the intersection of N.W. 28th Street and Culebra Road, having 150' on Culebra Road and a depth of 122.6'.

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

Ms. Berriozabal spoke of having met with both sides in this case, and stated that a meeting is set for 7:00 P.M. on March 27, 1985 at the Woodlawn Activity Center to discuss the matter with neighbors.

Mrs. Dutmer made a motion to postpone consideration of this case for 30 days. Ms. Berriozabal seconded the motion.

Mr. Vernon Flournoy, 214 Rollins, speaking for the proponent, spoke in favor of the rezoning.

The motion to postpone prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Thompson, Alderete, Cisneros; NAYS: None; ABSENT: Wing, Eureste, Harrington, Archer, Hasslocher.

Case Z85029 was postponed for 30 days.

28. CASE Z85035 - to rezone a 8.450 acre tract of land out of NCB 13698, being further described by field notes filed in the Office of the City Clerk, in the 4700 Block of Cobb Street, from Temporary "R-1" One Family Residence District to "I-1" Light Industry District, located on the westside of Cobb Street, being west of the intersection of Whirlwind Drive and Cobb Street, west of the intersection of Broom Street and Cobb Street, having 1325' on Cobb Street and a depth of 490'.

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

Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved provided that driveways and off-street parking are

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provided and submitted for approval by the Traffic Engineering Division. Ms. Berriozabal 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 Alderete, Cisneros; NAYS: None; ABSENT: Wing, Eureste, Harrington, Archer, Hasslocher.

AN ORDINANCE 60,439

AMENDING CHAPTER 42 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 AN 8.450 ACRE TRACT OF LAND OUT OF NCB 13698, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 4700 BLOCK OF COBB STREET, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

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29. CASE Z85062 - to rezone Lot 13, Block 3, NCB 771, in the 200 Block of Howard Street, from "E" Office District to "B-1" Business District, located on the westside of Howard Street and being 241' north of the intersection of W. Euclid Street, and Howard Street, having 83.74' on Howard Street and a depth of 177.21'.

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

Ms. Berriozabal moved that the recommendation of the Zoning Commission be approved provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. 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, Thompson, Alderete, Cisneros; NAYS: None; ABSENT: Wing, Eureste, Harrington, Archer, Hasslocher.

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AN ORDINANCE 60,440

AMENDING CHAPTER 42 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 13, BLOCK 3, NCB 771, IN THE 200 BLOCK OF HOWARD STREET, FROM "E" OFFICE DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

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30. CASE Z85059 - to rezone a 3.35 and a 3.61 acre tract of land out of NCB 10675 and NCB 10677, being further described by field notes filed in the Office of the City Clerk, in the 3600 block of E. Commerce Street, from "A" Single Family Residence District to "B-3NA" Business District, Non-Alcoholic Sales and a 35.481 acre tract of land out of NCB 10675 and NCB 10677, being further described by field notes filed in the Office of the City Clerk, from "A" Single Family Residence District to "I-1" Light Industry District, located between IH 10 Expressway and Commerce Street, being 580' southwest of the intersection of Houston Street and E. Commerce Street, 1000' southwest of the intersection of Houston Street and IH 10 Expressway, having 1667.36' on E. Commerce Street and 1482.41' on IH 10 Expressway. The "B-3NA" being on the southeast side of E. Commerce Street with a depth of 100' and on the northwest side of IH 10 Expressway with a depth of 100'. The "I-1" being on the remaining portion of subject property.

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

Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved provided that driveways from E. Commerce Street and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Alderete seconded the motion.

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

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AN ORDINANCE 60,441

AMENDING CHAPTER 42 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 3.35 AND A 3.61 ACRE TRACT OF LAND OUT OF NCB 10675 AND NCB 10677, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 3600 BLOCK OF EAST COMMERCE STREET, FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES AND A 35.481 ACRE TRACT OF LAND OUT OF NCB 10675 AND NCB 10677, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT DRIVEWAYS FROM EAST COMMERCE STREET AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

* * * *

31. CASE Z85045 - to rezone a 0.979 acre tract of land out of CB 4395 and CB 4396, being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" One Family Residence District to "B-3R" Restrictive Business District and a 18.133 acre tract of land out of CB 4395 and CB 4396, being further described by field notes filed in the Office of the City Clerk, in the 8000 block of Potranco (FM 1957), from Temporary "R-1" One Family Residence District to "B-3" Business District, located northwest of the intersection of Richland Hills Drive and Potranco Road, having 776' on Potranco Road and 1310' on Richland Hills Drive.

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

Mr. Alderete moved that the recommendation of the Zoning Commission be approved provided that right-of-way dedication is given along Potranco Road and that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Wing 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, Alderete, Harrington, Cisneros; NAYS: None; ABSENT: Eureste, Archer, Hasslocher.

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AN ORDINANCE 60,442

AMENDING CHAPTER 42 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 0.979 ACRE TRACT OF LAND OUT OF CB 4395 AND CB 4396, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT AND AN 18.133 ACRE TRACT OF LAND OUT OF CB 4395 AND CB 4396, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 8000 BLOCK OF POTRANCO ROAD (FM 1957), FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT RIGHT-OF-WAY DEDICATION IS GIVEN ALONG POTRANCO ROAD, AND THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

* * * *

32. CASE Z85068 - to rezone Lot 250, NCB 11985, 207 Heimer Road, from "R-3" Multiple Family Residence District to "B-2" Business District, located on the northwest side of Heimer Road, being 140' southwest of the Junction of Perennial Drive and Heimer Road, having 245' on Heimer Road and a depth of 110'.

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

Mr. Steve Hillman, speaking in opposition, noted that Coker Elementary School is near this property. He addressed several concessions made by the property owner at a previous rezoning consideration, and stated his opinion that they already have been successful in reversing one such concession, and this case represents an attempt to void the second concession made earlier in a rezoning consideration of this property. He spoke against the request.

Mr. Harrington made a motion to deny the requested rezoning. Mr. Alderete seconded the motion.

The motion to deny prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Thompson, Alderete, Harrington, Cisneros; NAYS: none; ABSENT: Webb, Eureste, Archer, Hasslocher.

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Case Z85068 was denied.

33. CASE Z85052 - to rezone Lot 5, NCB 15655, 4955 S.W. Military Drive, from "B-2" Business District to "B-3" Business District, located on the southwest side of S.W. Military Drive being 1185' southeast of the intersection of Whitewood Drive and S.W. Military Drive, having 130' on S.W. Military Drive and a maximum depth of 145'.

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

In response to a question by Mr. Thompson, voicing his concern for rezoning the entire area for construction of a sign, the proponent, Mr. Thomas Fasone, stated his willingness to rezoning only the necessary portion of the property to allow construction of the sign in question.

Mr. Andy Guerrero, Planner II, stated that staff would have to have the area surveyed to determine the exact area needed.

Mr. Thompson made a motion to approve rezoning of the southwest 25' of the northeast 41' of the southeast 25' of Lot 5, NCB 15655 provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Alderete 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, Alderete, Harrington, Cisneros; NAYS: None; ABSENT: Berriozabal, Eureste, Archer, Hasslocher.

AN ORDINANCE 60,443

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTHWEST 25' OF THE NORTHEAST 41' OF THE SOUTHEAST 25' OF LOT 5, NCB 15655, 4944 SOUTHWEST MILITARY DRIVE, FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

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85-22 The Clerk read the following Ordinance:

AN ORDINANCE 60,444

ADDING PROVISIONS TO ARTICLE IV OF CHAPTER 28 OF THE CITY CODE OF THE CITY OF SAN ANTONIO RELATING TO SOLICITATIONS; ESTABLISHING REGISTRATION REQUIREMENTS FOR PERSONS SOLICITING FUNDS FOR CHARITABLE AND OTHER PURPOSES; MAKING OTHER PROVISIONS RELATED THERETO; AND PRESCRIBING CERTAIN PENALTIES.

* * * *

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

In response to questions by Mr. Thompson, Mr. Lowell Denton, City Attorney, explained who would be affected by this Ordinance, noting that it has no effect upon the areas of solicitation, as periodically granted by City Council.

Mrs. Dutmer briefly described the previous method of securing solicitation approval from the City.

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

85-22 The Clerk read the following Ordinance:

AN ORDINANCE 60,445

CHANGING THE STREET NAME OF SAGO PALM DRIVE TO HERITAGE BOULEVARD.

* * * *

Mr. Thompson made a motion to approve the proposed Ordinance. Mr. Alderete 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, Alderete, Harrington, Cisneros; NAYS: None; ABSENT: Berriozabal, Eureste, Archer, Hasslocher.

85-22 The Clerk read the following Ordinance:

AN ORDINANCE 60,446

ESTABLISHING A NON-REFUNDABLE APPLICATION PROCESSING FEE OF \$250.00 FOR EACH STREET NAME CHANGE REQUEST OR PETITION; AND ESTABLISHING A \$150.00 INSTALLATION FEE PER EACH STREET INTERSECTION OF ALL APPROVED STREET NAME CHANGES.

* * * *

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

Mr. Harrington voiced his concern that \$400 is a lot of money to spend to change the name of a street.

Mr. Stuart Summers, Director of Budget and Research, explained that this cost includes an attempt to recover the administrative and material costs involved in making street name changes, noting that some \$125 in materials alone is involved in a street sign.

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

85-22 The Clerk read the following Resolution:

A RESOLUTION NO. 85-22-36

EXTENDING FOR A SIX MONTH PERIOD FROM THIS DATE, THE CITY'S PREVIOUS DESIGNATION AND RECOGNITION OF THE ALAMO GRAND PRIX ASSOCIATION AS THE AGENT IN COMPLETING A FEASIBILITY STUDY FOR AN ANNUAL DOWNTOWN AUTOMOBILE STREET RACE; AND DIRECTING CITY STAFF TO WORK WITH THE A.G.P.A. IN DEVELOPING A SUITABLE EVENT PROGRAM AND EXPLORING ANY POSSIBLE CITY PARTICIPATION IN THE EVENT.

* * * *

Mr. Alderete made a motion to approve the proposed Resolution. Ms. Berriozabal seconded the motion.

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After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Harrington, Archer, Cisneros; NAYS: None; ABSENT: Eureste, Hasslocher.

85-22 The Clerk read the following Ordinance:

AN ORDINANCE 60,447

AUTHORIZING THE CLOSING OF CERTAIN STREETS IN CONNECTION WITH FIESTA 1985.

* * * *

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

Ms. Nina Schulte, representing the St. Paul's Square Owners Association, voiced her concern with having to hold the newly-formed "Tastes of New Orleans" event in a rear property area, near to a construction area, rather than in front of their properties on East Commerce Street. She spoke in favor of closing East Commerce Street between Hoefgen and Sycamore Streets on Saturday, April 20, 1985 for the event.

Mr. Don Moya, representing the same group, stated that this event is a new one planned for Fiesta Week, and reiterated the request to close East Commerce Street as required, to provide room to erect food booths and performance stages. He noted that Police Department traffic division personnel have voiced their concerns with a possible traffic conflict with Rey Feo Parade-watchers reaching the downtown area, when East Commerce Street is closed-off to through traffic for "Tastes of New Orleans".

Mr. Webb spoke in support of the request and offered an amendment to allow for closing of East Commerce Street as required for the "Tastes of New Orleans" fiesta event. Mr. Thompson seconded the motion.

Mayor Cisneros voiced his concern with naming a local event after another major city, such as New Orleans.

The amendment prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Archer, Cisneros; NAYS: None; ABSENT: Eureste, Harrington, Hasslocher.

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The main motion, as amended, prevailed by the following vote:
AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Archer,
Cisneros; NAYS: None; ABSENT: Eureste, Harrington, Hasslocher.

85-22 Agenda Item 39, being a proposed ordinance authorizing the issuance of nineteen (19) additional operating permits to certain taxicab companies, was offered for consideration.

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

Mrs. Dutmer spoke to the background of this proposed Ordinance, stating that she has spoken with an attorney representing the taxicab operators concerned. She further stated that there is much confusion surrounding this matter, as to whether or not the permits for the taxicabs can be used. She noted that one member of City staff has stated that the permits can, indeed, be put into use if the necessary fees are paid-up. Mrs. Dutmer stated that, based upon that comment, certain cab operators purchased new or additional equipment which the City now says they cannot put into use, and the individuals and firms concerned are still liable to pay for the equipment purchased. She quoted one attorney as stating his opinion that this constitutes an injustice toward the cab operators concerned.

Mr. Bill Morris, attorney, stated that the permits in question were granted by the City before its freeze-order was enacted, and the City now has told the cab permit holders concerned that those permits could be utilized if all back fees are paid-up. He stated further that, on the strength of that comment, certain permit holders purchased additional equipment, but in January, the City told them they could not use those permits. He stated further that the Transportation Advisory Board favors granting of these permits.

Mr. Robert Gonzalez, member of the Transportation Advisory Board, stated his opinion that the 19 permits in question were invalidated because they were not put into use within 90 days of their granting. He stated his further opinion that the city already has too many taxicabs on the streets, and this economic situation is harming the existing cab operators.

Mayor Cisneros noted that the City Council has covered this matter extensively.

Mr. Archer spoke against allowing more taxicabs on the streets, but stated his opinion that the City should either grant the permits in question or refund the fees paid.

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Mr. Roger Ibarra, Supervisor of Public Utilities, spoke to events that occurred when Internal Audit personnel asked that five individual taxicab permit-holders come in for a conference to discuss their permits not being used at that time. He further stated that, as a result of that conference, certain permit holders involved then went to the Treasury office and paid-up their back fees on the permits in question, and the Taxicab Inspector then awarded permits based upon the receipts showing the fees had been paid. He further stated that the City has offered to refund the fees involved.

Mr. Morris stated that his clients are not moving to circumvent the law, in any way.

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

In response to a question by Mr. Thompson, Mr. Ibarra spoke to his opinions as to why Internal Audit opened up the matter during a routine audit. He questioned whether or not the 19 permits in question were valid permits, and again noted that the City has offered to refund the fees paid.

In response to a question by Mrs. Dutmer, Mr. Morris reiterated the fact that certain debts have been incurred by the permit holders to make new equipment purchases, over and above the permit fees.

Mr. Carl White, Director of Finance, spoke of the matter of audits by the City of the various cab companies.

Mr. Raymond Buenteo, one of the permit holders in question, spoke of having been contacted by Mr. Sheldon Gable of the City's Internal Audit division concerning the permits in question.

Mr. White stated that, if Mr. Gable had made the comments attributed to him, it was not within his scope or authority to make those statements.

Mr. Eureste spoke of the background of this case before City Council and stated his opinion that the City needs to stick with its freeze on permits.

Mrs. Dutmer spoke in support of granting the permit involved.

Mr. Eureste stated his opinion that this may well be a matter for the courts to decide, once and for all, and spoke in support of the continued freeze on permits for taxicabs.

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The motion failed to carry by the following vote: AYES: Dutmer; NAYS: Berriozabal, Webb, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Cisneros; ABSENT: Hasslocher.

85-22 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE - CDBG FUNDS

Mayor Cisneros declared the Public Hearing to be open.

No citizen appeared to speak on this matter.

Mayor Cisneros then declared the Public Hearing to be closed.

The City Clerk then read the following Ordinance:

AN ORDINANCE 60,448

REPROGRAMMING CDBG FUNDS FROM COMPLETED, CANCELLED AND ONGOING PROJECTS WITH SURPLUS FUNDS TO CAPITAL PROJECTS WITH SHORTFALLS.

* * * *

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

Mrs. Dutmer then offered an amendment to take the \$80,000 surplus from the Mission Road Realignment Project and provide \$75,000 to the Southside Lions Community Center Project and \$5,000 to the Wesley Community Clinic Project in Villa Coronado. Mr. Webb seconded the motion.

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

Mr. Wing then offered a second amendment to allocate \$303,732 to complete the Fenfield Street Project; \$20,000 for engineering costs on the Lovett Street Project, from Somerset to Laredo Highway; \$20,00 for engineering costs on the Peabody Street Project, from Somerset to Laredo Highway; \$30,000 to Hafer Street Project, from South Flores Street to the San Antonio River. Mr. Webb seconded the motion.

A discussion then took place concerning the Flanders Street Project, which includes segments of that street in both Districts 4 and 5.

Ms. Berriozabal offered a third amendment to allocate \$68,222 of surplus funds from District 1 contingency/streets and drainage to Ripley Area Streets. Mr. Webb seconded the motion.

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The Third Amendment prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Cisneros; NAYS: None; ABSENT: Hasslocher.

The Second Amendment prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Cisneros; NAYS: None; ABSENT: Hasslocher.

The First Amendment prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Cisneros; NAYS: None; ABSENT: Hasslocher.

The main motion, as amended, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Cisneros; NAYS: None; ABSENT: Hasslocher.

- - -
85-22 The Clerk read the following Ordinance:

AN ORDINANCE 60,449

ACCEPTING THE BID OF HEATH CONSTRUCTORS, INC. IN THE AMOUNT OF \$212,970.32 FOR THE CONSTRUCTION OF SABINAS STREET FROM CULEBRA TO CINCINNATI; PROVIDING A CONTINGENCY; AND APPROVING A CONTRACT.

* * * *

Mr. Alderete 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, Eureste, Thompson, Alderete, Harrington, Archer, Cisneros; NAYS: None; ABSENT: Hasslocher.

- - -
85-22 The Clerk read the following Ordinance:

AN ORDINANCE 60,450

ACCEPTING THE BID OF WARREN EQUIPMENT COMPANY IN THE AMOUNT OF \$119,025.10 FOR THE "C" STREET RECONSTRUCTION PROJECT; PROVIDING A CONTINGENCY; AND APPROVING A CONTRACT.

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Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Alderete 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, Eureste, Thompson, Alderete, Harrington, Archer, Cisneros; NAYS: None; ABSENT: Hasslocher.

85-22

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE -
\$53,000,000 CERTIFICATES OF OBLIGATION

Mayor Cisneros declared the Public Hearing to be open.

No citizen appeared to speak on this matter.

Mayor Cisneros then declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 60,451

AUTHORIZING THE ISSUANCE OF \$53,000,000 "CITY OF SAN ANTONIO, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 1985"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND A PLEDGE OF CERTAIN REVENUES DERIVED FROM THE OPERATION AND OWNERSHIP OF PARKING FACILITIES TO BE KNOWN AS THE HEMISFAIR PARKING GARAGE, RECEIPTS FROM THE RENTAL OF CERTAIN LAND ADJACENT TO HEMISFAIR PLAZA AND A PORTION OF THE REVENUES RECEIVED FROM THE HOTEL OCCUPANCY TAX LEVIED BY THE CITY; PROVIDING THE TERMS AND CONDITIONS OF SUCH CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE AND DELIVERY OF SAID CERTIFICATES; AND DECLARING AN EMERGENCY.

* * * *

Ms. Berriozabal made to 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,

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Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Cisneros;
NAYS: None; ABSENT: Hasslocher.

85-22 The Clerk read the following Ordinance:

AN ORDINANCE 60,452

APPROVING AND AUTHORIZING THE EXECUTION OF A "PAYING AGENT/REGISTRAR AGREEMENT" IN RELATION TO THE "CITY OF SAN ANTONIO, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 1985"; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO; AND DECLARING AN EMERGENCY.

* * * *

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 Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Cisneros; NAYS: None; ABSENT: Hasslocher.

85-22 The Clerk read the following Ordinance:

AN ORDINANCE 60,453

ACCEPTING THE BID OF SIKES CONSTRUCTION CO., INC. OF SAN ANTONIO IN THE AMOUNT OF \$15,628,300.00 FOR CONVENTION CENTER EXPANSION - PHASE 2A PROJECT; PROVIDING A CONTINGENCY IN THE AMOUNT OF \$781,415.00; AND PROVIDING FOR PAYMENT IN THE AMOUNT OF \$300,000.00 IN PROJECT MANAGEMENT FEES TO 3D/INTERNATIONAL WALTER P. MOORE, JOINT VENTURE PROJECT MANAGERS.

* * * *

Mr. Thompson made a motion to approve the Ordinance. Mr. Harrington seconded the motion.

Mrs. Dutmer voiced her concern with the bid process involved in this matter, noting that there is a difference of only \$15,450 between the

high and low bids. She voiced her particular concern with the Sikes bid because it proposed to use an out-of-city sub-contractor with no experience, while the second-low bidder proposes to use an experienced local sub-contractor, even though the principal contractor is headquartered in Alabama. She voiced her concern for the response-time involved for equipment repairs, if needed, under this contract.

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

- - -
85-22 The Clerk read the following Resolution:

A RESOLUTION NO. 85-22-37 .

.
 .
 IN SUPPORT OF HB2015 RELATING TO THE REGULATION OF SOLICITATION FOR CONTRIBUTION.

* * * *

Ms. Karen Kliever, Director of Intergovernmental Relations, briefly explained the proposed Resolution stating that it is in line with the City's just-enacted Solicitations ordinance, passed by City Council earlier today.

Mr. Thompson made a motion that the proposed Resolution be approved. Mr. Webb seconded the motion.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Cisneros; NAYS: None; ABSENT: Hasslocher.

- - -
85-22 The Clerk read the following Resolution:

A RESOLUTION NO. 85-22-38 .

.
 .
 IN OPPOSITION OF HB526, SAME AS SB134, RELATING TO NOTICE OF AND FURNISHING OF SERVICES AFTER A MUNICIPAL ANNEXATION.

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

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Hasslocher, Cisneros; NAYS: None; ABSENT: Archer.

85-22 At this time, the City Council granted its informal concensus to hear from representatives of the firms bidding on the Convention Center Expansion Project-Phase 2A, the Ordinance for which was just enacted by City Council.

Mr. Presley Shafer, President, Shafer Plumbing Company, distributed handouts to members of the City Council. He voiced his concern that the subcontractor proposed for use on this project by the contractor, Sikes Construction Company, is new to the field, and stated his belief that his firm is better qualified to do the work. He stated his concern that the mechanical work on the Convention Center Expansion Project-Phase 2A could go wrong in some way because of the use of an inexperienced sub-contractor.

Mr. Shafer stated that the bid itself had 13 alternate bids, and that the contractor for which he would have been the plumbing sub-contractor, Algernon Blair, was lowest on 12 of the 13 alternate bids involved. He then spoke to details of the bids on the food service area work.

Mr. Archer spoke of his concern that a local sub-contractor is not being used for this work.

Mr. Joe Madison, Director of Convention Facilities, stated that he could not say which of the two firms in question is the best. He stated further that the City, by contract, holds the principal contractor responsible for the work of his sub-contractors, and explained the contract involved.

Mayor Cisneros noted that state law requires that the City cannot grant a contract based solely on the fact that a local firm is involved, except in such areas as professional contracts, such as those for architects and engineers.

Mr. Eureste spoke in favor of using local firms.

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85-22 The Clerk read the following Ordinance:

AN ORDINANCE 60,454

AMENDING ORDINANCE 60137 OF JANUARY 24, 1985,
RELATING TO THE WAIVER OF FEES FOR CERTAIN PLAZAS
AND OPEN SPACE IN LA VILLITA FOR A FUND RAISING
EVENT BY "CRIME STOPPERS".

* * * *

Mr. Harrington 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,
Eureste, Thompson, Harrington, Archer, Cisneros; NAYS: Dutmer; ABSENT:
Wing, Alderete, Hasslocher.

85-22 The Clerk read the following Ordinance:

AN ORDINANCE 60,455

WAIVING THE FEE FOR RENTAL OF EL MERCADO SQUARE AND
THE FEE ON BEVERAGE SALES IN CONNECTION WITH THE
CENTRO CULTURAL AZTLAN 13TH ANNUAL PASEO DE MARZO.

* * * *

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

After consideration, the motion, carrying with it the passage of
the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb,
Eureste, Thompson, Harrington, Archer, Cisneros; NAYS: Dutmer; ABSENT:
Wing, Alderete, Hasslocher.

(Council recessed at 4:03 P.M., reconvening at 4:42 P.M. for a discussion
on alleged public comments made by a public official.)

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Mayor Cisneros explained that this is an occasion for the members of the City Council to hear from certain citizen groups concerning their complaints against the alleged use of charges of 'Marxism' by a public official.

Reverend Bill Easum, Colonial Hills United Methodist Church, co-chair, Metropolitan Congregational Alliance, introduced others from his organization present in the audience. He stated his belief that public discussions should be frank, but they should also be honest and fair to all. He further stated that he feels like recent comments allegedly made by Mr. Archer in public were irresponsible. He quoted from a letter from a Methodist bishop, speaking against the alleged usage of the label of 'Marxist' against a Methodist minister during a meeting last Thursday night. He then asked for an apology from Mr. Archer. He spoke of other persons in the community who stand against usage of such labels, and recognized the presence in the audience of Ms. Helen Ayala, President of Communities Organized for Public Service, and representatives of the East Side Alliance.

Mayor Cisneros spoke of his perception of the need for limitations to public discourse, and spoke against anyone calling another person 'Marxist', stating that he feels this is unacceptable behavior by a public official.

Mr. Archer stated his belief that this matter is merely a smokescreen to detract from his stated opposition to the bond issue. He further stated that he believes that Mayor Cisneros has a 10-year plan for capital improvements that will cause ad valorem taxes to be raised. He stated further that he would not be intimidated, and spoke against rising costs and the need to get back to the basics of municipal service. He noted that neighborhood streets have deteriorated, and spoke against any increase in City ad valorem taxes.

Mayor Cisneros stated that he and Mr. Archer disagree on the bond issue matter, but further stated that this discussion today deals with the matter of a public official allegedly calling someone else a 'Marxist'.

Mr. Archer reiterated his opposition to the bond issue.

In response to a question by Mr. Webb, Mr. Archer stated that he did not call anyone a 'Marxist'.

Mr. Webb stated his opinion that the City Council needs some method of restraining public officials from using terms like 'Marxist' or 'communist' to label someone else, and asked that Mr. Archer apologize if

he indeed did say that during a public discourse. He further stated his belief that Council members can disagree without calling someone names.

Mr. Wing stated that he has been exposed to similar charges in the past, himself, and spoke against the labeling of other persons as 'Marxists'. He spoke in remembrance of the McCarthy era of American politics, an era of so-called 'red-baiting' and the fact that many persons were injured by charges without any substantiating proof. He stated further that he is personally hurt by such remarks.

Ms. Berriozabal noted that she often disagrees with citizens over a number of topics, and stated her opinion that public officials must develop a sense of patience with those with whom they differ. She spoke to having read newspaper accounts of the alleged comments, and voiced her objection to such department by public officials, stating her opinion that an apology is due those involved.

Mr. Thompson stated that he was disturbed by any such attacks on someone of the church.

Mr. Eureste stated his opinion that Mr. Archer did not intend to harm anyone by the alleged remarks, even though he disagrees with the organizations involved. He further stated that he feels that the alleged remarks cannot un-do the good of the organizations involved, then spoke of his own political views and beliefs, and of his often-unpopular stands on issues.

Mrs. Dutmer stated that she is opposed to what was allegedly said, but defended anyone's right to say what they think, if they feel it is true. She noted that some persons do not handle anger well, and sometimes say things that they really don't mean. She also stated her opinion that when a minister of the church steps into the realm of politics, he leaves himself open to comments and statements by others. She stated her opinion that Mr. Archer is a gentleman, overall.

Mayor Cisneros stated his belief that calling persons 'Marxists' is not a proper form of political debate, and spoke to the definition of the word 'communist'. He then stated that the organizations involved are directly opposite of any such affiliation, and stated his opinion that certain lines are not to be crossed.

Mr. Archer spoke of the possibility of the City raising taxes because of the bond issue, and stated his opinion that the bond issue will lose at the polls. He thanked Mr. Eureste and Mrs. Dutmer for their statements.

Mr. Harrington stated that he feels he cannot tell a City Council member how to act outside of City Council chambers and City business. He

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noted that so-called "accountability nights" by community groups can spark volatile reactions, at times. He then spoke in defense of the Mayor's stand on the bond issue matter, and stated his opinion that the bonds will be approved by the voters.

Mr. Eureste stated his personal opinion that certain newspapers are trying to turn certain communities against an individual in this case.

Mr. Archer reiterated his contention that a tax increase will be necessary to pay for the bonds, if they are approved.

Mayor Cisneros stated his contention that a certain level of mutual respect must be present in any public discourse, and asked all public officials to debate the tough issues and avoid calling anyone names.

85-22

CITIZENS TO BE HEARD

REV. R. A. CALLIES, SR.

Reverend R. A. Callies, Sr., representing the United Cemetery Commission, spoke to the City Council about the continuing efforts of their committee in trying to keep the "City's colored people cemeteries" clean and free of debris. He distributed to the Council a copy of a memorandum from City Attorney Lowell Denton addressed to Ron Darner, Director of Parks & Recreation. He then presented to the Council a proposal that the City do the following:

1. The city put into effect care and maintenance of the city's colored people cemeteries immediately.
2. Rename the city's colored people's cemeteries to that of Loving Care Memorial Park.
3. Install chain link fence on Montana Street and S. New Braunfels Avenue sides of the cemeteries.
4. Clear out weeds, debris and the like.
5. Properly position and erect tomb stones.
6. Land fill sunken graves.
7. Install water hydrants.
8. Provide grave markers upon graves at all time.

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9. Provide continuous care and maintenance of cemeteries on daily basis.

A copy of the memorandum and proposal are on file with the papers of this meeting.

Mr. Archer spoke to the need of maintaining these cemeteries.

Mr. Webb then moved to appropriate \$50,000 yearly to the City's Parks and Recreation budget to maintain these cemeteries. Mr. Eureste seconded the motion.

In response to a question by Mayor Cisneros, Mr. Darner stated that it will cost approximately \$160,000 the first year to bring the cemeteries to an acceptable standard, then the yearly maintenance cost would be between \$17,000 to \$20,000.

Mr. Webb so amended his motion and asked that this item be placed on a future A session agenda.

On roll call vote, the motion prevailed by the following vote:
AYES: Berriozabal, Webb, Dutmer, Eureste, Harrington, Hasslocher, Cisneros; NAYS: Archer; ABSENT: Wing, Thompson, Alderete.

Reverend Callies thanked the City Council for this action as well as other efforts which they have made for the betterment of the entire city.

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MR. DONALD MOYE

Mr. Donald Moyer, representing the San Antonio Zulu Association, spoke to the City Council about their planned activities at St. Paul Square during Fiesta Week. In conjunction with these activities they are requesting a fee waiver of the use for platform stages furnished by the Parks Department.

In response to Mayor Cisneros, Mr. Ron Darner stated that the City staff does not recommend the waiver of any fees for the use of these showmobiles.

Mr. Webb advised Mr. Moyer that the City Council will take his request under advisement.

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JAMES MYART, JR.

Mr. James Myart, 511 Preston Street, spoke to the City Council about the announcement made by Sea World that they will be locating on the west side of San Antonio. He stated that he as well as other citizens on the east side are very disappointed that they chose to pull out of the east side. He also expressed his concern that Sea World had asked for commitments from the City of San Antonio as well as the county and state and asked what the city was going to do about these commitments. He asked that the City Council asked for a firm commitment from Sea World on employment of persons from all sectors of the City. He asked that the City Council author a resolution asking Sea World to make commitments to establish personnel offices throughout all of the City in order to assure that all citizens be given an opportunity for employment.

(At this point, Mayor Cisneros was obliged to leave the meeting and Ms. Berriozabal presided as Acting Mayor.)

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DAVID ALVARADO

Mr. David Alvarado, 426 S.W. 37th Street, spoke to the City Council about the condition of three streets in his area that need attention, those being Marbach Road, Abshire, and S.W. 37th Street. He spoke of the need to have these streets regularly maintained.

In response to a statement by Mr. Alvarado, Ms. Berriozabal stated that the Bond Ordinance was published in its entirety twice in each of the two general circulation newspapers.

* * * *

HORTENSE CANLE

Mrs. Hortense Canle, 1511 W. Mariposa, expressed her displeasure and concern over having to pay a \$15.00 yearly fee for a permit to keep fifteen pets. She asked why this fee was being collected.

Mr. Eureste explained that this fee is used to cover costs of inspecting the premises of areas where these animals are kept.

* * * *

MRS. MARGARET EVANS

Mrs. Margaret Evans, 338 Millwood, spoke to the City Council on behalf of the Woodlawn Sailing Club. She spoke about their planned activities during Fiesta Week to have a regatta during the weekend of

April 27 and 28. She then stated that they wish to offer beer and wine and she understands that a special permit will be needed.

Ms. Berriozabal explained that she had attempted to circulate a memorandum in order to waive the ordinance, but had not been able to get the necessary signatures.

A discussion then took place by the City Attorney on the waiver of the ordinance and his opinion on waiving the ordinance on a case by case basis and writing an ordinance with exemptions noted in its body.

After discussion, City Manager Fox stated that he will meet personally with Mr. Ron Darner, Director of Parks & Recreation, and Mr. Lowell Denton, City Attorney, on this matter and report back to Council on their deliberations on this particular matter.

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84-22 The Clerk read the following Letter:

March 13, 1985

Honorable Mayor and Members of the City Council
 City of San Antonio

The following petition was received in my office and forwarded to the City Manager for investigation and report to the City Council.

March 12, 1985

Petition submitted by Ms. Sue Myers and other residents of Pebble Forest stating their opposition to the extension of the Pebble Heights cul de sac into Pebble Forest, Unit 4.

* * * *

/s/Norma S. Rodriguez
 City Clerk

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There being no further business to come before the City Council,
the meeting was adjourned at 6:20 P.M.

A P P R O V E D

Henry Cisneros
M A Y O R

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