

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, NOVEMBER 14, 1991.

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

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91-48 Invocation - Father Richard McCarthy, Our Lady of Mt. Carmel Catholic Church.

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91-48 Pledge of Allegiance to the flag of the United States.

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91-48 Minutes of the September 3, 1991 Regular City Council Meeting were approved.

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91-48 RESOLUTION OF RESPECT - MR. PLEAS C. NAYLOR

Mayor Wolff spoke of his longtime friendship with the late Mr. Pleas C. Naylor, and introduced family members present in the audience today, including his widow, Mrs. Ellen Naylor; daughters, Ruth Naylor, Ellen Mooney, and Patti Martin; son, Chester Slimp; and granddaughters, Lisa Martin and Kristen Mooney.

Mayor Wolff then read the following Resolution of Respect:

A RESOLUTION NO: 91-48-66

WHEREAS, LIFE CAME TO A CLOSE FOR PLEAS COLEMAN NAYLOR ON AUGUST 16, 1991; AND

WHEREAS, MR. NAYLOR SERVED THE CITY OF SAN ANTONIO AS A CITY COUNCILMAN FROM MAY 1, 1971 TO APRIL 30, 1973; AND

WHEREAS, HE SERVED THE CITY HE LOVED WITH DISTINCTION AS AN OFFICER OR MEMBER OF NUMEROUS PROFESSIONAL AND CIVIC ORGANIZATIONS; AND

WHEREAS, HE WAS INSTRUMENTAL IN FOUNDING THE REAL ESTATE PROGRAM AT ST. MARY'S UNIVERSITY AND THE NORTHWEST ROTARY CLUB AS WELL AS SERVING ON THE TEXAS REAL ESTATE COMMISSION, THE SOCIETY OF INDUSTRIAL REALTORS AND THE LIVESTOCK COMMISSION, TO NAME BUT A FEW OF THE ORGANIZATIONS IN WHICH HE WAS ACTIVE; AND

WHEREAS, HE MANAGED DURING HIS LIFE TIME TO AFFECT, EITHER DIRECTLY OR INDIRECTLY, THE LIVES OF MANY OF OUR CITIZENS; AND HE SUCCESSFULLY MERGED HIS LOVE OF CITY, HIS NATION AND HIS FAMILY INTO A COMPLETE AND WELL-ROUNDED LIFE OF COMMITMENT TO ALL; NOW, THEREFORE:

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

SECTION-1. THAT WITH THE DEATH OF PLEAS COLEMAN NAYLOR THE CITY OF SAN ANTONIO HAS LOST A VALUABLE ASSET TO ITS PAST, PRESENT AND FUTURE.

SECTION-2. THAT THE CITY COUNCIL JOINS WITH HIS FAMILY AND FRIENDS IN THEIR SORROW OVER HIS DEATH, AND EXTENDS ITS SINCEREST SYMPATHY AND PRAYERS OF COMFORT TO THOSE WHO WERE NEAR HIM.

SECTION-3. AND IT IS HEREBY DIRECTED THAT A COPY OF THIS RESOLUTION BE SPREAD UPON THE MINUTES OF THIS MEETING AND A COPY BE PRESENTED TO HIS FAMILY AS A TOKEN OF OUR DEEPEST SYMPATHY.

* * * *

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

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

Mayor Wolff then presented the Resolution of Respect to members of the family.

Mrs. Naylor spoke of each Council member's own individual commitment to the City of San Antonio, and thanked the Mayor and Council for the honor to her late husband.

91-48

"HOME FOR THE HOLIDAYS" PROGRAM

Mayor Wolff noted that Southwest Airlines, working with the Alamo Area Council of Governments' Area Agency on Aging, is presenting a number of senior citizens with free tickets to any city on Southwest's route system. He further noted that Southwest Airlines has sponsored this program since 1979, reuniting thousands of seniors with their loved ones during this special time of the year. He then identified a number of the recipients, present in the audience.

Mayor Wolff then presented Ms. Christine Ortega and other representatives of Southwest Airlines, with a Proclamation designating "Home For the Holidays" Season in San Antonio.

Ms. Ortega, in turn, formally introduced the senior citizen honorees to receive their free tickets today, and joined Mayor Wolff in distributing them to the recipients.

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91-48

FOOD DONATION TO THE NEEDY

Mayor Wolff introduced Mr. L.C. Robbins, owner of Star Food Processing, Inc., and noted that Mr. Robbins' firm has donated 50,000 units of vacuum-packed meals to participants of the City's Comprehensive Nutrition Program and to other city food programs designed for the needy.

Mr. Larson expressed the appreciation of the Council, on behalf of the citizenry of San Antonio, for the firm's gift of food, noting that the donation was between 50-70,000 units, representing about \$75,000 in donated company profits.

Mr. Thompson spoke to the magnanimous community gesture by Star Food Processing and noted that the firm had contacted the City, offering to donate these food-units to San Antonio's needy.

Mr. Pierce and Mr. Thornton both spoke to the firm's commitment to the community through this action.

Mr. L.C. Robbins thanked the City for helping coordinate distribution of the food-units to the needy of the city.

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91-48

MAJESTIC/EMPIRE THEATERS RENOVATION UPDATE

Mayor Wolff introduced Ms. Jocelyn Straus, founding Chairman of the Las Casas Foundation, and a number of her fellow board members. He noted that Las Casas has been asked to provide the City Council with an update on the progress and efforts to renovate the Empire Theater and

put some finishing touches on the Majestic Theater renovation that was successfully renovated and reported reported in September 1989.

Ms. Straus spoke to a brief history of the renovation efforts for the Majestic and Empire Theaters and stated that Las Casas currently is in the process of raising some \$3.5 million necessary to completely renovate the Empire Theater. She spoke to the importance of the downtown "arts district" as an economic development magnet, and distributed to Council members invitations to Las Casas' next event, "Musical Chairs", to be held at the Empire Theater.

Mayor Wolff spoke of the private sector's involvement in restoring the historic theaters of downtown San Antonio.

Council members also spoke to the overall downtown "arts district" and Ms. Straus' many contributions to its success.

Mr. Eduardo Diaz, Director of the Department of Arts & Cultural Affairs, spoke of a coming meeting to be held in the Empire Theater November 25, 1991, and of the planned visit to San Antonio next week of the chief cultural affairs officer of the United States.

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91-48

"AT YOUR SERVICE" AWARD

Mr. Alex Briseno, City Manager, introduced this month's recipient of the "At Your Service" Award, Ms. Mary Bernal, Labor Crew Leader, Convention Facilities Department, and addressed her contributions to the City and the Convention Facilities area.

A brief videotaped presentation outlined Ms. Bernal's work and her accomplishments on behalf of the City of San Antonio.

Mayor Wolff and Mr. Briseno then jointly presented Ms. Bernal with a special Citation.

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91-48

MEMORIAL HIGH SCHOOL STUDENTS

Mayor Wolff recognized a group of 9th through 12th grade students from Memorial High School, accompanied by their instructor, Mr. Charles Rodriguez, former Chief of Police.

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91-48

CONSENT AGENDA

Ms. Billa Burke made a motion to approve Agenda Items 8 through 32b, constituting the Consent Agenda, with Item 24 earlier

removed from consideration by the City Manager. Mr. Pierce seconded the motion.

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

AN ORDINANCE 74,715 .

.
ACCEPTING THE LOW, QUALIFIED BID OF PUMPS UNLIMITED, INC. IN THE AMOUNT OF \$4,325.00 IN CONNECTION WITH THE ALAMO BRANCH YMCA PROJECT; AUTHORIZING A CONTRACT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,716 .

.
ACCEPTING THE BID OF SAN ANTONIO PRESS, INC. FOR THE PRINTING OF AN ARTS NEWSLETTER FOR THE CITY OF SAN ANTONIO ARTS AND CULTURAL AFFAIRS DEPARTMENT FOR \$8,274.00.

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AN ORDINANCE 74,717 .

.
ACCEPTING THE LOW BID OF TEXAS TRUCK CENTER TO OVERHAUL TWO TRUCK-MOUNTED AERIAL TOWERS FOR THE CITY OF SAN ANTONIO AUTOMOTIVE OPERATIONS FOR A TOTAL OF \$29,413.00.

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AN ORDINANCE 74,718 .

.
AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT IN THE AMOUNT OF \$32,500.00 WITH F.N. PLOCH CONSTRUCTION CO., INC. FOR CONSTRUCTION

SERVICES IN CONNECTION WITH THE SOUTHSIDE LIONS
PARK-LAKE ROAD PAVING PROJECT; AUTHORIZING
\$3,250.00 FOR A CONSTRUCTION CONTINGENCY, \$101.70
FOR PRINTING EXPENSES, AND \$199.20 FOR BID
ADVERTISING; APPROPRIATING FUNDS; AND PROVIDING
FOR PAYMENT.

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AN ORDINANCE 74,719

ACCEPTING THE LOW, QUALIFIED BID OF ROSSON BUILDERS,
INC. IN THE AMOUNT OF \$125,155.00 IN CONNECTION
WITH THE EAST SIDE BOYS' AND GIRLS' CLUB
IMPROVEMENTS PROJECT; AUTHORIZING A CONTRACT;
REVISING THE PROJECT BUDGET; AUTHORIZING \$8,245.00
FOR CONSTRUCTION CONTINGENCIES, \$700.00 FOR
ENGINEERING EXPENSES AND \$250.00 FOR PRINTING; AND
PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,720

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 3
IN THE AMOUNT OF \$10,586.93 TO THE CONTRACT WITH
YANTIS, INC. IN CONNECTION WITH THE BITTERS
ROAD-WEST AVENUE TO TREASURE TRAIL PROJECT;
ACCEPTING A CONTRIBUTION FROM FOLSOM INVESTMENTS,
INC. IN THE AMOUNT OF \$7,000.00 AND APPROPRIATING
1987 G.O. STREET BOND FUNDS; AND PROVIDING FOR
PAYMENT.

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AN ORDINANCE 74,721

ACCEPTING THE LOW, QUALIFIED BID OF S. A. WINCO,
INC. IN THE AMOUNT OF \$133,089.18 IN CONNECTION
WITH THE WAZEE DRIVE FROM TAOS DRIVE TO CARMEN
PLACE PROJECT; AUTHORIZING A CONTRACT; AUTHORIZING
\$12,482.88 FOR CONSTRUCTION CONTINGENCIES; AND
PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,722

AUTHORIZING AND APPROPRIATION AND TRANSFER OF
\$29,750.00 FROM THE CAPITAL IMPROVEMENT RESERVE FUND

AND AUTHORIZING THE EXPENDITURE OF SAID FUNDS FOR THE CONSTRUCTION OF A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF WEST MULBERRY AND SHOOK AVENUE.

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AN ORDINANCE 74,723

AUTHORIZING FIELD ALTERATION NO. 3 IN THE DECREASED AMOUNT OF \$16,406.35 TO THE CONTRACT WITH E-Z BEL CONSTRUCTION COMPANY, INC. IN CONNECTION WITH THE RECONSTRUCTION OF BALBOA FROM MERIDA TO CASTROVILLE ROAD PROJECT; AND REVISING THE BUDGET.

* * * *

AN ORDINANCE 74,724

AUTHORIZING A CONSTRUCTION CONTRACT WITH DAILEY CONSTRUCTION CO., INC. IN THE AMOUNT OF \$545,000.00 FOR THE CONSTRUCTION OF THE COLUMBIA HEIGHTS LEARNING & LEADERSHIP DEVELOPMENT CENTER PROJECT; AUTHORIZING \$38,150.00 FOR A CONSTRUCTION CONTINGENCY; APPROPRIATING 1989 G.O. LIBRARY BOND FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,725

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$214,933.08 WITH CIVIL ENGINEERING CONSULTANTS FOR PHASE B AND FINAL DESIGN PHASE SERVICES IN CONNECTION WITH THE CAMELOT/PARK VILLAGE AREA SANITARY SEWER REHABILITATION PROJECT; APPROPRIATING ADDITIONAL ENGINEERING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,726

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$360,000.00 WITH CH2M HILL ENGINEERING FOR DESIGN AND CONSTRUCTION PHASE ENGINEERING SERVICES IN CONNECTION WITH THE LEON CREEK AND SALADO CREEK CHLORINE AND DECLORINATION FACILITIES PROJECT; APPROPRIATING SEWER REVENUE BOND FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,727

AUTHORIZING A BUDGET TRANSFER OF \$37,000.00 FROM THE SPECIAL REVENUE RESERVE FUND TO THE OTHER CAPITAL PROJECTS FUND; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENTS FOR EXPENSES INCURRED IN IMPLEMENTING PROJECTS OF THE PARKS AND RECREATION FACILITIES IMPROVEMENT AND MAINTENANCE PROGRAM.

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AN ORDINANCE 74,728

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 3 IN THE AMOUNT OF FIELD ALTERATION NO. 3 IN THE AMOUNT OF \$24,309.64 TO THE CONTRACT WITH BALLOU CONSTRUCTION COMPANY, INC. IN CONNECTION WITH THE MICRO-SURFACING - 1991 PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,729

APPROVING THE TRANSFER OF PROPERTY AND CONDITIONS THERETO FROM THE SAN ANTONIO DEVELOPMENT AGENCY (SADA) TO THE SAN ANTONIO HOUSING AUTHORITY (SAHA) FOR THE PURPOSE OF HOUSING DEVELOPMENT FOR SENIOR CITIZENS, SUCH PROPERTY LOCATED WITHIN THE COLONIA SAN ALFONSO COMMUNITY DEVELOPMENT PROJECT.

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AN ORDINANCE 74,730

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,234.56 FOR TITLE CHARGES ON THE HI-LIONS DRAINAGE PROJECT #80, BABCOCK ROAD - HUEBNER TO HAMILTON WOLFE PROJECT, ASHLEY ROAD RECONSTRUCTION PROJECT - BASCUM BLVD. TO S. FLORES AND THE SCIENCE PARK DRAINAGE PROJECT #58H, I & J; AND APPROPRIATING FUNDS.

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AN ORDINANCE 74,731

AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIVE YEAR LEASE AGREEMENT WITH THE CONTROL DATA SAN ANTONIO BUSINESS & TECHNOLOGY CENTER FOR 2,184

SQUARE FEET OF OFFICE SPACE LOCATED AT 301 SOUTH FRIO, SUITE 290 TO HOUSE THE INTERNAL AFFAIRS OFFICE OF THE SAN ANTONIO POLICE DEPARTMENT FOR A MONTHLY CONSIDERATION OF \$2,518.15.

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AN ORDINANCE 74,732

AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH METZGER BUILDING JOINT VENTURE TO PROVIDE (1) 3,321 SQUARE FEET OF OFFICE SPACE AT 1430 NORTH FLORES FOR THE REPEAT OFFENDERS PROJECT OF THE SAN ANTONIO POLICE DEPARTMENT FOR A MONTHLY CONSIDERATION OF \$2,025.81; AND (2) 2,850 SQUARE FEET OF WAREHOUSE SPACE LOCATED ON THE SAME PROPERTY FOR AN ADDITIONAL CONSIDERATION OF \$700.00 MONTHLY FOR THE ASSETS SEIZURE UNIT OF THE SAN ANTONIO POLICE DEPARTMENT.

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AN ORDINANCE 74,733

AUTHORIZING THE PAYMENT OF UP TO \$15,000.00 TO THE TEXAS DEPARTMENT OF HEALTH FOR INFLUENZA VACCINE UTILIZED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT IN ITS ANNUAL INFLUENZA VACCINATION CAMPAIGN.

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AN ORDINANCE 74,734

AUTHORIZING THE EXECUTION OF CONTRACT CHANGE NO. 6 COMPRISED OF ATTACHMENT 20 TO THE CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH (TDH) THAT PROVIDES STATE AID TO THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR PUBLIC HEALTH SUPPORT PROJECT 1991/92; AUTHORIZING RECEIPT OF \$434,670.00 TO FUND STATE HIV HEALTH AND SOCIAL SERVICE PROJECTS APPLIED FOR IN ORDINANCE 74131 PASSED AUGUST 15, 1991; AUTHORIZING THE EXECUTION OF CONTRACTS WITH SUBCONTRACTORS; AUTHORIZING PERSONNEL POSITIONS AND APPROPRIATING FUNDS.

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AN ORDINANCE 74,735

AUTHORIZING AND ACCEPTING SUPPLEMENTAL FUNDING REVISIONS TO THE INTERLIBRARY LOAN SERVICE-FEDERAL GRANT 1991/92 IN THE AMOUNT OF \$116,997.00.

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AN ORDINANCE 74,736

ACCEPTING THE PROPOSAL OF EASTMAN KODAK COMPANY TO FURNISH THE SAN ANTONIO CITY CLERK'S OFFICE WITH A MAINTENANCE AGREEMENT FOR SEVEN MICROFILMING MACHINES FOR A TOTAL OF \$9,869.00.

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AN ORDINANCE 74,737

CLOSING ALAMO DRIVE EAST FROM HOUSTON TO BLUM BETWEEN THE HOURS OF 6:00 A.M. AND 8:00 P.M. ON NOVEMBER 29, 1991; CLOSING SOUTH ALAMO STREET FROM HOUSTON TO COMMERCE AND CROCKETT STREET FROM LOSOYA TO BONHAM BETWEEN THE HOURS OF 3:00 P.M. AND 8:00 P.M. ON NOVEMBER 29, 1991; AND WAIVING THE STREET CLOSING FEE FOR THE AFORESTATED CLOSURES IN CONNECTION WITH THE CHRISTMAS TREE LIGHTING CEREMONY AT ALAMO PLAZA.

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AN ORDINANCE 74,738

APPOINTING LAURA A. HERNANDEZ TO REPLACE MARIA FARRINGTON ON THE COMMISSION FOR CHILDREN AND FAMILIES FOR A TERM OF OFFICE TO EXPIRE ON JUNE 27, 1993.

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AN ORDINANCE 74,739

APPOINTING ALBERT URESTI TO REPLACE GEORGE SMITH ON THE ZONING COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 1993.

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91-48 ZONING HEARINGS

4A. CASE Z911128(CCPP) - to rezone the south 102.0 feet of Lot 7, NCB 2334 from "B" Residence District to "R-1" C.C. Single Family Residence District with City Council approval for a day care center, 2125 Monterey Street, located northeast of the intersection of Navidad St. and Monterey St., having 154.75 feet on Navidad St. and 88.8 feet on Monterey St.

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

Mr. Andy Guerrero, Land Development Services, briefly explained the rezoning request and noted that eight notices had been returned in opposition to the request, but staff also was in receipt of a petition bearing 43 signatures in favor of the request for rezoning. He further noted that nine affirmative votes of City Council would be required for approval of the requested rezoning.

Ms. Mary Ann Martinez Mathis, the proponent, stated that she wanted the rezoning in order to open a child care center caring for up to 30 children from this area.

Ms. Gloria Gonzalez, realtor, 303 Highview, spoke of her visits with neighbors in support of the rezoning request, and addressed the perceived need for a child care center in this area to serve low-income parents.

Mr. Jesse De Los Santos, 2208 Monterey, stated his desire that the property in question remain residential, and also voiced his concern that a new child care center on the property would increase traffic around the property and also produce signs advertising the center.

Mr. Armando Gamboa, 2101 Monterey, stated that the area already has some six or seven child care facilities, and that the area in question is populated primarily by retirees.

Ms. Anita Cisneros, 2106 Monterey, spoke to her concerns for increased automobile traffic in the area.

Mr. Lupe Botello, 2102 Monterey, spoke against a use that would create more traffic congestion in the area, and stated his belief that the area already has enough child care centers. He also spoke to his concern for possible deterioration of the neighborhood.

In response to a question by Mr. Martinez, Ms. Mathis spoke to the differences between her planned child care center and others already established in the neighborhood. She then discussed aspects of neighborhood opposition to her rezoning request.

In response to a question by Mr. Martinez, Mr. Guerrero discussed City staff's recommendation for approval of the requested rezoning.

Mr. Martinez stated that, should the rezoning be granted, he would like to have a solid screen fence erected along the setback lines on the north and east segments of the property, and also would like to have a two-year limitation on the rezoning in order to reassess the rezoning at the end of that time.

Mr. Guerrero explained the fencing requirements imposed on child care centers.

Mr. Martinez moved to approve the proponent's request for rezoning, subject to the following stipulations: a limit of 30 children; a solid screen fence to be erected and maintained along the setback lines of the north and east segments of the property; and imposing a two-year limitation on the rezoning in order to reassess that rezoning at that time. Ms. Billa Burke seconded the motion.

Councilmembers Labatt, Thornton, Wing and Thompson stated that they would oppose the requested rezoning, if it were in their districts, and stated that they would be voting against the pending motion, although each was reluctant to vote against the wishes of the Council member from the district concerned.

The motion to approve the rezoning, failed to carry by the following vote: AYES: Pierce, Martinez; NAYS: Perez, Billa Burke, Wing, Thompson, Thornton, Labatt, Larson, Wolff; ABSENT: Vera.

Zoning Case Z91128CCPP was denied.

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4B. CASE Z91123 (PP) - to rezone Lots 13, 14 and 15, NCB 11899 from "R-3" Multiple Family Residence District and "B-2" Business District to "B-3NA" Non-Alcoholic Sales Business District, 446, 450 and 454 Hartline Drive located on the east side of Hartline Drive, 100 feet south of the intersection of Walzem Road and Hartline Drive, having 300 feet on Hartline Drive and a depth of 150 feet.

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

Mr. Andy Guerrero, Land Development Services, noted that nine affirmative votes of City Council would be required to approve the requested rezoning.

In response to a question by Mr. Larson, Mr. Guerrero stated that City staff could support a rezoning to B-2NA.

Mr. Arnold J. Sivek, Jr., 2427 Austin Highway, the property owner, briefly explained his rezoning request and discussed its close proximity to property used for automobile storage. He stated his willingness to accept a B-2NA zoning.

Mr. Larson made a motion to approve the proposed rezoning to B-2NA. Mr. Pierce seconded the motion.

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

AN ORDINANCE 74,740

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 LOTS 13, 14 AND 15, NCB 11899 FROM "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT AND "B-2" BUSINESS DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 450 AND 454 HARTLINE DRIVE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4C. CASE Z91138 - to rezone a 5.35 acre tract of land out of NCB 12059 from "B-2" Business District and "B-3" Business District to "I-1" Light Industry District, 13000 Block of San Pedro located on the northwest side of U.S. Highway 281 (San Pedro Ave.), 565 feet northeast of the intersection of Interpark Blvd. and U.S. Hwy 281, having 338.73 feet on U.S. Hwy 281 and a maximum depth of 1089.23 feet.

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

Mr. Thornton made a motion to approve the recommendation of the Zoning Commission. Mr. Thompson seconded the motion.

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

AN ORDINANCE 74,741

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 5.35 ACRE TRACT OF LAND OUT OF NCB 12059 FROM "B-2" BUSINESS DISTRICT AND "B-3" BUSINESS DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, 13000 BLOCK OF SAN PEDRO. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4D. CASE Z91136 - to rezone Lot 57, Block 13, NCB 18633 from "R-1" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District, 5505 Timberhill Drive located on the southwest side of Timberhill Drive, 100 feet northwest of the intersection of Timberhill Drive and Brookport Drive, having 245.13 feet on Timberhill Drive and a depth of 281.70 feet.

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. Thornton, Mr. Andy Guerrero, Land Development Services, stated that City staff is concerned of the proximity of this property to a residential area, and noted that deed restrictions cannot be a part of a formal motion.

Mr. Thornton made a motion to approve the proposed zoning. Ms. Billa Burke seconded the motion.

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

AN ORDINANCE 74,742

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 57, BLOCK 13, NCB 18633 FROM "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA"

NON-ALCOHOLIC SALES BUSINESS DISTRICT, 5505
TIMBERHILL DRIVE. "THE PENALTY FOR VIOLATION IS A
FINE NOT TO EXCEED \$1,000.00."

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4E. CASE Z91133 - to rezone the south 415 feet of the east
194.40 feet of P-26, NCB 15363 from Temporary "R-1" Single Family
Residence District to "B-2NA" Non-Alcoholic Sales Business District 7800
Block of Marbach Road, located on the north side of Marbach Road,
1,744.90 feet east of the intersection of N.W. Loop 410 Expressway and
Marbach Road having 194.40 feet on Marbach Road and a depth of 415 feet.

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

Mr. Thornton made a motion to approve the recommendation of
the Zoning Commission. Mr. Thompson seconded the motion.

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

AN ORDINANCE 74,743

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 THE SOUTH 415 FEET OF THE EAST
194.00 FEET OF P-26, NCB 15363 FROM TEMPORARY "R-1"
SINGLE FAMILY RESIDENCE DISTRICT TO "B-2NA"
NON-ALCOHOLIC SALES BUSINESS DISTRICT, 7800 BLOCK OF
MARBACH ROAD. "THE PENALTY FOR VIOLATION IS A FINE
NOT TO EXCEED \$1,000.00."

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4F. CASE Z91142 (CC) - to rezone the south 160 feet of the
north 545 feet of the east 183 feet of Lot 11, Block 5, NCB 14503 from
"I-2" Heavy Industry District to "I-2" CC Heavy Industry District with
City Council approval for chemical processing, 4713 Marco Street located
southeast of the cul-de-sac of Marco Street, being a tract of land
having a width of 160 feet and a depth of 183 feet.

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

Mr. Pierce made a motion to approve the recommendation of the Zoning Commission. Mr. Billa Burke seconded the motion.

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

AN ORDINANCE 74,744

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 THE SOUTH 160 FEET OF THE NORTH 545 FEET OF THE EAST 183 FEET OF LOT 11, BLOCK 5, NCB 14503 FROM "I-2" HEAVY INDUSTRY DISTRICT TO "I-2"CC HEAVY INDUSTRY DISTRICT WITH CITY COUNCIL APPROVAL FOR CHEMICAL PROCESSING, 4713 MARCO STREET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4G. CASE Z91144 - to rezone Parcels P-7 and P-7B, NCB 15285 temporary "R-1" Single Family Residence District to "B-3" Business District, 5510 S. W. Military located on the northwest side of Buckhorn Road between S. W. Military Drive and Five Palms Drive, having 369.12 feet on Buckhorn Road, 261.58 feet on Five Palms Drive and 272 feet on S. W. Military Drive.

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, Mr. Harry Jewett, representing the proponent, briefly explained the proposed usage of the property and stated his willingness to accept a B-3R zoning.

Mr. Thompson made a motion to approve the recommendation of the Zoning Commission for a B-3R. Ms. Billa Burke seconded the motion.

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

AN ORDINANCE 74,745

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 PARCELS 7 AND 7-B, NCB 15285 FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, 5510 S.W. MILITARY DRIVE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,746

CLOSING THE RIGHT CURB LANE OF ALAMO, FROM NUEVA TO HOUSTON, HOUSTON, FROM ALAMO TO BONHAM, BONHAM, FROM HOUSTON TO CROCKETT, CROCKETT, FROM BONHAM TO BOWIE, AND BOWIE, FROM CROCKETT TO TOWER PARKING LOT ENTRANCE FROM 6:00 A.M. TO 7:00 A.M. ON NOVEMBER 19, 1991, SO THAT A MILITARY SURGEON'S RUN MAY BE HELD, AND DECLARING AN EMERGENCY.

* * * *

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

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

91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,747

APPROVING AND RATIFYING CHANGE ORDER NO. 2 IN THE AMOUNT OF \$16,764.21 TO THE CONTRACT WITH MARTIN K. EBY CONSTRUCTION CO., INC. IN CONNECTION WITH THE DOS RIOS FACILITY ODOR CONTROL EXPANSION AND

MODIFICATIONS PROJECT; APPROPRIATING SEWER REVENUE
BOND FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

Mr. Willie Horton, Assistant Director of Wastewater Management, explained the need for timely action on this matter so as not to lose any construction time on the project and thus perhaps be in non-conformance with legal requirements.

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

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

- - -
91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,748

APPROVING AND RATIFYING CHANGE ORDER NO. 3 IN THE AMOUNT OF \$15,396.78 TO THE CONTRACT WITH MARTIN K. EBY CONSTRUCTION CO., INC. IN CONNECTION WITH THE DOS RIOS FACILITY ODOR CONTROL EXPANSION AND MODIFICATIONS PROJECT; APPROPRIATING SEWER REVENUE BOND FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

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

- - -
91-48 Agenda Item 36, being a proposed Ordinance approving the terms and conditions and ratifying the execution of a one-year professional services contract with the San Antonio Sports Foundation to solicit the hosting of competitive sporting events to the San Antonio area, which contract includes professional services related to the acquisition of an NFL expansion franchise, for a contract fee of \$135,000.00, was earlier removed from consideration by the City Manager.

91-48 Agenda Item 37, being a proposed Ordinance authorizing a 10-year agreement between the City of San Antonio, as lessee, and the State of Texas, as lessor, whereby the City will be allowed to use four tracts of land for public parking during events staged at the Alamodome and other downtown areas; authorizing the appropriation and expenditure of \$200,000.00 for installation of certain improvements, was earlier removed from consideration by the City Manager.

91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,749

BANNING ALCOHOLIC BEVERAGES AND GLASS CONTAINERS ON PARK ROAD ALPINE DRIVE LOCATED WITHIN THE SPANISH LAND GRANT SECTION OF THE BRACKENRIDGE/KOEHLER PARKS COMPLEX, ESTABLISHING A DECEMBER 1, 1991 EFFECTIVE DATE FOR SAID BANS, AND SETTING A FINE NOT TO EXCEED \$500.00 UPON CONVICTION OF ANY VIOLATION OF SAID BANS.

* * * *

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

Mr. Ron Darner, Director of Parks & Recreation, noted that, of the City's 130 parks, 58 now ban alcoholic beverages and glass containers. He then briefly explained the permit process for allowing use of alcoholic beverages in City parks.

A discussion took place concerning enforcement of these bans.

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

91-48 The Clerk read the First Reading of the Annexation:

AN ORDINANCE 74,750

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE ANNEXATION OF APPROXIMATELY 594.0 ACRES OF LAND KNOWN AS THE HUEBNER ROAD,

BLANCO/1604, DEERFIELD PROPERTY AREA AND APPROVING A
SERVICE PLAN FOR SUCH AREA.

* * * *

Mr. Thornton noted that the Council's Annexation Committee has recommended that the City annex three of the five recommended annexation areas this year, and defer annexation of both Dover Ridge South and Dover Ridge North until next year, when the City will consider annexation of the whole of Northwest Crossing, including the Dover Ridge areas, at that time.

Mr. Thornton made a motion to approve the proposed Ordinance. Mr. Pierce seconded the motion.

Mr. Thompson voiced his concern with a delay in the timely and planned annexations, and the pre-supposition that their annexation will occur next year. He stated his feeling that those in the areas being delayed in annexation action at this time will argue against annexation next year, as well. However, he stated that he would support the motion on the floor at this time.

A discussion then ensued concerning the recommendations of the Council's Annexation Committee.

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

- - -
91-48 Item 39B, being the first reading of an Ordinance annexing two areas totaling approximately 221 acres in the 1991 Annexation Package, such areas being commonly known as the Dover Ridge South Annexation Area containing approximately 100 acres and located south of Dover Ridge at Tezel Road (Area 4); and the Dover Ridge North Annexation Area containing approximately 150 acres and located north of Dover Ridge at Tezel Road (Area 5).

Mr. Thornton addressed the rationale for delaying the proposed annexation of Dover Ridge South and Dover Ridge North until next year.

Mr. Allan Polunsky, attorney representing homeowners in the affected areas, spoke to reasons for requesting delay in their annexation and noted that the area wants to come into the City of San Antonio as a whole, not piecemeal.

A discussion then took place concerning the annexation delay and the need for additional data on police human resources as they apply to this proposed annexation.

Mr. Thornton moved to defer annexation of Dover Ridge South and Dover Ridge North at this time, and to refer the matter back to the City Council's Annexation Committee with the intent to include the entire neighborhood in next year's process. Mr. Thompson seconded the motion.

Mr. Wing noted that, where annexation is concerned, his priorities will be to the citizens of San Antonio.

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

91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,751

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, AS LANDLORD, AND THE SPURS PROFESSIONAL BASKETBALL CLUB, LTD. FOR AN 18-MONTH LEASE OF APPROXIMATELY 3,200 SQUARE FEET OF SPACE IN THE HEMISFAIR PARKING GARAGE FOR A TOTAL RENTAL OF \$44,160.00 OVER SAID TERM.

* * * *

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

Mr. Joe Rodriguez, Assistant Director of Public Works, briefly explained the proposed lease of currently-vacant space in the Hemisfair Parking Garage to the San Antonio Spurs organization, and addressed the difficulty in locating a tenant for this particular space.

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

91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,752

REDUCING THE MILVID (SOMERSET TO KYLE; ELLA TO DEAD-END) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT BY \$384,000.00; REPROGRAMMING CDBG FUNDS IN THE AMOUNT OF \$450,000.00 TO CREATE THE JOB TRAINING INITIATIVES PROJECT AND THE NON-TRADITIONAL HIGH SCHOOL PROJECT; AUTHORIZING THE USE OF \$24,293.43 AVAILABLE AT THE CLOSE OF FY 1990-1991 FROM THE FAIR HOUSING ADMINISTRATION PROJECT TO SUPPORT EXPANSION OF THE FAIR HOUSING PROGRAM IN FY 1991-1992; AUTHORIZING THE MODIFICATION OF THE PERSONNEL COMPLEMENTS; REVISING THE AFFECTED BUDGETS; AND AUTHORIZING THE EXECUTION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH.

* * * *

Mayor Wolff declared the Public Hearing to be open.

No citizen appeared to speak to this matter.

Mayor Wolff declared the Public Hearing to be closed.

Mr. Wing spoke to details of the model new program worked out in cooperation and coordination with Communities Organized for Public Service, in order to create the Job Training Initiatives Project. He then noted that the remaining funds will be used to create the Non-Traditional High School Project, to be located on Mission Road, and noted that both are good uses for Community Development block Grant (CDBG) funds.

Mr. Labatt noted Mr. Wing's sacrifice of current funding for the Milvid Street project in his district, in order to produce sufficient funds for these two new programs, and asked that City Council take due note of this in the next CDBG funding round and perhaps assist him in restoring funds for this needed project.

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

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

91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,753

APPROVING AN AGREEMENT FOR ASSISTANCE WITH THE COMMUNITY INITIATIVES DEPARTMENT AS A SPONSOR OF THE DWYER AVENUE CENTER PROJECT AWARDED HOUSING TRUST ASSISTANCE IN THE SECOND FUNDING ROUND.

* * * *

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

Mr. Kevin Moriarty, Director of Community Initiatives, briefly explained the proposed Ordinance and spoke to the funding history for the Dwyer Street Center.

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

91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,754

APPROPRIATING FUNDS AND AUTHORIZING PAYMENT OF OUTSTANDING FEES AND EXPENSES IN THE AMOUNT OF \$14,234.33 FOR THE CASE STYLED WEATHERLY ET AL. V. THE CITY OF SAN ANTONIO FOR SERVICES PREVIOUSLY AUTHORIZED IN ORDINANCE NO. 74094.

* * * *

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

In response to a question by Mr. Larson, Mr. Lloyd Garza, City Attorney, explained how billing for legal services was handled on the lawsuit filed against the City by City Water Board. He further noted that a hearing on the case is set before the judge on December 4, 1991, and spoke to possible additional funding requirements, in the event of an appeal of the case.

A discussion then took place concerning the legal costs accumulated by both sides, during which several Council members asked for the exact costs accumulated by CWB in this matter, to date.

Ms. Billa Burke spoke of her concern for spending so much money, yet not having additional water supplies for San Antonio to show for that expenditure.

In response to a question by Mr. Thornton, Mr. Garza explained the reasons why no San Antonio law firm is doing this particular job for the city.

A general discussion then ensued concerning details of the litigation and its costs.

At this point, Mr. Pierce moved to limit the debate and to call the question. The motion was seconded by Mr. Perez.

After discussion, the motion to limit debate, failed to carry by the following vote: AYES: Perez, Pierce, Billa Burke; NAYS: Wing, Thompson, Thornton, Labatt, Larson, Wolff; ABSENT: Martinez, Vera.

A discussion ensued concerning the City's exact control over City Water Board.

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

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91-48 The City Council recessed its Regular Meeting at 4:43 P.M. in order to convene in "B" Session for a Charter Review Committee Progress Report, a copy of which is made a part of the papers of this meeting.

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91-48 The City Council reconvened in Regular Session at 5:40 P.M.

- - -

91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,755

AUTHORIZING THE PAYMENT OF JUDGMENT IN CAUSE NO. 90-CI-04084, STYLED JOE C. GATES VS. THE CITY OF SAN ANTONIO AND LORENZO GARCIA SANCHEZ IN THE 225TH JUDICIAL DISTRICT COURT, BEXAR COUNTY TEXAS IN THE PRINCIPAL AMOUNT OF \$77,315.05, WITH POST-JUDGMENT INTEREST THEREON IN THE AMOUNT OF \$16.14 PER DAY FROM THE FIRST DAY OF OCTOBER, 1991 UNTIL PAID; AND DECLARING AN EMERGENCY.

* * * *

Mr. Lloyd Garza, City Attorney, explained the process of payment of judgements, claims and legal settlements, and spoke to



disposition of recent court cases involving the City of San Antonio, as an example. He then addressed specifics of this particular case.

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

Mr. Larson stated that he wants the perception to be indicated to potential litigants against the City of San Antonio that the City will fight each lawsuit or claim. He stated his belief that the City needs to reverse the current trends in this area.

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

- - -

91-48 BOARD/COMMISSION WORK SESSION POSTPONED

After discussion, it was the concensus of the City Council members present to postpone the scheduled board/commission work session until next week.

- - -

91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,756

AUTHORIZING PAYMENT OF THE JUDGMENT OF CAUSE NO. 87-CI-194234, STYLED EDNA ZUNIGA AND RUBEN ZUNIGA VS. CITY OF SAN ANTONIO; IN THE 225TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS, IN THE AMOUNT OF \$43,693.91 PLUS POST JUDGMENT INTEREST.

* * * *

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

Mr. Lloyd Garza, City Attorney, detailed the incident involved which triggered the lawsuit, resulting in this proposed Ordinance.

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

- - -

91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,757

AUTHORIZING PAYMENT OF JUDGMENT OF CAUSE NO. 90-CI-04441, STYLED PAULINE O. RAMOS VS. JAIME RUIZ AND THE CITY OF SAN ANTONIO; IN THE 166TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS, IN THE AMOUNT OF \$30,500.00 PLUS POST JUDGMENT INTEREST AND COURT COSTS.

* * * *

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

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

91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,758

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO TAKE NECESSARY ACTION TO SETTLE AND COMPROMISE A CLAIM BY YOLANDA NORIEGA ARISING FROM AN ACCIDENT INVOLVING A CITY OF SAN ANTONIO POLICE DEPARTMENT VEHICLE ON JULY 12, 1990, IN THE TOTAL SUM OF \$12,000.00.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Thornton, Labatt, Wolff; NAYS: Larson; ABSENT: Vera.

91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,759

AUTHORIZING PAYMENT IN SETTLEMENT OF CAUSE NO. 90-CI-04345, STYLED ELOISA G. GARCIA AND AURORA VANEGAS VS. RUDOLPH S. GARCIA AND THE CITY OF SAN ANTONIO; IN THE 285TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS, IN THE AMOUNT OF \$90,000.00.

* * * *

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

Mr. Lloyd Garza, City Attorney, explained the circumstances of the accident involved and the reasons for the recommended settlement of this case.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Thompson, Thornton, Labatt, Wolff; NAYS: Billa Burke, Larson; ABSENT: Martinez, Vera.

91-48 The Clerk read the following Ordinance:

AN ORDINANCE 74,760

APPROPRIATING DISTRICT 8 DISCRETIONARY FUNDS IN THE AMOUNT OF \$480.68 TO ASSIST COST OF A LUNCHEON HELD OCTOBER 1, 1991, TO FORMULATE PLANS TO MARKET THE MEDICAL FACILITIES OF THE CITY OF SAN ANTONIO AS REQUESTED BY COUNCILMEMBER THORNTON.

* * * *

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

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

CITIZENS TO BE HEARD

MR. JACK SATCLIFFE

Mr. Jack Satcliffe, 1902 Archer's Bow, Hertiage Oaks Subdivision, stated he along with his neighbors are concerned about the proposed use of McAllister Park for a 41 day "Holiday Lights" attraction. He spoke to the many reasons why such a use would be detrimental to the area and does not lend itself to this type of venture.

Mr. Larson stated that he has received a lot of complaints and he along with Councilmember Thornton and the Parks Dept. are opposed to this venture and will do every thing possible to assure it does not occur.

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MRS. JANET AHMAD

Mrs. Janet Ahmad, 13703 Bluff Gate, expressed concern that the Police Department has no set out procedure to dispose of stolen property when a police officer confiscates alleged stolen property.

Mrs. Ahmad wants the Council to place this item on a future session for formal consideration. She distributed several pieces of information to the Council, a copy of which is on file with the papers of this meeting. She stated she personally never received due process on her personal case. She then detailed this particular case for the Council. She stated she doesn't want to sue the City, but she feels her constitutional rights were violated. She made reference to a federal case similar to her own personal case.

City Attorney Lloyd Garza stated that this is a complicated case and there have been several important facts omitted.

Mr. Thompson stated that he has represented Mrs. Ahmad on this case and wanted the Council to know that he advised her to come to the Council as well.

Mr. Dale Jacobs, Police Department, stated that parts of the truck were stolen and it was seized by the Police Department as a stolen vehicle. He stated that they feel that the truck was legally seized.

Chief of Police Gibson spoke to the involvement of this police in this particular case. The truck itself was comprised of several stolen parts and he related the circumstances of this case to the Council.

In response to Mr. Thornton's question, Mrs. Ahmad stated

that she brought the truck brand new and did have major repairs done to it. She again stated the issue was that there was no due process. The police officer had no burden of proof and turned the vehicle over to the Insurance Company. She said no judicial system gave her an opportunity to prove otherwise.

Mrs. Ahmad stated that there was no adjudication of whether the truck was stolen.

Mayor Wolff asked for a report from the Police Chief on the whole issue and asked for a review of the procedures in order for the Council to consider whether there should be any change to these procedures.

A discussion took place on the case and how the truck was confiscated.

Mr. Thornton suggested that Mrs. Ahmad contact the persons and the company who made the repairs and put the "alleged" stolen parts into her truck.

* * * *

MRS. MARY JANE FLORES

Mrs. Flores, 13623 Scarsdale, also expressed concern about the due process in this case.

* * * *

SUPERVAN ISSUE

Carlos R. Suarez, President of the Bexar County Taxi Drivers Association, spoke to the Council regarding the actions of Mr. Jim Fisher of Yellow Cab and Checker Cab who sent a representative to the Airport to take names of the persons who took part at the strike at the Airport. He took issue with this action. He recommended that the Taxi Cab Inspectors be transferred to the downtown office. He stated that there is a double standard with regard to the Supervan shuttles.

Mr. Jesse Vargas, stated that he is an ex cab driver, and is here with other cab drivers asking for fair and equal treatment. He stated that previous grievances had merit and now the City Council needs to review their present grievances.

Mr. Robert Gonzales, 5527 Southwick, San Antonio Cab Drivers' Association, spoke to the non-compliance of the ground transportation ordinance by Supervan Shuttle. He stated that Mr. Don Rullo had agreed to comply with ground transportation ordinance, yet he has now filed a lawsuit against the city. He stated that they now have an advantage over the taxicabs because their vans are not even inspected. The City Council should reconsider whether Supervan Shuttle should be allowed to continue ground transportation service. He stated that Cab companies

have had their permits/license revoked for non-compliance and wondered why this is not the case for Supervan. He also stated that the Aviation Department shows favoritism towards Supervan.

Mr. Tom Morgan, 1033 Austin Hwy, also took issue with the manner of operation of Supervan. He stated that the Aviation Department has harassed taxicabs and does indeed show favoritism towards Supervan. He called for an investigation by an outside agency, i.e. FBI.

Mr. Lloyd Garza, City Attorney, stated that the City is in litigation with Supervan at the present time. He has heard that the Taxi Cab Association has joined as intervenors in the suit. He stated that an Executive Session has been posted on this issue and suggested that any further discussion be held in Executive Session.

In response to Mr. Martinez, Mr. Garza stated that Supervan Shuttles are being cited for not complying with the ordinance. He would prefer to hold the discussion on the staff issue in Executive Session.

Mr. Martinez took issue with the Department Director at the Airport not being present to response to some questions tonight. Mr. Martinez also stated that the Airport Advisory Committee should be tackling these tough issues and should be involved with recommending policies. He stated that management at the Airport should also be dealing with these problems.

Mr. Thompson gave a history on the background of the ground transportation ordinance. He also spoke to the problems of regulating this industry.

Mr. Larson suggested that all policy related issues be reviewed by the Airport Advisory Committee. He moved that an ordinance be prepared for next week outlining their duties and responsibilities and provide for review of these issues. Mr. Thornton seconded the motion. After consideration, the motion prevailed by the following vote: AYES: Perez, Pierce, Wing, Martinez, Thompson, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke, Vera.

- - -
MR. JOE JIMENEZ

Mr. Joe Jimenez again spoke to the Council regarding his problem. He took exception to being told that he had to leave City Hall while he was waiting for the Mayor.

- - -
91-48 The City Council recessed at 7:35 P.M. and reconvened the "B" Session at 8:10 P.M. to consider a briefing on Admiralty Management Proposal for Vacant Hemisfair Park Buildings.

The Council then reconvened the "A" Session at 9:00 P.M. and recessed into the Executive Session to discuss a briefing on a Settlement styled Tollette et al vs. City of San Antonio, Cause No. 86-CI-10654, 285TH Judicial District Court of Bexar County, Texas; briefing on a case styled Supervan, Inc., vs. City of San Antonio; briefing on a case styled City of San Antonio vs. Oscar Renda Contracting Inc.; Status Report on Municipal Courts.

The Council then reconvened the "A" Session at 10:12 P.M., at which time Mayor Wolff announced that the City Council had been briefed on the above stated subjects and had given staff direction to proceed.

91-48

November 14, 1991

Honorable Mayor and Members of the City Council of the 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:

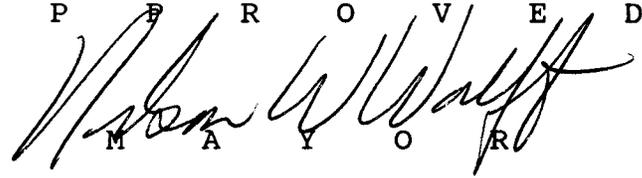
October 28, 1991

Petition submitted by Mr. Robert Gonzales, 5527 Southwick Street, San Antonio, Texas, 78228, requesting the City Council to address the violation of Supervan, Inc. set out in his letter.

/s/ Norma S. Rodriguez
City Clerk

91-48 There being no further business to come before the Council, the meeting was adjourned at 10:13 P.M.

A P P R O V E D



M A Y O R

Attest: 
C I T Y C L E R K