

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBERS, MUNICIPAL
PLAZA BUILDING, TUESDAY, NOVEMBER
21, 1995.

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95-49 The City Council convened in an informal "B" Session at 3:00 P.M., City Council Chambers, Municipal Plaza Building, to consider the following item(s). The Council members present were: FLORES, McCLENDON, AVILA, SOLIS, HERRERA, ROSS, MARBUT, PEAK, WEBSTER, THORNTON. Absent: BILLA BURKE.

Council discussion on Final Draft of the Strategic Plan for Redevelopment of Kelly AFB by the IBASC Committee, and Review of Recommendations for the Establishment of the Local Redevelopment Authority - City Council decided to move this to the formal "A" Session agenda of December 7, 1995.

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95-49 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor William E. Thornton, with the following members present: FLORES, McCLENDON, AVILA, SOLIS, HERRERA, ROSS, MARBUT, PEAK, WEBSTER, THORNTON. Absent: BILLA BURKE.

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95-49 Invocation - Rabbi Arnold Scheinberg, Congregation Rodfei Shalom.

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95-49 Pledge of Allegiance to the flag of the United States.

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95-49 Minutes of the September 14, 1995 and September 28, 1995 Regular City Council Meetings were approved.

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95-49 AT YOUR SERVICE AWARD - EMS CAPTAIN JOHN D. AGUILAR

Mayor Thornton noted that John D. Aguilar, EMS Shift Commander, San Antonio Fire Department, has been selected to receive this month's "At Your Service Award", and he spoke briefly to the background history of this award.

Mr. Alexander E. Briseno, City Manager, introduced Captain Aguilar and spoke to his record of service.

A brief videotaped presentation was made of captain Aguilar's work.

Mayor Thornton, Mr. Briseno and Fire Chief Robert Ojeda jointly presented Captain Aguilar with the award and a check for \$200.00.

Chief Ojeda lauded Captain Aguilar and his EMS peers for their work.

Captain Aguilar introduced members of his family, present in the audience, and thanked the Mayor and City Council for the honor, and his EMS fellow workers for the jobs they do for the City.

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95-49 HISPANIC CHAMBER OF COMMERCE LEADERSHIP CLASS

Mr. Solis recognized the presence in the audience of the current Leadership Class, sponsored by the Hispanic Chamber of Commerce, and spoke to the importance of youth and their leadership roles. He introduced individual chamber leaders, present in the audience.

Ms. Maria Elena Torralva, representing the Chamber, noted that the National Council of La Raza funds this program of intensive leadership training, and spoke to the commitment of class members to future community service. She noted that this is the first Leadership Class formed, with more to come next year.

Ms. Katie Garza, Chairperson, Leadership Class Committee of the Chamber, introduced the students comprising the Leadership Class.

A representative of the class addressed the importance of the training and thanked the chamber for creating it.

Mr. Solis noted that the first meeting of the City's Municipal Leadership Institute was held last Saturday. He spoke to its importance to the City, and thanked the staffs of the City Manager and City Clerk for bringing about this first such Institute for board and commission appointees.

Mayor Thornton noted the importance of 'giving back' to the community.

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95-49 CONSENT AGENDA

Mr. Avila made a motion to approve Agenda Items 6 through 23, constituting the Consent Agenda, with Items 11 and 16 removed 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, McClendon, Avila, Solis, Herrera, Ross, Peak, Webster, Thornton. NAYS: None. ABSENT: Billa Burke, Marbut.

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AN ORDINANCE 83,201

ACCEPTING THE LOW BID OF MONTGOMERY KONE, INC. TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH ELEVATOR MAINTENANCE AT THE NELSON W. WOLFF MUNICIPAL STADIUM ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF APPROXIMATELY \$1,500.00 ANNUALLY.

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AN ORDINANCE 83,202

ACCEPTING THE BID OF ALAMO CYCLE PLEX FOR THE LEASE OF 22 MOTORCYCLES FOR THE CITY OF SAN ANTONIO POLICE DEPARTMENT FOR A TOTAL OF APPROXIMATELY \$560.63 MONTHLY FOR EACH MOTORCYCLE.

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AN ORDINANCE 83,203

ACCEPTING THE LOW QUALIFIED BID, IN THE AMOUNT OF \$306,300.00 FROM TOM PAGE COMPANY, INC. TO CONSTRUCT THE UPGRADE TO THE FIRE PROTECTION SYSTEM IN TERMINAL 1 AT SAN ANTONIO INTERNATIONAL AIRPORT AND AUTHORIZING EXECUTION OF A CONTRACT FOR SAID WORK; AUTHORIZING EXECUTION OF A CONTRACT FOR SAID WORK; AUTHORIZING AN ADDITIONAL \$30,630.00 FOR A CONTINGENCY ACCOUNT; AMENDING ORDINANCE NO. 80515, JULY 28, 1994 TO TRANSFER PREVIOUS APPROPRIATIONS, IN THE AMOUNT OF \$69,179.00, IN CONNECTION WITH THIS PROJECT FROM THE AIRPORT SYSTEM CONTINGENCY AND IMPROVEMENT FUND TO THE AIRPORT SYSTEM CONSTRUCTION BOND FUND; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 83,204

ACCEPTING THE LOW; QUALIFIED BID OF RAMEX CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$352,025,23 IN CONNECTION WITH THE OLGA-CASTROVILLE

TO 35TH STREET COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING \$23,157.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES AND \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 83,205

ACCEPTING THE LOW; QUALIFIED BID OF S.A. WINCO, INC. IN THE AMOUNT OF \$117,838.14 IN CONNECTION WITH THE NEAL-PLEASANTON TO PROBANDT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING \$8,048.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES AND \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 83,206

NAMING A PORTION OF THE SIDEWALK ON THE WEST SIDE OF LOSOYA STREET BETWEEN COMMERCE AND MARKET STREETS THE 36TH INFANTRY DIVISION PLAZA.

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AN ORDINANCE 83,207

AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL \$500.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO AUGMENT FUNDING FOR THE AIDS EXPANDED SURVEILLANCE PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD); APPROVING THE EXECUTION OF CONTRACT CHANGE NOTICE NO. 13, COMPRISED OF ATTACHMENT 02C TO CONTRACT C6000011 WITH THE TDH; REVISING THE BUDGET FOR PUBLIC HEALTH STATE SUPPORT PROJECT 1995/96 ESTABLISHED IN ORDINANCE 79398 PASSED AND APPROVED JANUARY 6, 1994.

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AN ORDINANCE 83,208

AUTHORIZING CONTINUATION OF THE FAMILY PLANNING PROJECT BY TH SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD); APPROVING THE EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF HEALTH (TDH) ACCEPTING A GRANT TO SUPPORT PROGRAM COSTS UP TO \$181,868.00; AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT FOR PAYMENT TO THE CITY OF UP TO \$6,000.00 FOR THE PROVISION OF

CERVICAL CANCER SCREENING FOR TDH PATIENTS;
ESTABLISHING A FUND; TRANSFERRING FUNDS; ADOPTING
A \$418,488.00 PROJECT BUDGET AND A PERSONAL
COMPLEMENT; AUTHORIZING CONTRACTUAL SERVICES; AND
PROVIDING FOR PAYMENT.

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AN ORDINANCE 83,209

AUTHORIZING THE ACCEPTANCE OF A \$173,970.00
ALLOCATION FROM THE BEXAR METRO 9-1-1 NETWORK
DISTRICT FOR A PUBLIC SAFETY ANSWERING POINT
UPGRADE, OPERATIONAL SUPPORT POSITIONS, AND COSTS FOR
FISCAL YEAR 1995-96.

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AN ORDINANCE 83,210

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY
TO COMPROMISE AND SETTLE CAUSE NO. 93-CI-18011, IN
THE DISTRICT COURT, 150TH JUDICIAL DISTRICT, STYLED
ELSIE CHRISTIANSEN VS. CITY OF SAN ANTONIO, IN THE
AMOUNT OF \$24,000.00, PLUS COURT COSTS.

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AN ORDINANCE 83,211

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY
TO COMPROMISE AND SETTLE CAUSE NO. 208,476, IN
COUNTY COURT NUMBER THREE, STYLED ROBERT FRANK VS.
CITY OF SAN ANTONIO, IN THE AMOUNT OF \$66,000.00.

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AN ORDINANCE 83,212

AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS
FROM 10:45 A.M. UNTIL 1:00 P.M. IN CONNECTION WITH
THE LAS PALMAS BLUE SANTA CHRISTMAS PARADE.

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AN ORDINANCE 83,213

APPROVING A PARADE PERMIT AND AUTHORIZING THE
TEMPORARY CLOSURE OF CERTAIN STREETS FROM 6:00 P.M.
UNTIL 8:45 P.M., FRIDAY, DECEMBER 15, 1995 IN
CONNECTION WITH THE LA GRAN POSADA MARCH BY THE SAN
FERNANDO CATHEDRAL.

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AN ORDINANCE 83,214

AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS FROM 12:00 P.M. UNTIL 2:00 P.M., SUNDAY, DECEMBER 10, 1995 IN CONNECTION WITH THE GUADALUPANA MARCH SPONSORED BY THE SAN FERNANDO CATHEDRAL.

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AN ORDINANCE 83,215

APPOINTING JAMES W. WRIGHT, JR. AND LOREN G. WOOD TO THE AIRPORT ADVISORY COMMITTEE FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 15, 1996 AND 1997, RESPECTIVELY.

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AN ORDINANCE 83,216

APPOINTING LAWRENCE C. CLARK TO THE OPEN SPACE ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE AUGUST 29, 1996.

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95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,217

AUTHORIZING PAYMENT IN THE AMOUNT OF 3,575.00 FOR TITLE SERVICES FOR THE BABCOCK ROAD PROJECT - FREDERICKSBURG TO ST. CLOUD AND THE WURZBACH PARKWAY P.A.S.S. PROJECT; AND APPRAISAL SERVICES ON THE WURZBACH P.A.S.S. PROJECT; AND APPROPRIATING FUNDS.

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

Mr. Ross stated that he would abstain from discussion or vote on this agenda item.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Avila, Solis, Herrera, Peak, Webster, Thornton; NAYS: None; ABSTAIN: Ross; ABSENT: Billa Burke, Marbut.

95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,218

AUTHORIZING PAYMENTS TOTALING \$14,500.00 TO THE JUMP START PERFORMANCE COMPANY (\$4,500.00), TO THE GUADALUPE CULTURAL ARTS CENTER (\$5,000.00) AND TO THE BLUE STAR ARTS SPACE PROGRAM (\$5,000.00); AND AUTHORIZING TRANSFERS TOTALING \$14,500.00 FROM THE 24TH STREET EXPERIMENT (\$200.00), THE ASSOCIATION OF RETARDED CITIZENS (\$1,000.00), THE FUNDING INFORMATION CENTER (\$4,137.00) AND AN UNAPPROPRIATED FUND BALANCE WITHIN THE HOTEL/MOTEL TAX FUND FOR FISCAL YEAR 1994-95 (\$9,163.00) TO FUND SAID PAYMENTS.

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

Mr. Eduardo Diaz, Director of Arts & Cultural Affairs, explained the proposed reprogramming of unexpended funds.

In response to a question by Mr. Webster, Mr. Diaz spoke to how the funded groups are selected and the total funding for the Jumpstart program and the Guadalupe Cultural Arts Center, for last year.

Mr. Webster spoke to his desire that City Council participate in reprogramming of such funds.

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

In response to a question by Mr. Peak, Mr. Diaz discussed details of a previous problem between Houston Street property owners and the Blue Star Art Gallery, concerning the type of art to be displayed in Houston Street stores. He stated that his staff would watch closely and monitor such matters in the future.

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

In response to a question by Mr. Ross, Mr. Diaz spoke to why a certain individual artist, previously not funded, also was not considered for funding with these reprogrammed funds. He noted that only about one per cent of his department's funding is made to individual artists.

Mr. Ross spoke to his belief that a peer-review panel or the City Council should be involved in reprogramming such funds.

Mr. Solis spoke to the reasons for the selected reprogrammed funds going to ongoing works.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Billa Burke.

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95-49

MOMENT OF SILENCE FOR MR. BOB BILLA

Mayor Thornton spoke to the long record of community service of the late Mr. Bob Billa, father of City Councilwoman Lynda Billa Burke, including his service on the City Council. He stated that he has asked the family to attend a future City Council meeting of their choosing, in order for the City Council to pay its proper respects.

At the Mayor's request, members of the City Council, City staff, and the audience stood to observe a moment of silence in honor of the late Mr. Billa.

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ZONING HEARINGS

4A. CASE #Z95239 - to rezone and reclassify 2.11 acres out of NCB 19142, Bandera Road, from "B-3" Business District to "B-2" Business District. Property is located on the northeast side of Bandera Road, 120 feet northwest of the intersection of Bandera Road and Prue Road, having 207.83 feet on Bandera Road and 250 feet on Prue Road.

Mr. Marbut, citing the short notice he has had for making a decision in this case, stated that he would like to continue this rezoning request until the meeting of December 14, 1995.

Mr. Ernani Falcone, representing Northside Neighborhoods For Organized Development, stated that his group only found out about this rezoning request last evening, and spoke in support for a continuance.

Mr. Marbut then made a motion to continue this case until December 14, 1995. Mr. Avila seconded the motion.

After consideration, the motion prevailed by the following vote: AYES: Flores, McClendon, Avila, Solis, Herrera, Ross, Marbut, Peak, Thornton. NAYS: None. ABSENT: Billa Burke, Webster.

Zoning Case Z95239 was continued until December 14, 1995.

4B. CASE #Z95243(CC) - to rezone and reclassify the southwest 171.85 feet of the southeast 122 feet of Lot 7, Block 23, NCB 13627, 7839 I.H. 10 Expressway, from "B-3" Business District to "B-3" CC Business District with City Council approval for an indoor shooting range. Property is located on the northeast side of I.H. 10 Expressway, 362.11 feet northwest of the intersection of I.H. 10 Expressway and Briaridge, having 122 feet on I.H. 10 Expressway and a depth of 171.85 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Marbut made a motion to approve the recommendation of the Zoning Commission. Mr. Avila seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Avila, Solis, Herrera, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Billa Burke, Ross.

AN ORDINANCE 83,219

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 SOUTHWEST 171.85 FEET OF THE SOUTHEAST 122 FEET OF LOT 7, BLOCK 23, NCB 13627, 7839 I.H. 10 EXPRESSWAY, FROM "B-3" BUSINESS DISTRICT TO "B-3" CC BUSINESS DISTRICT WITH CITY COUNCIL APPROVAL FOR AN INDOOR SHOOTING RANGE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4C. CASE #Z95225 - to rezone and reclassify 215.29 acres out of NCB 11671, from "R-1" Single Family Residence District to "P-1(R-1)" Planned Unit Development Single Family Residence District; 52.474 acres out of NCB 11671, from "R-1" Single Family Residence District to "P-1(R-7)" Planned Unit Development Small Lot Home District; 24.96 acres out of NCB 11671, from "R-1" Single Family Residence District to "R-3" Multiple Family Residence District; 1.221 acres out of NCB 11671, from "R-1" Single Family Residence District to "B-2" and "B-3" Business Districts; 10.89 acres out of NCB 11671, from "R-1" Single Family Residence District to "B-3" Business Districts. Properties are located northeast of the intersection of Lockhill Selma Road and Wurzbach Road, between Lockhill Selma Road N.W. Military Highway, having 4.566.38 feet on N.W. Military Highway 5,316.57 feet on Lockhill Selma Road and 3,440.00 feet

between these two streets.

Mr. Marbut stated that he would seek a continuance on this longstanding rezoning case.

Mr. John Baines, representing the applicant, spoke to the history of this case, and of meetings held with various neighborhood associations concerning the proposed rezoning and land planning. He stated his belief that the neighbors favor this development.

Mr. Charlie Conner, 3400 River Path, speaking for the neighborhood associations involved, addressed the series of meetings held to discuss this rezoning, and the negotiations held on certain deed restrictions.

Mr. Tom McDowell, President, Whispering Oaks Homeowners Association, spoke in support of the request.

Ms. Claudette Mullen, 102 West Crockett, narrated a brief video presentation on the 1993 flooding of one tract of land involved.

Mr. Marbut made a motion to continue this rezoning request until the Council meeting of December 14, 1995. Mr. Solis seconded the motion.

After consideration, the motion to continue this case until December 14, 1995 prevailed by the following vote: AYES: Flores, McClendon, Solis, Herrera, Ross, Marbut, Webster, Thornton. NAYS: None. ABSENT: Billa Burke, Avila, Peak.

Zoning Case Z95225 was continued to December 14, 1995.

4D. CASE #Z95169(SUP) - to rezone and reclassify all of Block 1, save and except the north 60 feet, NCB 10443, 119 Castroville Road, from "B-3NA" Non-Alcoholic Sales District with a special use permit for a lumber company with a two year time limitation. Property is located on the northwest side of Castroville Road, 155.22 feet southwest of the intersection of Castroville Road and S.W. 19th Street, having 242.56 feet on Castroville Road and a depth of 205 feet.

Mr. Solis made a motion to continue this rezoning request until the Council meeting of January 25, 1996. Mr. Ross seconded the motion.

After consideration, the motion to continue the case until January 25, 1996 prevailed by the following vote: AYES: Flores, McClendon, Solis, Herrera, Ross, Marbut, Webster, Thornton. NAYS: None. ABSENT: Billa Burke, Avila, Peak.

4E. CASE #Z95240 - to rezone and reclassify 2.137 acres out of NCB 18089, Culebra Road and Van Ness Drive, from Temporary "R-1" Single Family Residence District to "B-2" Business District. Property is located southwest of the intersection of Culebra Road and Van Ness Drive, having 218.41 feet on Culebra Road and 376.55 feet on Van Ness Drive.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Herrera made a motion to approve the recommendation of the Zoning Commission. 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, McClendon, Avila, Solis, Herrera, Ross, Marbut, Webster, Thornton; NAYS: None; ABSENT: Billa Burke, Peak.

AN ORDINANCE 83,220

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 2.137 ACRES OUT OF NCB 18089, CULEBRA ROAD AND VAN NESS DRIVE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4F. CASE #Z95221(CC) - to rezone and reclassify Lot B, Block 19, NCB 10733, 4110 North Hein Road, from "A" Single Family Residence District to "R-1" CC Single Family Residence District with special City Council approval for a child day care center. Property is located on the south side of North Hein Road, 89.95 feet east of West Hein Road, having 60 feet on North Hein Road and a depth of 180.8 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Ms. McClendon made a motion to approve the recommendation of the Zoning Commission. Mr. Herrera seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Avila, Solis, Herrera, Ross, Webster, Thornton; NAYS: None; ABSENT: Billa Burke, Marbut, Peak.

AN ORDINANCE 83,221

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 B, BLOCK 19, NCB 10733, 4110 NORTH HEIN ROAD, FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "R-1" CC SINGLE FAMILY RESIDENCE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A CHILD DAY CARE CENTER. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4G. CASE #Z95159 - to rezone and reclassify lot 83, save and southwest 117 feet and the northwest 120 feet of the northeast 234 feet, Block B, NCB 11507, 1245 Bandera Road, from "B-2" Business District to "B-3NA" Non-Alcoholic Sales District. Property is located on the southwest side of Bandera Road, 531.62 feet southeast of the intersection of Ligustrum Drive and Bandera Road, having 50 feet on Bandera Road and a depth of 320.48 feet.

Mr. Andy Guerrero, Land Development Services, stated that since opposition to this rezoning case represents more than 20 per cent of the property owners within 200 feet of the subject property, it will take nine affirmative votes of City Council in order to grant the requested rezoning.

Mr. Ross made a motion to continue this rezoning request until the Council meeting of December 14, 1995. Mr. Solis seconded the motion.

After consideration, the motion prevailed by the following vote: AYES: Flores, McClendon, Avila, Solis, Herrera, Ross, Peak, Webster, Thornton. NAYS: None. ABSENT: Billa Burke, Marbut.

Zoning Case Z95159 was continued until December 14, 1995.

4H. CASE #Z95033 - to rezone and reclassify NCB 16611, P-10, P-10A, P-12A, P-12B and P-39, NCB 16611, All of Block 1, NCB 16611, All of Block 2, NCB 16611, Block 4, Lot 33, NCB 16612, P-3B, P-4, P-8, P-12, P-13, P-34, P-34C, P-36A, P-45, P-49 and P-64A, NCB 16612, Block 4, Lots 20 Thru 60 and 62 Thru 82, NCB 16612, All of Block 5, from Temporary "R-1" Single Family Residence District to "R-1" Single Family Residence District; NCB 16611, Block 4, Lots 1 Thru 18, NCB 16611, Block 10, Lots 98 Thru 129, NCB 16611, Block 15, Lots 1 and 24 Thru 42, NCB 16611, All of Block 16, NCB 16611, All of Block 17, NCB 16611, All of Block 18, NCB

16611, All of Block 19, NCB 16612, P-4G, P-12E, P-12F, P-35A and P-64, NCB 16612, All of Block 1, NCB 16612, All of Block 2, Save and except Lots 248 Thru 289, NCB 16612, All of Block 3, NCB 16612, Block 4, Lots 16, 17, 18 and 19, NCB 16612, All of Block 7, NCB 16612, Block 9, Lots 46 Thru 55, from Temporary "R-1" Single Family Residence District to "R-5" Single Family Residence District; NCB 16611, Block 4, Lots 19 Thru 32, NCB 16611, Block 10, Lots 1 Thru 97, NCB 16611, All of Block 11, NCB 16611, All of Block 12, NCB 16611, All of Block 13, NCB 16611, All of Block 14, NCB 16611, Block 15, Lots 2 Thru 23, NCB 16612, Block 2, Lots 248 Thru 289, NCB 16612, All of Block 5, NCB 16612, All of Block 6, NCB 16612, All of Block 8, NCB 16612, Block 9, Lots 1 Thru 45 and 56 Thru 78, from Temporary "R-1" Single Family Residence to "R-7" Small Lot Home Residence District; NCB 16612, The western 50 feet of P-36, adjacent to Lots 61 Thru 77, Block 7 and the west 50 feet of P-40, NCB 16612, P-63, NCB 16612, P-65, Save and except the south 200 feet of the east 200 feet, from Temporary "R-1" Single Family Residence District to "B-2" Business District; NCB 16611, Block 79, Lot 1, from Temporary "R-1" Single Family Residence to "B-3NA" Non-Alcoholic Sales District; NCB 16612, The south 200 feet of the east 200 feet of P-65, from Temporary "R-1" Single Family Residence District, to "B-3R" Restrictive Business District; NCB 16611, P-6A, NCB 16611, P-36, Save and except the western 50 feet adjacent to Lots 61 Thru 77, Block 7, NCB 16611, P-40, Save and except the west 50 feet NCB 16611, Block 7, Lot 78, from Temporary "R-1" Single Family Residence District to "B-3" Business District. Target area is generally located south of F.M. 78 Road, north Binz-Engleman Road, east of the City of Kirby and west of Foster Road.

Mr. Andy Guerrero, Land Development Services, briefly explained the rezoning request for the Sunrise area, initiated by the City of San Antonio, noting that the applicant requesting R-4 zoning on his property has changed that request to R-5.

Ms. McClendon spoke to the negotiations that have taken place on this request.

Ms. McClendon made a motion to approve the recommendation of the Zoning Commission, with the lone exception as cited by Mr. Guerrero. Mr. Solis seconded the motion.

Ms. McClendon made a motion to approve the recommendation of the Zoning Commission. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Avila, Solis, Herrera, Ross, Webster, Thornton; NAYS: None; ABSENT: Billa Burke, Marbut, Peak.

AN ORDINANCE 83,222

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 NCB 16611, P-10, P-10A, P-12A, P-12B AND P-39, NCB 16611, ALL OF BLOCK 1, NCB 16611, ALL OF BLOCK 2, NCB 16611, BLOCK 4, LOT 33, NCB 16612, P-3B, P-4, P-8, P-12, P-13, P-34, P-34C, P-36A, P-45, P-49 AND P-64A, NCB 16612, BLOCK 4, LOTS 20 THRU 60 AND 62 THRU 82, NCB 16612, ALL OF BLOCK 5, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-1" SINGLE FAMILY RESIDENCE DISTRICT; NCB 16611, BLOCK 4, LOTS 1 THRU 18, NCB 16611, BLOCK 10, LOTS 98 THRU 129, NCB 16611, BLOCK 15, LOTS 1 AND 24 THRU 42, NCB 16611, ALL OF BLOCK 16, NCB 16611, ALL OF BLOCK 17, NCB 16611, ALL OF BLOCK 18, NCB 16611, ALL OF BLOCK 19, NCB 16612, P-4G, P-12E, P-12F, P-35A AND P-64, NCB 16612, ALL OF BLOCK 1, NCB 16612, ALL OF BLOCK 2, SAVE AND EXCEPT LOTS 248 THRU 289, NCB 16612, ALL OF BLOCK 3, NCB 16612, BLOCK 4, LOTS 16, 17, 18 AND 19, NCB 16612, ALL OF BLOCK 7, NCB 16612, BLOCK 9, LOTS 46 THRU 55, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-5" SINGLE FAMILY RESIDENCE DISTRICT; NCB 16611, BLOCK 4, LOTS 19 THRU 32, NCB 16611, BLOCK 10, LOTS 1 THRU 97, NCB 16611, ALL OF BLOCK 11, NCB 16611, ALL OF BLOCK 12, NCB 16611, ALL OF BLOCK 13, NCB 16611, ALL OF BLOCK 14, NCB 16611, BLOCK 15, LOTS 2 THRU 23, NCB 16612, BLOCK 2, LOTS 248 THRU 289, NCB 16612, ALL OF BLOCK 5, NCB 16612, ALL OF BLOCK 6, NCB 16612, ALL OF BLOCK 8, NCB 16612, BLOCK 9, LOTS 1 THRU 45 AND 56 THRU 78, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE TO "R-7" SMALL LOT HOME RESIDENCE DISTRICT; NCB 16612, THE WESTERN 50 FEET OF P-36, ADJACENT TO LOTS 61 THRU 77, BLOCK 7 AND THE WEST 50 FEET OF P-40, NCB 16612, P-63, NCB 16612, P-65, SAVE AND EXCEPT THE SOUTH 200 FEET OF THE EAST 200 FEET, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT; NCB 16611, BLOCK 79, LOT 1, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE TO "B-3NA" NON-ALCOHOLIC SALES DISTRICT; NCB 16612, THE SOUTH 200 FEET OF THE EAST 200 FEET OF P-65, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT, TO "B-3R" RESTRICTIVE BUSINESS DISTRICT; NCB 16611, P-6A, NCB 16611, P-36, SAVE AND EXCEPT THE WESTERN 50 FEET ADJACENT TO LOTS 61 THRU 77, BLOCK 7, NCB 16611, P-40, SAVE AND EXCEPT THE WEST 50 FEET NCB 16611, BLOCK 7, LOT 78, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,223

ACCEPTING THE LOW, QUALIFIED BID OF AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$999,056.40 TO RAMEX CONSTRUCTION COMPANY, INC. IN CONNECTION WITH THE 34TH STREET - CULEBRA TO COMMERCE, PHASE II PROJECT; AUTHORIZING \$85,894.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$18,000.00 FOR ADDITIONAL ENGINEERING EXPENSES AND \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

* * * *

Mr. Herrera made a motion to approve the proposed Ordinance.
Ms. McClendon seconded the motion.

Mr. John German, Director of Public Works, briefly explained the project.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Solis, Herrera, Peak, Webster, Thornton; NAYS: None; ABSENT: Billa Burke, Avila, Ross, Marbut.

95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,224

ESTABLISHING A CAPITAL PROJECTS SUB-FUND FOR THE DEVELOPMENT OF THE INTERNATIONAL CENTER PROJECT; APPROPRIATING FUNDS TO BE TRANSFERRED FROM THE SPECIAL REVENUE RESERVE FUND IN THE AMOUNT OF \$75,910.00 TO BE USED FOR COSTS ASSOCIATED WITH THE EVALUATION AND DEVELOPMENT OF THE SITE FOR THE INTERNATIONAL CENTER, INCLUDING THE DESIGN COMPETITION; AND PROVIDING FOR THE REIMBURSEMENT OF SAID FUNDS TO THE SPECIAL REVENUE RESERVE FUND FROM THE 1996 TAXABLE CERTIFICATE OF OBLIGATION SALE.

* * * *

Mr. Solis made a motion to approve the proposed Ordinance.
Mr. Herrera seconded the motion.

Ms. Rebecca Waldman, Assistant to the City Manager, explained this series of three consecutive Ordinance requests involving the proposed International Center to be located in the old Main Library building. She narrated a brief video presentation on the proposed

Center, explaining the proposed establishment of a capital projects sub-fund; ratification of certain environmental services performed on-site; and authorization for the design competition for the Center, noting that staff has shaved some six months from the original project timetable for completion.

Mayor Thornton stated that he is glad to see the International Center project coming to fruition.

Mr. Peak noted that the use of a project manager on the Convention Center expansion project has resulted in the savings of significant monies.

In response to a question by Mr. Peak, Ms. Waldman and Mr. John German, Director of Public Works, noted that the City is not planning to utilize a project manager on this project primarily because it involves mostly renovation work to an existing building. They noted that City Architect Mr. Tim Palomera will supervise the project, much like a project manager.

Mr. Peak spoke in favor of utilizing a project manager, noting that the City has saved some \$10 million thus far, using one.

Ms. Jelynn Burley, Director of the Convention Center Expansion Office, spoke to how the project manager on the expansion of the Convention Center has saved monies on that work.

Mr. Peak asked that City staff look at utilizing a project manager for the International Center project.

Mr. Alexander E. Briseno, City Manager, and Mr. German noted that the overriding concern in this matter is the shortage of time to complete this project, and to allow the North American Development Bank to open there in March, 1996. They stated their concern that employment of a project manager might delay the project's completion, and emphasized the 'renovation' nature of the project.

Mr. Solis stated his opinion that an opportunity exists here to perhaps add this new scope of work to the project manager for the Convention Center expansion project, noting that the International Center was originally a part of the expansion project at the Convention Center.

Discussion took place concerning the design competition on the International Center and the overriding consideration of the completion time-line involved.

In response to a question by Mayor Thornton, Ms. Waldman spoke to the impact of the design competition on this type of renovation project.

Mr. Flores noted that timeliness is important on this project, and he spoke in support for City staff recommendations.

Mr. Ross spoke in favor of having architectural firms submit their designs for the International Center first, then have one of them selected, not have it the other way around. He spoke in support for an outside project manager, and stated his desire to have that project manager on-board prior to the design competition.

Ms. Waldman addressed the rationale for the staff's recommendations.

Mr. Peak asked City staff to analyze the possible money savings that could result with a project manager, and report back to City Council in two weeks.

Ms. McClendon addressed her concern with changing plans on this project at this stage, and spoke to the differences between this project and the Convention Center expansion project, stressing the time-line involved in completion of the International Center.

Ms. McClendon made a motion to direct City staff to develop criteria for the use of an outside project manager, and requested the Council's Plans & Policies Committee to consider this matter. Mr. Peak seconded the motion.

Mr. Avila addressed his concern with the time-line involved.

The motion to direct City staff, as outlined above, prevailed by the following vote: AYES: Flores, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: McClendon ABSENT: Billa Burke.

The main motion then prevailed by the following vote: AYES: Flores, McClendon, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Billa Burke.

95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,225

RATIFYING ENVIRONMENTAL ASSESSMENT SERVICES PERFORMED AT 203 SOUTH ST. MARY'S STREET (SITE OF THE FORMER MAIN LIBRARY) BY A ATEC ASSOCIATES, INC. AND APPROPRIATING FUNDS IN THE AMOUNT OF \$3,910.00 FOR RELATED ENVIRONMENTAL TESTING; AUTHORIZING SAID FIRM TO PROVIDE ADDITIONAL SERVICES INCLUDING ABATEMENT SPECIFICATIONS, BIDDING ASSISTANCE, ON-SITE PROJECT MANAGEMENT, AIR MONITORING, AND PREPARATION OF A CLOSURE REPORT; APPROPRIATING FUNDS IN AN AMOUNT NOT TO EXCEED \$32,000.00; WITH SAID FUNDS TO BE APPROPRIATED FROM THE "INTERNATIONAL CENTER" CAPITAL PROJECTS SUB-FIND FOR SAID PURPOSES.

* * * *

Mr. Avila 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, McClendon, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Billa Burke.

95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,226

AUTHORIZING THE EXPENDITURE OF UP TO \$40,000.00 FOR THE INTERNATIONAL CENTER DESIGN COMPETITION AND ASSOCIATED EXPENSES, AND APPROPRIATING FUNDS IN THIS AMOUNT FROM THE "INTERNATIONAL CENTER" CAPITAL PROJECTS SUB-FUND FOR SAID PURPOSE.

* * * *

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

Mr. Peak then made a motion to direct City staff to analyze the use of a project manager on this project, and to report back to City Council in two weeks. Mr. Ross seconded the motion.

Mr. Solis, Chairman of the Council's Plans & Policies Committee, stated that the next meeting of his committee will be December 7, 1995, and that it will receive the staff input at that time.

After consideration, the motion to so direct City staff prevailed by the following vote: AYES: Flores, McClendon, Avila, Solis, Herrera, Marbut, Peak, Webster, Thornton; NAYS: Ross; ABSENT: Billa Burke.

95-49 The Clerk read the following Resolution:

A RESOLUTION NO: 95-49-61

FORWARDING COMMENTS TO THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION REGARDING PROPOSED AMENDMENTS TO THE CHAPTER 313-EDWARDS RULES AS PART OF THE TNRCC'S ANNUAL PUBLIC HEARING PROCESS.

* * * *

Mr. Peak made a motion to approve the proposed Resolution. Mr. Herrera seconded the motion.

Ms. Rebecca Q. Cedillo, Vice-President for Planning, San Antonio Water System, explained the proposed amendments to Chapter 313-Edwards Rules, and narrated a brief video presentation of those proposed amendments.

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

Mr. Ross addressed his concern that the Federal Emergency Management Agency maps perhaps are not correct, and stated his desire for a public hearing on any new changes before they come before City Council for consideration.

A discussion ensued concerning which recommendations have been subject to a public hearing, during which Ms. Cedillo stated that all the proposed recommendations have been subject to a public hearing, one way or another.

Mr. Peak stated his belief that the City of San Antonio's feelings on the matter should be on record at the Texas Natural Resources Conservation Commission Public Hearing on December 6, 1995.

Mr. Peak made an amendment to add the nine additional recommendations of the San Antonio Water System board, adopted earlier today, to the recommended amendments to Chapter 313-Edwards Rules, as presented by SAWS. Ms. McClendon seconded the motion.

Mr. Marbut stated that he would abstain from this vote.

The amendment prevailed by the following vote: AYES: Flores, McClendon, Avila, Solis, Herrera, Ross, Peak, Webster, Thornton; NAYS: None; ABSTAIN: Marbut; ABSENT: Billa Burke.

The main motion, as amended carrying with it the passage of the Resolution then prevailed by the following vote: AYES: Flores, McClendon, Avila, Solis, Herrera, Ross, Peak, Webster, Thornton; NAYS: None; ABSTAIN: Marbut; ABSENT: Billa Burke.

- - -
95-49 City Council recessed its regular session at 3:23 P.M. in order to convene in an informal "B" Session for Council Discussion on Final Draft of the Strategic Plan for Redevelopment of Kelly AFB by the IBASC Committee and Review of Recommendations for the Establishment of the Local Redevelopment Authority.

At the conclusion of the discussion, City Council members present voted to move these items to the "A" Session Agenda of December 7, 1995.

- - -
95-49 City Council reconvened its regular session at 4:23 P.M. with Mayor Pro Tem Webster presiding.

- - -
95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,227

AUTHORIZING THE EXPENDITURE OF \$350.00 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND IN SUPPORT OF THE CITY'S YOUTH ATHLETIC PROGRAM BY HELPING TO PAY FOR REGISTRATION FEES, BOXING ATTIRE EQUIPMENT AND TRAVEL EXPENSES AT VILLAR BOXING CLUB, AS REQUESTED BY COUNCILMAN HENRY AVILA.

* * * *

Mr. Herrera made a motion to approve the proposed Ordinance. Mr. Peak seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: McClendon, Billa Burke, Avila, Solis, Thornton.

- - -
95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,228

AUTHORIZING THE EXPENDITURE OF \$1,800.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT FUND TO SUPPORT THE CITY'S QUALITY OF LIFE PROGRAMS BY PAYING FOR THE RENTA COST OF THE HALL THAT WILL BE USED FOR A FUNDRAISING DINNER EVENT BY THE COMMUNITIES ORGANIZED FOR PUBLIC SERVICE (COPS), AS REQUESTED BY COUNCILMAN JUAN F. SOLIS, III.

* * * *

Mr. Herrera made a motion to approve the proposed Ordinance. Mr. Ross seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: McClendon, Billa Burke, Avila, Solis, Thornton.

95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,229

AUTHORIZING THE EXPENDITURE OF \$300.00 FROM THE DISTRICT 7 CONTINGENCY ACCOUNT FUND IN SUPPORT OF THE CITY'S YOUTH ATHLETIC PROGRAM BY ASSISTING THE POP WARNER SPONSORED TEAM "PROSPECTED HILL YELLOW JACKETS" IN THE PURCHASE OF FOOTBALL EQUIPMENT TO REPLACE EQUIPMENT STOLEN DURING A BURGLARY TO THEIR FACILITY, AS REQUESTED BY COUNCILMAN BOB ROSS.

* * * *

Mr. Ross made a motion to approve the proposed Ordinance. Mr. Peak seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: McClendon, Billa Burke, Avila, Solis, Thornton.

95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,230

AUTHORIZING THE EXPENDITURE OF \$2,500.00 FROM THE DISTRICT 8 CONTINGENCY ACCOUNT FUND IN SUPPORT OF THE CITY'S ARTS, CULTURAL AND EDUCATIONAL ACTIVITIES TO THE ALAMO PUBLIC TELEVISION PROGRAMMING, AS REQUESTED BY COUNCILMEMBER ROBERT MARBUT.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: McClendon, Billa Burke, Avila, Solis, Thornton.

95-49 It was the concensus of City Council members present to temporarily bypass Agenda Item 31, consideration of a proposed ordinance establishing a Capital Projects Sub-Fund for the Majestic Theater Stage Expansion Project, until later in this meeting.

95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,231

ACCEPTING THE PROPOSAL AND AWARDED A PROFESSIONAL SERVICE CONTRACT TO FORD ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED \$42,000.00 FOR PROFESSIONAL SURVEYING SERVICES RELATED TO THE CITY OF SAN ANTONIO'S ACQUISITION OF THE VAN DE WALLE PROPERTY.

* * * *

Mr. Peak 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, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: McClendon, Billa Burke, Avila, Solis, Thornton.

95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,232

ACCEPTING THE PROPOSAL AND AWARDED A PROFESSIONAL SERVICES CONTRACT TO ROY F. WESTON, INC. IN AN AMOUNT NOT TO EXCEED \$6,560.00 FOR ENVIRONMENTAL SITE ASSESSMENT RELATED TO THE CITY OF SAN ANTONIO'S ACQUISITION OF THE VAN DE WALLE PROPERTY.

* * * *

Mr. Ross made a motion to approve the proposed Ordinance. Mr. Peak seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: McClendon, Billa Burke, Avila, Solis, Thornton.

95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,233

ACCEPTING THE PROPOSAL AND AWAITING A PROFESSIONAL SERVICES CONTRACT TO AUSTIN VALUATIONS CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED \$10,000.00 FOR REAL

ESTATE APPRAISALS RELATED TO THE CITY OF SAN ANTONIO'S ACQUISITION OF THE VAN DE WALLE PROPERTY.

* * * *

Mr. Ross made a motion to approve the proposed Ordinance. Mr. Peak seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: McClendon, Billa Burke, Avila, Solis, Thornton.

95-49 The Clerk read the following Ordinance:

AN ORDINANCE 83,234

AUTHORIZING PAYMENT TO SOULES AND WALLACE, ATTORNEYS AT LAW, IN AN AMOUNT NOT TO EXCEED \$117,000.00 FOR PROFESSIONAL SERVICES IN REGARD TO DEFENSE AND RESOLUTION OF CAUSE NO. 04-93-00382-CV STYLED CITY OF SAN ANTONIO V. VAN DE WALLE AGRICULTURAL PROPERTIES LTD, AND VAN DE WALLE FARMS INC., IN THE COURT OF APPEALS FOR THE FOURTH SUPREME JUDICIAL DISTRICT OF TEXAS.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Avila, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: McClendon, Billa Burke, Solis, Thornton.

95-49 It was the concensus of City Council members present at this time to consider Agenda Item 31.

The Clerk read the following Ordinance:

AN ORDINANCE 83,235

ESTABLISHING A CAPITAL PROJECTS SUB-FUND FOR THE MAJESTIC THEATRE STAGE EXPANSION PROJECT; APPROPRIATING FUNDS TO BE TRANSFERRED IN THE AMOUNT OF \$500,000.00 FROM THE SPECIAL REVENUE RESERVE FUND; PROVIDING FOR REIMBURSEMENT OF SAID FUNDS TO THE SPECIAL REVENUE RESERVE FUND FROM THE 1996

TAXABLE CERTIFICATE OF OBLIGATION SALE; AMENDING ORDINANCE NO. 82941, PASSED AND APPROVED ON OCTOBER 5, 1995 TO REFLECT A CHANGE IN THE FINANCING OF THE PROJECT FROM EXISTING CERTIFICATE OF OBLIGATION FUND BALANCES TO THE NEW ISSUE OF TAXABLE CERTIFICATES OF OBLIGATION; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON EIGHT AFFIRMATIVE VOTES.

* * * *

Mr. Peak made a motion to approve the proposed Ordinance. Mr. Herrera seconded the motion.

Ms. Rebecca Waldman, Assistant to the City Manager, narrated a brief video presentation which summarized plans for funding of the expansion of the stage of the Majestic Theater.

The following individuals then appeared to speak:

Mr. Lionel Sosa, representing the San Antonio Symphony Society, read a letter from the Society to Mayor Thornton, expressing its concern that the spirit of the three-way agreement concerning the Majestic Theater might have been broken.

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

Mr. Sosa discussed the impact of construction at the Majestic Theater on the symphony's current season and the need for the symphony to vacate the Majestic next September in order to make way for production of "Miss Saigon" at the Majestic, and also another road show set for the January-February 1998 time-frame. He spoke to his fears that the symphony may not be able to survive such a planned time-table. He questioned the long-term viability of the Majestic as the home for the symphony, stating that his board must explore other possible venues.

Mayor Thornton emphasized the fragility of the recent agreement on the Majestic, and the benefits of stage expansion plans to the symphony, in his opinion.

Mr. Sosa emphasized that the symphony will not walk away from terms of the new agreement.

Mayor Thornton spoke to his concern for the strong wording of the letter read by Mr. Sosa.

Mr. Charistopher Wilkins, Conductor of the San Antonio Symphony, stated his belief that the symphony's livelihood is in jeopardy as the partnership develops plans for the Majestic.

Mr. Peak noted that the Majestic Theater is a 'shared facility' by all parties involved.

In response to a question by Mayor Thornton, Mr. Kirk Feldman, representing Art Center Enterprises (ACE), stated that construction will not affect the symphony's play-dates. He stated that he has letters from the architects and others involved in the construction project, to that effect. He further stated that the symphony's rehearsals and play-dates will not be adversely affected, and spoke to his plans to work with all entities involved. He then spoke to plans for major road shows for the Majestic.

Mr. Solis spoke to his frustration over this matter, and stated his desire for a two-week delay in order for all parties involved to discuss the situation. He stressed the need for all involved parties to work together.

Mr. Flores addressed his concern for what appears to be an eroding agreement. He spoke to the need to discuss the matter, and that all involved parties have some 'give-and-take'. He stated his belief that all four involved parties must be comfortable with their agreement concerning the Majestic Theater.

Mr. Ross agreed with Mr. Solis, and stated his belief that this problem should have been worked out before today.

Mr. Solis made a substitute motion to postpone consideration of this Agenda item for a period of two weeks. Mr. Ross seconded the substitute motion.

Mr. Feldman stated that he has a problem with instituting a two-week delay in approval of this item.

Mayor Thornton cautioned the symphony about the fragility of the agreement for the use of the Majestic Theater, and the possible adverse effects of the loss of that agreement. He then asked all the involved parties to meet in the "B" Room for perhaps the next 20 minutes, to discuss further their concerns.

By informal concensus, City Council members present agreed to temporarily postpone consideration of this Agenda Item so that the involved parties might meet to discuss it.

(Agenda Item 31 was again considered by City Council later in this meeting. See Page 26.)

95-49 MAJOR AUTOMOBILE COMPONENT FIRM LOCATING TO SAN ANTONIO

Ms. McClendon announced that the City's Economic Development Department and the Economic Development Foundation have been meeting with representatives of a major automobile components manufacturing firm about the possible move of its headquarters to San Antonio, stating that this is a great opportunity for both San Antonio and the east side community.

CITIZENS TO BE HEARD

Mayor Pro Tem Webster presided in the absence of the Mayor.

MR. KARL WURZ

Mr. Karl Wurz, 820 Florida, spoke to the Council on a topic entitled, "Was Alamo Water Conservation and Reuse District's May 15, 1991 Master Plan the Source of Leon Creek Water Supply Corporation's Proposed Water Reuse Concept?" (A copy of Mr. Wurz' statement is on file with the papers of this meeting.)

MRS. PATSY CHEYNEY

Mrs. Patsy Cheyney, San Antonio Alliance for the Mentally Ill, presented each Council member a bookmark listing some famous individuals throughout history who were afflicted with some sort of mental illness. She also expressed concern about homeless individuals who who suffer from mental illness.

MR. DON WILKINS CASTILLO

Mr. Don Wilkins Castillo, 1010 No. Frio, asked that the Council observe a moment of silent meditation in memory of Councilwoman's Lynda Billa Burke's father, Mr. Bob Billa, who was buried earlier this morning. Mr. Castillo then spoke to the many accomplishments of Mr. Billa especially during his term of service as Council member for the City of San Antonio.

95-49 City Council recessed its regular session for dinner at 5:18 P.M., reconvening at 5:58 P.M.

AGENDA ITEM 31 (continued)

Mayor Thornton spoke to the informal discussions just concluded by parties involved in the use of the Majestic Theater, and announced that all are in agreement with the four-party agreement in place, as stated. He noted that only operational questions remain to be resolved

in weekly meetings of the affected parties, and he spoke to the need to move on with the financing matters of the stage expansion project, since all the the involved parties are in agreement to go forward. He advised that no further delays be experienced in this matter.

After discussion and consideration, both the maker and seconder of the substitute motion agreed to withdraw their substitute motion.

Mr. Ross stated his opinion that the stage expansion contractor can work around the needs of all the affected parties.

Ms. Waldman spoke to her concerns with the scheduling of two major road shows, and stressed that each party to the agreement must have a certain amount of 'give-and-take'.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; ABSENT: Billa Burke, Avila.

- - -
95-49 City Council recessed its regular session at 6:04 P.M. in order to convene in Executive Session for:

- A. Staff briefing and update on Alamodome Construction Litigation.
- B. Staff briefing and update on issues related to Alamodome Environmental Litigation.
- C. Staff briefing on a CPS Agreement for a Fiber Optic Network.
- D. Staff briefing on four pending claims.

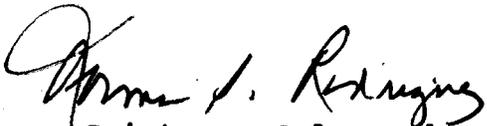
- - -
95-49 City Council adjourned the Executive Session and reconvened the regular session at 8:14 P.M., at which time Mayor Thornton stated that City Council during the Executive Session had given City staff direction, but had taken no formal action.

95-49 There being no further business to come before the Council, the meeting was adjourned at 8:15 P.M.

A P P R O V E D


M A Y O R

Attest:


city clerk