

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, OCTOBER 8, 1998.

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98-37 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building, "B" Room, to consider the following items(s):

Presentation on the proposed policy for Affordable Parade of Homes sites, to include criteria for selection - City Council concurred with bringing this matter forward to "A" Session for formal consideration.

The Council members present were: Flores, Salas, Prado, Menéndez, Garza, Marbut, Bannwolf, and Peak. **ABSENT:** Guerrero, Vásquez, Bannwolf.

The "B" Session adjourned at 10:45 A.M.

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98-37 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Howard W. Peak, with the following members present: Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster and Peak. **ABSENT:** None.

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98-37 Invocation - Rev. Ron Adams, Hosack Avenue Baptist Church.

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98-37 Pledge of Allegiance to the flag of the United States.

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98-37 **CEREMONIAL ITEMS**

TEXAS GOVERNMENT CLASS - NORTHWEST VISTA COLLEGE

On a point of personal privilege, Mr. Garza welcomed to the City Council meeting today members of a Texas Government class from Northwest Vista College.

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98-37 CONSENT AGENDA - CITIZEN COMMENTS

Mr. Faris Hodge, Jr., 140 Dora, spoke to each Consent Agenda item.

Mr. Michael Idrogo, 317 Rosewood, addressed his opposition to paying additional monies to City contractors on Agenda Items 8,9,10,11, and 17.

Mr. Jack Finger, P.O. Box 12048, asked Council members who received political funds contributions from principals of firms represented in Consent Agenda items 10,11,13 and 15 to abstain from voting on those items.

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98-37 CONSENT AGENDA

Mr. Webster made a motion to approve Agenda Items 6 through 27c, constituting the Consent Agenda, with item 14 having been pulled for individual consideration. Mr. Flores seconded the motion.

After consideration, the motion carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Webster, Peak. **NAYS:** None; **ABSENT:** Marbut, Bannwolf.

AN ORDINANCE 88592

ACCEPTING THE LOW, QUALIFIED BID OF TOP GUN SUPPLY, INC. TO PROVIDE THE CITY OF SAN ANTONIO ALAMODOME DEPARTMENT WITH A TRUCK MOUNTED CARPET CLEANING SYSTEM FOR A TOTAL OF \$44,209.00.

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AN ORDINANCE 88593

RATIFYING THE ACTIONS TAKEN BY CITY STAFF; AUTHORIZING ADDITIONAL ENVIRONMENTAL MONITORING SERVICES IN THE AMOUNT OF \$5,388.00 PAYABLE TO GUSTAVE HEYE & ASSOCIATES IN CONNECTION WITH THE HANGAR 3 & TERMINAL RESTORATION AT STINSON MUNICIPAL AIRPORT; APPROPRIATING FUNDS; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 88594

ACCEPTING THE LOW, QUALIFIED BID OF R.L. JONES CO., INC. IN THE AMOUNT OF \$712,247.45 IN CONNECTION WITH THE MAYFIELD BLVD. FROM SOMERSET TO NEW LAREDO HWY. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING A CONSTRUCTION CONTRACT; REVISING THE PROJECT BUDGET; AUTHORIZING \$62,033.45 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$26,054.06 FOR PROJECT OVERSIGHT EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 88595

ACCEPTING THE LOW, QUALIFIED RESPONSIBLE BID OF R.L. JONES CO., INC. IN THE AMOUNT OF \$422,416.70 IN CONNECTION WITH THE ADVANCE AND BRICE FROM "F" ST. TO "H" ST. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING \$28,228.44 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$11,855.95 FOR PROJECT OVERSIGHT EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 88596

RATIFYING SERVICES AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$4,500.08 PAYABLE TO GGC ENGINEERS, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE BAYLOR STREET FROM SOUTH FLORES TO IH 35 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 76791 DATED NOVEMBER 5, 1992.)

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AN ORDINANCE 88597

AMENDING THE PROFESSIONAL SERVICES CONTRACT AUTHORIZING ADDITIONAL 23RD YEAR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$14,148.00 PAYABLE TO HOYT CONSULTING ENGINEERS, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE GLENMORE & KENTUCKY AVENUES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING \$1,400.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 83614 DATED NOV. 22, 1996.)

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AN ORDINANCE 88598

RATIFYING SERVICES AND APPROVING FIELD ALTERATION NO. 12 IN THE AMOUNT OF \$128,342.50 PAYABLE TO CLARK/JT CONSTRUCTION, A JOINT VENTURE FOR WORK PERFORMED IN CONNECTION WITH THE CONVENTION CENTER EXPANSION PROJECT. (AMENDS ORD. NO. 86015 DATED MAY 8, 1997.)

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AN ORDINANCE 88599

AUTHORIZING PAYMENT IN THE AMOUNT OF \$6,247.11 TO DAVIDSON & TROILO, P.C. FOR LEGAL SERVICES IN CONNECTION WITH THE SCIENCE PARK DRAINAGE PROJECT #58 H, I & J (\$912.23); THE BABCOCK ROAD AT HILLCREST PROJECT (\$4,369.55); THE BLANCO ROAD AT JACKSON-KELLER PROJECT (\$239.30); THE WEST AVENUE INTERSECTIONS PROJECT (\$51.00); THE BABCOCK ROAD INTERSECTIONS PROJECT (\$46.20); AND THE NACOGDOCHES ROAD - BROADWAY TO N. NEW BRAUNFELS PROJECT (\$628.83); APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 88600

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,664.82 PAYABLE TO TICOR TITLE AGENCY OF SAN ANTONIO FOR TITLE SERVICES IN CONNECTION WITH THE TEZEL ROAD AT TIMBER PATH PROJECT (\$1,078.58) AND THE ACME ROAD - OLD U.S. HWY 90 TO COMMERCE PROJECT (\$586.24); THE AMOUNT OF \$536.00 PAYABLE TO STEWART TITLE COMPANY FOR TITLE SERVICES IN CONNECTION WITH THE NACOGDOCHES ROAD - BROADWAY TO NEW BRAUNFELS PROJECT (\$300.00) AND THE MISSION TRAILS PARKWAY, PACKAGE 2 PROJECT (\$236.00); AND THE AMOUNT OF \$1,196.60 PAYABLE TO LAWYERS TITLE OF SAN ANTONIO FOR TITLE SERVICES IN CONNECTION WITH THE BABCOCK ROAD - DEZAVALA TO HAUSMAN PROJECT; FOR A TOTAL SUM OF \$3,397.42; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 88601

ACCEPTING THE DEDICATION OF A SIDEWALK EASEMENT FOR E.M. PEASE MIDDLE SCHOOL LOCATED AT 201 HUNT LANE IN THE NORTHSIDE INDEPENDENT SCHOOL DISTRICT, LOCATED IN COUNCIL DISTRICT 6.

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AN ORDINANCE 88602

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$35,560.00 PAYABLE TO LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR THE 1994 LAND FUND II - DALLAS 1, L.P. FOR FEE SIMPLE TITLE TO ONE PARCEL IN THE BABCOCK ROAD - DEZAVALA ROAD TO HAUSMAN ROAD PROJECT; THE SUM OF \$488.00 PAYABLE TO HILDA E. SMITH, BERT H. SMITH A/K/A BURT T. SMITH, JEFFREY D. SMITH AND DAVIS H. SMITH AND WIFE, LOYCE M. SMITH, FOR FEE SIMPLE TITLE TO ONE PARCEL IN CONNECTION WITH THE HILDEBRAND AVENUE - I.H. 10 TO BREEDEN PROJECT; AND THE SUM OF \$4,000.00 PAYABLE TO TICOR TITLE COMPANY AS ESCROW AGENT FOR OFILIA F. GARCIA A/K/A OFELIA GONZALES FOR FEE SIMPLE TITLE TO ONE PARCEL IN CONNECTION WITH THE GILLESPIE STREET EXTENSION PROJECT; FOR A TOTAL OF \$40,048.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 88603

AUTHORIZING THE CONTINUATION OF A RIVER FESTIVALS LICENSE AGREEMENT WITH THE PASEO DEL RIO ASSOCIATION, INC. FOR THE USE OF PUBLIC SPACE ON THE RIVER WALK FOR SPECIAL EVENTS FOR THE PERIOD AUGUST 1, 1998 THROUGH JULY 31, 2003 FOR TEN PERCENT (10%) OF GROSS REVENUE FROM THIS CONCESSION, OR A FLAT \$10,000.00 IN YEAR ONE, \$10,500.00 IN YEAR TWO, \$11,000.00 IN YEAR THREE, \$11,500.00 IN YEAR FOUR, OR \$12,000.00, WHICHEVER IS GREATER.

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AN ORDINANCE 88604

AUTHORIZING THE CONTINUATION OF A LEASE AGREEMENT WITH MR. JACK GLOVER, D/B/A COWBOY MUSEUM FOR THE LEASE OF APPROXIMATELY 21.25 SQUARE FEET OF PUBLIC SPACE ADJACENT TO 209 ALAMO PLAZA FOR THE PLACEMENT OF A FIBERGLASS HORSE PHOTO PROP FOR THE PERIOD AUGUST 1, 1998 THROUGH JULY 31, 2003 FOR \$150.00 FOR THE FIRST YEAR, \$155.00 FOR THE SECOND YEAR, \$160.00 FOR THE THIRD YEAR, \$165.00 FOR THE FOURTH YEAR AND \$170.00 FOR THE FIFTH YEAR.

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AN ORDINANCE 88605

AUTHORIZING THE ACCEPTANCE OF TWO (2) GRANTS IN THE TOTAL AMOUNT OF \$10,000.00 FROM THE NATIONAL LIBRARY OF MEDICINE FOR THE LIBRARY DEPARTMENT TO BENEFIT THE RESIDENTS OF BEXAR COUNTY, WHO ARE ELIGIBLE TO USE THE SAN ANTONIO PUBLIC LIBRARY AND TO BENEFIT THE RESIDENTS OF THE 21 CONTIGUOUS COUNTIES SERVED BY THE ALAMO AREA LIBRARY SYSTEM BY INCREASING CONSUMER AWARENESS OF HEALTH INFORMATION RESOURCES AVAILABLE ON THE INTERNET AND IN LIBRARIES

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AN ORDINANCE 88606

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION BY THE CITY OF SAN ANTONIO LIBRARY DEPARTMENT TO THE TELECOMMUNICATIONS INFRASTRUCTURE FUND BOARD FOR AN AMOUNT OF \$219,000.00 FOR THE PURPOSE OF ENHANCING EXISTING BASE-LEVEL INTERNET CONNECTIONS AT THE CENTRAL LIBRARY AND BRANCH LIBRARIES THROUGHOUT THE CITY BY PURCHASING PUBLIC ACCESS INTERNET-ACCESSIBLE PC WORKSTATIONS.

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AN ORDINANCE 88607

AMENDING THE TRAFFIC CONTROL DEVICES SCHEDULES ESTABLISHED BY CHAPTER 19 (TRAFFIC REGULATIONS), ARTICLE III (TRAFFIC CONTROL DEVICES), OF THE CITY CODE, SECTION 19-68(B) TO INCLUDE CERTAIN ADDITIONS TO THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULE FOR "TRAFFIC SIGNAL" SIGNS, "ONE WAY" SIGNS, "STOP" SIGNS, "YIELD" SIGNS, "PROHIBITED PARKING AT ALL TIMES" SIGNS, "PROHIBITED PARKING SCHOOL DAYS ONLY" SIGNS, "SCHOOL CROSSWALK (MIDBLOCK)" SIGNS, "SCHOOL CROSSWALK INTERSECTIONS" SIGNS; AUTHORIZING THE PERMANENT INSTALLATION OF SAID DEVICES; DECLARING THEM AS OFFICIAL TRAFFIC CONTROL DEVICES OF THE CITY OF SAN ANTONIO; AND DECLARING VIOLATIONS OF THESE TRAFFIC REGULATIONS, EXCEPT THE CIVIL PARKING VIOLATIONS, TO BE MISDEMEANOR CRIMES PUNISHABLE BY A FINE OF NOT MORE THAN \$200.00, AND DECLARING VIOLATIONS OF THE CIVIL PARKING VIOLATIONS TO BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF CITY CODE SECTION 19-225 (ADMINISTRATIVE ADJUDICATION OF STOPPING, STANDING, AND PARKING VIOLATIONS); AND DIRECTING PUBLICATION OF THE ACTION.

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AN ORDINANCE 88608

AMENDING SECTION 22-1(B) OF THE CITY CODE TO INCLUDE APACHE CREEK PARK TO THE LIST OF PUBLIC PARKS WHERE THE CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED; AND AMENDING SECTION 22-3 OF THE CITY CODE TO INCLUDE APACHE CREEK PARK TO THE LIST OF PUBLIC PARKS WHERE THE POSSESSION OF GLASS BEVERAGES CONTAINERS IS PROHIBITED.

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AN ORDINANCE 88609

AUTHORIZING THE TEMPORARY CLOSURE OF JEFFERSON STREET BETWEEN EAST HOUSTON AND TRAVIS STREET FROM 3:00 P.M. UNTIL 12:00 MIDNIGHT, WEDNESDAY, OCTOBER 21, 1998 IN CONNECTION WITH THE GRAND OPENING GALA OF THE BROMLEY AGUILAR AND ASSOCIATES, HISPANIC ADVERTISING AGENCY, LOCATED IN COUNCIL DISTRICT 1.

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AN ORDINANCE 88610

AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS FROM 8:00 A.M. UNTIL 11:00 A.M., SATURDAY, OCTOBER 31, 1998 IN CONNECTION WITH THE LEUKEMIA SOCIETY 5K RUN.

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AN ORDINANCE 88611

APPROVING A FIREWORKS DISPLAY PERMIT, AS REQUESTED BY UTSA ALUMNI ASSOCIATION, TO HOLD A FIREWORKS DISPLAY ON FRIDAY, OCTOBER 30, 1998 AT APPROXIMATELY 8:30 P.M. AT ROLLING OAKS MALL, LOCATED AT 6909 N. LOOP 1604 E.

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AN ORDINANCE 88612

APPOINTING JOSE GARCIA DE LARA (DISTRICT 5) TO THE BOARD OF APPEALS FOR A TERM OF OFFICE TO EXPIRE ON JULY 31, 2000.

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AN ORDINANCE 88613

REAPPOINTING DONNA BALIN SCOTT (DISTRICT 6) TO THE OPEN SPACE ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON AUGUST 29, 2000.

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AN ORDINANCE 88614

REAPPOINTING SHIRLEY AGUILAR (DISTRICT 5) TO THE TAX PHASE-IN ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON MAY 30, 2000.

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98-37 The Clerk read the following Ordinance:

AN ORDINANCE 88615

APPROPRIATING THE SUM OF \$19,500.00 PAYABLE TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 97-ED-0008, CITY OF SAN ANTONIO VS. ANTHONY E. SPECIA, ET. AL., FOR FEE SIMPLE TITLE TO ONE PARCEL IN CONNECTION WITH THE BASSE ROAD AT SAN PEDRO METROPOLITAN PLANNING ORGANIZATION PROJECT.

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Mr. Webster made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSTAIN:** Bannwolf; **ABSENT:** None.

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Mr. Flores made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Bannwolf.

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98-37 The Clerk read a proposed ordinance: appointing members to the Advisory Board of Health of San Antonio Metropolitan District for terms of office to expire on December 31, 2001. (Nominees: Dr. Norma Parra and Dr. Sara Kolb)

Ms. Guerrero nominated Dr. Norma Parra and Dr. Sara Kolb to serve on the Advisory Board of Health of San Antonio Metropolitan District. Mr. Salas seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

AN ORDINANCE 88618

REAPPOINTING DR. NORMA PARRA AND DR. SARA KOLB TO THE ADVISORY BOARD OF HEALTH OF SAN ANTONIO METROPOLITAN DISTRICT FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 31, 2001.

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98-37 The Clerk read a proposed ordinance: appointing members to the Center for Health Care Services Board of Trustees for terms of office to expire on December 31, 2000. (Nominees: Ruben Peña, Dario Chapa and Belia Munoz)

Mr. Garza nominated Mr. Ruben Peña and Ms. Belia Munoz to serve on the Center for Health Care Services Board of Trustees. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Peak; **NAYS:** None; **ABSENT:** Bannwolf, Webster.

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AN ORDINANCE 88619

REAPPOINTING RUBEN PENA AND APPOINTING BELIA MUNOZ TO THE CENTER FOR HEALTH CARE SERVICES BOARD OF TRUSTEES FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 31, 2000.

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98-37 The Clerk read the following proposed ordinance: appointing a member to the Convention and Visitors Bureau Advisory Committee for a term of office to expire on June 30, 2000. (Nominee: Gerald Wolsborn)

Mr. Flores made a motion to approve the proposed Ordinance appointing Mr. Gerald Wolsborn to the Convention and Visitors Bureau Advisory Committee. Mr. Salas seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Webster.

AN ORDINANCE 88620

APPOINTING GERALD WOLSBORN TO THE CONVENTION AND VISITORS BUREAU ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 2000.

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98-37 The Clerk read the following proposed ordinance: appointing a member to the Firemen's and Policemen's Civil Service Commission for a term of office to expire on December 19, 2001. (Nominees: Reverend Robert Plested and David Cleveland)

The following citizen(s) appeared to speak:

Mr. Samuel Andrade, Jr., 6207 Slate Valley, addressed his concerns with alleged unfair practices in hiring of new firefighters and police officers, and asked the City Council to provide direction to ensure proper hiring practices.

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After discussion, Mr. Flores nominated Rev. Robert Pledsted for reappointment to the Fireman's and Policemen's Civil Service Commission. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Marbut, Webster.

AN ORDINANCE 88621

APPOINTING REVEREND ROBERT PLESTED TO THE FIREMEN'S AND POLICEMEN'S CIVIL SERVICE COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 19, 2001.

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98-37 The Clerk read a proposed ordinance: appointing a member to the Historic and Design Review Commission for a term of office to expire on October 31, 2000. (Nominee: Robert Braubach)

Mr. Flores made a motion to reappoint Mr. Robert Braubach to the Historic and Design Review Commission. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Marbut, Webster.

AN ORDINANCE 88622

REAPPOINTING ROBERT BRAUBACH TO THE HISTORIC AND DESIGN REVIEW COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 31, 2000.

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98-37 The Clerk read a proposed ordinance: appointing members to the Metropolitan Transit Authority for terms of office to expire on December 31, 2000. (Nominees: Charles Shannon and Baltazar Serna, Jr.)

Mr. Salas made a motion to approve the reappointment of Mr. Charles Shannon and Baltazar Serna, Jr., to the Metropolitan Transit Authority. Mr. Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Marbut, Webster.

AN ORDINANCE 88622

REAPPOINTING CHARLES SHANNON AND BALTAZAR SERNA, JR. TO THE METROPOLITAN TRANSIT AUTHORITY FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 31, 2000.

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98-37 The Clerk read a proposed ordinance: appointing members to the San Antonio Development Agency for terms of office to expire on December 18, 2000. (Nominees: Stephen Avery and Carlos Madrid, Jr.)

Mr. Flores made a motion for the reappointment of Mr. Stephen Avery and Mr. Carlos Madrid, Jr., to the San Antonio Development Agency. Mr. Salas seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Marbut, Webster.

AN ORDINANCE 88624

REAPPOINTING STEPHEN AVERY AND CARLOS MADRID, JR. TO THE SAN ANTONIO DEVELOPMENT AGENCY FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 18, 2000.

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98-37 City Clerk Norma S. Rodriguez then spoke to a memorandum distributed to Mayor and City Council relative to the boards interview session for October 22, 1998, noting that Council had directed at last week's "B" Session interviews that the City Clerk begin advertising for additional applications for the Metropolitan Transit Authority and the San Antonio Development Agency. Her memo is made a part of the papers of this meeting.

98-37 The Clerk read the following Ordinance:

AN ORDINANCE 88625

APPROVING AMENDMENTS TO THE STREET CUT MANUAL CURRENTLY AUTHORIZED FOR STREET CUTS/TRENCHING; ESTABLISHING STANDARD HOURS FOR SUCH WORK; ESTABLISHING NOTIFICATION OF ADJOINING RESIDENTS AND BUSINESS PROPRIETORS OF THE NATURE AND TIMING OF STREET CUT OR TRENCHING OPERATIONS DONE IN EMERGENCIES; AND ESTABLISHING THE STANDARDS FOR THE USE OF MARKING DEVICES. (AMENDS CHAPTER 29 OF THE CITY CODE.)

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Mr. Flores made a motion to approve the proposed Ordinance. Mr. Salas seconded the motion.

Mr. John German, Director of Public Works, explained the proposed amendments to the Street Cut Manual, including matters of emergency street cuts, and addressed the meetings held with various entities prior to preparation of the proposed changes.

Mayor Peak spoke in support for the proposed improvements, noting that it represents less street problems for the City.

In response to a question by Mr. Prado, Mr. German addressed the review process under the new recommendations, including work done by City Public Service. He noted that these changes will be on the agenda for the next meeting of the Utilities Coordinating Committee, of which CPS is a part.

In response to a question by Mr. Vásquez, Mr. German spoke to the standards established for the repair of street cuts.

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Mr. Vásquez addressed his own concerns with street-cut-repair failures occasioned by work done by telecommunications providers and City Public Service in District 5.

Mr. German stated that he would speak with CPS about this matter.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Marbut, Bannwolf.

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98-37 The Clerk read the following Ordinance:

AN ORDINANCE 88626

WAIVING BUILDING AND PERMIT FEES FOR HOMES UNDER \$75,000.00 IN THE BROOKSIDE WINTER PARADE OF HOMES LOCATED IN CITY COUNCIL DISTRICT 3; AUTHORIZING THE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$10,000.00 FROM THE FISCAL YEAR 1999 NEIGHBORHOOD ACTION DEPARTMENT BUDGET TO PAY FOR 50% OF THE BUILDING AND PERMIT FEES FOR THOSE MODEL HOMES IN THE BROOKSIDE SUBDIVISION OVER \$75,000.00; AND AUTHORIZING THE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$5,000.00 FOR TEMPORARY FENCING FOR THE EVENT.

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Ms. Guerrero made a motion to approve the proposed Ordinance. Mr. Flores seconded the motion.

Ms. Frances Gonzalez, Director of the Neighborhood Action Department, introduced two participating developers in the Brookside Parade of Homes, and addressed the request for fee waivers by the City, based upon the costs of each home.

The following citizen(s) appeared to speak:

Mr. John Salmons, representing the Greater San Antonio Builders Association, noted that this project will be developed much like Coliseum Oaks, a similar project of affordable homes.

Mr. Fred Elsner, coordinator of the Brookside Parade of Homes, provided details of the event.

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Ms. Guerrero, in which Council district the Parade of Homes will be located, stated that this is a good opportunity for new construction for the city's south side.

Mr. Garza thanked all involved in the concept, and addressed the revitalization of older neighborhoods.

Mr. Menéndez spoke to the quality of this development.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Marbut.

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98-37 The Clerk read the following Ordinance:

AN ORDINANCE 88627

AUTHORIZING THE EXECUTION OF COMMUNITY SERVICE/RESTITUTION PROGRAM AGENCY AGREEMENTS WITH COMMUNITY ORGANIZATIONS, INCLUDING CRIMINAL JUSTICE ORGANIZATIONS, FOR USE OF COMMUNITY SERVICE AND RESTITUTION WORKERS IN THE DEPARTMENT OF PARKS AND RECREATION.

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Mr. Salas made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

Mr. Malcolm Matthews, Director of Parks & Recreation, narrated a brief video presentation explaining the Community Service/Restitution Program Agency Agreements, and how those workers will be used within his department.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Menéndez, Marbut.

It was the consensus of City Council members present to at this time to undertake consideration of Agenda Item 3-I, the rezoning request involving the sisters of the Sacred Heart of Jesus of Saint Jacut.

3-I. CASE #98134 - The request of Charles Eden (owner: Sisters of the Sacred Heart of Jesus), for a change in zoning from "B" Residence District to "R-3" Multiple Family Residence District on 4.0909 acres out of NCB 11695, 5810 Blanco Road. Staff's recommendation was for approval.

The Zoning Commission has recommended denial.

Mr. Bannwolf made a motion to deny the requested rezoning. Mr. Webster seconded the motion.

Mayor Peak stated that the City Council would hear from the rezoning proponents for a period of 25 minutes, total, then from opponents for 30 minutes, total, with proponents having a five-minute rebuttal period at the end.

Speaking in favor:

Mr. Ken Brown, 300 Convent, attorney representing the Sisters of the Sacred Heart of Jesus, explained the history of the use for this property and narrated a videotape presentation of the immediate area to indicate certain business uses adjacent to the subject property. He then spoke to the plans for the use of this property after sale to San Antonio Metropolitan Ministries (SAMM), and certain agreements made as to the uses of the property.

Sister Ernestine Trujillo, 5922 Blanco Road, explained the need for the rezoning, stating that her group no longer needs so large a property, which is their only asset, and also cannot afford to continue its present use. She stated the desire of the Sisters to sell a portion of this property to SAMM for a temporary home for women and children. She spoke to the need to dispose of the property as soon as possible and its need for rezoning to fit SAMM's needs.

Mr. Robert Martindale, Executive Director, SAMM Shelter, spoke to the history of the SAMM Shelter downtown and its role in the community, and addressed plans for a new facility on this site for women and children. He then narrated a video presentation concerning the screening process to be used on the women and children seeking shelter

here, and addressed the community need for such a transitional center. He noted that the property is ideally-located for this function.

Father Balthazar Janacek read to the Council a letter from Archbishop Patrick Flores in support of the new center.

Mr. Loyd Jary, architect representing the San Antonio chapter of the American Institute of Architects, endorsed the rezoning.

Speaking in opposition to the requested rezoning:

Mr. Jack Finger, P.O. Box 12048, stated that he feels that the facility would be a threat to safety and property values, and spoke to examples of certain problems that have occurred around the downtown SAMM Shelter.

Mr. Paul Hanus, 734 Barchester, stated that while he supports the SAMM homeless shelter operation, he feels it should not be located in this area. He spoke of his concerns with risks to safety in the neighborhood, and addressed certain problems experienced at the downtown SAMS shelter.

Ms. Mary Lou Mabie, a nearby neighbor, spoke against the rezoning and about once having been attacked by a neighbor. She stated that she does not want the SAMS shelter at this location.

Mr. Grady Reed, 713 Barchester, also spoke against the rezoning, citing a fear of abuses of business rezoning on this property and concerns for safety in the neighborhood.

Mr. Tony Garza, 703 E. Euclid, spoke to his concerns with past Section 8 housing in the Sunrise subdivision, and subsequent meeting with the City representatives and development of a joint solution. He noted that, in those cases, problems were reported to the City and San Antonio Housing Authority. He stated that he is neither for nor against this rezoning, but stated his belief that solutions exist to solve problems arising from this rezoning.

Ms. Julie Iris Oldham, 4523 Allegheny Drive, spoke to allegations made against the SAMM Shelter and its operations, and asked that this rezoning issue be delayed.

Ms. Eunice Gerander, 107 Thames, spoke to her concerns with security, and of neighborhood petitions in opposition to the rezoning. She noted that there is no guarantee

that this use will be successful on this site, and stated her belief that this is not a good use within a residential area.

Ms. Margie Crawford, 735 Oban, stated her opinion that this type of facility is not good for this neighborhood, and spoke to the large number of people in opposition. She then addressed the 842 petitions signatures gathered in opposition to the rezoning.

Ms. Nifa Davolina, 622 Barchester, stated her belief that this facility will adversely affect this neighborhood, and stated that SAMM has no track-record to show that it can handle such a facility. She noted that there are better uses for this land.

Mr. Ismal Davolina, 622 Barchester, noted that no detailed site-plan has been presented, and asked that the rezoning request be denied. He noted that many other properties are available for this use without the need for rezoning.

At this point in the meeting, Mayor Peak recognized former Mayor Becker who was present in the audience.

Mr. Charles Becker, former mayor of San Antonio, noted that people care for their neighbors, and he spoke in support of help for those in need, such as this case.

Ms. Ida Kenny, representing the Grey Panthers and president of the Shearer Hills Neighborhood Association, spoke to the need for this type of facilities for the families and children, and stated her belief that many in the neighborhood are in support of this facility at this location.

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Mr. Bannwolf addressed a history of the issue, and stated his belief that the City Council cannot force upon a neighborhood something that it doesn't want. He noted that he had surveyed a portion of the area, and found that three out of every four persons surveyed were opposed to the facility here. He stated that he would be willing to support the rezoning if certain deed restrictions were acceptable to the neighborhood, noting that he had sought a compromise, which had not developed. He stated his belief that the neighborhood is overwhelmingly in opposition. He also noted that every neighborhood association in District 9 which took a position on this issue was in opposition to the rezoning.

Mayor Peak noted that sometimes emotions overshadow need in this case. He noted that he had met with representatives of SAMM and with the neighborhood, and spoke to the

security agreements made for the project. He stated that SAMM has agreed to certain covenants sought by Mr. Bannwolf, and addressed the strict eligibility requirements and screening process to be utilized for this facility. He spoke in support for the establishment of an oversight committee for this function, to be made up including representatives of the neighborhood, and spoke to his desire for a motion to approve this rezoning, subject to certain stipulations, including the matter of in-site security.

Mr. Marbut addressed his concern with the divisiveness of this issue and the need to focus upon the needs of children and their protection.

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

Ms. Guerrero briefly reviewed both sides of this issue and spoke in support, citing the need for this facility.

In response to a question by Mr. Salas, Mr. Martindale agreed to the cited covenants, as stated by the mayor, after which Mr. Salas spoke in support for the rezoning.

Mr. Garza, noting that the Zoning Commission had actually voted in favor of the rezoning by a 4-3 vote, stated that since the District 7 representative on the commission voted in favor, he would support the rezoning.

The main motion, to deny the rezoning request, then failed to carry by the following vote: **AYES:** Bannwolf, Webster; **NAYS:** Flores, Salas, Guerrero, Prado, Vásquez, Garza, Marbut, Peak; **ABSTAIN:** Menéndez; **ABSENT:** None.

After discussion, Mr. Marbut made a motion to approve the requested rezoning provided that the SAMM Board of Directors agrees to the following deed restrictions: 1) No emergency shelter beds or services to be provided; 2) no halfway house for substance abusers, or other similar service, be provided; 3) no residential treatment center for the mentally ill or mentally retarded, or other similar service, be provided; 4) no on-site soup kitchen meals or services for non-residents of the facility be provided; and 5) no on-site guidance counseling, therapeutic services, or other similar services for non-residents of the facility be provided. Additionally, the board agrees to the classification for the 80 foot buffer strip on the northern edge of the four acre parcel to be purchased by SAMM as an easement to prohibit the construction and/or occupancy of any habitable structures. This will not require any rezoning from its present B zoning and will be added to the purchase agreement. SAMM also agrees not to lease or purchase any of the remaining property presently owned by the Sisters. SAMM agrees to 24 hours on-site security for at

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least the first 18 months of operations, to be divided as follows: 7 P.M.-7 A.M., off-duty SAPD officers; 7 A.M. - 7 P.M., Certified Peace officers; SAMM will review security concerns with the surrounding neighborhood at that time. Mr. Flores seconded the motion.

The new motion, carrying with it the passage of the Ordinance, then prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Garza, Marbut, Webster, Peak; **NAYS:** Bannwolf; **ABSTAIN:** Menéndez; **ABSENT:** None.

* * * *

3A. CASE #98189-: The request of SCI Management Corporation (owner: Willie Mae Curtis), to rezone and reclassify 7.403 acres out of NCB 12170, 1740 Austin Hwy from "B-3" Business District to "B-3" CC Business District with special City Council approval for a cemetery and mausoleum. The property is located 477.71 feet northeast of the intersection of Austin Highway and Eisenhower road, having 664.68 feet on Austin Highway and 793.90 feet on Eisenhower Road. Staff's recommendation was for approval.

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Webster made a motion to approve the proposed Zoning change. Mr. Salas seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Prado, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Guerrero, Vásquez, Menéndez.

AN ORDINANCE 88629

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 7.403 ACRES OUT OF NCB 12170, 1740 AUSTIN HWY FROM "B-3" BUSINESS DISTRICT TO "B-3" CC BUSINESS DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A CEMETERY AND MAUSOLEUM.

* * * *

3B. CASE #98085- The request of Rogelio Cordova (owner), to rezone and reclassify Lots 14, 15, 16 and the southwest 40 feet of Lot 17, Block 9, NCB 15699, 12639 Nacogdoches Road from "B-2" Business District to B-3NA" Non-Alcoholic Sales Business District. The property is located on the northwest side of Nacogdoches Road, 80 feet northeast of the intersection of Nacogdoches Road and Ronald Drive, having 80 feet on Nacogdoches Road and a depth of 140 feet. Staff's recommendation was for denial.

The Zoning Commission has recommended denial.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

In response to a question by Mr. Webster, a representative of the Code Compliance Department stated that code violations found on this property now have been corrected.

Mr. Webster stated that the proponent in this case should keep the property in compliance with City regulations.

Mr. Webster made a motion to reject the recommendation of the Zoning Commission and to grant "B-2NA" SUP zoning on the property instead of "B-3NA", with a Special Use Permit for automobile sales and automobile repair only. Mr. Bannwolf seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Salas, Prado, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Guerrero, Vásquez, Menéndez.

AN ORDINANCE 88630

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 14, 15, 16 AND THE SOUTHWEST 40 FEET OF LOT 17, BLOCK 9, NCB 15699, 12639 NACOGDOCHES ROAD FROM "B-2" BUSINESS DISTRICT TO B-2A" NON-ALCOHOLIC SALES BUSINESS DISTRICT.

* * * *

3C. CASE #Z98191- The request of Valero Corporate Service (owner: San Antonio Independent School District), to rezone and reclassify 6.778 acres out of NCB A-52, 281 North Expressway from non-existing zoning to "B-2" Business District. The property is located between 281 North Expressway and St. Mary's Street, immediately south of Brackenridge Park Sunken Gardens. Staff's recommendation was for approval.

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Bannwolf made a motion to approve the proposed Ordinance. Mr. Webster seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Prado, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Guerrero, Vásquez, Menéndez.

AN ORDINANCE 88631

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 6.778 ACRES OUT OF NCB A-52, 281 NORTH EXPRESSWAY FROM NON-EXISTING ZONING TO "B-2" BUSINESS DISTRICT.

* * * *

3D. CASE #98180- The request of Centres Medical Limited Partnership (owner: San Antonio Medical Foundation), to rezone and reclassify 1.979 acres tract out of NCB 13663, Wurzbach Road and Medical Drive from "B-2" Business District to "B-3" Business District. The property is located northwest of the intersection of Wurzbach Road and Medical Drive, having 285.61 feet on Wurzbach Road and 225 feet on Medical Drive. Staff's recommendation was for approval.

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Marbut made a motion to approve the proposed Ordinance. Mr. Webster seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Prado, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Guerrero, Vásquez, Menéndez, Marbut, Bannwolf.

AN ORDINANCE 88632

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 1.979 ACRES TRACT OUT OF NCB 13663, WURZBACH ROAD AND MEDICAL DRIVE FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT.

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3E. CASE #98173- The request of Garcia Property Management, Inc. (owner), to reclassify and rezone Lot 24, Block 2, NCB 6693, 1933 Fredericksburg Road from "B-2NA" UC Non-Alcoholic Sales Business Urban Corridor District to "B-2" UC Business Urban Corridor District. The property is located southwest of the intersection of Furr Drive, Elmendorf and Fredricksburg Road. Staff's recommendation was for approval.

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

In response to a question by Mr. Garza, Mr. Raymond Lozano, Land Development Services, explained how the City Council might reinstate a non-alcoholic sales business zoning on this property, if necessary, with a six-signature memorandum directing City staff to reinitiate this zoning case.

Mr. Lozano then explained in detail the request for rezoning to allow for a restaurant on the site, emphasizing that no tavern or lounge would be allowed, only a full-service restaurant with food.

Mr. Garza made a motion to approve the proposed Ordinance. Mr. Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Prado, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Guerrero, Vásquez, Menéndez, Marbut, Bannwolf.

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AN ORDINANCE 88633

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 24, BLOCK 2, NCB 6693, 1933 FREDERICKSBURG ROAD FROM "B-2NA" UC NON-ALCOHOLIC SALES BUSINESS URBAN CORRIDOR DISTRICT TO "B-2" UC BUSINESS URBAN CORRIDOR DISTRICT.

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3F. CASE #Z98183- The City of San Antonio has under consideration rezoning and reclassifying the south irregular 294 feet of Lot 11, NCB 8091, Castroville Road from "B-1" Business to "B-1" CC Business District with special City Council approval for an athletic field. The property is located 160 feet south of the intersection of Castroville Road and Aroboleda Drive and 196 feet on Dahlgreen Avenue. Staff's recommendation was for denial.

The Zoning Commission has recommended approval. (Council District 6).

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Menéndez made a motion to approve the proposed Ordinance. Mr. Webster seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Salas, Prado, Menéndez, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Guerrero, Vásquez, Marbut, Bannwolf.

AN ORDINANCE 88634

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 IRREGULAR 294 FEET OF LOT 11, NCB 8091, CASTROVILLE ROAD FROM "B-1" BUSINESS TO "B-1" CC BUSINESS DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR AN ATHLETIC FIELD.

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3G. CASE #Z98186(CC)- The request of Alton Buggs (owner: J.T. Maxey Lodge #74), to rezone and reclassify Lot 5 and the north 60 feet of Lot 6, Block 12, NCB 15503, 405 Altitude Drive from Temporary "R-1" Single Family Residence District to "R-3" CC Multiple Family Residence District with special City Council approval for a private club (masonic lodge). The property is located on the west side of Altitude Drive, 155 feet north of the intersection of Glider Drive and altitude Drive, having 120 feet on Altitude Drive and a depth of 162.5 feet. Staff's recommendation was for approval.

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Menéndez made a motion to approve the proposed Zoning Ordinance. Mr. Webster seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Salas, Prado, Menéndez, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Guerrero, Vásquez, Marbut, Bannwolf.

AN ORDINANCE 88634

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 5 AND THE NORTH 60 FEET OF LOT 6, BLOCK 12, NCB 15503, 405 ALTITUDE DRIVE FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-3" CC MULTIPLE FAMILY RESIDENCE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A PRIVATE CLUB (MASONIC LODGE).

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3H. CASE #Z98138: The request of RBS Enterprises, LLC (owner: Leonor B. Alvarez), to rezone and reclassify Lot 67, Block 15, NCB 12668, I.H. 35 Expressway and Ute Street from "B" Residence District to "R-3" Multiple Family Residence District. The property is located northwest of the intersection of I.H. 35 Expressway and Ute Street, having 135 on I.H. 35 Expressway and 356.77 on Ute Street. Staff's recommendation was for approval.

The Zoning Commission has recommended approval.

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Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Prado made a motion to approve the proposed Zoning Ordinance. Mr. Salas seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Salas, Prado, Menéndez, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Guerrero, Vásquez, Marbut, Bannwolf.

AN ORDINANCE 88636

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 67, BLOCK 15, NCB 12668, I.H. 35 EXPRESSWAY AND UTE STREET FROM "B" RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT.

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98-37 **BITTERBLUE/LONGHORN QUARRY FINANCING PLAN AND ORDINANCE**

The Clerk read a proposed ordinance: authorizing and directing preparation and distribution of a preliminary reinvestment zone financing plan for the development of a new arena; calling and setting the date, time, and place of a public hearing on the creation of a tax increment financing reinvestment zone for the development of a new arena; authorizing and directing publication of a notice of the public hearing; authorizing and directing distribution of a written notice of the City Council's intention to create reinvestment zone for the development of a new arena to each taxing unit that levies a tax in each respective proposed zone site; authorizing a request to make presentations before each taxing unit; authorizing a request for the appointment of a representative to meet with the City to discuss the project.

Mr. Webster made a motion to approve the proposed Ordinance. Mr. Salas seconded the motion.

Ms. Melissa Byrne Vossmer, Assistant City Manager, spoke to the history of this process.

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Mr. Octavio Peña, Director of Finance, addressed the characteristics of the Longhorn Quarry proposal.

Mr. Frank Garza, City Attorney, spoke to the statutory requirements for a Tax Increment Financing Reinvestment Zone.

All three previous speakers narrated portions of a video presentation, a copy of which is made a part of the papers of this meeting.

Mr. Peña then provided the City's financial analysis of the proposal, in summarizing the video presentation.

Mr. Jorge Rodriguez, representing Southwest Securities, provided a further financial analysis addressing alternate sources of revenues, creditworthiness, debt structure, risk, and other variables involved. He noted that a default on repayment of the bonds sold for this TIF could adversely affect the City of San Antonio's reputation in the bond market, in his opinion.

Mr. Peña then spoke to certain staff conclusions, found on pages 38 and 39 of the presentation documents and video presentation, and addressed possible scenarios.

Ms. Vossmer addressed three options, found on pages 40-43 of the presentation documents and video presentation: (1) recognizing the TIF and initiating the process of creation of the tax increment financing reinvestment zone; (2) not initiating the TIF process, but directing City staff to continue other studies into the matter and developing alternative financial structures; or (3) not initiating the TIF, and discontinuing all other studies into the matter.

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke in favor of locating such an arena on the west or northwest side of the city.

Mr. Faris Hodge, Jr., 140 Dora, spoke against location of the arena in the downtown area, and noted that City Council needs to take a stand in this matter. He then spoke to his concept of the proper size of such an arena.

Mr. Michael Idrogo, 317 Rosewood, spoke against the process, stating his belief that the Spurs should continue playing their basketball games in the Alamodome. He also spoke

in favor of inclusion of financial disclosure statements on all contracts involved in the TIF study, and spoke in favor of the recall of all City Council members.

Mr. Donze Lopez, representing the Greater San Antonio Chamber of Commerce, spoke in support for the proposed ordinance to start the arena process assessment, noting that the chamber also has a task force looking into the issue of the Spurs and a new arena.

Mr. Jack Finger, P.O. Box 12048, addressed his concern that backup documents on this matter were not available prior to City Council meeting. He stated his belief that study will not support creation of a TIF for a new arena, and he addressed his support for option 3.

Mr. Rene Neira, representing the Southside Alliance for Economic Development, spoke in support for a southside location for a new arena, perhaps on property owned by the Harlandale Independent School District. He asked the Council to consider all sites equally.

Mr. Leo Gomez, representing the San Antonio Spurs organization, stated that his firm is committed to this study over the next 60 days, and is against taxing the entire population of the city to support a new arena.

Mayor Peak noted that the Spurs organization is paying \$150,000 for the study of all possible sites for a proposed new arena and other related issues, and he spoke in favor of continuing that process. He noted that the action to be taken today does not commit the City to anything past the study itself, and he spoke to the importance of the commitment of the private sector.

Discussion took place concerning other revenue streams, subject to referendum.

Ms. Guerrero expressed her concern that a TIF reinvestment zone might not be able to completely fund the proposed arena, and she wants to see what the private sector can contribute.

Ms. Guerrero offered an amendment to support Option 1 as outlined on pages 40 and 41 of the staff video presentation, except that the final wording of that Option 1, which reads "and identify other possible revenue streams to fully fund the project.", be eliminated. Mr. Flores seconded the motion.

Mr. Garza briefly discussed the ramifications of the pending motions.

After discussion, the amendment prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Menéndez, Garza, Bannwolf, Webster, Peak. **NAYS:** None. **ABSENT:** Vásquez. **ABSTAIN:** Marbut.

The main motion, as amended, carrying with the passage of the following Ordinance, then prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Menéndez, Garza, Bannwolf, Webster, Peak. **NAYS:** None. **ABSENT:** Vásquez. **ABSTAIN:** Marbut.

AN ORDINANCE 88637

BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS (i) AUTHORIZING AND DIRECTING PREPARATION AND DISTRIBUTION TO THE APPROPRIATE TAXING UNITS OF THE PRELIMINARY REINVESTMENT ZONE FINANCING PLAN FOR THE DEVELOPMENT OF A NEW ARENA; (ii) CALLING AND SETTING THE DATE, TIME, AND PLACE OF A PUBLIC HEARING ON THE CREATION OF A TAX INCREMENT FINANCING REINVESTMENT ZONE FOR THE DEVELOPMENT OF A NEW ARENA; (iii) AUTHORIZING AND DIRECTING PUBLICATION OF A NOTICE OF THE PUBLIC HEARING; (iv) AUTHORIZING AND DIRECTING DISTRIBUTION OF A WRITTEN NOTICE OF THE CITY COUNCIL'S INTENTION TO CREATE A TAX INCREMENT FINANCING REINVESTMENT ZONE FOR THE DEVELOPMENT OF A NEW ARENA TO EACH TAXING UNIT THAT LEVIES A TAX IN THE PROPOSED ZONE; (v) AUTHORIZING A REQUEST TO MAKE PRESENTATIONS TO THE GOVERNING BODIES OF EACH TAXING UNIT THAT LEVIES A TAX IN THE PROPOSED ZONE; (vi) AUTHORIZING A REQUEST TO EACH TAXING UNIT FOR THE APPOINTMENT OF A REPRESENTATIVE TO MEET WITH THE CITY TO DISCUSS THE PROJECT; (vii) DELEGATING TO THE CITY MANAGER AUTHORITY TO CALL AND HOLD MEETINGS WITH REPRESENTATIVES OF EACH TAXING UNIT.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Menéndez, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez, Marbut.

— — —
98-37 The Clerk read the following Ordinance:

AN ORDINANCE 88641

AUTHORIZING REIMBURSEMENT FROM THE DISTRICT 7 ADMINISTRATIVE SUPPORT BUDGET IN THE TOTAL AMOUNT OF \$20,600.00 TO COUNCILMAN ED GARZA FOR ADMINISTRATIVE SERVICES CONTRACTS WITH VIVIAN MANGOLD (\$1,900.00 PER MONTH) FROM OCTOBER 1, 1998 THROUGH MAY 31, 1999; PHILIP ADAM CORTEZ (\$1,000.00 PER MONTH) AND ANTHONY ADRIAN AREVALO, III (\$800.00 PER MONTH) FROM OCTOBER 1, 1998 THROUGH DECEMBER 31, 1998; AS REQUESTED BY COUNCILMAN ED GARZA.

* * * *

Mr. Flores made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Menéndez, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez, Marbut.

— — —
98-37 The Clerk read the following Ordinance:

AN ORDINANCE 88642

AUTHORIZING THE TEMPORARY CLOSURE OF NUNES STREET BETWEEN W. THEO AND ELDORADO STREETS AND OF CLEO STREET FROM PRADO TO NUNES STREET ON SUNDAY, OCTOBER 11, 1998 FROM 7:00 A.M. UNTIL 11:00 P.M., IN CONNECTION WITH THE ST. JAMES CATHOLIC SCHOOL FALL FESTIVAL; AND AUTHORIZING THE EXPENDITURE OF \$155.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT FUND FOR COSTS RELATED TO SAID CLOSURE; AS REQUESTED BY COUNCILMAN RICK VÁSQUEZ.

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Mr. Flores made a motion to approve the proposed Ordinance. Mr. Prado seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Menéndez, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez, Marbut.

— — —
98-37 The Clerk read the following Ordinance:

AN ORDINANCE 88643

AUTHORIZING REIMBURSEMENT FROM THE DISTRICT 9 ADMINISTRATIVE SUPPORT BUDGET IN THE TOTAL AMOUNT OF \$35,200.00 TO COUNCILMAN TIM BANNWOLF FOR ADMINISTRATIVE SERVICES CONTRACTS WITH GLENNELL S. BRIVIC (\$2,200.00 PER MONTH) AND KATHLEEN LILLY (\$2,200.00 PER MONTH) FROM OCTOBER 1, 1998 THROUGH MAY 31, 1999; AS REQUESTED BY COUNCILMAN TIM BANNWOLF.

* * * *

Mr. Flores made a motion to approve the proposed Ordinance. Mr. Bannwolf seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Menéndez, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez, Marbut, Bannwolf.

— — —
98-37 The Clerk read the following Ordinance:

AN ORDINANCE 88644

AUTHORIZING REIMBURSEMENT FROM THE DISTRICT 2 ADMINISTRATIVE SUPPORT BUDGET IN THE TOTAL AMOUNT OF \$19,200.00 TO COUNCILMAN MARIO M. SALAS FOR AN ADMINISTRATIVE SERVICES CONTRACT WITH CHERYL EMERSON (\$2,400.00 PER MONTH) FROM OCTOBER 1, 1998 THROUGH MAY 31, 1999; AS REQUESTED BY COUNCILMAN MARIO M. SALAS.

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Mr. Salas made a motion to approve the proposed Ordinance. Mr. Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Menéndez, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez, Marbut.

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98-37 The Clerk read the following Ordinance:

AN ORDINANCE 88645

AUTHORIZING THE TEMPORARY CLOSURE OF COLLEGE STREET BETWEEN PRESA AND NAVARRO STREET ON MONDAY, OCTOBER 12, 1998; AND AUTHORIZING THE TEMPORARY CLOSURE OF THE PARTIAL SIDEWALK AND PARTIAL LANE OF COLLEGE STREET BETWEEN PRESA AND NAVARRO STREET BEGINNING ON TUESDAY, OCTOBER 13, 1998 UNTIL THE COMPLETION OF THE CONSTRUCTION PROJECT, AS REQUESTED BY M.J. BOYLE, GENERAL CONTRACTOR, INC., IN CONNECTION WITH THE CONSTRUCTION OF THE RIVERSIDE SUITES; AS REQUESTED BY COUNCILMAN ROGER FLORES, II.

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Mr. John German, Director of Public Works, spoke to the requested closure of College Street and partial closure of sidewalks to allow for renovation work on the Riverside Suites project, which is estimated to take some eight months to complete. He then spoke to the impact of the closures on the nearby Nix Hospital, and addressed several possible options. He noted that City staff recommends against the closures, as requested, unless the questions pertaining to operations of the Nix Hospital are suitably addressed.

Mr. Tom O'Brien, general counsel for Nix Hospital and the building tenants, noted that his clients are opposed to the closures, including even partial closures of the street and sidewalk, and addressed a list of those in the area in opposition to the proposal. He provided Council members with a handout of letters in opposition, and addressed the importance of the Nix Hospital operations and those of the building tenants. He stated that those tenants treat some 35,000 patients each year, some of which are elderly and under Medicare, and expressed his opinion that those patients will be adversely affected. He spoke to the losses incurred by building tenants and the hospital during the Tri Party construction project, some years ago.

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Mr. Andrew Chavez, director of operations and security for the Nix Building, spoke to the adverse impact of the proposed closures.

Mr. O'Brien addressed the direct impact of street lane closures in the area, including the loss of a vital loading zone used for building and hospital pickup and delivery, including that of medical waste.

Mr. German spoke to certain options that staff recommends to improve traffic flow in the area during any lane closures, noting that questions still remain about the loading zone and parking issues. He stated his belief that City staff can successfully work with a partial closure of College Street.

In response to a question by Mr. Flores, Mr. Ken Gindy, representing the Riverside Suites, stated that he recognizes the problems involved, and addressed plans to minimize those problems. He noted that the work cannot be performed at night because of the noise involved, and spoke to his willingness to look at one-way options for College Street.

Mr. Mike Boyle, general contractor for the renovation work on Riverside Suites, stated that he recognizes that a complete closure of College Street is not feasible, but expressed his belief that his work will not adversely affect Nix Hospital or the Nix Building operations. He further stated that a partial street closure will only force traffic leaving the Nix Parking Garage, in the Nix Building, to turn left only, during the partial closure of College Street.

Mr. Flores spoke in support of the closure to allow this renovation work.

At this time Mr. Flores made a motion to approve the ordinance. Mr. Salas seconded the motion.

In response to a question by Mr. Bannwolf, Mr. German agreed that his proposal for partial closure of College Street is the only way that will work, to allow this renovation work to proceed on Riverside Suites.

Discussion ensued concerning the fees to be paid and the options available to successfully allow this renovation work, should it not be completed within deadlines.

Discussion also took place concerning the handling of emergency traffic to Nix Hospital.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez.

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98-37 The Clerk read the following Ordinance:

AN ORDINANCE 88645

RATIFYING EMERGENCY SERVICES AND AUTHORIZING PAYMENT FROM PUBLIC WORKS STREETS AND DRAINAGE FUNDS PAYABLE TO HUNTER DEMOLITION IN THE AMOUNT OF \$80,000.00 FOR DEMOLITION SERVICES RELATED TO THE ELMENDORF BUILDING, LOCATED AT 223 W. COMMERCE AND THE MOKE BUILDING, LOCATED AT 221 W. COMMERCE; AUTHORIZING \$2,330.00 PAYABLE TO LUIS S. FARAKLAS FOR PROFESSIONAL STRUCTURAL ENGINEERING SERVICES; RATIFYING PAYMENTS AND SERVICES IN THE AMOUNT OF \$109,112.22 FOR LANDFILL, ASBESTOS AND ADMINISTRATIVE CHARGES FOR AN OVERALL PROJECT TOTAL OF \$191,442.22; PROVIDING FOR PAYMENT.

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Mr. Webster made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

Mr. John German, Director of Public Works, narrated a video presentation of the demolition work that had to be done on the Elmendorf and Moke buildings, across from City Hall. A copy of his presentation is made a part of the papers of this meeting.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to the need for additional Code Compliance officers and building inspectors. He noted that other buildings in the city's downtown area are dilapidated ,and addressed examples.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Prado, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Guerrero, Vásquez, Menéndez, Marbut.

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CITIZENS TO BE HEARD

MR. FARIS HODGE, JR.

Mr. Hodge, 140 Dora Street, spoke to the City Council about his concerns with not being called up to speak during the Zoning Case he had signed up for at the Zoning hearings. He took strong exception to the manner in which individuals were called up to speak and stated that he will file a formal complaint the next time it occurs. He then spoke to the need for more EMS personnel including more dispatchers and technicians. Mr. Hodge also read excerpts from the City of San Antonio Employee Code of Ethics and asked that a copy be included with the papers of the minutes.

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MR. MICHAEL IDROGO

Mr. Michael Idrogo, 317 Rosewood, spoke to the City Council about the conversion of the Sunset Depot to any other use except for rail passenger service.

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MR. NAZIRITE R.F. PEREZ

Mr. Nazirite R.F. Perez, 627 Hearne Avenue, made references to his being in favor of the action taken by the City Council today in approving the Zoning Case involving the SAMM Shelter.

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MR. JACK M. FINGER

Mr. Jack Finger took exception to the manner in which the Mayor called up the speakers for the zoning case involving the SAMM Shelter. He stated that the sign up sheets did not properly reflect the actions taken by the Mayor and they should be changed if the rules are going to be applied in that manner. He also expressed concern over the fact that many of the citizens were not able to speak and didn't approve of only the area residents being given the opportunity to address the issue.

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98-37 There being no further business to come before the Council, the meeting was adjourned at 6:50 P.M.

A P P R O V E D



HOWARD W. PEAK
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AE
City Clerk