

**REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO, HELD IN THE  
COUNCIL CHAMBERS, MUNICIPAL PLAZA  
BUILDING, THURSDAY, SEPTEMBER 5, 1996**

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**96-36** The City Council convened in an informal "B" Session at 10:00 a.m., Municipal Plaza Building, "B" Room, for a Budget Work Session to receive presentations from the following departments:

Public Works  
Building Inspections  
Planning

The Council members present were: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster and Thornton.

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**96-36** The regular meeting was called to order at 1:28 p.m. by the Presiding Officer, Mayor William E. Thornton, with the following members present: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster and Thornton. **Absent:** None.

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**96-36** Invocation by Dr. Reverend Steve Wende, University United Methodist Church.

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**96-36** Pledge of Allegiance to the flag of the United States.

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96-36 Minutes of the Regular City Council Meeting of July 18 and July 25, 1996 and the Special Council Meeting of July 25, 1996 were approved.

96-36 CEREMONIAL ITEMS

CENTER FOR SUBSTANCE ABUSE PREVENTION GRANT AWARD TO  
SAN ANTONIO FIGHTING BACK

Beverly Watts Davis, Executive Director of San Antonio Fighting Back briefed the Council on a grant which was received by San Antonio Fighting Back from the Center for Substance Abuse Prevention.

Ms. Davis introduced Mary Joyce Pruden, Project Officer for the Center for Substance Abuse Prevention (CSAP), Washington, DC, Charles Williams, CSAP, Management Review Contract Staff and Terry Fay Flier, Director, Texas Commission on Alcohol and Drugs to the Council.

96-36 CONSENT AGENDA

Mr. Solis made a motion to approve Agenda Items 7 through 19, constituting the Consent Agenda, with item 9 having been pulled for individual consideration at the request of Mr. Avila. Mr. Webster seconded the motion.

After consideration, the motion carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** None

AN ORDINANCE 84, 646

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR THE 1996-97 FISCAL YEAR FOR A TOTAL OF APPROXIMATELY \$1,718,000.00. (COPIES OF BID PACKETS

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ARE AVAILABLE FOR REVIEW IN THE PURCHASING DEPARTMENT;  
MBE/WBE)

\* \* \* \*

AN ORDINANCE 84, 647

AUTHORIZING THE EXPENDITURE OF \$15,000.00 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS PAYABLE TO THE GUADALUPE COMMUNITY CENTER, INC. FOR EXPENSES RELATED TO THE GUADALUPE COMMUNITY CENTER RENOVATIONS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84, 648

SELECTING W.F. CASTELLA & ASSOCIATES TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH SOUTHCROSS BLVD. - WW WHITE TO IH 410 PROJECT; AUTHORIZING THE NEGOTIATION OF A CONTRACT NOT TO EXCEED \$94,050.00; AUTHORIZING \$7,500.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84, 649

SELECTING CALLE & ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE SUNSET ROAD - JONES MALTSBERGER TO BROADWAY PROJECT; AUTHORIZING THE NEGOTIATION OF A CONTRACT NOT TO EXCEED \$139,500.00; AUTHORIZING \$11,160.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING

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FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 84, 650

SELECTING VICKREY AND ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE BITTERS ROAD - EMBASSY ROW TO HEIMER ROAD PROJECT; AUTHORIZING THE NEGOTIATION OF A CONTRACT NOT TO EXCEED \$89,100.00; AUTHORIZING \$7,128.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (WBE)

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AN ORDINANCE 84, 651

SELECTING ROSIN GROUP, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE GENERAL MCMULLEN DRIVE - ROSELAWN TO COMMERCE STREET PROJECT; AUTHORIZING THE NEGOTIATION OF A CONTRACT NOT TO EXCEED \$28,125.00; AUTHORIZING \$2,200.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT

\* \* \* \*

AN ORDINANCE 84, 652

APPROVING THE ASSIGNMENT OF THE FARMER'S MARKET PLAZA LEASE AGREEMENT CURRENTLY HELD BY JESUS, CASTILLO AND ALVINA D. CASTILLO, D/B/A THE SILVER EAGLE TO PAULINO VELASQUEZ WITH AN EFFECTIVE DATE OF OCTOBER 1, 1996; AT AN ANNUAL RATE OF \$15,660.00 ADJUSTED EACH YEAR FOR ANY INCREASE IN THE CONSUMER PRICE INDEX.

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AN ORDINANCE 84, 653

AUTHORIZING THE EXECUTION OF A FIVE (5) YEAR LEASE AGREEMENT WITH FU-LEE, INC. D/B/A "SZE-CHUEN CHINESE RESTAURANT" FOR APPROXIMATELY 125.9 SQUARE FEET OF PUBLIC PROPERTY LOCATED ON THE RIVER WALK ADJACENT TO 135 E. COMMERCÉ FOR A RENTAL OF \$100.24 PER MONTH, ADJUSTED IN THE FOURTH AND FIFTH YEARS FOR ANY INCREASE IN THE CONSUMER PRICE INDEX.

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AN ORDINANCE 84, 654

AUTHORIZING THE EXECUTION OF A FIVE (5) YEAR LEASE AGREEMENT WITH AMERICAN JAZZ, INC. D/B/A "THE LANDING" FOR APPROXIMATELY 90 SQUARE FEET OF PUBLIC PROPERTY LOCATED ON THE RIVER WALK ADJACENT TO 123 LOSOYA AND APPROXIMATELY 45 SQUARE FEET OF PUBLIC PROPERTY IN THE SAN ANTONIO MAN-MADE RIVER WALK ATRIUM FOR A TOTAL RENTAL OF \$225.00 PER MONTH, ADJUSTED IN THE FOURTH AND FIFTH YEARS FOR ANY INCREASE IN THE CONSUMER PRICE INDEX.

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AN ORDINANCE 84, 655

CANCELING THE LEASE AGREEMENT WITH JEAN PACE, D/B/A "ANGELITA" FOR APPROXIMATELY 559 SQUARE FEET OF REAL PROPERTY LOCATED AT 104 HIDALGO WALK IN LA VILLITA AMENDED BY ORDINANCE NO. 76035, PASSED AND APPROVED ON JUNE 25, 1992; AND AUTHORIZING THE EXECUTION OF A NEW TWO (2) YEAR LEASE AGREEMENT WITH JEAN PACE, D/B/A "ANGELITA" FOR APPROXIMATELY 765 SQUARE FEET OF REAL PROPERTY LOCATED AT 208 SOUTH PRESA STREET IN LA VILLITA FOR A RENTAL OF \$528.50

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PER MONTH, PLUS THE COST OF UTILITIES AND AN ADJUSTMENT FOR THE NIGHT IN OLD SAN ANTONIO ("NIOA") EVENT.

\* \* \* \*

AN ORDINANCE 84, 656

AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A GRANT IN THE AMOUNT OF \$50,000.00 FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONTINUE TO PROVIDE DIABETIC SCREENINGS AND OTHER HEALTH SCREENINGS THROUGH THE DEPARTMENT OF COMMUNITY INITIATIVES, ELDERLY AND DISABLED SERVICES DIVISION, COMPREHENSIVE NUTRITION PROGRAM AND ENTERING INTO A CONTRACT WITH PROFESSIONAL NURSING SERVICES, INC.

\* \* \* \*

AN ORDINANCE 84, 657

AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR LEGAL SERVICES WITH BARNEY L. KNIGHT, ATTORNEY AT LAW FOR AN AMOUNT NOT TO EXCEED \$25,000.00 TO REPRESENT THE CITY OF SAN ANTONIO IN CONNECTION WITH THE CITY'S INTERVENTION IN LITIGATION CASE STYLED ICG ACCESS SERVICE, INC. VS. CITY PUBLIC SERVICE, CAUSE NO. 96-CI-09305 FILED IN THE 288<sup>TH</sup> DISTRICT COURT OF BEXAR COUNTY, TEXAS.

96-36 The Clerk read the following Ordinance:

AN ORDINANCE 84, 658

SELECTING FORD ENGINEERING, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE PLEASANTON ROAD - SOUTHCROSS TO MCCAULEY PROJECT; AUTHORIZING THE NEGOTIATION OF A CONTRACT NOT TO EXCEED \$93,000.00;

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AUTHORIZING \$8,000.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

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

John German, Director of Public Works explained the Ordinance to Council.

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

\* \* \* \*

**96-36** The Clerk read the following Ordinance:

AN ORDINANCE 84, 659

APPROVING ALL TWENTY-NINE (29) APPOINTMENTS TO THE NEW LOCAL WORKFORCE DEVELOPMENT BOARD (LWDB) IN ACCORDANCE WITH THE STATE OF TEXAS HOUSE BILL NO. 1863 AND THE INTERLOCAL AGREEMENT PASSED AND APPROVED BY ORDINANCE NO. 84499, DATED AUGUST 1, 1996, TO BECOME EFFECTIVE UPON THE LATTER OF STATE CERTIFICATION OF THE LWDB OR DECEMBER 31, 1996.

\* \* \* \*

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

Mayor Thornton read the names of the appointees into the record.

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Octavio Peña, Director, Internal Review, presented the Ordinance to Council.

### CITIZENS APPEARING TO SPEAK

Bob McClane of the Greater San Antonio Chamber of Commerce thanked the Council for moving the process forward.

Ida Kenny of the Senior Citizens Council of Bexar County spoke in favor of the appointments, but also spoke to her concerns regarding the elderly and encouraged Council to appoint someone who was familiar with the unique concerns of senior citizens and employment opportunities for the elderly.

Dwayne Wilson of the North San Antonio Chamber thanked the Council for moving so quickly to appoint qualified candidates.

\* \* \* \*

### COUNCIL DISCUSSION

Mayor Thornton commended Council members Solis and Ross for compiling an outstanding group of individuals.

Mr. Ross spoke to the difficult process of selecting only 29 candidates from the pool of talented applicants, most of whom were either executives in their own respective companies, or occupied positions of similar responsibilities. Mr. Ross further stated that out of 101 applicants, 78 were chosen to be interviewed for the 29 positions. Mr. Ross thanked all the participants involved in the selection process.

Mr. Solis stated that he was honored to be a part of the selection process and spoke to his belief that the process will serve as a model for other areas and that this new board would help to reestablish job training as a priority for the City as the City must move away from dependency on federal government jobs and provide job training for jobs in the private sector.

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In response to earlier comments by Ms. Kenny, Mr. Peak stated that if a vacancy should occur on the board, that effort should be made to fill the vacancy with someone who was familiar with the unique concerns of senior citizens and employment opportunities for the elderly.

At this time, the members of the board introduced themselves to the Council.

Mr. Mike De La Garza of H.E.B., acting as the spokesperson, expressed the gratitude of all members for their selection.

Ms. Billa Burke congratulated the members of the board and recalled her own experiences as a member of the Alamo Workforce Development Board and made references to her father's activities as both a board member and former Councilman.

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

**96-36** The Clerk read the following Ordinance:

AN ORDINANCE 84, 660

AUTHORIZING PAYMENTS OF REFUNDS TOTALING \$127,599.42 TO PERSONS MAKING A DOUBLE PAYMENT, OVERPAYMENT, OR AS A RESULT OF A VALUE CHANGE ON 130 TAX ACCOUNTS.

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

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

96-36 The Clerk read the following Ordinance:

AN ORDINANCE 84, 661

SELECTING THE JOINT VENTURE OF MARTINEZ, MENDOZA & COMPANY, P.C. AND KPMG PEAT MARWICK, CERTIFIED PUBLIC ACCOUNTANTS, TO PERFORM THE ANNUAL FINANCIAL AUDIT OF THE CITY OF SAN ANTONIO FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996, AND TO PROVIDE SPECIAL AUDIT, REVIEW, AND OTHER RELATED SERVICES AS MAY BE REQUIRED; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT IN THE AMOUNT OF \$193,120.00 FOR A ONE-YEAR PERIOD; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

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

Nora W. Chávez, Director Of Finance, introduced the members of the firm and presented the proposed Ordinance to the Council.

Mr. Marbut commented that he strongly agreed with the staff recommendations.

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

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Ross.

**96-36** The Clerk read the third and final reading of the following Ordinance:

**AN ORDINANCE 84, 473**

GRANTING METRO ACCESS NETWORKS, INC. (MAN), A FRANCHISE TO ERECT, CONSTRUCT, MAINTAIN, AND OPERATE A FIBER OPTIC TELECOMMUNICATIONS SYSTEM THAT UTILIZES THE CITY'S PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THREE PUBLIC READINGS; SETTING THE EFFECTIVE DATE SIXTY (60) DAYS AFTER THE THIRD AND FINAL READING OF THIS ORDINANCE; AND TERMINATING MAN'S CURRENT LICENSE AGREEMENT TO ERECT AND CONSTRUCT A FIBER OPTIC SYSTEM UPON THE EFFECTIVE DATE OF THE FRANCHISE.

\* \* \* \*

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

Octavio Peña, Director Of Internal Review, presented the Ordinance to Council. A copy of his presentation is attached to the papers of this meeting.

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

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96-36 The Clerk read the following Ordinance:

AN ORDINANCE 84, 662

NAMING THE LAS PALMAS LEARNING AND LEADERSHIP DEVELOPMENT CENTER THE FATHER ALBERT BENAVIDEZ LEADERSHIP DEVELOPMENT CENTER, AS REQUESTED BY COUNCILMAN JUAN F. SOLIS, III.

\* \* \* \*

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

Father Mike De Geroloni, thanked Council for the Ordinance and expressed his gratitude for the honor being bestowed upon Father Benavidez.

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

96-36 The Clerk read the following Ordinance:

AN ORDINANCE 84,663

APPROVING THE TRANSFER TO THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC., A NON-PROFIT CORPORATION, AND ITS ASSIGNS OR SUCCESSORS, SPECIFICALLY INCLUDING THE SAN ANTONIO HOUSING TRUST INVESTMENT CORPORATION, BY DEED WITHOUT WARRANTY, OF TITLE TO 53 SINGLE FAMILY LOTS IN THE VILLAS DE ESPERANZA SUBDIVISION, UNIT 1, FOR \$10.00 AND OTHER GOOD AND VALUABLE CONSIDERATION, SUBJECT TO CERTAIN CONDITIONS SET FORTH IN SAID DEED, FOR THE PUBLIC PURPOSE OF THE DEVELOPMENT OF LOW INCOME OR MODERATE INCOME HOUSING

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(“AFFORDABLE HOUSING”); AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE OF EIGHT (8) AFFIRMATIVE VOTES.

\* \* \* \*

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

Frances A. Gonzalez, Special Projects Manager, presented the proposed Ordinance to Council.

The following citizens appeared to speak in support of the proposed Ordinance:

John Salmons	Salmon's Custombuilt of Texas Inc.
Helen Ayala	Rayco
Roger Scott	Scott Homes
Steve Haynes	Klassic Housing Inc.
Robert Jordan	Neighborhood Housing Services
Mark Luft	San Antonio Alternative Housing Corp.
Fred Elsner	Franklin Homes
Baldemar Garcia	Mar y Sol Custom Homes
Bo Garcia	HUD - Local Office
Jean Marie Warren	Old Kent Mortgage
Tim Hathaway	Housing Trust
Leilah Powell	Housing Trust
David Garza	Enterprise Foundation
Sgt. Juan Treviño	SAFFE Officer
Allan Barragan	

Mr. Solis made a motion to direct the staff to develop a Resolution for next week that demonstrates the City Council's support for pursuing discussions and negotiations with the San Antonio Independent School District for the acquisition of 4.5 acres of land adjacent to the Villas de Esperanza project. Mr. Avila seconded the motion.

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

Mr. Solis made a motion to amend the Ordinance to read that the City will waive the building permit fees for this project, approximately \$11,000.00. Ms. Billa Burke seconded the motion.

After consideration, the amendment to the main motion prevailed by the following vote: **AYES:** Lott, Billa Burke, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Flores, Avila

After consideration, the vote on the main motion as amended, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** None

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

**96-36** The Clerk read the following Resolution:

A RESOLUTION 96-36-37

EXPRESSING THE CITY OF SAN ANTONIO'S SUPPORT OF THE TEXAS PUBLIC UTILITY COMMISSION'S PROPOSED PLAN 2 LOCAL AREA CODE DIVISION, WHICH WOULD ESTABLISH ONE AREA CODE FOR THE COUNTY OF BEXAR AND A SEPARATE AREA CODE FOR SURROUNDING COUNTIES.

\* \* \* \*

Mr. Solis made a motion to approve the proposed Resolution. Mr. Avila seconded the motion.

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Octavio Peña, Director Of Internal Review, presented the Resolution to the Council. A copy of his presentation is attached to the papers of this meeting.

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

**96-36** The Clerk read the following Ordinance:

AN ORDINANCE 84,664

AUTHORIZING THE TEMPORARY CLOSURE OF DOLOROSA ALLEY BETWEEN MARKET AND DWYER (MAIN PLAZA) STREETS FROM 8:00 P.M., MONDAY, SEPTEMBER 9, 1996 UNTIL 6:00 P.M., MONDAY, SEPTEMBER 29, 1997 IN CONNECTION WITH THE CONSTRUCTION OF THE INTERNATIONAL CENTER PROJECT, AS REQUESTED BY THE CONVENTION CENTER EXPANSION OFFICE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE OF EIGHT (8) AFFIRMATIVE VOTES.

\* \* \* \*

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

John German, Director Of Public Works, explained the emergency provisions of the Ordinance.

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

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**96-36 PUBLIC HEARING ON THE CITY OF SAN ANTONIO'S  
PROPOSED 1996 TAX RATE.**

Mayor Thornton declared the Public Hearing open.

No citizens were registered to speak on the matter.

There being no other action necessary at this time, Mayor Thornton declared the Public Hearing closed.

**96-36** The Clerk read the following Ordinance:

AN ORDINANCE 84,665

AUTHORIZING THE TEMPORARY CLOSURE OF WESTERNHILL DRIVE, ALSO WESTOVER WAY DRIVE BETWEEN HIGHWAY 151 AND WESTOVER HILLS BOULEVARD FROM 8:00 A.M., SUNDAY, SEPTEMBER 15, 1996 UNTIL 12:00 MIDNIGHT, SUNDAY, JANUARY 31, 1999 FOR USE AS A TEMPORARY FIRE STATION SITE.

\* \* \* \*

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

John German, Director Of Public Works, presented the Ordinance to Council and explained the plans to close the streets for construction of a temporary fire station.

Mr. Herrera spoke in support of the Ordinance saying that the location of the fire station will cut average response time in half.

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In response to Mr. Herrera remarks, Chief Robert Ojeda stated that the construction of the fire station will facilitate the Fire Department achieving its goals of a 4.25 minute response time.

In response to a question by Mr. Avila, Chief Ojeda explained which existing fire station would receive relief from the proposed placement of the new temporary fire station.

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

**96-36** The Clerk read the following Ordinance:

AN ORDINANCE 84,666

ACCEPTING THE LOW, QUALIFIED BID OF R.L. RHODE GENERAL CONTRACTING IN AN AMOUNT OF \$53,724.30 IN CONNECTION WITH THE TEMPORARY FIRE STATION-WESTOVER HILLS PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING \$5,372.40 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

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

John German, Director Of Public Works, explained that this Ordinance provides for the construction of the fire station addressed in the preceding Ordinance.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Lott, Billa Burke, Avila,

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Solis, Herrera, Peak, Webster; NAYS: None; Absent: Flores, Ross, Marbut, Thornton.

96-36 The Clerk read the following Ordinance:

AN ORDINANCE 84,667

ACCEPTING THE LOW, QUALIFIED BID OF S.H. TOLLIVER COMPANY, INC. IN THE TOTAL AMOUNT OF \$2,433,757.00 IN CONNECTION WITH THE ACME ROAD FROM OLD HIGHWAY 90 TO U.S. 90 AND COOPWOOD FROM ACME ROAD TO 40<sup>TH</sup> STREET PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING \$147,180.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$21,900.00 FOR ADDITIONAL ENGINEERING EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

(At this point, Mayor Thornton returned to preside)

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

96-36 The Clerk read the following Ordinance:

AN ORDINANCE 84, 668

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AUTHORIZING SETTLEMENT WITH CERTAIN PLAINTIFFS IN THE CASE STYLED SAN ANTONIO POLICE OFFICERS ASSOCIATION ET. AL. VS. CITY OF SAN ANTONIO, CAUSE NO. 92-CI-11196 IN THE 224<sup>TH</sup> JUDICIAL DISTRICT COURT OF BEXAR COUNTY FOR THE TOTAL AMOUNT OF \$84,203.48; AND AUTHORIZING PAYMENT OF ATTORNEYS FEES TO DENTON, MCKAMIE & NAVARRO P.C. IN AN AMOUNT NOT TO EXCEED \$50,000.00 FOR DEFENSE OF THE CITY IN SAID CAUSE.

\* \* \* \*

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

Frank Garza, Assistant City Attorney explained the Ordinance to the Council.

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

**96-36** The Clerk read the following Ordinance:

AN ORDINANCE 84, 669

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CONVENTIONS SAN ANTONIO/DAISY TOURS FOR AN AMOUNT NOT TO EXCEED \$33,450.00 FOR TOUR AND SHUTTLE SERVICES DURING THE NATIONAL LEAGUE OF CITIES CONFERENCE TO BE HOSTED BY THE CITY OF SAN ANTONIO FROM DECEMBER 7-10, 1996. (WBE).

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

Terry Vasquez-Romero, Assistant To City Council, presented the Ordinance to Council. A copy of her presentation is attached to the papers of this meeting.

Mayor Thornton spoke to the income that would be generated by hosting this event.

Mr. Avila expressed concern that a minority newspaper such as *La Prensa* had not been included in the advertising campaign for this event.

Ms. Vasquez-Romero informed the Council of the advertising procedures. She also informed the Council that, to date, over 2,000 individuals had already pre-registered, as compared to Phoenix, Arizona, who had hosted the previous event and had only 500 pre-registrations at the same time frame.

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

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Ross.

**96-36** The Clerk read the following Ordinance:

AN ORDINANCE 84, 670

APPOINTING COUNCILMAN ROBERT A. HERRERA TO THE SAN ANTONIO - BEXAR COUNTY URBAN TRANSPORTATION STUDY - METROPOLITAN PLANNING ORGANIZATION (MPO) FOR A TERM OF OFFICE TO RUN CONCURRENT WITH THE TERM OF OFFICE AS CITY COUNCIL TO EXPIRE ON MAY 31, 1997; AND ESTABLISHING ATTENDANCE REQUIREMENTS FOR MPO CITY REPRESENTATIVES.

\* \* \* \*

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

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

**96-36** The Clerk read a proposed Ordinance requesting City Public Service, in conjunction with Southwestern Bell Telephone and Paragon Cable, to determine the costs of an underground conversion of utilities in an area alongside I.H. 10 west from Huebner, north to the north property line of the Huebner Oaks Subdivision, and directing the allocation of resources from the overhead conversion fund established by City Public Service for the purpose of said conversion, as requested by Councilman Robert Marbut.

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

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## Citizens Appearing to Speak

Sam Dawson of Dawson Engineering presented the proposed Ordinance to the Council.

Michael Jaffe, President, Jaffe Company explained the merits of the project.

Mayor Thornton stated that he hoped to see more efforts towards putting utilities underground

Mr. Ross requested that staff come back with a policy regarding underground utilities and further spoke to the need to develop a uniform policy.

Mr. Peak spoke in support of Mr. Ross' recommendation and made a motion to direct staff to bring the Urban Corridor Policy to Council in December 1996, instead of March 1997, and that no other projects come forward until a policy is decided upon. Mr. Webster seconded the motion.

Mr. Ross expressed his concern about how adjusting the date may impact on other projects and that some projects may be delayed.

After consideration, the motion failed to carry by the following vote: **AYES:** Marbut, Peak, Webster; **NAYS:** Flores, Lott, Billa Burke, Solis, Herrera, Ross, Thornton; **Absent:** Avila.

Mr. Solis made a motion to send this issue to the Policy and Planning Council Committee to review the time frame of bringing the Urban Corridor Policy to City Council. Ms. Billa Burke seconded the motion.

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

There being no further motions, a vote was called on the main motion.

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After consideration, the main motion failed to carry by the following vote: **AYES:** Solis, Marbut, peak, Webster; **NAYS:** Flores, Lott, Billa Burke, Avila Herrera, Ross, Thornton; **Absent:** None.

**96-36 PUBLIC HEARING ON THE PROPOSED DOWNTOWN STRATEGIC PLAN**

Mayor Thornton declared the Public Hearing open.

**Citizens Appearing To Speak**

The following citizens spoke in support of the proposed plan:

Zan Colson Brown	Downtown Residents Association
Ben Brewer	Downtown Alliance
Kenneth Wolf	H.B. Zachary Co./Downtown Alliance
Sue T. McDonald	Professional Tour Guide Association of San Antonio
Sam T. Parnes	Professional Tour Guide Association of San Antonio
Mark Kellerman	Architect

Mr. Flores thanked the citizens for coming out in support of the plan.

Mayor Thornton declared the Public Hearing closed.

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STATUS REPORT ON WATER RELATED ISSUES

Russell Johnson, Attorney for SAWS, gave a presentation to the City Council regarding the Sierra Club's efforts to seek injunctive relief against the City of San Antonio and the City's efforts to request a stay of the injunction. A copy of this presentation is attached to the papers of this meeting.

A discussion ensued regarding the City's reaction to the Sierra Club's efforts and the pending injunction.

Mr. Johnson noted that the Sierra Club had established a "prima facie" case in favor of an injunction.

Ms. Lott voiced her objections to the Court quoting the "scriptures" out of context, and that references to the Bible were inappropriate to these matters.

Mr. Johnson responded to a question from Mr. Ross regarding what other courts the City may appeal to.

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The Clerk read the following Ordinance:

AN ORDINANCE 84,671

AUTHORIZING THE EXPENDITURE OF \$400.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND PAYABLE TO THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT TO PAY FOR USE OF THE SHOWMOBILE ON SUNDAY, OCTOBER 6, 1996 BY THE GREAT NORTHWEST COMMUNITY IMPROVEMENT ASSOCIATION, INC. FOR THEIR SECOND ANNUAL "GREAT JAZZ IN THE GREAT NORTHWEST" EVENT, AS REQUESTED BY COUNCILMAN ROBERT A. HERRERA.

\* \* \* \*

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

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

**96-36** The Clerk read the following Ordinance:

AN ORDINANCE 84, 672

AUTHORIZING THE EXPENDITURE OF \$350.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND TO REIMBURSE THE GEORGE GERVIN YOUTH CENTER, INC. FOR AN ALL DAY INCENTIVE TRIP TO FIESTA TEXAS AS A REWARD TO THOSE YOUTH DEMONSTRATING GOOD BEHAVIOR AND ATTENDANCE DURING THE FINGER ROLL SPORTS CAMP FOR YOUTH HELD AT SUL ROSS MIDDLE SCHOOL ON JUNE 24 - JULY 19, 1996, AS REQUESTED BY COUNCILMAN ROBERT A. HERRERA.

\* \* \* \*

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

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

**96-36** The Clerk read the following Ordinance:

AN ORDINANCE 84, 673

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AUTHORIZING THE EXPENDITURE OF \$400.00 FROM THE DISTRICT 3 CONTINGENCY ACCOUNT FUND PAYABLE TO THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT TO PAY FOR THE USE OF THE SHOWMOBILE ON SUNDAY, SEPTEMBER 8, 1996 BY THE ST. LAWRENCE YOUTH CLUB, AS REQUESTED BY COUNCILWOMAN LYNDA BILLA BURKE.

\* \* \* \*

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

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

96-36 The Clerk read the following Ordinance:

AN ORDINANCE 84, 674

AUTHORIZING THE EXPENDITURE OF \$1,140.00 FROM THE DISTRICT 3 CONTINGENCY ACCOUNT FUND TO DEFRAY PLATTING FEES REQUIRED FOR BLESSED SACRAMENT ACADEMY'S SECOND CHANCE HIGH SCHOOL RENOVATION PLANS, AS REQUESTED BY COUNCILWOMAN LYNDA BILLA BURKE.

\* \* \* \*

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

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Lott, Billa Burke, Avila,

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Solis, Herrera, Ross, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Flores, Marbut.

**96-36** The Clerk read the following Ordinance:

AN ORDINANCE 84, 675

AUTHORIZING THE TRANSFER OF \$1,000.00 FROM THE MAYOR'S CONTINGENCY ACCOUNT FUND TO THE MAYOR'S TRAVEL ACCOUNT FUND TO COVER EXPENSES INCURRED FOR THE REMAINDER OF FISCAL YEAR 1995/96.

\* \* \* \*

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

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

**96-36** TRAVEL AUTHORIZATION - Granted:

TRAVEL AUTHORIZATION FOR MAYOR WILLIAM E. THORNTON TO TRAVEL TO NEW ORLEANS, LOUISIANA TO FILE AN APPEAL AT THE 5<sup>TH</sup> CIRCUIT COURT OF APPEALS ON AUGUST 26, 1996.

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96-36      TRAVEL AUTHORIZATION - Granted:

TRAVEL AUTHORIZATION FOR COUNCILMEMBERS JUAN F. SOLIS, III (DISTRICT 5), BOB ROSS (DISTRICT 7), ROBERT MARBUT (DISTRICT 8) AND HOWARD W. PEAK (DISTRICT 9) TO TRAVEL TO AUSTIN, TEXAS TO MEET WITH TEXAS NATURAL RESOURCE CONSERVATION COMMISSION'S CHAIRMAN, BARRY MCBEE, REGARDING CHAPTER 313 EDWARDS RULES ON SEPTEMBER 3, 1996.

CITIZENS TO BE HEARD

Guillermo Garcia Smythe of 1407 N. Elmendorf spoke of his concerns regarding alleged police harassment against him.

\* \* \* \*

Fred Reynolds of 1202 Waverly spoke of his concerns regarding police conduct and stated that he was prepared to offer positive recommendations for improvement

\* \* \* \*

Karl Wurz of 820 Florida read from a prepared paper entitled: *LACK OF CRITICAL FOOD-CHAIN DURING PROLONGED DROUGHTS REAL KILLER OF SPECIES AT COMAL AND SAN MARCOS SPRINGS*. A copy of his presentation is attached to the papers of this meeting.

\* \* \* \*

Maria Dominguez offered her words of welcome for Ms. Lott who has replaced Ms. McClendon and praised Ms. Lott for her commitment to the community. Ms. Dominguez further spoke to the current water surcharge and what will become of the monies which have been collected thus far.

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96-36 There being no further business to come before the Council, the meeting was adjourned at 8:21 p.m.

A P P R O V E D



WILLIAM E. THORNTON  
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AAE  
City Clerk

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