

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
TUESDAY, NOVEMBER 22, 1988.

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The meeting was called to order by the presiding officer, Mayor Pro Tem Martinez, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, VERA, WOLFF, LABATT, HASSLOCHER; Absent: THOMPSON, CISNEROS.

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88-52 The invocation was given by Reverend David Edmonds, Little Church of La Villita.

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88-52 The members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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88-52 MAYOR CISNEROS

Mayor Pro Tem Martinez announced that Mayor Cisneros is out of the City and will not be attending today's City Council Meeting. He stated that the Mayor is attending the Victoria Fellowship Program sponsored by Rutgers University in New Brunswick, New Jersey today. He noted that it is a two-day program of lectures and meetings and that the Mayor would also be meeting with Mayor James Sharp of Newark, New Jersey in order to discuss downtown revitalization and would return to San Antonio on Wednesday.

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88-52 CITY EMPLOYEES CREDIT UNION

Mayor Pro Tem Martinez noted that the City Employees Federal Credit Union was honored by the National Trust for Historic Preservation for outstanding restoration and innovative re-use of the International and Great Northern Passenger Railroad Depot. He noted that City Employees Credit Union officials were present in the audience to share the award with the City Council. Mr. Martinez spoke of the Credit Union's long-standing commitment to downtown and to historic preservation through its renovation of the old Missouri Pacific Depot as its new headquarters.

Mr. Leroy Harvey, Credit Union President, stated that this is one of only fifteen awards given by the National Trust for Historic Preservation and, in fact, is the only one given in Texas. He thanked the Council for its support throughout the year and noted that many Credit Union officers are volunteers and he introduced those present in the audience.

Mayor Pro Tem Martinez thanked the Credit Union for its aggressive restoration of Cattlemen's Square and the direction given to that effort by Credit Union Executive Director Tim Haegelin.

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88-52

PROVIDENCE HIGH SCHOOL VOLLEYBALL TEAM

Mayor Pro Tem Martinez introduced members of the Providence High School Varsity Volleyball Team present in the audience to be recognized for their accomplishment in attaining the Texas Catholic Interscholastic League (TCIL) State Volleyball title for 1988. He then read a special citation and presented it to Coach Calderon.

Coach Calderon in turn introduced his players and spoke to the details of Providence's winning season. He then thanked the City Council for its recognition of the team.

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88-52

GILBERT DURAN

Mayor Pro Tem Martinez spoke of the presence in the audience today of Mr. Gilbert Duran, recently named Congressional Hispanic Artist of the Year. He asked Mr. Duran to come forward, speaking of his distinguished career in visual arts. Mr. Duran briefly described his watercolor methods.

Mayor Pro Tem Martinez then presented Mr. Duran with a San Antonio Book and a tie.

Ms. Vera remarked that the City Council delegation recently took one of Mr. Duran's paintings to Japan during a trip as an official gift from the City of San Antonio.

Several City Council members then thanked Mr. Duran for his many accomplishments.

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88-52 The minutes of the Regular City Council Meeting of November 7, 1988, were approved.

88-52 CONSENT AGENDA

Mr. Hasslocher made a motion to approve Agenda Items #5 - 32, constituting the Consent Agenda, with the exception of Items #18, 19, 24, 25, 29, & 30, which were pulled for individual consideration. Ms. Vera seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

AN ORDINANCE 68,338

ACCEPTING THE LOW BID OF POM, INC. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH PARKING METER EQUIPMENT PARTS FOR A TOTAL OF \$9,442.70.

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AN ORDINANCE 68,339

ACCEPTING THE LOW BID OF SOUTHLAND PRINTING COMPANY, INC., TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH PARKING TICKETS FOR INTERNATIONAL AIRPORT FOR A TOTAL OF \$10,451.70.

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AN ORDINANCE 68,340

ACCEPTING THE LOW BID OF MOORE BUSINESS FORMS FOR THE PRINTING OF PARKING VIOLATION NOTICES FOR THE CITY OF SAN ANTONIO MUNICIPAL COURTS FOR A TOTAL OF \$10,024.00.

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AN ORDINANCE 68,341

ACCEPTING THE PROPOSAL OF AMERICAN AUTOMOBILE ASSOCIATION TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH BOOKS, BADGES, AND PATROL BELTS FOR A TOTAL OF \$4,232.50.

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AN ORDINANCE 68,342

ACCEPTING THE PROPOSAL OF R.R. BOWKER TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH BOOKS IN PRINT AND SUBJECT GUIDES TO BOOKS IN PRINT FOR A TOTAL OF \$9,051.74.

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AN ORDINANCE 68,343

ACCEPTING THE LOW BID OF AMERIPLUS TO FURNISH THE CITY OF SAN ANTONIO COMMUNICATIONS DIVISION WITH TELEPHONES FOR A TOTAL OF \$3,700.00.

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AN ORDINANCE 68,344

ACCEPTING THE LOW BID OF G.A. FOOD SERVICES, INC. TO FURNISH THE CITY OF SAN ANTONIO HUMAN RESOURCES DEPARTMENT WITH FROZEN PRE-PORTIONED MEALS FOR THE NUTRITION CENTERS FOR A TOTAL OF APPROXIMATELY \$148,898.75.

* * * *

AN ORDINANCE 68,345

ACCEPTING THE LOW QUALIFIED BID OF COMPUTRAIN TO FURNISH THE CITY OF SAN ANTONIO INFORMATION RESOURCES DEPARTMENT WITH MEMORY EXPANSION BOARDS FOR A TOTAL OF \$3,900.00.

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AN ORDINANCE 68,346

ACCEPTING BIDS OF VARIOUS VENDORS TO FURNISH THE CITY OF SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES ON AN ANNUAL CONTRACT BASIS.

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AN ORDINANCE 68,347

ACCEPTING THE LOW BID OF M.J. BOYLE, GENERAL CONTRACTOR, INC., IN THE AMOUNT OF \$9,455.00 IN CONNECTION WITH EMERGENCY REPAIRS TO BARBARA JORDAN

COMMUNITY CENTER.

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AN ORDINANCE 68,348

AUTHORIZING AN ADDITIONAL \$15,000.00 FOR ENGINEERING FEES PAYABLE TO ROSIN GROUP, INC. IN CONNECTION WITH THE PALO ALTO ROAD FROM IH 35 TO ARAGON PROJECT.

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AN ORDINANCE 68,349

AUTHORIZING AN ADDITIONAL \$2,000.00 FOR ENGINEERING FEES PAYABLE TO ESPEY, HUSTON & ASSOCIATES, INC., IN CONNECTION WITH THE ALAMETOS, BRAD, BUCKEYE, CLOWER STREET RECONSTRUCTION PROJECT.

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AN ORDINANCE 68,350

AUTHORIZING AN ADDITIONAL \$2,000.00 FOR ENGINEERING FEES PAYABLE TO CIVIL ENGINEERING CONSULTANTS, IN CONNECTION WITH THE KELLER, REHMAN, STARK, & STRIBLING STREETS PROJECT.

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AN ORDINANCE 68,351

ACCEPTING THE LOW QUALIFIED BID AND AWARDING A CONSTRUCTION CONTRACT TO CONSTRUCT A CLUBHOUSE, CART BARN, MAINTENANCE BARN, TWO RESTROOMS, STARTER SHACK, AND PARKING AT THE SOUTHSIDE GOLF COURSE; ESTABLISHING A CONSTRUCTION CONTINGENCY, AUTHORIZING PAYMENTS TO THE CONTRACTOR FOR CONSTRUCTION AND CONTINGENCIES, AND APPROPRIATING FUNDS.

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AN ORDINANCE 68,352

AWARDING A CONTRACT TO THE LOW QUALIFIED BIDDER FOR REPLACING 7,000+ SQUARE FEET OF VULCANIZED RUBBER FLOOR MATERIAL WITH RESILIENT NEOPRENE SPORTS SURFACING MATERIAL IN THE SAN ANTONIO NATATORIUM.

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AN ORDINANCE 68,353

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BAPTIST MEMORIAL HOSPITAL SYSTEM TO CONSTRUCT AN OVERHEAD PASSAGEWAY ACROSS EAST QUINCY STREET BETWEEN RICHMOND AND LEXINGTON AVENUES, ADJACENT TO NEW CITY BLOCKS 794 AND 797, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID LICENSE IN CONNECTION THEREWITH.

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AN ORDINANCE 68,354

APPROVING A LICENSE AGREEMENT WITH WULFE INVESTMENTS FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT OF A BUILDING LOCATED AT 827 N. FRIO STREET IN THE VISTA VERDE AREA, AUTHORIZING THE CITY MANAGER OR AN ASSISTANT CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT IN CONNECTION WITH THE AIDS/IV DRUG ABUSE PROJECT, AND AUTHORIZING AND APPROVING FUNDS IN CONNECTION THEREWITH.

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AN ORDINANCE 68,355

ESTABLISHING A POLICY THAT WOMEN-OWNED BUSINESS ENTERPRISES (WBES) PARTICIPATING IN CITY CONTRACTS WILL BE CATEGORIZED AND TRACKED SEPARATELY FROM THE GENERAL MINORITY BUSINESS ENTERPRISE (MBE) POPULATION AND THAT, IN ORDER TO MONITOR THE CITY'S PERFORMANCE IN AWARDING CONTRACTS TO SAID WBES, GOALS WILL BE ESTABLISHED IN CONNECTION THEREWITH.

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AN ORDINANCE 68,356

AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR SAN ANTONIO INTERNATIONAL AIRPORT TAXIWAY R CONSTRUCTION PROJECT.

* * * *

AN ORDINANCE 68,357

ACCEPTING THE AGREEMENT WITH THE UNITED STATES,

DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY IN THE AMOUNT OF \$115,840.00 AND AUTHORIZING PAYMENT FOR WATER RESOURCE INVESTIGATIONS INVOLVING THE COLLECTION OF STREAMFLOW AND RESERVOIR CONTENT DATA, RAIN GAUGE DATA, AND QUALITY OF WATER OPERATIONS FOR THE PERIOD OF OCTOBER 1, 1988 THROUGH SEPTEMBER 30, 1989.

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AN ORDINANCE 68,358

CONCURRING WITH THE RECOMMENDATIONS OF THE ALAMO PRIVATE INDUSTRY COUNCIL (PIC) REGARDING THE ALLOCATION OF GRANT FUNDS UNDER THE 1988/89 JTPA TITLE IIB SUMMER YOUTH EMPLOYMENT TRAINING PROGRAM (SYETP) PLAN AS APPROVED PURSUANT TO ORDINANCE NO. 67995; AUTHORIZING THE CITY MANAGER TO AMEND SAID SYETP PLAN TO INCORPORATE THE RECOMMENDED GRANT FUND ALLOCATIONS; AND AUTHORIZING THE CITY MANAGER TO CONSTRUCT WITH THOSE SERVICE PROVIDERS ENDORSED BY THE ALAMO PIC AT ITS AUGUST 24, 1988 MEETING.

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AN ORDINANCE 68,359

AUTHORIZING PAYMENT FOR LEGAL AND CONSULTING SERVICES TO THE FIRM OF MILLER, YOUNG & HOLBROOK AND UNDERWOOD, NEUHAUS & CO., IN CONNECTION WITH THE ON-GOING NEGOTIATIONS ON THE ROGERS CABLE TELEVISION FRANCHISE.

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AN ORDINANCE 68,360

CLOSING CERTAIN STREETS IN THE KING WILLIAM AREA AT THE REQUEST OF THE KING WILLIAM ASSOCIATION FOR A CHRISTMAS TOUR ON SATURDAY, NOVEMBER 26, 1988 FROM 5:00 P.M. TO 10:30 P.M.

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88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,361

AUTHORIZING AN ADDITIONAL \$180,566.76 IN ARCHITECTURAL FEES PAYABLE TO JONES-KELL ARCHITECTS IN CONNECTION WITH THE POLICE TRAINING AND CAREER DEVELOPMENT CENTER.

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Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Webb seconded the motion.

Mrs. Dutmer voiced her concern with the relatively small size of the cafeteria at the Police Training Academy and the lack of area cafes. She then asked the City Manager to look into the matter perhaps increasing the size of that cafeteria.

Mr. Louis J. Fox, City Manager, invited the City Council to pay a visit to the site of the Police Training Academy now under construction and stated that he would look into the matter.

Mr. Hasslocher stated that he feels that perhaps communications on the job has been poor, and he spoke to the lack of requested information on the job.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,362

AWARDING A CONSTRUCTION CONTRACT TO JOHN YANTIS CO., FOR THE CONSTRUCTION OF THE FRENCH CREEK SANITARY SEWER OUTFALL, PHASE II PROJECT, IN THE AMOUNT OF \$493,500.00 WITH AN ADDITIONAL \$74,030.00 FOR CONSTRUCTION CONTINGENCY.

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

In response to a question by Mrs. Berriozabal, Mr. Frank Kiolbassa, Director of Environmental Management, spoke to how each phase is handled differently in this construction since one phase is over the

Edwards Aquifer and the other is over the so-called "transition zone" of the Aquifer. He then noted that this sewage line ties into the Leon Creek outfall line.

Mrs. Berriozabal asked to meet with Mr. Kiolbassa at a convenient time in order to discuss details of the entire project.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Wolff, Cisneros.

88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,363

APPROVING CERTAIN AGREEMENT FOR OCCUPANCY OF SPACE IN THE CROCKETT CENTER (GILES BUILDING) ON ALAMO PLAZA IN THE CITY OF SAN ANTONIO AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE DOCUMENTATION REQUIRED OF THE CITY TO ACCOMPLISH SUCH PURPOSE.

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

In response to a question by Mr. Labatt, Mr. Bill Avila, Assistant City Attorney, noted that this action does not affect the basic issue now before the bankruptcy courts and he spoke to the current status of the legal matters concerning this site.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Vera, Cisneros.

88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,364

ESTABLISHING A FISCAL YEAR 1988/89 MINIMUM GOAL OF 32% OF THE TOTAL ANNUAL DOLLAR EXPENDITURES IN THE AREA OF PROFESSIONAL SERVICES AND DISCRETIONARY CONTRACTS FOR CERTIFIED MINORITY AND WOMEN-OWNED

BUSINESS ENTERPRISE VENDORS.

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

Mr. Labatt spoke to his earlier objections to the setting of a 32% goal figure especially a goal in each category of contracts to be awarded by the city and he noted that because of this he again will be voting against the ordinance although he is not against the concept.

Ms. Lorraine Salazar-Bauer, Assistant Director of the Department of Economic and Employment Development, spoke to the background of the ordinance and of work underway by the Advisory Committee to "fine tune" the selection of professional contracting firms such as architects and engineers.

Mrs. Dutmer voiced her concern with mandating a set percentage figure for minority business or women-owned business enterprises and stated that she personally feels it adversely affects these groups that are selected.

Mr. Labatt spoke to how an established definite percentage can be unfairly applied at times.

Mayor Pro Tem Martinez reminded the City Council that the 32% figure now before the Council represents only a goal and not a mandate.

Mr. Wing stated that he feels the ordinance is good for small businesses in San Antonio because of the stiff competition they receive from out of city firms at present.

Mrs. Dutmer stated that she cannot vote for a mandatory ordinance but could support a permissive one.

In reply, Ms. Bauer stated that she feels the staff and the advisory committee consider the ordinance to be permissive and she will seek to reach the goal in a good faith effort.

Mr. Lloyd Garza, City Attorney, noted that no sanctions are to be applied against the staff for not reaching the 32% goal.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Hasslocher; NAYS: Labatt; ABSENT: Thompson, Cisneros.

88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,365

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MANAGED HEALTH CARE, INC., TO PROVIDE COST CONTAINMENT SERVICES TO THE CITY'S MAJOR MEDICAL PLANS INCLUDING THE FLEXIBLE BENEFITS PLAN, FIRE AND POLICE PLAN, AND THE RETIREE PLAN FOR A THREE-YEAR PERIOD.

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Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Webb seconded the motion.

Mrs. Dutmer voiced her concern with the different reviews involved and of her concern that it sounds like socialized medicine.

Mr. Carl White, Director of Finance, explained how "costs containment" services will work, and he noted that this type of service has been in effect for the city's retirees for a number of years.

Dr. Fernando Guerra, Director of the Metropolitan Health District, briefly outlined the city's hopes that the program will save significant amounts of money for the City of San Antonio and yet at the same time not hamper proper medical care.

Mr. Hasslocher spoke to the need for cost containment in our medical payments.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Wing, Thompson, Cisneros.

88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,366

AUTHORIZING THE CITY MANAGER TO UPDATE THE SERVICE CREDITS OF ACTIVE EMPLOYEES AND PROVIDE RETIREES WITH AN ANNUITY INCREASE EQUAL TO 70% OF THE CONSUMER PRICE INDEX.

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

In response to a question by Mrs. Dutmer, Mr. Carl White, Director of Finance, addressed the question of temporary employees capability to "buy into" the Texas Municipal Retirement System to account for their temporary service time.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

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88-52 Mr. Louis J. Fox, City Manager, spoke to Agenda Item #34, which he had earlier removed from Council consideration, noted that only one bid had been received for the city's funds to be deposited in interest-bearing certificates of deposit and it was found to be too low. He noted that the City can get a better interest rate by purchasing Treasury Bills and that is the reason the one bid was rejected.

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88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,367 .

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AUTHORIZING PAYMENT OF REFUNDS TO PERSONS MAKING
OVERPAYMENTS OR DOUBLEPAYMENTS OR AS A RESULT OF A
VALUE CHANGE ON 14 TAX ACCOUNTS.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

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88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,368 .

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AUTHORIZING PAYMENT OF MEMBERSHIP DUES IN THE AMOUNT
OF \$50,000.00 TO THE GREATER AUSTIN-SAN ANTONIO

CORRIDOR FOR THE PERIOD OCTOBER 1, 1988 THROUGH
SEPTEMBER 30, 1989.

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Mrs. Dutmer made a motion to approve the proposed Ordinance.
Mrs. Berriozabal seconded the motion.

In response to a question by Mr. Labatt, Dr. Ken Daly, Director
of Budget and Research, spoke to participation by other cities in the
Austin-San Antonio Corridor Council and stated that he would provide the
amounts that each contributes to the Council.

After consideration, the motion, carrying with it the passage of
the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb,
Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None;
ABSENT: Thompson, Cisneros.

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88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,369

AUTHORIZING THE CITY OF SAN ANTONIO TO CONTRIBUTE
\$5,000.00 FROM THE DEPARTMENT OF ECONOMIC AND
EMPLOYMENT DEVELOPMENT INTERNATIONAL BUSINESS
DEVELOPMENT BUDGET TO THE PACIFIC RIM INITIATIVE TO
ASSIST THE TEXAS DEPARTMENT OF COMMERCE IN
ESTABLISHING A STATE OFFICE IN TOKYO TO REPRESENT
TEXAS THROUGHOUT THE PACIFIC RIM AREA.

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Mr. Hasslocher made a motion to approve the proposed Ordinance.
Mrs. Dutmer seconded the motion.

Mrs. Dutmer explained the need for San Antonio assistance to fund
a Texas office to be located in Tokyo to serve the Pacific Rim area in
economic development.

After consideration, the motion, carrying with it the passage of
the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb,
Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None;
ABSENT: Thompson, Cisneros.

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88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,370

AUTHORIZING THE SETTLEMENT OF CAUSE NO. 87-CI-10029,
STYLED FRED F. ARCOS VS. CITY OF SAN ANTONIO, IN THE
150TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,371

AUTHORIZING THE CONTINUATION OF THE JUVENILE
RESTITUTION PROGRAM WITHIN THE YOUTH SERVICES
DIVISION OF THE DEPARTMENT OF HUMAN RESOURCES AND
SERVICES; ADDING A SUPPLEMENT OF \$28,296.00 TO THE
YOUTH SERVICES DIVISION 1988-89 GENERAL FUND
OPERATING BUDGET AND AUTHORIZING A TRANSFER OF
FUNDS.

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Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Hasslocher seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

88-52 Agenda Item #40 had been previously pulled from consideration.

88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,372

APPOINTING AQUILA MCGREW TO SERVE ON THE HOME IMPROVEMENT ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON JUNE 23, 1990.

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Mr. Webb made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,373

APPOINTING HECTOR GARCIA TO THE HOUSING TRUST FUND BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 1989.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,374

APPOINTING ANN WOLFF TO SERVE ON THE TRANSPORTATION ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 26, 1990.

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Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Hasslocher seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

88-52 ZONING HEARINGS

42. Case #288166 - to rezone Lot 2, NCB 2121, 1746 W. Poplar Street, from "O-1" Office District to "B-2NA" Non-Alcoholic Sales District, located on the south side of W. Poplar Street, being 61' east of the intersection of W. Poplar Street and Sabinas Street, having 50' on W. Poplar Street, with a depth of 160'.

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

In response to a question by Mrs. Berriozabal, Mrs. Cynthia Cervantes, the proponent, explained the background of the office use of the property and of her plans to convert it to a flower shop. She noted that 17 of her nearby neighbors had signed petitions in favor of the rezoning request as well as two neighborhood organizations also speaking in support of the plan.

Mrs. Berriozabal stated that she wants assurances from the proponent that the character of the neighborhood will be maintained even though the zoning has changed on the property.

Mrs. Berriozabal made a motion to approve the recommendation of the Zoning Commission. Mr. Wing seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

AN ORDINANCE 68,375

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 2, NCB 2121, 1746 WEST POPLAR STREET, FROM "O-1" OFFICE DISTRICT TO "B-2NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

43. CASE 288173 - to rezone a .303 acre tract of land out of Lot 1, Block 1, NCB 17929, from Temporary "R-1" One Family Residence District to "B-2" Business District; a 5.864 acre tract of land out of Lot 1, Block 1, NCB 17929, 9085 Bandera Road, from Temporary "R-1" One Family Residence District to "B-3R" Restrictive Business District, located on the southwest side of Bandera Road, being 432' southeast of the intersection of Bandera Road and Ford's Landing, having 760.52' on Bandera Road, with a depth of 689.16'.

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

Mr. Wolff made a motion to approve staff recommendations approval of "B-2" on the northwest 400' adjacent to the single family subdivision and "B-3R" Special Use Permit for outside storage on the remaining portion, provided that a 6' screen fence is erected and maintained adjacent to the single family lots. Mr. Labatt seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Wing, Thompson, Cisneros.

AN ORDINANCE 68,376

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 1.086 ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 1, NCB 17929, FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT; A 5.081 ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 1, NCB 1799, 9085 BANDERA ROAD, FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "B-3R" S.U.P. RESTRICTIVE BUSINESS DISTRICT, SPECIAL USE PERMIT FOR PLUMBING CONTRACTOR WITH OUTSIDE STORAGE; PROVIDED THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ADJACENT TO THE SINGLE-FAMILY LOTS. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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44. CASE Z88179 - to rezone Lots 4 and 5, Block 4, NCB 14688, Oakland Blvd. and Redfox Lane, for the removal of a one foot non-access easement along the northwest 154.03 in the remaining portion of Lot 4, Block 4, NCB 14688 and that the remaining non-access easement stay the same up until such time Oakland and Redfox are improved.

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

Mr. Wolff made a motion to approve the Zoning Commissions recommendation. Mr. Hasslocher seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

AN ORDINANCE 68,377

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 4, NCB 14688, OAKLAND BLVD. AND REDFOX LANE, FOR THE REMOVAL OF A ONE-FOOT NON-ACCESS EASEMENT ALONG THE NORTHWEST 154.03' OF LOT 4 AND 5, BLOCK 4, NCB 14688, WITH THE REMAINING NON-ACCESS EASEMENT TO REMAIN UNTIL SUCH TIME AS OAKLAND BLVD. AND REDFOX LANE ARE IMPROVED. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

45. CASE Z88188 - to rezone the northeast 524.4' of the southeast 620' of Lot 37, NCB 8406, 3483 and 3489 Fredericksburg Road, from "F" Local Retail District and "B-2" Business District to "B-3R" Restrictive Business District, located on the southwest side of Fredericksburg Road, being 2,102.28 feet northwest from the north cutback line of Babcock Road, having 620 feet on Fredericksburg Road, with a depth of 524.4 feet.

Ms. Vera made a motion to approve the recommendation of the Zoning Commission provided that a six-foot solid screen fence is erected and maintained along the southwest property line. Mr. Hasslocher seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

AN ORDINANCE 68,378

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 NORTHEAST 524.4' OF THE SOUTHEAST 620' OF LOT 37, NCB 8406, 3483 AND 3489 FREDERICKSBURG ROAD, FROM "F" LOCAL RETAIL DISTRICT AND "B-2" BUSINESS DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT; PROVIDED THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTHWEST PROPERTY LINE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

46. CASE Z88161-H - to rezone all of NCB's 181 and 912, Maverick-Clark, Litho/Sears, 642 Soledad Street, from "I" Business District to Historic Significant (HS) "I" Business District, location bounded by Navarro Street on the north, Augusta Street on the southeast, Giraud Street on the south and Soledad Street on the west, having 520' on Navarro Street, 530' on Augusta Street, 180' on Giraud Street and 610' on Soledad Street.

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

Ms. Pat Osborne, Historic Preservation Officer, explained the history of the building and spoke of the importance of the preservation of the Maverick Park/Sears Building on Romana Plaza.

Mr. Allan Polunsky, representing Alamo Savings Association, spoke in opposition to the city's request for rezoning stating that his client feels that the building is not architectural significant and is in fact only a design issue.

(At this point, Mayor Pro Tem Martinez was obliged to leave the meeting, Mr. Hasslocher presided.)

Mr. John Kell Jr., the architect whose father designed the 1946 addition to the Sears Building, noted that the architecture of the

building itself is not historic and that the Historic Review Board does not consider it so. He stated further that he feels the ordinance dealing with historic preservation is being erroneously applied to some buildings that may be culturally significant but not historically significant.

Mr. Joe Ings, Vice President, Alamo Savings Association, stated that he feels that such historic designation on the building would hamper its future reuse or resale.

Ms. Osborne noted that the State Historical Committee had identified this building years ago as historically significant and she also addressed other points of dispute raised by Mr. Polunsky.

In response to a question by Mr. Wolff, Mr. Kell addressed the question of the alleged architectural significance of the building in which Mr. Kell stated that he feels it is not architecturally significant.

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88-52

VISITING CITY CLERK

Mr. Hasslocher asked for a brief moment of personal privilege to introduce visiting City Clerk from Richfield, Minnesota, Thomas B. Ferber and his wife, currently visiting in San Antonio. He then welcomed them to San Antonio and to City Hall.

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88-52

ZONING HEARINGS

CASE 288161-H continued -

Mrs. Dutmer stated that she hopes any new building which replaces this one will also face onto Romana Plaza and she noted how the San Antonio City Employees Federal Credit Union had preserved the old Missouri Pacific Depot as an example of historic preservation in San Antonio.

Ms. Vera and Mr. Labatt both reiterated Mrs. Dutmer's concern for preservation of the building but also spoke against the designation of the building as historically significant. They all three hoped that the building could be saved for future use.

(At this point, Mayor Pro Tem Martinez returned to the meeting to preside.)

A discussion then took place concerning the effects of Historical Significant (HS) zoning on property and of competing interests of two city entities, the Historic Review Board and the Library Board.

Mr. Louis J. Fox, City Manager, stated he feels the issue should not be acted upon until the Library Board makes its site selection for the new Main Library.

A discussion then took place concerning the fact that there was no second to an original motion by Mrs. Berriozabal to approve the rezoning; therefore there is no motion currently on the table.

Mrs. Berriozabal made a motion to postpone action until the Library Board makes its decision on the new Main Library site. Mrs. Dutmer seconded the motion.

The motion failed to carry by the following vote: AYES: Berriozabal; NAYS: Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt; ABSENT: Thompson, Hasslocher, Cisneros.

Mrs. Dutmer made a motion to deny the rezoning. Mr. Webb seconded the motion.

After consideration, the motion to deny, prevailed by the following vote: AYES: Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt; NAYS: Berriozabal; ABSENT: Thompson, Hasslocher, Cisneros.

Zoning Case Z88161-H was denied.

88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,379

AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT DOCUMENTS WITH ROGERS CABLESYSTEMS OF THE SOUTHWEST, INC., ROGERS U.S. HOLDINGS LIMITED, KBL CABLE, INC., AND KBLCOM INCORPORATED, CONCERNING CERTAIN MATTERS IN CONTROVERSY PERTAINING TO THE CABLE TELEVISION FRANCHISE AND TRANSFER OF CONTROL OVER THE FRANCHISE.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Ms. Vera seconded the motion.

Mr. Louis J. Fox, City Manager, noted that the Council by enacting this and the following ordinances will be beginning a process that will culminate December 22 in a settlement agreement concerning the Cablevision Franchise in San Antonio currently held by Rogers Cablesystems. He explained the set of four ordinances to be considered today and noted that the City Council will be fully briefed in detail

before final action is taken. He noted that a final and complete City Council package of data will be ready for delivery to Council members next week.

Mr. Lloyd Garza, City Attorney, briefly explained the process to be served by these four ordinances.

Mr. Fox briefly commented on Section 21 of the franchise ordinance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt; NAYS: None; ABSENT: Thompson, Hasslocher, Cisneros.

88-52 FIRST READING OF A PROPOSED ORDINANCE AMENDING THE CABLE TV FRANCHISE

The Clerk read the following Ordinance:

AN ORDINANCE 68,380

MODIFYING THE FRANCHISE HELD BY ROGERS CABLESYSTEMS OF THE SOUTHWEST, INC., TO OPERATE A CABLE TELEVISION SYSTEM WITHIN THE CITY OF SAN ANTONIO.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt; NAYS: None; ABSENT: Thompson, Hasslocher, Cisneros.

88-52 FIRST READING OF THE PROPOSED ORDINANCE RENEWING THE FRANCHISE HELD BY ROGERS CABLESYSTEMS.

The Clerk read the following Ordinance:

AN ORDINANCE 68,381

RENEWING THE FRANCHISE HELD BY ROGERS CABLESYSTEMS OF THE SOUTHWEST, INC., FOR OPERATING AND MAINTAINING A CABLE TELEVISION SYSTEM WITHIN THE

CITY FOR A PERIOD ENDING NOVEMBER 7, 2003.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt; NAYS: None; ABSENT: Thompson, Hasslocher, Cisneros.

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88-52 The Clerk read the following Ordinance:

AN ORDINANCE 68,382

CALLING A PUBLIC HEARING FOR DECEMBER 22, 1988, AT 3:00 P.M. IN THE COUNCIL CHAMBERS, FIRST FLOOR, CITY HALL, ON THE PROPOSED ORDINANCES TO AMEND AND RENEW THE CABLE TELEVISION FRANCHISE HELD BY ROGERS CABLESYSTEMS OF THE SOUTHWEST.

* * * *

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

In response to a question by Mrs. Berriozabal, Mr. Louis J. Fox, City Manager, noted that the City Council will have all necessary documents in hand by next week on this matter.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

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88-52 The City Council recessed at 3:17 P.M., reconvening at 5:00 P.M. for Citizens to be Heard.

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88-51 CITIZENS TO BE HEARD

There were no citizens signed to speak.

88-52

CUB SCOUTS

Mrs. Dutmer reconvening the meeting in the absence of Mayor Pro Tem Martinez introduced the fourth grade Cub Scouts from Concordia Lutheran School, present in the audience, accompanied by Mr. Tom Tamez and Mr. Robert Bradshaw.

The City Council then gave the Cub Scouts a brief explanation of how a City Council functions.

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88-52 There being no further business to come before the City Council, the meeting was adjourned at 5:05 P.M.

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A P P R O V E D

Henry Cisneros

M A Y O R

ATTEST: *Norma J. Rodriguez*
C i t y C l e r k