

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

\* \* \* \*

The meeting was called to order by the Presiding Officer, Mayor Henry Cisneros, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, VERA, WOLFF, LABATT, HASSLOCHER, CISNEROS. Absent: NONE.

- - -  
88-42 The invocation was given by Mr. Jerry Yarbrough, Southeast Church of Christ.

- - -  
88-42 The members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

- - -  
88-42 U. S. BICENTENNIAL COMMITTEE

Mayor Cisneros introduced Lt. General Robert Arter, representing the U.S. Bicentennial Committee.

General Arter presented Mayor Cisneros a framed resolution on Citizenship Day issued by President Reagan and spoke to the resolution and its being issued in honor of the anniversary of the U. S. Constitution.

Mayor Cisneros accepted the proclamation on behalf of the City of San Antonio and presented General Arter with a book on San Antonio.

- - -  
88-42 SAN ANTONIO POLICE DEPARTMENT ANTI-DRUG BAND

Mayor Cisneros introduced Mr. Red McCombs and two representatives from H.E.B. Food Stores, Mr. Bernie Denisio and Mr. Mike De La Garza. He noted that these individuals are present in the audience today to officially announce the gift of a motor vehicle and various musical equipment to the San Antonio Police Department. The equipment will be used for the purpose of forming a group of police officers as a band. This band will be used by the Police Department to promote an anti-drug theme and encourage the youth of our community to stay in school.

Mayor Cisneros read the following Resolution:

A RESOLUTION NO. 88-42-48

ACCEPTING A GIFT FROM BJ (RED) MCCOMBS & HEB FOOD STORES OF A VAN AND CERTAIN MUSICAL AND SOUND EQUIPMENT FOR USE IN A SPECIAL ANTI-DRUG, STAY-IN-SCHOOL PROJECT TO BE STAFFED BY THE POLICE DEPARTMENT.

\* \* \* \*

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

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

Mr. Bill Gibson, Chief of Police, explained details of the gift from Red McCombs and H.E.B. which will allow the formation of a police band playing anti-drug music for high schoolers. He then identified the officers involved and introduced them to the City Council.

Mr. McCombs stated that he was happy to be involved with this gift of a van to the police department for this use.

Mr. Mike De La Garza, representing H.E.B. stated that his firm fully supports this effort one hundred percent.

88-42

DR. ZAHY HAWASS

Mayor Cisneros introduced Dr. Zahi Hawass, Director of the Pyramid Plateau and Advisory to the Ministry of Culture of Egypt for Archaeological Affairs, Cairo, Egypt. Mayor Cisneros then spoke of Dr. Hawass personal involvement with the "Glories of Egypt" exhibit to be located in San Antonio in 1990. He then recognized several Egyptian military officers who were present in the audience along with other officers from the Defense Language Institute at Lackland A.F.B. and asked them to stand and be identified. He then thanked Dr. Hawass for helping to secure this great exhibit for San Antonio and he presented him with a special clock and a book on San Antonio.

Dr. Hawass spoke of the exhibit and his hopes for a sister city relationship between San Antonio and perhaps Cairo, Egypt.

Mayor Cisneros then presented an alcalde certificate to Dr. Hawass, making him an honorary mayor of La Villita.

Mayor Cisneros introduced Dr. Fernando Guerra, Director of the Metropolitan Health District, and City employees, Mr. Albert Espinoza, Sanitarian, Mr. Gerardo Martinez, Animal Control Officer and Dr. J. L. Guerra, Chairman of the Advisory Committee on Health, and read a proclamation designating September 25 - October 1, 1988 to be Public Health Week in San Antonio.

Dr. Fernando Guerra and Dr. J. L. Guerra jointly accepted the proclamation and thanked the Mayor and Council for the recognition.

- - -

Mayor Cisneros introduced Ms. Janie Cantu, Purchasing Agent for the City of San Antonio. He then read her certification award for the Universal Public Purchasing Certification Council. He congratulated Ms. Cantu and presented her with the citation.

Ms. Cantu thanked the Mayor and Council for the honor and spoke of her background and details of the purchasing certification.

- - -

Mayor Cisneros introduced Ms. Gloria Iruegas to the Council and spoke of her outstanding service to the community as a member of the Private Industry Council.

He noted that Ms. Iruegas will be pursuing larger responsibilities in dress design and thus will be relinquishing her job as chairperson of the Private Industry Council. He then read the special citation.

Mayor Cisneros thanked Ms. Iruegas for her leadership and he welcomed the new chairperson to the Private Industry Council, Ms. Nellie Hernandez.

Several City Councilmembers thanked Ms. Iruegas for her service and welcomed Ms. Hernandez to the chairmanship.

Mayor Cisneros presented Ms. Iruegas with a San Antonio paperweight.

- - -

Mayor Cisneros recognized the presence in the audience of a number of students from the Defense Language Institute, Lackland A.F.B. and welcomed them to City Hall.

Each student then identified themselves and their nations.

88-42 Mrs. Dutmer pointed out incorrect wording on a statement attributed to her in the minutes of August 25, 1988 on page 24, fourth paragraph. The minutes were then accepted as corrected. The minutes of September 1, 1988 were approved as read.

88-42 NEW MAYOR PRO TEM

Mayor Cisneros thanked Mr. Thompson for his service as the outgoing Mayor Pro Tem.

The City Clerk, Norma S. Rodriguez, then delivered the oath of office to Mr. Martinez as the incoming Mayor Pro Tem and congratulated him.

Other City Councilmembers then offered their individual congratulations to Mr. Thompson and to Mr. Martinez.

88-42 CONSENT AGENDA

Mr. Hasslocher made a motion to approve Agenda Items 9 - 40, constituting the Consent Agenda, with Items 13, 26, 34 and 33 pulled for individual consideration. 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, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None.

AN ORDINANCE 67,924

ACCEPTING THE LOW BID OF ADVANCE ELECTRIC COMPANY, TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH GOLF CART STORAGE BUILDING WIRING FOR A TOTAL OF \$9,965.

\* \* \* \*

AN ORDINANCE 67,925

ACCEPTING THE LOW BID OF RICHTER'S BAKERY TO FURNISH THE CITY OF SAN ANTONIO HUMAN RESOURCES DEPARTMENT WITH TORTILLA PRODUCTS FOR THE NUTRITION CENTERS FOR AN ESTIMATED TOTAL OF \$4,149.21.

\* \* \* \*

September 22, 1988

mlr

AN ORDINANCE 67,926

ACCEPTING THE LOW QUALIFIED BIDS OF PRESTON DAIRY PRODUCTS, INC. AND DAIRY RICH, INC. TO FURNISH THE CITY OF SAN ANTONIO HUMAN RESOURCES DEPARTMENT WITH DAIRY PRODUCTS FOR THE NUTRITION CENTERS FOR AN ESTIMATED TOTAL OF \$84,669.70.

\* \* \* \*

AN ORDINANCE 67,927

ACCEPTING THE LOW BID OF RICHTER'S BAKERY TO FURNISH THE CITY OF SAN ANTONIO HUMAN RESOURCES DEPARTMENT WITH BAKERY PRODUCTS FOR THE NUTRITION CENTERS FOR AN ESTIMATED TOTAL OF \$15,656.86.

\* \* \* \*

AN ORDINANCE 67,928

ACCEPTING THE LOW QUALIFIED BID OF PROFESSIONAL TOOL BOX, INC., TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH A PC UNINTERRUPTIBLE POWER SUPPLY FOR A TOTAL OF \$3,750.

\* \* \* \*

AN ORDINANCE 67,929

ACCEPTING THE LOW QUALIFIED BID OF WILLIAM M. SMITH & ASSOCIATES, INC. TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH POOL CLEANING EQUIPMENT FOR A TOTAL OF \$6,420.

\* \* \* \*

AN ORDINANCE 67,930

RATIFYING THE ACTION OF THE CITY MANAGER IN AUTHORIZING EMERGENCY BIDDING PROCEDURES AND ACCEPTING THE PROPOSAL OF UTILITIES CONSOLIDATED, INC. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH A ROCK MILLING MACHINE WITH OPERATOR ON A RENTAL BASIS FOR A TOTAL OF \$13,000.

\* \* \* \*

AN ORDINANCE 67,931

ACCEPTING THE PROPOSAL OF USA INFORMATION SYSTEMS, INC. TO FURNISH THE CITY OF SAN ANTONIO

DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT  
WITH A TECHNICAL PARTS SUBSCRIPTION FOR A TOTAL  
OF \$5,195 PLUS TRANSPORTATION.

\* \* \* \*

AN ORDINANCE 67,932

ACCEPTING ANNUAL CONTRACTS TO FURNISH THE CITY OF  
SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES  
FOR THE 1988-89 FISCAL YEAR.

\* \* \* \*

AN ORDINANCE 67,933

AUTHORIZING A CONSTRUCTION CONTRACT WITH E-Z BEL  
CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF  
\$49,449.20 WITH A MISCELLANEOUS CONSTRUCTION  
CONTINGENCY IN THE AMOUNT OF \$4,944.92 FOR THE  
PEDESTRIAN ACCESS PROGRAM PHASE XX CONSTRUCTION.

\* \* \* \*

AN ORDINANCE 67,934

AUTHORIZING FIELD ALTERATION NO. 28 IN THE AMOUNT  
OF \$68,687.64 AND FIELD ALTERATION NO. 33 IN THE  
AMOUNT OF \$1,440.00 PAYABLE TO H. B. ZACHRY CO.,  
IN CONNECTION WITH THE ASHBY STREET DRAINAGE  
PROJECT NO. 30 AND 31.

\* \* \* \*

AN ORDINANCE 67,935

AUTHORIZING CITY WATER BOARD FIELD ALTERATION NO.  
2 IN THE AMOUNT OF \$15,939.50 PAYABLE TO E-Z BEL  
CONSTRUCTION CO., INC., IN CONNECTION WITH THE  
KOEHLER COURT RECONSTRUCTION PROJECT.

\* \* \* \*

AN ORDINANCE 67,936

AUTHORIZING PAYMENT OF \$23,685.00 TO MRS. LILLIAN  
C. GUERRA OF 1702 E. COMMERCE STREET, OWNER OF  
AAA BODY FRAME & PAINT, INC., FOR DRIVEWAY  
REPAIRS IN CONNECTION WITH THE LIVE OAK/E.  
CROCKETT/CENTER STREET, ETC. RECONSTRUCTION  
PROJECT.

\* \* \* \*

AN ORDINANCE 67,937

ACCEPTING THE LOW QUALIFIED BID AND AWARDING A CONSTRUCTION CONTRACT TO LOCKE STAR, INC., IN THE AMOUNT OF \$48,360.00, ESTABLISHING A \$12,090.00 CONSTRUCTION CONTINGENCY, AND AUTHORIZING PAYMENTS TO THE CONTRACTOR FOR CONSTRUCTION AND CONTINGENCIES. (MARTIN LUTHER KING PARK)

\* \* \* \*

AN ORDINANCE 67,938

ACCEPTING THE LOW QUALIFIED BID AND AWARDING A CONSTRUCTION CONTRACT TO AARON CONSTRUCTION COMPANY IN THE AMOUNT OF \$45,648.00 FOR BASE BID AND ADDITIVE ALTERNATES WORK, ESTABLISHING A \$3,678.00 CONSTRUCTION CONTINGENCY, AUTHORIZING PAYMENT TO THE CONTRACTOR FOR CONSTRUCTION AND CONTINGENCIES AND REVISING THE PROJECT BUDGET. (PITTMAN-SULLIVAN PARK)

\* \* \* \*

AN ORDINANCE 67,939

AWARDING A CONSTRUCTION CONTRACT TO SOUTHWESTERN LABORATORIES, FOR THE PEARSALL ROAD LANDFILL MONITOR WELLS PROJECT IN THE AMOUNT OF \$7,982.00 WITH AN ADDITIONAL \$798.20 FOR CONSTRUCTION CONTINGENCY.

\* \* \* \*

AN ORDINANCE 67,940

PROVIDING AN ADDITIONAL \$262,359.26 PAYABLE TO THE SAN ANTONIO RIVER AUTHORITY FOR DESIGN AND RIGHT-OF-WAY SERVICES RELATED TO THE SAN PEDRO CREEK TUNNEL PROJECT.

\* \* \* \*

AN ORDINANCE 67,941

AUTHORIZING AN ADDITIONAL \$650,000.00 PAYABLE TO THE STATE DEPARTMENT OF HIGHWAYS & PUBLIC TRANSPORTATION AS THE CITY'S 10% CONTRIBUTION FOR RIGHT-OF-WAY ACQUISITION IN CONNECTION WITH U.S. 281 (SAN PEDRO) FROM 0.8 MILES NORTH OF BITTERS ROAD TO 2.5 MILES NORTH OF LOOP 1604.

\* \* \* \*

## AN ORDINANCE 67,942

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND MAURY HUEY, JR. (D/B/A) CASA MAURICIO RESTAURANT AT 6858 SAN PEDRO, TO ENCROACH ON CITY RIGHT-OF-WAY TO INSTALL HANDICAP RAMPS AND AN OVERHEAD AWNING COVERED ENTRYWAY FOR SAID RESTAURANT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE SAID LICENSE AGREEMENT FOR A TOTAL CONSIDERATION OF \$500.00 DOLLARS.

\* \* \* \*

## AN ORDINANCE 67,943

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$27,525.00 OUT OF VARIOUS FUNDS FOR THE PURPOSE OF ACQUIRING TITLE AND/OR EASEMENTS TO CERTAIN LANDS; ACCEPTING THE DEDICATION OF TITLE AND/OR EASEMENTS TO CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS. (PACIFIC DRAINAGE PROJECT #66A; HUEBNER ROAD - VANCE JACKSON TO LOCKHILL SELMA PROJECT; DRIFTWOOD DRAINAGE PROJECT #39, D-F NORTH (CUPPLED ROAD); GEMBLER ROAD - COLISEUM ROAD TO NORTH W. W. WHITE ROAD PROJECT; NORTH FORK OF MARTINEZ CREEK PROJECT; KIEU THANH NGUYEN DO.)

\* \* \* \*

## AN ORDINANCE 67,944

APPROVING PRICE AND CONDITIONS OF SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF CERTAIN SINGLE-FAMILY RESIDENTIAL LOTS LOCATED WITHIN THE KENWOOD NORTH PROJECT, TEX. R-136.

\* \* \* \*

## AN ORDINANCE 67,945

APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF \$45,890.00 OUT OF SEWER FUNDS FOR THE ACQUISITION OF EASEMENTS ON CERTAIN LANDS; AUTHORIZING A LICENSE AGREEMENT AND ACCEPTING THE DEDICATION OF EASEMENTS ON CERTAIN LANDS, ALL IN CONNECTION WITH WASTEWATER PROJECTS. (FRENCH CREEK SANITARY SEWER OUTFALL; INDENTURE (LEASE AUDIT); HAHNCO DEVELOPMENT OFF-SITE SANITARY SEWER)

\* \* \* \*

## AN ORDINANCE 67,946

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION

OF FEE TITLE TO A RIGHT OF WAY OVER CERTAIN PRIVATELY OWNED REAL PROPERTY SITUATED IN NEW CITY BLOCK 3422 AND NEW CITY BLOCK 6714, SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING NEEDED FOR A PUBLIC PURPOSE, TO WIT: THE WIDENING OF NOGALITOS AND MITCHELL STREETS AS PART OF THE MITCHELL/WELLINGTON/NOGALITOS STREET PROJECT.

\* \* \* \*

AN ORDINANCE 67,947

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTY SITUATION IN NEW CITY BLOCK 1348, SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING NEEDED FOR A PUBLIC PURPOSE, TO WIT: THE OPERATION OF A PUBLIC HEALTH CENTER.

\* \* \* \*

AN ORDINANCE 67,948

AUTHORIZING THE CITY MANAGER OR AN ASSISTANT CITY MANAGER TO EXECUTE A NEW LEASE AGREEMENT WITH METZGER BUILDING JOINT VENTURE TO PROVIDE 3,321 SQUARE FEET OF OFFICE SPACE AT 1430 NORTH FLORES (THE METZGER BUILDING) FOR THE POLICE DEPARTMENT TO CONTINUE ITS PRESENT LOCATION IN SAID BUILDING FOR THE REPEAT OFFENDERS PROJECT.

\* \* \* \*

AN ORDINANCE 67,949

AUTHORIZING THE UNIVERSITY OF TEXAS AT SAN ANTONIO TO PROVIDE ARCHAEOLOGICAL MONITORING AND TESTING OF THE ACEQUIA MADRE IN THE SOUTHWEST AREA OF HEMISFAIR PARK FOR \$8,958.00.

\* \* \* \*

AN ORDINANCE 67,950

OFFICIALLY CLOSING THE KENWOOD NORTH URBAN RENEWAL CLOSEOUT PROJECT, FUNDED UNDER CDBG PROJECT 28-006076; ALLOCATING THE REMAINING BALANCE OF \$27,138.32 TO SADA ADMINISTRATION-13TH YEAR SHTA, AND REDUCING THE PREVIOUS SADA ADMINISTRATION-13TH SHTA, 28-012084, BY THE SAME AMOUNT OF \$27,138.32.

\* \* \* \*

88-42 The Clerk read the following Ordinance:

AN ORDINANCE 67,951

ACCEPTING THE LOW QUALIFIED BID OF LABATT FOOD SERVICE, INC. TO FURNISH THE CITY OF SAN ANTONIO HUMAN RESOURCES DEPARTMENT WITH GROCERY PRODUCTS, FROZEN FOODS, PAPER PRODUCTS, AND JANITORIAL SUPPLIES FOR THE NUTRITION CENTERS FOR AN ESTIMATED TOTAL OF \$188,153.70.

\* \* \* \*

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

Mr. Labatt stated that he would be abstaining from this vote for the record and reaffirmed that he has no ownership in the firm which bears his last name.

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

88-42 The Clerk read the following Ordinance:

AN ORDINANCE 67,952

AWARDING A CONSTRUCTION CONTRACT TO SACC, INC., FOR THE CONSTRUCTION OF THE SUNSET ROAD SANITARY SEWER REHABILITATION PROJECT IN THE AMOUNT OF \$126,995.00 WITH AN ADDITIONAL \$12,699.50 FOR A CONSTRUCTION CONTINGENCY.

\* \* \* \*

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

In response to a question by Mr. Labatt, Mr. Frank Kiolbassa, Director of Environmental Management, briefly described the project and the plans and he noted that the street involved will remain open during construction.

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

88-42 The Clerk read the following Ordinance:

AN ORDINANCE 67,953

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE TITLE TO A RIGHT OF WAY OVER CERTAIN PRIVATELY OWNED REAL PROPERTY SITUATED IN NEW CITY BLOCK 7342 AND NEW CITY BLOCK 6393, SAN ANTONIO, BEXAR COUNTY, TEXAS, AND BEING NEEDED FOR A PUBLIC PURPOSE, TO WIT: THE WIDENING OF FAIR AVENUE AS PART OF THE CHICAGO/FAIR/S. PRESA STREET PROJECT.

\* \* \* \*

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

In response to a question by Mrs. Dutmer, Mr. William Wood, Assistant City Attorney, briefly described the location of the lots involved and spoke to the reasons for acquisition of the property, that being the widening of Fair Avenue.

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

- - -

88-42 BUSINESS STUDY GROUP FROM FUKUOKA, JAPAN

Mayor Cisneros welcomed to the City Council meeting a group of businessmen from the City of Fukuoka, Japan, present in the audience as part of a business study group.

Mayor Cisneros presented gifts of a pen set to Mr. Tatsua Kawai, the leader of the group.

Mayor Cisneros spoke to the group briefly about their visit to San Antonio and welcomed them to the City and to City Hall. He then distributed special San Antonio lapel pins to other members of the group.

Mr. Kawai spoke of the reasons for his group's visit to San Antonio and he thanked the City for its hospitality.

Mayor Cisneros spoke of development of this particular area of Japan in technology and other areas.

Other City Councilmembers then welcomed the group to San Antonio.

Mr. Martinez spoke of a major 1989 exhibit to be held in that

September 22, 1988

11

mlr

00881

Japanese city.

The group then presented the Mayor and the City Councilmembers with special gifts from the city of Fukuoka, Japan.

88-42 The Clerk read the following Ordinance:

AN ORDINANCE 67,954

AMENDING ARTICLE XI ("WRECKER SERVICE") OF CHAPTER 19 OF THE CITY CODE OF THE CITY OF SAN ANTONIO TO PROVIDE FOR CERTAIN ACTIONS TO BE OFFENSES IN CONNECTION WITH THE OPERATION OF A WRECKER SERVICE.

\* \* \* \*

Mr. Roger Ibarra, Director of Public Utilities, noted that this particular Ordinance deals with towing vehicles from posted private property and he also noted that it regulates fees to reclaim vehicles. He also addressed other aspects of the law.

Mr. Bill Lane, representing Bill's Wrecker Service, stated that he feels the Ordinance is too restrictive to mandate a ten mile hauling limit and he also spoke to certain areas of the ordinance to which he generally agrees.

In response to a question by Mr. Labatt, Mr. Ibarra noted that the location of the car pound involved must be posted on the private property from which vehicles are being hauled.

Mrs. Dutmer spoke in objection to certain hidden charges that have been levied by wrecker firms in the past.

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, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

88-42 The Clerk read the following Ordinance:

AN ORDINANCE 67,955

ACCEPTING THE HIGH BIDS RECEIVED IN CONNECTION WITH CITY FUNDS AVAILABLE FOR DEPOSIT IN INTEREST-BEARING CERTIFICATES OF DEPOSIT.

\* \* \* \*

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, Thompson, Vera, Wolff, Hasslocher, Cisneros; NAYS: None; DISQUALIFIED: Labatt; ABSENT: None.

88-42 The Clerk read the following Ordinance:

AN ORDINANCE 67,956

ACCEPTING A CASH CONTRIBUTION FROM THE CHARITY BALL OF SAN ANTONIO FOR PURCHASE OF PLAYGROUND EQUIPMENT TO BE INSTALLED AT MILLER'S POND PARK.

\* \* \* \*

Mr. Thompson made a motion to approve the proposed Ordinance. Ms. Berriozabal seconded the motion.

Ms. Marie Howe, Chairperson of the Charity Ball Association, presented a check to pay for playground equipment.

Mayor Cisneros accepted the check on behalf of the City and the San Antonio Parks and Recreation Department, and thanked the group for its contributions to the City.

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

88-42 The Clerk read the following Ordinance:

AN ORDINANCE 67,957

AN ORDINANCE AMENDING PRIOR APPROPRIATIONS; CLOSING ACCOUNTING RECORDS IN CERTAIN FUNDS; CARRYING FORWARD CERTAIN APPROPRIATIONS; APPROPRIATING FUNDS FOR REQUIREMENTS IN CITY PROJECTS AND DEPARTMENTS; AND APPROPRIATING CERTAIN CAPITAL PROJECT FUNDS.

\* \* \* \*

Mr. Hasslocher made a motion to approve the proposed Ordinance. Mr. Thompson 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, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

88-42 The Clerk read the following Ordinance:

AN ORDINANCE 67,958

AUTHORIZING THE DIRECTOR OF FINANCE TO WRITE OFF CERTAIN DELINQUENT ACCOUNTS RECEIVABLE OF THE GENERAL FUND, INTERNATIONAL AIRPORT, INFORMATION RESOURCES AND ENVIRONMENTAL MANAGEMENT AT THE CLOSE OF FY 1987/88 ON SEPTEMBER 30, 1988.

\* \* \* \*

Mr. Hasslocher made a motion to approve the proposed Ordinance. Mr. Thompson 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, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

88-42 The Clerk read the following Ordinance:

AN ORDINANCE 67,959

APPROVING PAYMENT OF BACK PAY PURSUANT TO CIVIL SERVICE COMMISSION ORDER TO PATROLMAN RODNEY DANIELS.

\* \* \* \*

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, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

88-42 The Clerk read the following Ordinance:

AN ORDINANCE 67,960

AUTHORIZING PAYMENT OF THE JUDGMENT IN JOE KUYKENDALL, ROBERT RABENALDT, AND GILBERT ZEPEDA

\* \* \* \*

Mr. Hasslocher made a motion to approve the proposed Ordinance. Mr. Thompson 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, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

88-42 The Clerk read the following Ordinance:

AN ORDINANCE 67,961

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 5 IMPROVEMENT AND DISCRETIONARY ACCOUNT TO ASSIST WITH EXPENSES RELATED TO THE FOURTH ANNUAL CHILDREN'S HEALTH FAIR.

\* \* \* \*

Mr. Hasslocher made a motion to approve the proposed Ordinance. Mr. Thompson 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, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

ZONING HEARINGS

51. CASE Z88145 - to rezone a 12.390 acre tract of land out of Lot 14, NCB 11315, from "R-1" One Family Residence District and "B-2NA" Non-Alcoholic Sales District to "R-7" Small Lot Home District, in the 300 Block of Weir Avenue, located on the northside of Weir Avenue, being 200' west of the intersection of Weir Avenue and Cupples Road, having 403.72' on Weir Avenue with a depth of 751.02'.

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

Mr. Hasslocher made a motion to approve the requested change of zone provided that driveways and off-street parking are approved. Mr. Martinez seconded the motion.

Mr. Martinez spoke to the details of this project which he described as being a dynamic project for the community.

Mr. Gordon Hartman, the developer, spoke of this as being a

significant in-fill affordable housing development and he briefly described the community support. He then addressed the deed restrictions which have been agreed to by all concerned during negotiations.

Mr. Thompson voiced his concern with the zero lot line development because of a lack of parking and he urged caution be used by the developer to avoid any future parking problems.

Mr. Francisco Gomez, a resident of the area, addressed the agreements made with the developer during negotiating sessions and he asked the City Council to establish a deadline on the beginning of this project's construction.

Mr. Martinez stated that he would be monitoring this construction very closely and he thanked Mr. Hartman for bringing new housing to inner city areas and to COPS for working out deed restrictions on a \$5 million dollar development in a neighborhood.

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

AN ORDINANCE 67,962

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 12.390 ACRE TRACT OF LAND OUT OF LOT 14, NCB 11315, FROM "R-1" ONE-FAMILY RESIDENCE DISTRICT AND "B-2NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES TO "R-7" SMALL LOT HOME DISTRICT, IN THE 300 BLOCK OF WEIR AVENUE, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

\* \* \* \*

53. CASE Z88138 - to rezone a 13.11 acre tract of land out of NCB 17978, from Temporary "R-1" One Family Residence District to "B-3" Business District, northwest corner of IH 10 East and Foster Road, located northwest of the intersection of Foster Road and Interstate Hwy. 10, having 724.99' on Foster Road and 877.88' on Interstate Hwy. 10.

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

Mr. Webb made a motion to approve the request of change of zone. Mr. Thompson 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, Thompson, Vera, Wolff, Labatt, Cisneros; NAYS: None; ABSENT: Martinez, Hasslocher.

AN ORDINANCE 67,963

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 13.11 ACRE TRACT OF LAND OUT OF NCB 17978, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT, NORTHWEST CORNER OF IH 10 EAST AND FOSTER ROAD.

\* \* \* \*

49. CASE Z88130 (PP) - to rezone Tract A, Block E, NCB 11538 (3.221 acre tract), 2279 Bandera Road, from "A" Single Family Residence District to "R-3" Multiple Family Residence District, located on the southwest side of Bandera Road, being 238.50' southwest of the intersection of Bandera Road and Wildflower Drive, having 63.83' on Bandera Road, with a depth of 563.18'.

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

Ms. Mary T. Zindric, the proponent, spoke to details of her rezoning request.

Mr. Llewelyn Wiley, 243 Oak Knoll Drive, stated that he opposes apartments in the area which bring on more traffic, and he recommended that the City consider a further look at better uses for the property.

Ms. Zindric noted that the property is difficult to develop because of zoning restrictions there and stated that she was in favor of a "B-1" zoning.

Ms. Vera noted that a large apartment project is located adjacent to this particular piece of property and she feels that "R-2" zoning will allow sale or development of the property.

Ms. Vera made a motion to approve "R-2" zoning on the property provided that driveways and off-street parking are provided and that a six foot solid screen fence is erected along the southwest and southeast property lines abutting the single-family residences. Mr. Thompson seconded the motion.

Mr. Andy Guerrero, Planner III, spoke to the various uses that are available under "R-2A".

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

AN ORDINANCE 67,964

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 TRACT A, BLOCK E, NCB 11539, (3.221 ACRE TRACT), FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "R-2A" THREE- AND FOUR-FAMILY RESIDENCE DISTRICT, 2279 BANDERA ROAD, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION, AND THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTHWEST AND SOUTHEAST PROPERTY LINES ABUTTING THE SINGLE-FAMILY RESIDENCES.

\* \* \* \*

50. CASE Z88135 CC - to rezone Lots 5, 6 and 19, Block 16, NCB 8756, 518 Peabody Avenue, from "R-1" One Family Residence District to "R-3" C.C. Multiple Family Residence District for a day care center for over twenty children, located southeast of the intersection of Peabody Avenue and Creighton Street, having 140' on Creighton Street and 150' on Peabody Avenue.

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

Mayor Cisneros noted that nine affirmative votes will be needed to approve this rezoning request.

Mr. Frank Gonzalez, Jr., 3018 Chamitz Drive, noted that this particular property has been used as Kingdom Hall of Jehovahs' Witnesses, Southwest Unit, for a number of years. He stated further that he feels that a day care center will be in the best interest of the community when the church moves to a new facility.

Ms. Mary Mabry, 5710 Broken Lance, stated that she feels a child care facility is needed in this area.

Mr. Reno Puente, 435 Peabody, stated that he favors Parent/Child, Inc. (PCI) development of this property.

Ms. Blanche Russ, 1000 W. Harriman, representing PCI addressed the need for a child care facility at this location.

Mr. Francis Crumrine, minister of the church, noted that the church will remain the owner of this property and will insure its upkeep for the neighbors.

Mr. Mark Rugen, 618 Lovette, presented a petition of various homeowners in the neighborhood in favor of the rezoning.

Ms. Marina Villagran, 435 Peabody, spoke to the need for proper child care facilities in this neighborhood.

Speaking in opposition, Mr. L. Sanchez, 510 Peabody, next door resident, stated that traffic has been a problem even when the facility was in use by the church and he feels that a child care facility use on the property is not the best use of the property involved.

Mr. Dan Knieszki, 1116 Creighton, presented petitions with 38 area residents' signatures in opposition to the rezoning request. He stated that he fears more adverse traffic and noise problems because of the day care facility which he feels is not in keeping with a residential neighborhood. He stated that he would like to see zoning reversion to the current zoning if the day care center is approved and it fails.

Mr. Leonard Gonzalez, 317 Peabody, noted that the church traffic is already heavy in the area and he objects to the noise of the church goes. He also spoke against locating a day care facility on the site.

Ms. Russ spoke to the traffic regulations involved with day care centers and stated that she feels noise will not be a factor with a day care facility under the auspices of Parent/Child, Inc.

In response to a question by Mr. Wing, Mr. Andy Guerrero, Planner III, spoke to the traffic regulations required and the fact that reversion to the current zoning is not allowable under the law should the child care facility fail.

In response to a question by Mr. Wing, Mr. Crumrine discussed the five year lease that the church will have with PCI and the church's retention of ownership of the property. He then spoke to the multi-family residential uses which are prevalent in the area already.

Mr. Wing made a motion to approve the recommendation of the Zoning Commission provided that access and parking requirements are provided and submitted for approval by the Traffic Engineering Division prior to issuance of a building permit. Mr. Webb 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, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

AN ORDINANCE 67,965

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 5, 6 AND 19, BLOCK 16, NCB 8756, FROM "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "R-3" C.C. MULTIPLE-FAMILY RESIDENCE DISTRICT WITH CITY COUNCIL APPROVAL FOR A DAY-CARE CENTER CARING FOR MORE THAN 20 CHILDREN, PROVIDED THAT ACCESS AND PARKING REQUIREMENTS ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION PRIOR TO ISSUANCE OF A BUILDING PERMIT.

\* \* \* \*

52. CASE Z88137 - to rezone the north 120' of Lot 272, Block 22, NCB 11121, from "B" Residence District to "R-2" Two Family Residence District and Lot 272, save and except the north 120', Block 272, NCB 1121, from "B" Residence District to "R-2A" Three and Four Family Residence District, 671 Villaret Blvd., located on the northeast of the intersection of Villaret Blvd. and Missouri Pacific Railroad, being 147.2' on Villaret Blvd. and 494.7' on Missouri Pacific Railroad.

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

Mr. Rudy Hettler, speaking on behalf of the developer, addressed the details of the requested rezoning.

Mr. Wing spoke against rezoning of this property.

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

After consideration, the motion to deny the rezoning was approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Vera, Wolff.

Zoning Case Z88137 was denied.

88-4. The Clerk read the following Ordinance:

AN ORDINANCE 67,966

CLOSING S. CIBOLO STREET, FROM COMMERCE TO BUENA VISTA FROM 10:00 A.M. TO 11:00 P.M., SATURDAY, SEPTEMBER 24, 1988 AT THE REQUEST OF VICTORY OUTREACH OF TEXAS.

\* \* \* \*

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, Thompson, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Vera, Wolff.

88-42      VIA PAYMENTS TO THE CITY FOR STREET MAINTENANCE

Ms. Vera presented the Council with a written document titled, "Alternatives for VIA Street Maintenance Payment" (a copy is made a part of the papers of this meeting). She noted that the joint committee of VIA and Council representatives as well as City representatives has met four times on transit-related maintenance of city streets and noted the committee has gone on record against a one time buy-out of the VIA agreement. She then briefly discussed various options considered by the committee and noted that since the committee was opposed to the buy-out option, four possible alternatives were discussed. She stated further that the committee feels that VIA's current agreement with the City should remain and that VIA should pay the City for use and maintenance of its streets. She further stated that the committee favors cash payments to the City.

Mr. Thompson briefly discussed the history of the matter and the recommendations of the committee.

Mr. Labatt discussed the 1978 legal document between the City and VIA Metropolitan Transit and stated his opinion that an annual cash payment should be made by VIA to support street maintenance.

Ms. Vera stated that she feels that extensive damage is being caused to City streets by VIA buses and she stated that attorneys feel the City may demand payment from VIA.

A discussion then took place concerning the possible formula to be used to estimate VIA's escalating annual payments to the City and for continuing discussions between the City and VIA on this matter.

Mr. Fox noted that a working group from the City and VIA will continue to discuss various matters such as this.

Mr. Martinez stated that he feels some form of payment by VIA would be good for the City and he discussed certain route changes and the size of buses.

Ms. Berriozabal spoke to the damage done to houses located very near heavily traveled VIA routes and along City streets themselves and she stated that, in her opinion, the issue is larger than just street damage.

Mr. Wing noted that VIA is not the only carrier using City streets and he feels that the Council should arrive at a plan whereby every entity would be paying for street improvements.

-  
-  
-  
88-42

APPLEWHITE RESERVOIR PETITION

Norma S. Rodriguez, the City Clerk, presented a report to the Council concerning the City Clerk's certification of Applewhite Project petitions (a copy of this report is made a part of the papers of this meeting). In summary, Mrs. Rodriguez certified to the City Council that the petition submitted by Mr. Philip Ross in relation to the Applewhite Project was insufficient.

Mr. Philip Ross, the petitioner, stated that he feels his petitions are sufficient under terms of the City Charter and he contends the Charter can be interpreted in several ways concerning the matter of securing 10% signatures. He further stated that he feels the Charter is ambiguous and that certain controlling language exists elsewhere in the Charter to require that Section 161 of the Charter be interpreted liberally. He asked the City Attorney to comment on certain Charter provisions and stated his opinion that the Charter is more stringent than the State Law in such matters. He stated that he may have to seek a legal remedy if the Council does not take action and he asked a legal opinion of the City Attorney on the question of a proper interpretation of the 10% figure.

Mrs. Dutmer stated that she feels the petitions were not sufficient under terms of the Charter and she further stated that she objects to the City Water Board going ahead with securing property for the Applewhite Reservoir at this time. She stated further that she feels that litigation is an almost certainty on this matter and she also feels the eventual result of development of the Applewhite Reservoir will be a loss to the citizens. She then spoke of power control of City Water Board and City Public Service Board at present and spoke against the impact of rising costs on citizens. Mrs. Dutmer noted that she has been urged to run for mayor by certain parties, but feels that the costs involved require relinquishing of certain controls to those who finance campaigns.

(At this point, Mayor Cisneros was obliged to leave the meeting and Mr. Thompson presided.)

September 22, 1988

mlr

Ms. Berriozabal stated that she is willing to accept the report but she thanked Mr. Ross for his hard work in gathering the petitions. She then stated that she feels the citizens have heard his message and she feels that Applewhite is laden with problems for years to come.

Mrs. Dutmer stated that she feels that the power structure dictates in San Antonio.

88-42 The Clerk read the following Resolution:

A RESOLUTION NO. 88-42-49

DIRECTING THE EXISTING STAFFS OF BOTH THE CITY AND CITY PUBLIC SERVICE (CPS) TO PERFORM AN ANALYSIS OF THE VALUE OF CPS ASSETS AND TO REVIEW ALL AVAILABLE INFORMATION PERTAINING TO ANY OFFER TO PURCHASE CPS.

\* \* \* \*

Mr. Thompson briefly reviewed his request to determine all available information pertaining to the net worth of City Public Service and he noted that CPS has excess power and the discussions should be explored on how best to use that excess power. Mr. Thompson further stated that a committee needs to be appointed in order that the existing staffs of the City and CPS can analyze the value of CPS assets so that the Council can review all available information pertaining to any offer to purchase CPS. He then recommended that the study be completed within sixty days.

Mr. Wing asked if the memo circulated among City Councilmembers which put this item on the agenda called for discussion only or for action. He then expressed his concern about the employees at CPS and the impact on the rate payers of the City of San Antonio if CPS is eventually sold. He expressed concern about bringing this matter up again.

In response to questions by Ms. Berriozabal, a discussion took place concerning any conditions on this action.

Mr. Wing made a motion that no action be taken on this matter. Mrs. Dutmer seconded the motion.

Ms. Berriozabal spoke against sale of CPS and the loss of control of a major utility. She stated that she feels it would be giving up control and responsibility to a private utility.

Mr. Labatt spoke in support of a staff study for information only, stating that he is not disposed at this time to sell CPS.

Mr. Wolff stated that he feels a report would substantiate facts about CPS and thus he supports such a study.

Mrs. Dutmer spoke out against the study, stating that she feels it's a bad business decision to even consider selling CPS.

Mr. Webb voiced his opposition to the sale of CPS.

Ms. Vera noted that this is not a decision on whether or not to sell CPS at this time but simply asking for certain facts.

Mr. Hasslocher stated that he has no intention of selling CPS but would support a study.

Mr. Martinez spoke against a costly and useless study in his estimation since he feels the City Council has no interest in selling CPS in the long run. He noted that public ownership of CPS does not have a dollar value.

The motion to take no action on this matter failed to carry by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez; NAYS: Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; ABSENT: None.

Mr. Thompson then made a motion to approve the Resolution. Ms. Vera seconded the motion.

The motion to approve prevailed by the following vote: AYES: Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: Berriozabal, Webb, Dutmer, Wing, Martinez; ABSENT: None.

- - -

88-42 The Clerk read the following Resolution:

A RESOLUTION NO. 88-42-50 .

ACCEPTING THE REPORT ENTITLED "SMALL BUSINESS DEVELOPMENT: TOWARDS A STRONGER SAN ANTONIO ECONOMY" AS PRESENTED BY THE CITY COUNCIL COMMITTEE ON SMALL BUSINESS DEVELOPMENT.

\* \* \* \*

Mayor Cisneros referred to the set of yellow pages inserted in the blue-covered report entitled "Small Business Development." He stated that these pages with certain wording underlined in red have been noted as amendments and recommendations made by the Small Business Committee. He then referred to a handout with certain recommendations made by the different chambers of commerce and the Committee which further amends the report (a copy of this handbook is on file with the papers of this meeting). Mayor Cisneros stated that if the City Council adopts the document it will include the Committee's recommendations. He then spoke to certain milestones of the report, that being: (1) never as a City has San Antonio given

preference to local businesses; the report favors small business; and (3) the emphasis is on minority and women-owned businesses. He then thanked the members of the City Council who served on the committee, those being Ms. Vera, Mr. Labatt, Mr. Thompson and Mr. Webb. He also thanked the staff members from DEED who served in support of the committee and he thanked Mr. Martinez for the enhanced initiatives in this report and to the different chambers who were involved in its study.

Mr. Thompson made a motion to approve the proposed report of the Small Business Development Committee with amended recommendations as detailed by the Mayor. Mr. Webb seconded the motion.

Mr. Martinez offered an amendment to the motion which would establish a City of San Antonio goal of awarding a minimum of 32% of the total annual dollar volume of all procurement expenditures in the category of professional services and discretionary contracts for FY'88-'89 to certified MBE/WBE contractors. Thereafter, each year the SMBA Advisory Committee will revise the MBE goals incrementally to achieve a business participation by MBE's which more closely reflects the general minority population of the City. Ms. Berriozabal seconded the motion.

Mr. Martinez spoke to the details of his amendment which deals with a specific goal of 32% on discretionary and professional contracts.

Mr. Charles Cheever, representing the Greater San Antonio Chamber of Commerce, spoke to the importance of small business to the local economy and of the need of minority business enterprises to develop. He spoke to the recommendations made by the combined chambers of commerce and of objections to Mr. Martinez' amendment. He stated that his group feels the bid process should be maintained untouched.

Mr. Ken Vickery, representing the North San Antonio Chamber of Commerce, spoke against Mr. Martinez' amendment to set a numerical value on discretionary contracts.

Mr. Al Aleman, co-chairman of the Hispanic Chamber of Commerce, stated that he would join in with the San Antonio and the Northside Chambers of Commerce but supports a goal of 25%.

Mr. Modesto Diaz, 3638 El Paso, stated that he wants small and minority business enterprise growth in San Antonio.

Mr. Rudy Garza, representing S. A. Garza Engineers, Inc., supports small and minority business enterprise goals as a precedent for other cities to follow.

Mr. Richard Sanchez, local architect, spoke of a wide variety of firms and individuals who profit from contracts with the small and minority business enterprise. He stated that he feels that all persons benefit from such contracts and he supports more SMBE contracts from the private sector and spoke in support of Mr.

Martinez' amendment.

Mr. Sam Luna, architect, representing LULAC, spoke in support of Mr. Martinez' amendment to help minority businesses survive.

Mr. Bert Whiteaker, secretary of the San Antonio Chapter, AIA, asked for more time to allow architects to study this matter and urged that persons all buy as much as possible from local firms.

Mr. George Tejardilla, attorney, 301 S. Frio, stated that he is a member of the City Council Committee on Small Business Development, and he takes exception to several recommendations made by the chambers of commerce and he addressed several of those concerns. He spoke in support of Mr. Martinez' amendment stating that he feels SMBE handles only a fraction of available contracts.

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

Mr. Tony Cortez, representing Cortez Contracting, stated that in his opinion it is not always possible for general contractors to sub-contract a set percentage of a job to minority contractors and still show a profit. He stated he feels an approved list of SMBE sub-contractors should be maintained and he also feels problems exist with these proposals and he asked that minority contractors be given a chance to study the matter first.

Mr. Ray Weathersby, President of the Alamo City Chamber of Commerce, stated that his group supports the document, including Mr. Martinez' proposed amendment and he feels it will offer more opportunities to San Antonio's small businesses.

Mr. Ken Thomas, President of the Bexar County Chapter, Texas Society of Registered Engineers, endorsed much of the report but stated his group is against three issues, including awarding any projects outside of the bid process and not awarding projects to responsible bidders. He asked for a delay in adopting the report pending his group's input and spoke against Mr. Martinez' amendment.

Mr. Dan Vandertulip, representing Professional Engineers in Private Practice, stated his group's opinion that qualification should decide who receives the work and he feels only qualified firms should be considered.

Ms. Sylvia Romo, representing Romo and Company, certified public accountants, spoke in support of Mr. Martinez' amendment, stating that she feels such a program is needed to correct imbalances.

Mr. Arturo Gaytan, President of the San Antonio Chapter of Mexican-American Engineering Society, read a letter from his group supporting Mr. Martinez' amendment, stating the group feels that severe imbalances exist in awarding jobs and that minority business enterprises want a chance to do the job.

Mr. J. R. Ramseur, President of the San Antonio Chapter of the American Institute of Architects, stated that his group feels that professional organizations should be included in the study and he asks that the council delay its vote on accepting this report until October 27th. He stated further that he feels the report will produce "dummy" firms in the future in order to meet the criteria.

Ms. Sylvia Mendiola, Mexican-American Business and Professional Women's Clubs, spoke in support of the study and the amendment.

Mr. Joseph Kroesche, representing the San Antonio Branch, American Society of Civil Engineers, read a letter from the president of the San Antonio branch supporting part of the report but objecting to three specific areas.

Mr. Richard Sanchez, architect, stated that he feels the City has always selected sub-contractors on the basis of qualifications and he spoke in support of that method.

Mr. Clifton Hodges spoke in support of the report.

Ms. Carmen Garcia, Certified Public Accountant, representing the newly formed Women's Chamber of Commerce, voiced her concern with the report that only 2% of the contracts are awarded to minority or women's businesses in San Antonio. She spoke in support of the report and for setting of goals, specifically Mr. Martinez' proposed amendment.

Mr. Martinez stated that he feels that action taken today will open up doors of opportunity for all and will increase economic development for San Antonio. He spoke in favor of encouraging minority businesses and women-owned businesses and spoke in support of the need to set goals.

Mr. Labatt spoke in support of the amended report but spoke against Mr. Martinez' proposed amendment.

In response to a question by Mr. Labatt, Mr. Stuart Summers, Director of DEED, explained how the preference point system works.

Ms. Vera stated that she feels goals are conservative and she spoke in support of the amendment.

Mr. Webb spoke in support of the amendment and the report as an on-going process.

Mr. Thompson urged the chambers of commerce to remain involved in this continuing process. He urged that they remain supportive of minority participation in contracts but he stated that it cannot be arbitrary and should be based on a relationship to their ability and capability.

Ms. Berriozabal spoke of the importance of this issue and also thanked the committee and especially the Mayor. She stated that she

supports the amendment to set definite goals and objects to any feelings that affirmative action means that the firm involved is not really qualified.

Mrs. Dutmer spoke against Mr. Martinez' amendment but in support of the rest of the report.

Mr. Wolff thanked Mr. Martinez for his efforts and stated that he supports the report and the amendment.

Mr. Martinez stated that he still objects to several amendments included in the final report and he spoke briefly to those.

The amendment prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Hasslocher, Cisneros; NAYS: Labatt; ABSENT: None.

The main motion, as amended, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

The meeting recessed at 7:18 P.M., reconvening at 8:00 P.M.

88-42

DOMED STADIUM ISSUE

Mayor Cisneros declared a public hearing to be open.

Mr. C. A. Stubbs, HTA, stated that he is concerned with taxpayers subsidizing the stadium like that which is done in other parts of the nation. He stated that he feels the private sector will not build the stadium.

Mr. James Eskin, San Antonio for a Major Sports Complex, spoke in favor of an election to let the people decide the issue.

Mr. Paul Bundick, representing HTA, spoke out against the domed stadium and the proposed location.

Mr. Bill Thornton, representing the Greater San Antonio Chamber of Commerce, stated that his organization and formed a chamber committee on the proposed dome and he noted that this committee has concluded that they would support a dome, and their concern has been included in the agreement.

Ms. Carolyn Seldon, 12123 Magnolia Blossom, spoke in favor of calling the election.

Mr. Louis De La Garza, representing Leadership for Dome S.A., spoke in favor of the proposed stadium agreement and favored the calling of an election. He also presented a proposed statement n

behalf of the president of Incarnate Word College, Dr. Louis Agnese, Jr., speaking in favor of the domed stadium.

Mr. Malcomb McEachern, representing San Antonio for a Sports Complex, stated that he feels the stadium will boost San Antonio's economy.

Mr. Brian Newton, 5450 Rowley, spoke in support of the building of a domed stadium and of helping the election.

Mr. Davis Jackson 834 Fredericksburg Road in New Braunfels, spoke in support of a franchise but with private monies being used not public monies. He suggested a lower cost and small facility be built.

Mr. Karl Wurz, 820 Florida, spoke against the dome and the 1/2 cent proposed VIA tax increase.

Father Rosendo Urrabazo, representing COPS, stated that his group opposes the use of 1/2 cent sales tax to support the domed stadium. He stated that COPS wants a series of public hearings held after the November general elections concerning this proposed stadium including a balanced presentation and debate.

Mr. Joe Earle Linson stated that he feels voters favor the stadium and he urged an election on the issue.

Mr. W. Scott Bailey spoke to the advantages of the Louisiana Superdome which was built with tax funds.

Mr. Al Alaniz spoke to the benefits of a domed stadium.

Mr. Rene Neira stated that he wants the ballot to include a non-binding referendum and to list three proposed sites to be chosen by the voters at the time they ballot on the issue.

Mr. Sam Jorrie noted that no major development has occurred in San Antonio without much debate and reaction in the past and he spoke in support of the domed stadium and the election.

Ms. Marge Holmes voiced concern for the mentally ill in San Antonio as well as the homeless and the hungry and she lamented the lack of programs to assist them yet the fact that the people are ready to use a sales tax for a stadium. She spoke in favor of holding an election on this issue.

Mr. Mike Zaccharia favors a vote on the dome.

Mr. Guenther Krellwitz spoke in favor of an election on this matter, voicing his concern with a recent feasibility study and he questioned the results thereof. Mr. Krellwitz also stated that he wants an assurance that a stadium will pay for itself.

Mr. Mitchell Geisel stated he is undecided on the stadium but concerned about more taxes.

Mr. Robert Marbut urged the Council to call an election on this issue stating that he feels the stadium will create jobs for San Antonio and he stated further in his opinion domes are successful around the nation.

Ms. Connie Quiroz spoke in support of the election. She also spoke in support of a petition drive to urge the election and she supports a domed stadium in order to create more jobs and further economic development for the city.

There being no further citizens to speak, Mayor Cisneros declared the Public Hearing to be closed.

Mr. Wing made a motion to call another public hearing on the question of financing of a domed stadium after the November 8th presidential election and before the January, 1989 election on the domed stadium. Ms. Vera seconded the motion.

The motion prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

88-42 The Clerk read the following Ordinance:

AN ORDINANCE 67,967

APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH VIA METROPOLITAN TRANSIT AUTHORITY PROVIDING FOR THE ACQUISITION OF LAND, DESIGN, CONSTRUCTION AND OPERATION OF A MULTI-USE DOMED STADIUM.

\* \* \* \*

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

Mrs. Dutmer voiced her concern with VIA's reluctance at fulfilling contracts with the City already and she questioned how they will fulfill a new one if enacted. She also voiced her concerns that VIA receives all the benefits under this proposed contract and the City takes over all the risks if the stadium operations must be subsidized by the City. She spoke against the citizens of San Antonio having to pay the bills in this case and she compared the stadium with Fiesta Plaza. Mrs. Dutmer stated further that she feels the voters should reject the stadium at the polls and she noted that VIA would retain ownership of the stadium.

Ms. Berriozabal quoted the wording from the proposed agreement that insures that VIA does not have to subsidize stadium operations. She also voiced her concern with a terminal complex and its uses, and the lack of a commitment to small and minority businesses by VIA.

Ms. Berriozabal stated that she feels the agreement is too vague and she voiced concern with the stadium's impact on nearby neighborhoods. She also voiced her concern with traffic and the lack of parking near the proposed stadium site, stating that she feels there are stronger priorities for city tax funds and she urged defeat of the proposal.

Mr. Labatt spoke in support of an election on this matter but against any contract with VIA because of the need to spend tax dollars elsewhere. He spoke of the City's budget deficit for next year.

Ms. Vera stated that she feels the VIA contract is lopsided in their favor and she voiced concern with VIA's "mind-set" regarding taxes and accountability for their own actions. She stated further that she feels the city must approve the contract so voters will understand the issues and she spoke in support of the contract and the election. Ms. Vera stated that she wants full presentations of the issues at the next public hearing to be held between the presidential election and the January 1989 election on the domed stadium.

Mr. Wolff stated that he feels the funds are provided on the proposed VIA contract to support the stadium and he spoke in support of the contract as being sound.

Mr. Martinez spoke in support of the vote on the issue but he stated that he feels it is not a prudent expenditure of public funds. He stated further that he feels the project can be financed with private funds and he favors holding the election but he is not in favor of the contract.

Mrs. Dutmer spoke to problems with the stadium petition drive and she refuted several points raised by its proponents. She spoke in support of having a stadium but not building it with public funds. She stated further that she wants all facts presented at the upcoming public hearing and stated that she may submit petitions seeking to forbid the use of tax funds to build such a stadium.

Mr. Webb spoke in favor of holding an election to let citizens decide.

Mr. Wing stated that he will vote for the contract and for the election.

Ms. Berriozabal thanked Assistant City Manager Alex Briseno and other members of the City staff for their hard work on this issue.

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

00901

88-42 The Clerk read the following Resolution:

A RESOLUTION NO. 88-42-51

CALLING AN ELECTION TO INCREASE THE VIA SALES AND USE TAX FOR THE CONSTRUCTION OF A STATION OR TERMINAL COMPLEX INCLUDING REGIONAL ECONOMIC DEVELOPMENT FACILITIES.

\* \* \* \*

Mr. Wing made a motion to approve the proposed Resolution. 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, Cisneros; NAYS: None; ABSENT: Thompson.

88-42 The Clerk read the following Letter:

September 13, 1988

Honorable Mayor and Members of the City Council of the City of San Antonio

The following petitions were received in my office and forwarded to the City Manager for investigation and report to the City Council.

August 18, 1988

Petition submitted by Mr. Bill Roth, Public Affairs Manager, Lone Star Brewing Co., 600 Lone Star Boulevard, San Antonio, TX 78204, requesting the City Council to grant the reinstallation of the Long Star Brewing Company directional billboard located on the northwest corner of Lone Star Blvd. and Roosevelt.

\* \* \* \*

August 31, 1988

Petition submitted by Mr. Frank Alfano, 415 Cincinnati Avenue, San Antonio, TX 78201, requesting that the contractor charged with the construction activity, clean up the area in the 400-500 block of Cincinnati Avenue.

\* \* \* \*

September 2, 1988

Petition submitted by Mr. Domingo N.

September 22, 1988  
mlr

Rodriguez, 3020 Chihuahua, San Antonio, TX 78207, requesting that a sidewalk be installed on Chihuahua.

\* \* \* \*

/s/Norma S. Rodriguez  
City Clerk

There being no further business to come before the City Council, the meeting was adjourned at 10:08 P.M.

A P P R O V E D



M A Y O R

ATTEST:   
City Clerk