

98-12

CEREMONIAL ITEMS

**HIP HOP BUNNY DROP
Citywide Easter Egg Hunt**

Mayor Peak announced that the annual Citywide Easter Egg Hunt, now known as the Hip Hop Bunny Drop, will be held on April 4, 1998. He then introduced Mr. Frank Stromboe, Interim Director of the Parks & Recreation Department.

Mr. Stromboe spoke to details of the event, as children from St. John's Lutheran Day School and the "Bunny Patrol", made up of staff members from the Parks & Recreation Department, distributed special Easter Baskets to members of City Council.

City Council members thanked the department for its work on this citywide project for the city's families and children.

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98-12

CONSENT AGENDA

Mr. Bannwolf made a motion to approve Agenda Items 8 through 28e, constituting the Consent Agenda, with Item 18 having earlier been removed by the City Manager, and Agenda Items 8, 9, 12, 13, 14, 15, 16, 20, 25, and 28 A-E having been pulled for individual consideration. Mr. Salas seconded the motion.

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

AN ORDINANCE 87550

ACCEPTING THE LOW, QUALIFIED BID OF FUQUAY, INC. IN THE AMOUNT OF \$87,109.58 IN CONNECTION WITH THE FINCH: FINTON TO I.H. 35 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; ESTABLISHING A PROJECT BUDGET; AUTHORIZING \$5,697.49 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$2,392.83 FOR PROJECT OVERSIGHT COSTS; APPROPRIATING FUNDS; AUTHORIZING \$637.86 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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98-12

March 26, 1998

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AN ORDINANCE 87551

ACCEPTING THE LOW, QUALIFIED BID OF BARON-LONG CONSTRUCTION IN THE AMOUNT OF \$418,500.00 IN CONNECTION WITH THE PAN AMERICAN BRANCH LIBRARY EXPANSION/RENOVATION PROJECT, LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$41,850.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$633.44 FOR ADVERTISING EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (MBE)

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AN ORDINANCE 87552

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$108,174.00 FOR FEE SIMPLE TITLE TO ONE PARCEL IN THE WEST AVENUE INTERSECTIONS PROJECT (\$105,000.00); AND FEE SIMPLE TITLE TO ONE PARCEL IN THE HILDEBRAND AVENUE - I.H. 10 TO BREEDEN PROJECT (\$3,174.00); APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 87553

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT FOR AN AMOUNT NOT TO EXCEED \$15,500.00 WITH ECKMANN, GROLL, RUNYAN & WATERS, INC. FOR THE PREPARATION OF REAL ESTATE APPRAISALS ON TWENTY (20) PARCELS FOR WHICH FEE SIMPLE TITLE WILL BE ACQUIRED IN CONNECTION WITH THE PLEASANTON ROAD - MAYFIELD AVE. TO SOUTHCROSS BLVD PROJECT; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT

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AN ORDINANCE 87554

AUTHORIZING THE EXECUTION OF A THREE (3) YEAR SOCCER FIELD USE AND MAINTENANCE AGREEMENT WITH THE EAST CENTRAL-LAKESIDE ATHLETIC ASSOCIATION, INC. FOR THEIR USE OF APPROXIMATELY 6.076

ACRES OF PUBLIC PROPERTY IN BROOKS PARK FOR YOUTH RECREATION PROGRAMS.

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AN ORDINANCE 87555

AUTHORIZING THE EXECUTION OF LICENSE AGREEMENTS WITH THE FOLLOWING THREE (3) LITTLE LEAGUES: MCALLISTER PARK LITTLE LEAGUE, INC. FOR THEIR USE OF APPROXIMATELY 24.38 ACRES OF PUBLIC PROPERTY IN MCALLISTER PARK; HARLANDALE LITTLE LEAGUE SPORTS ASSOCIATION, INC., FOR THEIR USE OF APPROXIMATELY 13.612 ACRES IN STINSON PARK; AND SPANISH AMERICAN AMATEUR BASEBALL LEAGUE, INC. FOR THEIR USE OF APPROXIMATELY 6.249 ACRES IN PADRE PARK FOR YOUTH RECREATION PROGRAMS.

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AN ORDINANCE 87556

AUTHORIZING THE CITY OF SAN ANTONIO'S ACCEPTANCE OF TITLE TO SURPLUS LAND PARCELS FROM THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, SUCH SURPLUS LAND CONSISTING OF A 3.5 ACRE TRACT IN NEW CITY BLOCK 6802, KNOWN AS KELLY AREA PARK AND A 1.714 ACRE TRACT COMPRISING NEW CITY BLOCKS 1215 AND 2795 FOR FAIR MARKET VALUE IN CONNECTION WITH THE KELLY PARK (LOWELL PARK) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT.

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AN ORDINANCE 87557

AUTHORIZING THE EXECUTION OF A PARTICIPATING ANCILLARY HEALTH CARE PROVIDER AGREEMENT WITH HMO BLUE®, CENTRAL TEXAS FOR THE PROVISION OF SELECTED HEALTH CARE SERVICES BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) TO INDIVIDUALS COVERED UNDER THE HMO BLUE®, CENTRAL TEXAS MEDICAID HEALTH BENEFIT PROGRAM.

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AN ORDINANCE 87558

AMENDING THE TRAFFIC CONTROL DEVICES SCHEDULES ESTABLISHED BY CHAPTER 19 (TRAFFIC REGULATIONS), ARTICLE III (TRAFFIC CONTROL DEVICES), SECTION 19-68(B) TO INCLUDE CERTAIN ADDITIONS TO THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULE FOR "TRAFFIC SIGNAL" LOCATIONS, "STOP" SIGNS, "YIELD RIGHT-OF-WAY" SIGNS, "PROHIBITED PARKING AT ALL TIMES" SIGNS, AND "SCHOOL SPEED ZONE" 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).

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AN ORDINANCE 87559

AUTHORIZING THE TEMPORARY CLOSURE OF SOUTH MAIN AVENUE (MAIN PLAZA) BETWEEN COMMERCE AND DOLOROSA STREETS ON SUNDAY, APRIL 5, 1998 FROM 6:00 A.M. UNTIL 2:00 P.M. AND ON FRIDAY, APRIL 10, 1998 FROM 6:00 A.M. UNTIL 2:00 P.M. AND AGAIN FROM 6:30 P.M. UNTIL 8:30 P.M. IN CONNECTION WITH HOLY WEEK ACTIVITIES HELD BY THE SAN FERNANDO CATHEDRAL.

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98-12 The Clerk read the following Ordinance:

AN ORDINANCE 87560

ACCEPTING THE OFFER OF STORAGE TECHNOLOGY CORPORATION TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT WITH A TAPE ROBOT UPGRADE FOR A TOTAL OF \$70,000.00.

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98-12
March 26, 1998
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Mr. Bannwolf made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

The following citizen(s) appeared to speak:

Mr. Robert Raines, 326 W. Huisache Avenue, questioned the right of certain City Council members to vote on certain items today, and spoke to the alleged atmosphere of conflicts of interest and other problems with the City. He stated his belief that municipal government has lost the respect of the citizens, and stated his belief that some Council members should resign, and that certain other City officials should resign or be relieved of duty.

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

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98-12 The Clerk read the following Ordinance:

AN ORDINANCE 87561

ACCEPTING THE LOW BID OF CLOSNER EQUIPMENT COMPANY, INC. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH A CONCRETE SLIP-FORM & SIDEWALK MACHINE TO BE UTILIZED IN CONJUNCTION WITH THE NEIGHBORHOOD IMPROVEMENT PROGRAM FOR CONSTRUCTION OF DRIVEWAYS, SIDEWALKS AND CURBS, FOR A TOTAL OF \$120,714.00.

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

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, questioned the need for this sidewalk machine. He also stated his belief that all Consent Agenda items should be read aloud, and addressed the problem of telephone poles blocking handicapped access on some sidewalks.

98-12
March 26, 1998
lmr

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

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98-12 The Clerk read the following Ordinance:

AN ORDINANCE 87562

AUTHORIZING FIELD ALTERATION NOS. 3 THROUGH 6 IN THE TOTAL AMOUNT OF \$27,264.54 PAYABLE TO KGME, INC. IN CONNECTION WITH THE SIDEWALKS: CITY WIDE PHASE II PROJECT, LOCATED IN COUNCIL DISTRICTS 2, 5 AND 7; AMENDING THE CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$26,626.66; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 84931 DATED OCT. 10, 1996)

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

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, questioned the construction of sidewalks with telephone poles mounted in their center, blocking handicapped access. He stated his belief that the City is wasting its money purchasing more sidewalk machines.

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

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98-12

The Clerk read the following Ordinance:

AN ORDINANCE 87563

ACCEPTING THE LOW, QUALIFIED BID OF BARON-LONG CONSTRUCTION IN THE AMOUNT OF \$797,500.00 IN CONNECTION WITH THE ED CODY BRANCH LIBRARY ADDITIONS AND RENOVATION PROJECT; LOCATED IN COUNCIL DISTRICT 8; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$91,500.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING AN ADDITIONAL \$9,850.00 PAYABLE TO LLOYD WALKER JARY AND ASSOCIATES, INC. FOR ENGINEERING/ARCHITECTURAL EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (MBE)

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

Mr. Marbut noted that this work involves the only branch library located in Council District 8, and he spoke to his concern that there are no plans for area library service during the six months of construction.

Ms. June Garcia, Library Director, addressed plans for the renovation of the branch library facility, and stated that the City would refer library customers to other branches or to the bookmobile services. She addressed other such renovation closures of branch libraries in the past, and stated her belief that there is no short-term solution to temporary library locations that could be provided in a cost-effective manner.

Mr. Marbut spoke to problems with branch library services in such cases, and spoke to the distances that must be traveled to secure such services.

In response to a question by Mayor Peak, Ms. Garcia explained that bookmobile services into all areas of the city is sometimes difficult.

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

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98-12 It was the consensus of City Council members present to at this time undertake consideration of Agenda Item 38.

The Clerk read the following Ordinance:

AN ORDINANCE 87564

AUTHORIZING THE EXPENDITURE FROM VARIOUS CONTINGENCY ACCOUNT FUNDS IN SUPPORT OF THE UNIVERSITY OF THE INCARNATE WORD'S 10TH ANNUAL RUN FOR BRAINPOWER, SPONSORED BY SANTA ROSA HEALTH CARE BEING HELD ON SATURDAY, MARCH 28, 1998 AT MISSION COUNTY PARK; AS REQUESTED BY MAYOR HOWARD W. PEAK.

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Dr. Louis Agnese, President, University of the Incarnate Word, spoke to details of the Run For Brainpower, which funds student scholarships as other university representatives distributed special tee-shirts to members of the City Council. He also spoke to the various lengths of the races to be held

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At this time, contributions were pledged from various City Council Contingency Account Funds, to wit: District 1 - \$100; District 2 - \$100; District 3 - \$100; District 4 - \$100; District 5 - \$100; District 6 - \$100; District 7 - \$100; District 8 - \$200; District 9 - \$200; Mayor - \$300.

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, Menendez, Garza, Marbut, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Webster.

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98-12 It was the consensus of City Council members present to undertake consideration of Agenda Item 32 at this time.

The Clerk read the following Ordinance:

AN ORDINANCE 87565

AUTHORIZING THE ACCEPTANCE OF A \$10,000.00 CONTRIBUTION FROM HEART HOLDINGS, INC., AND AUTHORIZING THE EXPENDITURE OF SAID CONTRIBUTION FOR THE PURCHASE OF FIVE (5) COMPUTER STATIONS TO EXPAND THE COMPUTER ASSISTED INSTRUCTION SYSTEM AT THE ALBERT J. BENAVIDES LEARNING CENTER.

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

Ms. Diane Quaglia, Acting Director of Community Initiatives, explained the \$10,000 donation from Heart Holdings, Inc. and Mr. Hershey Tichenor, and spoke briefly to his background.

Mr. Tichenor addressed the reasons for his contribution to purchase computers for the Benavides Learning Center.

Members of City Council thanked Mr. Tichenor for his generous contribution.

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

98-12 It was the consensus of City Council members present to at this time undertake consideration of Agenda Item 30.

The Clerk read the following Ordinance:

AN ORDINANCE 87566

AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN CONNECTION WITH THE 1998 FIESTA SAN ANTONIO CELEBRATION;

98-12
March 26, 1998
lmr

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

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to his concern with the board of San Antonio Water System and other entities in charge of the Edwards Aquifer, and addressed the limits on pumping from the aquifer. He spoke to concerns with the issuing of more water permits, and spoke to the need to construct another surface-water lake over the aquifer, to store rainfall runoff.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to his concerns with pollution of the Edwards Aquifer and its effects upon the south side of the city.

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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, Vásquez, Menendez, Garza, Bannwolf, Peak; **NAYS:** None, **ABSENT:** Marbut, Webster

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98-12 The Clerk read the following Ordinance:

AN ORDINANCE 87568

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH LOCKWOOD, ANDREWS & NEWNAM TO PERFORM DESIGN SERVICES FOR THE CONVENTION CENTER EXPANSION PROJECT THERMAL STORAGE FACILITY; AND APPROPRIATING FUNDS IN AN AMOUNT NOT TO EXCEED \$294,000.00 FOR BASIC DESIGN SERVICES, AS WELL AS \$195,000.00 FOR ADDITIONAL DESIGN SERVICES AND ADDITIONAL CONSTRUCTION SUPPORT SERVICES.

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

The following citizen(s) appeared to speak:

Mr. Jack Finger, P.O. Box 12048, questioned the amount of funds being approved with this proposed Ordinance, and spoke to the political contributions made to the Mayor's campaign by one of the firm's owners. He asked the Mayor to abstain from the vote.

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

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98-12 The Clerk read the following Ordinance:

AN ORDINANCE 87569

APPROVING INTERIM PROJECT MANAGEMENT SERVICES CONTRACT CLOSEOUT FUNDING FOR 3D/INTERNATIONAL AND FOR THE FOSTER CM GROUP FOR THE CONVENTION CENTER EXPANSION PROJECT; AND APPROPRIATING FUNDS IN AN AMOUNT NOT TO EXCEED \$52,774.00 FOR 3D/INTERNATIONAL AND \$28,517.50 FOR THE FOSTER CM GROUP FOR SERVICES PROVIDED.

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

The following citizen(s) appeared to speak.

Mr. Jack Finger, P.O. Box 12048, asked that City Council members who received political contributions from this firm abstain from the vote.

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

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98-12
March 26, 1998
lmr

The following citizen(s) appeared to speak:

Mr. Ray Hamilton, representing Northside Neighborhoods for Organized Development (NNOD), spoke to certain traffic problems and their possible solutions.

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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, Vásquez, Menendez, Garza, Marbut, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Webster.

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98-12 The Clerk read the following Ordinance:

AN ORDINANCE 87572

APPOINTING MARTA SAN MIGUEL (DISTRICT 7) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 31, 2000

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

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, asked that the names of each board or commission appointee be read aloud.

Mr. Nazarite Ruben Flores Perez, 672 Hearne Avenue, reiterated Mr. Hodge's comments.

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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, Vásquez, Menendez, Garza, Marbut, Bannwolf, Peak; **NAYS:** None, **ABSENT:** Webster.

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98-12
March 26, 1998
lmr

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, Vásquez, Menendez, Garza, Marbut, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Webster.

(This concludes the agenda items pulled from the Consent Agenda for individual consideration.)

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98-12 **NEW DIRECTOR OF PARKS & RECREATION**

Mr. Alexander E. Briseño, City Manager, announced the selection of Mr. Malcolm Matthews as the new Director of the Parks & Recreation Department, and introduced him to City Council, noting that Mr. Matthews currently is serving as Director of Parks & Recreation for the City of Corpus Christi. He commented upon his background, and stated that Mr. Matthews would begin work with the City of San Antonio on April 27. (A copy of the news release announcing the appointment is made a part of the papers of this meeting.)

Mr. Matthews spoke to the City Council, and stated that he looked forward to beginning this new work with the City.

Mayor Peak, on behalf of the City Council, welcomed Mr. Matthews to City employ.

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98-12 **ZONING HEARINGS:**

4A. CASE #Z97241 - The request of Allan Polunsky (owner: Tonkiwa, Ltd.), to rezone and reclassify 14.89 acres out of NCB 17600, Evans Road from Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "P-1(R-3)" ERZD Planned Unit Development Multiple Family Edwards Recharge Zone District. The property is located southwest of the intersection of Evans Road and Encino Road. Staff's recommendation was for approval

The Zoning Commission has recommended approval of this request

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

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

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke against any further rezoning for construction over the Edwards Aquifer recharge zone, speaking to his concern for this sensitive area. He spoke in favor of creating a greenbelt over the recharge zone. He also spoke to his concern that City Council members do not have any representation at Zoning Commission meetings.

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In reply, Mayor Peak noted that each Council member selects his or her representative to the Zoning Commission, and they represent that Council member.

Mr. Bannwolf addressed the negotiations involved in this rezoning matter.

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

AN ORDINANCE 87577

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 14.89 ACRES OUT OF NCB 17600, EVANS ROAD FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "P-1(R-3)" ERZD PLANNED UNIT DEVELOPMENT MULTIPLE FAMILY EDWARDS RECHARGE ZONE DISTRICT.

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4B. CASE #Z98035- The request of City of San Antonio (owner: H.H. Batchelder), to rezone and reclassify Lots 4 and 5, Block A, NCB 10109, Nova Mae from "F" Local Retail District to "B-2NA" Non-Alcoholic Sales Business District. The property is located east of the intersection of Nova Mae Drive and Ave Maria Drive. Staff's recommendation was for approval.

98-12
March 26, 1998
lmr

The Zoning Commission has recommended approval of this request..

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

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

The following citizen(s) appeared to speak:

Mr. Gene Toscano, attorney representing the landowner, stated his belief that it sets a bad precedent to put a firm out of business through the rezoning, and stated further his belief that the building owner is being penalized significant amounts of money. He noted that this property has had this present zoning for the past 20 years, and to rezone the property at this time would be to injure his client and put him out of business.

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

Mr. Toscano stated his belief that his client has recourse to the courts in this matter, and he again spoke against the proposed rezoning action.

Ms. Mary Alice Ramsay, 125 Ave Maria, stated that this property is across the street from residences, and she spoke to problems experienced involving patrons of this club. She spoke in support for the rezoning.

Ms. Lydia Rodriguez, 109 Anne Lewis, and Mr Robert Manuel, 351 Ave Maria, both spoke in support for the rezoning.

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

Mr. Bannwolf spoke to his support for the wishes of neighborhood residents, and addressed certain problems experienced with the club.

Mr. Ray Lozano, Land Development Services, noted that nine affirmative votes of City Council will be required to approve the rezoning.

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

AN ORDINANCE 87578

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 4 AND 5, BLOCK A, NCB 10109, NOVA MAE FROM "F" LOCAL RETAIL DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT.

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4C. CASE #Z98041(CC)- The request of Precision Helicopter Services, Inc. (owner: Volk Ventures, L.L.C.), to rezone and reclassify 1.205 acres out Lot 44, NCB 12051, (rear) of 540 Sandau Road, from "I-1" Light Industry District to "I-1" CC Light Industry District with special City Council approval for a helicopter maintenance facility. The property is located 706.90 feet northwest of the intersection of Sandau Road and Isom Road, being 480.60 feet southwest of Sandau Road, having a width of 150.10 feet and a depth of 350.36 feet. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Bannwolf made a motion to approve the proposed Zoning Ordinance. 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, Vásquez, Menendez, Marbut, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Prado, Garza, Webster.

AN ORDINANCE 87579

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 1.205 ACRES OUT LOT 44, NCB 12051, (REAR) OF 540

SANDAU ROAD, FROM "I-1" LIGHT INDUSTRY DISTRICT TO "I-1" CC LIGHT INDUSTRY DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A HELICOPTER MAINTENANCE FACILITY.

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4D. CASE #Z97243- The request of Guan Jon & Li Ying Hsiao (owners), to rezone and reclassify the south 200 of the west 120 feet of Lot 2, NCB 17909, 9405 Guilbeau Road from Temporary "R-1" Single Family Residence District to "B-2NA" Non-Alcoholic Sales Business District. The property is located on the north side of Guilbeau Road, 83 feet east of the intersection of Guilbeau road and Old Tezel Road, having 120 feet on Guilbeau road and a depth of 200 feet. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Garza 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:** Flores, Salas, Guerrero, Vásquez, Menendez, Garza, Marbut, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Prado, Webster.

AN ORDINANCE 87580

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 200 OF THE WEST 120 FEET OF LOT 2, NCB 17909, 9405 GUILBEAU ROAD FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT.

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4E. CASE #Z98042- The request of Allan F. Smith (owner: Northside Music, Inc.), to rezone and reclassify Lots 3 and 10, Block 1, NCB 14711, 11918 Vance Jackson Road and 4322 Honeycomb Drive from Temporary "R-1" Single Family Residence District to "B-2NA" Non-Alcoholic Sales Business District. The property is located at Honeycomb Drive and Vance Jackson Road, having 117.22 feet on Vance Jackson Road, 90.37 feet on Honeycomb Drive and 347.06 feet between these two streets. Staff's recommendation was for denial as requested and approval of "O-1" on Lot 10 and "B-2NA" on Lot 3.

The Zoning Commission has recommended approval of this request..

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Marbut made a motion to approve the proposed Zoning 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, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None, **ABSENT:** None.

AN ORDINANCE 87581

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 3 AND 10, BLOCK 1, NCB 14711, 11918 VANCE JACKSON ROAD AND 4322 HONEYCOMB DRIVE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT.

* * * *

4F. CASE #Z98029- The request of B.J. McCombs (owner), to rezone and reclassify Parcel 7 and 8, Block 1, NCB 18829, Culebra Road and Camino Rosa from "B-2" Business District to "B-3NA" Non-Alcoholic Sales Business District. The property is located on the south side of Camino Rosa, between Tezel Road and Culebra Road, having 307.96 feet on Tezel Road, 742.29 feet on Camino Real and 148 84 feet on Culebra. Staff's recommendation was for approval

The Zoning Commission has recommended approval of this request.

98-12
March 26, 1998
lmr

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Menendez made a motion to approve the proposed Zoning Ordinance. Mr. Bannwolf 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, Menendez, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Garza, Marbut, Webster.

AN ORDINANCE 87582

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 PARCEL 7 AND 8, BLOCK 1, NCB 18829, CULEBRA ROAD AND CAMINO ROSA FROM "B-2" BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT.

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— — —
4G. CASE #Z98012- The request of Jesus Cortez, Jr. (owner), to rezone and reclassify Lot 17, Block 8, NCB 11195, 114 Pima, from "B" Residence District to "O-1" Office District. The property is located on the south side of Pima, 125 feet west of the intersection of Pima and Palo Alto Road, having 50 feet on Pima and a depth of 125 feet. Staff's recommendation was for denial

The Zoning Commission has recommended approval of this request

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Prado made a motion to approve the proposed Zoning Ordinance. 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, Menendez, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Garza, Marbut, Webster.

AN ORDINANCE 87583

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 17, BLOCK 8, NCB 11195, 114 PIMA, FROM "B" RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT.

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4H. CASE #Z97252 - The request of Yolanda H. Colebank (owner), to rezone and reclassify the east 275 feet of Lot 248, Block 25, NCB 11124, Moursund Road from "R-1" Single Family Residence District to "B-2" Business District. The property is located on the west side of Moursund Road, 200 feet north of the intersection of Moursund Road and Villaret Boulevard, having 100 feet on Moursund Road and a depth of 225 feet. Staff's recommendation was for denial.

The Zoning Commission has recommended denial of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Ms. Guerrero made a motion to continue this rezoning case to the council meeting of May 14, 1998. Mr. Bannwolf seconded the motion

After consideration, the motion to continue the zoning case prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Garza, Marbut, Webster.

Zoning Case Z97252 was continued to the Council meeting of May 14, 1998.

— — —
4I. CASE #Z98034- The request of P.E., Simpson Group Engineers (owner: Union Pacific Railroad Co.), to rezone and reclassify 19.636 acres out of NCB 12192, in the rear of 5140 Service Center Drive from Temporary "R-1" Single Family Residence District to "I-1" Light Industry District. The property is located to the rear of those properties fronting onto Service Center Drive, being a strip of land having a width of 253.04 feet and a length of 4,354.32 feet. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

98-12
March 26, 1998
lmr

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Salas made a motion to approve the proposed Zoning Ordinance. 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, Menendez, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Garza, Marbut, Webster.

AN ORDINANCE 87584

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 19.636 ACRES OUT OF NCB 12192, IN THE REAR OF 5140 SERVICE CENTER DRIVE FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT

* * * *

4J. CASE #Z98039- The request of Los Barrios Enterprises, Inc. (owner: Louis A. Barrios), to rezone and reclassify Lot 11 and the west 30 feet of Lot 12, Block 2, NCB 8118, 826 San Angelo Street, from "B" Residence District to "B-1" Business District. The property is located on the south side of San Angelo Street, 289.97 feet west of the intersection of San Angelo Street and Blanco Road, having 90 feet on San Angelo Street and a depth of 100 feet. Staff's recommendation was for denial.

The Zoning Commission has recommended approval of this request

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Flores made a motion to approve the proposed Zoning Ordinance. 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, Menendez, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Garza, Marbut.

AN ORDINANCE 87585

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 11 AND THE WEST 30 FEET OF LOT 12, BLOCK 2, NCB 8118, 826 SAN ANGELO STREET, FROM "B" RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT.

* * * *

98-12 The Clerk read the following Resolution:

A RESOLUTION
NO. 98-12-08

APPROVING LEASE-PURCHASE FINANCING IN AN AMOUNT NOT TO EXCEED \$3,760,000.00 BY THE CITY OF SAN ANTONIO, TEXAS, HIGHER EDUCATION AUTHORITY, INC (INCLUDING A LEASE-PURCHASE AGREEMENT AND AN ESCROW AGREEMENT) TO FINANCE HEATING AND AIR CONDITIONING IMPROVEMENTS FOR TEXAS LUTHERAN UNIVERSITY; AND APPROVING OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE OF EIGHT AFFIRMATIVE VOTES.

* * * *

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

Mr. Clint Bolden, Director of Economic Development, narrated a video presentation, a copy of which is made a part of the papers of this meeting. He explained the need for City Council approval of the proposed Resolution, and addressed the background of the financing matter.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, questioned using City of San Antonio tax money for a facility located elsewhere

98-12
March 26, 1998
lmr

Mayor Peak explained that no San Antonio tax funds are involved.

Mr. Jack Finger, P.O. Box 12048, addressed his concern with financing a Seguin college, and not one in San Antonio.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke against the proposed Resolution.

* * * *

In response to a question by Mr. Salas, Mr. Bolden explained that the City of San Antonio is not liable for any of the funding involved, explaining that the Higher Education Authority is authorized to assist in tax-exempt financing to institutions of higher education, and can do so anywhere in Texas. He further noted that some 25 per cent of the student body of Texas Lutheran University is from San Antonio, and in fact the school has a satellite campus at Kelly Air Force Base in San Antonio. He noted that San Antonio will gain about \$6,000 as a result of this transaction.

Mr. Menendez spoke to indemnification of the City in this matter.

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

— — —
98-12 The Clerk read the following Ordinance.

AN ORDINANCE 87586

AUTHORIZING PAYMENTS OF REFUNDS TOTALING \$498,699.83, TO PERSONS MAKING A DOUBLE PAYMENT, ERRONEOUS PAYMENT OR AS A RESULT OF A VALUE AND/OR EXEMPTION CHANGE ON 96 TAX ACCOUNTS

* * * *

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, Vásquez, Menendez, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Garza, Marbut, Webster.

— — —
98-12
March 26, 1998
lmr

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

— — —
98-12 The Clerk read the following Ordinance:

AN ORDINANCE 87589

SETTING PUBLIC HEARING DATES AND TIMES FOR THE TWO REQUIRED PUBLIC HEARINGS ON THE ANNEXATION OF THE AREAS KNOWN AS: NW MILITARY/FM 1604, US 281 NORTH, JUDSON/FM 1604 AND THE EVANS ROAD AREA; AND DIRECTING THE PLANNING DEPARTMENT STAFF TO PREPARE A SERVICE PLAN FOR SUCH AREAS, ALL IN ACCORDANCE WITH CHAPTER 43 OF THE LOCAL GOVERNMENT CODE.

* * * *

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

Mr. Emil Moncivais, Director of Planning, explained the procedure in setting the dates for public hearings concerning the proposed annexation of four quarry areas. He noted that the City currently is developing a quarry-development ordinance for Council action.

Mayor Peak noted that this process is on schedule, as per City Council direction.

The following citizen(s) appeared to speak:

Ms. Nancy Englebert, President, Heritage Neighborhood Association, stated that her area of the city still does not receive full City services, and she spoke against any further annexations.

Mayor Peak clarified the fact that no additional population is being added to the City by virtue of the proposed annexations of the four quarry areas, and explained that doing so gives the City certain environmental control over those quarries and their development.

Mr. Ray Basham, also representing the Heritage Neighborhood Association, expressed his concern that this annexation will further stretch City fire and police services, and spoke against further annexations until other areas of the city receive full services.

98-12
March 26, 1998
lmr

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

— — —
98-12 The Clerk read the following Ordinance:

AN ORDINANCE 87591

AUTHORIZING REIMBURSEMENT FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND IN THE AMOUNT OF \$7,400.00 TO COUNCILMAN RAUL PRADO FOR ADMINISTRATIVE SERVICES CONTRACTS WITH DAVID FERNANDEZ (\$2,000.00 PER MONTH) FROM APRIL 1 - JUNE 30, 1998 AND EDWARD METZ (\$700.00 PER MONTH) FROM APRIL 1 - MAY 31, 1998; AS REQUESTED BY COUNCILMAN RAUL PRADO.

* * * *

Mr. Prado 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, Menendez, Garza, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Vásquez, Marbut, Webster.

— — —
98-12 The Clerk read the following Ordinance:

AN ORDINANCE 87592

AUTHORIZING REIMBURSEMENT FROM THE DISTRICT 7 CONTINGENCY ACCOUNT FUND IN THE AMOUNT OF \$18,750.00 TO COUNCILMAN ED GARZA FOR ADMINISTRATIVE SERVICES CONTRACTS WITH GERALD W LEE (\$2,000.00 PER MONTH) FROM APRIL 1 - JUNE 30, 1998; VIVIAN MANGOLD (\$1,900.00 PER MONTH) FROM APRIL 1 - SEPTEMBER 30, 1998, AND PHILIP ADAM CORTEZ (\$450.00 PER MONTH) FROM APRIL 1 - JUNE 30, 1998; AS REQUESTED BY COUNCILMAN ED GARZA.

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98-12
March 26, 1998
lmr

Mr. Garza 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, Menendez, Garza, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Marbut, Webster.

— — —
98-12 The Clerk read the following Ordinance:

AN ORDINANCE 87593

AUTHORIZING THE EXPENDITURE OF \$150.00 FROM THE DISTRICT 7 CONTINGENCY FUNDS ACCOUNT TO ASSIST THE CESAR CHÁVEZ MEMORIAL COMMITTEE WITH THE CANDLELIGHT VIGIL COMMEMORATING THE BIRTHDAY OF CESAR CHÁVEZ BEING HELD AT THOMAS JEFFERSON HIGH SCHOOL ON MARCH 30 AND 31, 1998; AS REQUESTED BY COUNCILMAN ED GARZA

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

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, thanked Councilman Garza for this expenditure, and lauded Cesar Chavez for his work.

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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, Menendez, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez, Marbut.

Mr. Salas 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:** Salas, Guerrero, Menendez, Garza, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Flores, Prado, Vásquez, Marbut, Webster.

— — —
98-12 The Clerk read the following Ordinance:

AN ORDINANCE 87596

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO COMPROMISE AND SETTLE CAUSE NO. 96-CI-12064, IN THE 225TH JUDICIAL DISTRICT COURT, STYLED SAN ANTONIO WINCO, INC. V. CITY OF SAN ANTONIO, IN THE TOTAL AMOUNT OF \$465,000.00.

* * * *

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

Mr. Frank Garza, City Attorney, spoke to details of the proposed settlement of a lawsuit.

The following citizen(s) appeared to speak.

Mr. Jack Finger, P.O. Box 12048, spoke to his concern that it was the City's fault that construction on this project was delayed, and stated that he wants to know exactly who was at fault

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

— — —
98-12
March 26, 1998
lmr

AN ORDINANCE 87597

AMENDING CHAPTER 34 OF THE CITY CODE TO ENACT ARTICLE VII TO PROVIDE A PROGRAM FOR RECYCLED WATER SERVICE, WHICH INCLUDES THE ESTABLISHMENT OF SERVICE EXTENSION GUIDELINES, AND TO ADOPT A RATE STRUCTURE FOR THE SAN ANTONIO WATER SYSTEM (SAWS) TO PROVIDE RECYCLED WATER SERVICE TO CUSTOMERS, WHICH PROVIDES FOR THE EXCHANGE OF RECYCLED WATER FOR EDWARDS AQUIFER PUMPING RIGHTS AND WHICH RECOGNIZES THE FOLLOWING TWO CATEGORIES OF CUSTOMERS; 1) CUSTOMERS WITH AN EXISTING EDWARDS AQUIFER WELL PERMIT WHO WILL PAY AN ESTIMATED \$75.00 PER ACRE FOOT; AND 2) CUSTOMERS WITH NO EDWARDS AQUIFER WELL PERMIT WHO WILL PAY THE PREVAILING GENERAL CLASS RATE; AND PROVIDING FOR CRIMINAL AND CIVIL PENALTIES TO BE IMPOSED FOR VIOLATIONS OF CERTAIN PROVISIONS

* * * *

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

Mr. Bill Arnette, Public Utilities Supervisor, narrated a video presentation on recycled water service, a copy of which is made a part of the papers of this meeting. He provided an overview of the proposed service, and introduced Mr. Michael Thuss, President/Chief Operating Officer, San Antonio Water System.

Mr. Michael Thuss also narrated a brief video presentation, a copy of which is made a part of the papers of this meeting. He spoke to details of the plan to provide many entities with non-potable recycled water.

The following citizen(s) appeared to speak.

Mr. Tom Culbertson, 511 Westwood, stated his belief that this presentation should have been made in the evening, when more young people could be present. He stated his contention that recycling is not needed, since the Edwards Aquifer contains much water.

Mr. Faris Hodge, Jr., 140 Dora, spoke to his concern that literature on this matter was not available to him. He stated his belief that if citizens don't directly benefit from the recycled water, they should not have to pay for it through their water bills.

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

Mr. Karl Wurz, 820 Florida, spoke to his concern with the water rates, although he is not opposed to a program of recycled water. He spoke against all water users having to pay for recycled water when they don't directly benefit from it, urging that users of the recycled water should be the ones to pay for it.

Mr. Jack Finger, P.O. Box 12048, addressed his concern that Council approval of this is the first step in the process where funding already has been approved, and noted that SAWS has no firm users for its recycled water.

Dr. Ruth Lofgren, 434 West Hermine Blvd., spoke in support for the proposed action, noting that she has worked in the field of recycled water for years. She noted that SAWS must have a program in place before any customers can be signed, and that City Public Service has been using recycled water for years in both Calaveras and Braunig Lakes. She further noted that San Antonio is noted for its wastewater treatment system.

Mr. Jack W. DeVaughn, representing the Southeast Side Community Organization, spoke in support for the program.

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

Mr. William Mulcahy, grounds supervisor, University of the Incarnate Word, noted that water is important to schools and athletics, and he supports the recycled water program.

Mr. Bill Ellis, 200 Concord Plaza #303, representing the Quarry Golf Club, spoke in support for using recycled water in lieu of pumping from a water well into the Edwards Aquifer, to save potable water.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, stated his belief that the southwest area of the city wants to be deannexed from the City.

* * * *

Mayor Peak noted that it is only common sense to re-use our water.

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

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98-12

—
CITIZENS TO BE HEARD
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MS. NANCY ENGLEBERT

Ms. Nancy Englebert, Heritage Neighborhood Association President, spoke to the City Council regarding a situation which they are concerned about relative to a contractor hired to work on their community swimming pool and the damage done to private property. She stated that she would refrain from divulging the contractor's name at this time, but they are considering legal action.

Councilman Prado stated that he is familiar with this case and stated that Fiber Technology caused the damage and should be held accountable. He will work with the Neighborhood Association on this issue as well as with the City Attorney's Office.

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MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, distributed a copy of a newspaper retraction and apology to Councilman Salas, a copy of which is on file with the papers of this meeting. He also spoke in favor of increasing Council salaries; spoke against the relocation of BAD from the downtown area; spoke in favor of removing telephone poles from sidewalks; asked that B Sessions be cablecast as well as the Citizens to be Heard segment; spoke against existing cable rates, asked for more police officers and more park rangers; expressed concern about the status of the curfew on Military Drive area; and asked that a district map be hung in the Council chamber.

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98-12
March 26, 1998
lmr

MR. NAZIRITE RUBEN F. PEREZ

Mr. Perez, 627 Hearne Avenue, spoke to the City Council on a proposed petition he is proposing to be circulated on the 'deannexation' of the southside of San Antonio. He presented each Council member with a copy of his petition.

* * * *

MS. BRENDA JEAN DANIELS

Ms. Daniels, 106 Rustlers Buite, spoke to the City Council on the erection of a fence abutting her property which is in Shavano Park. She gave a complete history of this issue and stated that the contractor never obtained a permit and left debris and unused materials at the site. She also stated that the fence was not completed and invites trespassers as well as causes other problems to the homeowners. She also stated that she is displeased with the type of responses she has received from City staff.

After discussion, Mr. Gene Camargo, Director of Building Inspections, stated that one of the main issues is the deed restrictions entered into between the property owners, and that the city has no legal means to enforce deed restrictions. He stated that he will meet with Ms. Daniels and will follow up with a report to the City Council

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MR. MICHAEL IDROGO

Mr. Michael Idrogo, 317 Rosewood, spoke against the use of the Sunset Depot into an entertainment complex and stated that it will be needed in the future as a train depot. He then displayed photographs of the city of Seoul, Korea and stated that their train station which is historic in nature is still used as a train depot.

* * * *

MS. KIM CARTER-PAREDES

Ms. Kim Carter Paredes, 432 Mary Louise, spoke to the City Council, about her concerns as a mother relative to the recent events dealing with violence in schools. She referred in particular to the recent tragic event in Arkansas involving middle school children. She then discussed several concerns with moral issues in jeopardy. She spoke to the need for continued counseling and support groups for children.

Mayor Peak thanked Mrs. Paredes for bringing her concerns to the City Council.

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98-12

TIGER CLUB PACK

Councilman Garza recognized a group of Tiger Club Pack Boy Scouts from St Gregory's School and welcomed them to the City Council Meeting.

* * * *

98-12 City Council recessed its regular session at 5:40 P.M. in order to convene in Executive Session for the purpose of:

- A) **Attorney/client consultation regarding litigation case styled Bradley W. Boegner v. City of San Antonio, Cause No. 92-CI-11119, in the 224th Judicial District Court, Bexar County, Texas.**
- B) **Attorney/client consultation regarding the acquisition of property in District 1 in connection with the 1998 Affordable Parade of Homes.**

City Council adjourned the Executive Session and reconvened in regular session at 6:20 P.M., at which time Mayor Peak announced that Council had been briefed in Executive Session on the above-styled matters and had taken no official action.

98-12 There being no further business to come before the Council, the meeting was adjourned at 6:21 P.M.

A P P R O V E D


HOWARD W. PEAK
M A Y O R

Attest: 
NORMA S. RODRIGUEZ, CMC/AAE
City Clerk

98-12
March 26, 1998
lmr