

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY NOVEMBER 23, 1993.

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93-48 The meeting was called to order by the Presiding Officer, Mayor Nelson W. Wolff, with the following members present: PEREZ, McCLENDON, BILLA BURKE, AVILA, SOLIS, AYALA, ROSS, THORNTON, PEAK, LARSON, WOLFF. Absent: NONE.

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93-48 Invocation - Dr. John Braulick, Shepherd King Lutheran Church.

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93-48 Pledge of Allegiance to the flag of the United States.

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93-48 Minutes of the October 28, 1993 Regular City Council Meeting were approved.

93-48 SAN ANTONIO VOTED NUMBER-ONE CITY IN ENVIRONMENT

Mayor Wolff spoke to the story appearing in USA Today, ranking San Antonio number-one in the nation in environment.

93-48 CURFEW

Mayor Wolff noted that a federal appeals court yesterday upheld the validity of the City of Dallas' curfew law, and he stated his belief that the City of San Antonio's youth curfew law also will be upheld in court, despite a challenge from the American Civil Liberties Union.

93-48 100TH ANNIVERSARY - FINCK CIGAR COMPANY.

Mayor Wolff stated that this year is the 100th anniversary of the founding of the Finck Cigar Company in San Antonio, and introduced Mr. Bill Finck. He then read a formal proclamation designating the event, and presented it to Mr. Finck.

Mr. Finck thanked the Mayor and City Council members for the honor, and spoke to the history of the family cigar enterprise.

Mayor Wolff and City Council members spoke to Mr. Finck's civic and political background as both a businessman and former state legislator.

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93-48

RESOLUTION OF APPRECIATION - FLINTCO, INC.

Mayor Wolff noted that the Koehler House at HemisFair Park was in need of interior work in order to make it usable, and that Flintco, Inc., a local contractor, took the lead to insure that the needed repairs were made. He stated that company officials enlisted the assistance of several other contractors who also generously donated both time and funds to the project. He further noted that work on the Koehler House was completed in August, and that representatives of Flintco, Inc. and the participating contractors have been invited to City Council meeting today to be officially recognized for their generous contributions.

Mayor Wolff then read a Resolution of appreciation to Flintco, Inc. and presented it to Mr. Bob Rumer, representing the firm.

Mr. Rumer thanked Ms. Mary Briseno of the World Trade Council for pulling together this project, in order to make a home for the Interamerican Planning Society, an international planning organization relocating its headquarters to San Antonio.

Mayor Wolff then read and presented Certificates of Appreciation to representatives of A/C Technical, Bexar Electric, Carpet Services, Dean Hagler, Dumas Hardware, Marek Brothers, O'Haver Plumbing, and Real Construction.

Representatives of the firms came forward to identify themselves and to accept the Certificates.

Mr. Don O'Haver, representing the group, spoke to the unusual character of the project, in which no charges were made for services rendered by the contractors.

Mr. Ron Darner, Director of Parks & Recreation, stated that the restoration work would have cost an estimated \$35-40,000 at commercial rates.

Ms. Briseno then spoke briefly to the activities of the Interamerican Planning Society, which will occupy the Koehler House.

TROUBADORS' FESTIVAL WEEK

Mayor Wolff stated that this week, the Market Square Association will be observing "Troubadors' Festival Week" at Market Square, and the Rondalla de Mi Tierra will be performing during the Thanksgiving weekend. He noted that the festival honors Ms. Lydia Mendoza, well-known international singer, who as a young girl sang at the plaza near Market Square.

Mayor Wolff then introduced Ms. Mendoza and Ms. Maria Rosales, President of the Market Square Association and chairperson of the Festival.

The Rondalla de Mi Tierra then performed the song "San Antonio".

Mayor Wolff spoke to his desire to see the song "San Antonio" recorded in both English and Spanish, and joined by other appropriate songs on a tape-cassette that could be mass-produced as a present to official visitors to San Antonio, much as the official book on San Antonio now is used. He asked that the Convention & Visitors Bureau look at the specifics of such a proposal.

Mayor Wolff then read the official Proclamation for "Troubadors' Festival Week" and presented it to representatives of Market Square Association.

Ms. Rosales spoke to details of the festival, and to the background of Ms. Mendoza.

Ms. Mendoza thanked the Mayor and City Council members, as well as the Market Square Association, for the honor.

Mr. Thornton thanked the Rondalla de Mi Tierra for its publicity on behalf of San Antonio at the international level.

The Rondalla de Mi Tierra then presented another selection, this one honoring Mexico.

HOME FOR THE HOLIDAYS

Mayor Wolff noted that, each year, Southwest airlines provides free airline tickets to senior citizens of this community, and that, this year, some 25 senior citizens will have the opportunity to visit a loved one at no cost. He noted that many of those are present in the audience today, and he introduced Ms. Christine Ortega, Area Marketing Manager, Southwest Airlines.

Ms. Ortega expressed the appreciation of Southwest Airlines for the Alamo Area Council of Governments, which assists in the selection of the senior citizens to be given the free tickets for travel

during the holidays. She then identified those seniors present in the audience to receive their tickets, and spoke to their holiday destinations.

Mayor Wolff presented each of the recipients with their tickets, and congratulated them.

Ms. Linda Richardson, day-care center operator and member of the AACOG Senior Advisory Committee, spoke to her experiences in granting many holiday wishes to area senior citizens.

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93-48 "TOYS FOR TOTS" MONTH

Mayor Wolff introduced Captain James Riley and other representatives of the U.S. Marine Corps Reserve, San Antonio, present in the audience to accept the Proclamation for "Toys For Tots" Month. He then read the formal Proclamation and presented it to the delegation members.

Captain Riley thanked the Mayor and City Council members for the recognition of this annual program of the Marine Corps Reserve, and spoke to its history in San Antonio, inviting City Council members to participate in the distribution of toys to needy youngsters of San Antonio.

Mayor Wolff and City Council members each presented the delegation with separate toys as their contribution to the program.

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93-48 CITY ATTORNEY LLOYD GARZA

Ms. Billa Burke noted that City Attorney Lloyd Garza at this moment is undergoing open-heart surgery at San Antonio Regional Hospital, a projected four-hour procedure, and asked that the City Council, staff, and members of the audience observe a moment of silence on his behalf.

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93-48 CONSENT AGENDA

Ms. McClendon made a motion to approve Agenda Items 8 through 30, constituting the Consent Agenda, with Agenda Items 14, 17, 18, 19 and 26 being pulled for individual consideration. Ms. Billa Burke seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Ayala, Ross, Thornton, Peak, Wolff. NAYS: None. ABSENT: Perez, Solis, Larson.

AN ORDINANCE 79,185

ACCEPTING THE PROPOSAL OF ADT SECURITY SYSTEMS FOR RENEWAL OF AN ANNUAL CONTRACT TO MAINTAIN SECURITY SYSTEMS FOR THE CITY OF SAN ANTONIO POLICE DEPARTMENT FOR A TOTAL OF \$3,900.00.

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AN ORDINANCE 79,186

ACCEPTING THE LOW BID OF WASHING EQUIPMENT OF TEXAS TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH A HIGH PRESSURE CLEANER FOR A TOTAL OF \$6,563.00.

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AN ORDINANCE 79,187

ACCEPTING THE LOW BIDS OF SANTEX INTERNATIONAL TRUCK, INC. AND GRIZZLY TRUCK PARTS TO FURNISH THE CITY OF SAN ANTONIO WITH DIFFERENTIAL COMPONENT PARTS AND REBUILT EXCHANGE UNITS ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF APPROXIMATELY \$3,000.

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AN ORDINANCE 79,188

CANCELLING THE CONTRACT WITH BIG BUCK SAND COMPANY FOR SPECIAL SAND PRODUCTS AND AWARDED THE CONTRACT TO THE NEXT LOW QUALIFIED BIDDERS, R. L. SALINAS AND FREDDIE E. HARRIS, INC. FOR A TOTAL OF APPROXIMATELY \$14,000.00.

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AN ORDINANCE 79,189

CANCELLING THE CONTRACT WITH DEALERS ELECTRIC COMPANY FOR TRAFFIC SIGNAL LAMPS AND AWARDED THE CONTRACT TO DURO-TEST CORPORATION, THE NEXT LOW QUALIFIED BIDDER, FOR A TOTAL OF APPROXIMATELY \$29,000.

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AN ORDINANCE 79,190

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 3, IN THE AMOUNT OF \$37,947.82 TO THE PROJECT WITH STODDARD CONSTRUCTION COMPANY FOR CONSTRUCTION OF

THE BUILDING RENOVATIONS TO FAIRCHILD AIRCRAFT LEASE
HOLD PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT;
REVISING THE PROJECT BUDGET; AND PROVIDING FOR
PAYMENT.

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AN ORDINANCE 79,191

AUTHORIZING FIELD ALTERATION NO. 8 IN THE AMOUNT OF
\$27,079.00 PAYABLE TO R.L. JONES COMPANY, INC. IN
CONNECTION WITH THE RIP RAP 69, PHASE II-A DRAINAGE
MULTI-FUNDED COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) PROJECT; REVISING THE PROJECT BUDGET; AND
PROVIDING FOR PAYMENT.

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AN ORDINANCE 79,192

AUTHORIZING THE CITY OF SAN ANTONIO TO ENTER INTO AN
OFFICE SPACE AGREEMENT WITH THE SAN ANTONIO SYMPHONY
SOCIETY, INC., TO SUBLEASE AN ADDITIONAL 180 SQUARE
FEET OF SPACE FOR USE BY THE DEPARTMENT OF ARTS AND
CULTURAL AFFAIRS FOR A ONE-YEAR TERM, AT \$140.40 PER
MONTH, BEGINNING DECEMBER 1, 1993, INCREASING FOUR
(4%) PERCENT BEGINNING SEPTEMBER 1994.

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AN ORDINANCE 79,193

AUTHORIZING THE ACCEPTANCE OF \$939,402.00 IN JOB
TRAINING PARTNERSHIP ACT (JTPA) CARRYOVER FUNDS AND
\$684,824.00 IN JTPA INCENTIVE FUNDS FROM THE TEXAS
DEPARTMENT OF COMMERCE; AND AUTHORIZING TWO
POSITIONS IN THE JTPA DEPARTMENT.

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AN ORDINANCE 79,194

AUTHORIZING THE EXPENDITURE OF \$6,000.00 IN JOB
TRAINING PARTNERSHIP ACT (JTPA) INCENTIVE FUNDS TO
CONDUCT A STRATEGIC PLANNING AND TRANSITIONAL ISSUES
CONFERENCE WITH THE SAN ANTONIO WORKS (SAW) BOARD TO
DISCUSS RESTRUCTURING OF THE JTPA ON DECEMBER 3-4,
1993.

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AN ORDINANCE 79,195

AUTHORIZING THE SUBMISSION OF THREE GRANT APPLICATIONS TOTTALLING \$75,000.00 TO THE TEXAS COMMISSION ON THE ARTS TO SUPPORT ONGOING OPERATIONS AND PROJECTS OF THE DEPARTMENT OF ARTS AND CULTURAL AFFAIRS; AND DECLARING AN EMERGENCY.

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AN ORDINANCE 79,196

ACCEPTING A PROPOSAL FROM THE UNIVERSITY OF TEXAS AT SAN ANTONIO IN AN AMOUNT NOT TO EXCEED \$3,278.00 TO CONDUCT A CULTURAL RESOURCE SURVEY AND PREPARE A CULTURAL RESOURCE REPORT ON THE SOUTH NEW BRAUNFELS AVENUE PARK SITE; AUTHORIZING A LETTER TO PROCEED WITH SAID WORK; AND AUTHORIZING PAYMENT.

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AN ORDINANCE 79,197

AMENDING THE TRAFFIC CONTROL DEVICES SCHEDULES ESTABLISHED BY CHAPTER 19 (TRAFFIC REGULATIONS), ARTICLE III (TRAFFIC CONTROL DEVICES), SECTION 19-68(b) TO INCLUDE CERTAIN ADDITIONS TO THE OFFICIAL TRAFFIC-CONTROL DEVICE SCHEDULE FOR "STOP" SIGNS, "YIELD RIGHT-OF-WAY" SIGNS, "PROHIBITED PARKING AT ALL TIMES" SIGNS, AND PROHIBITED TURN" SIGNS; AUTHORIZING THE PERMANENT INSTALLATION OF SAID DEVICES; DECLARING THEM AS OFFICIAL TRAFFIC CONTROL DEVICES OF THE CITY OF SAN ANTONIO; AND DECLARING VIOLATIONS OF THESE TRAFFIC REGULATIONS, EXCEPT THE CIVIL PARKING VIOLATIONS, TO BE MISDEMEANOR CRIMES PUNISHABLE BY A FINE OF NOT MORE THAN \$200.00, AND DECLARING VIOLATIONS OF THE CIVIL PARKING VIOLATIONS TO BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF CITY CODE SECTION 19-225 (ADMINISTRATIVE ADJUDICATION OF STOPPING, STANDING, AND PARKING VIOLATIONS).

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AN ORDINANCE 79,198

AUTHORIZING PAYMENT OF THE ANNUAL MEMBERSHIP DUES FOR THE CITY OF SAN ANTONIO TO THE TEXAS MUNICIPAL LEAGUE (TML) IN THE AMOUNT OF \$29,180.00 FOR THE PERIOD OF AUGUST 1, 1993 TO JULY 31, 1994.

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AN ORDINANCE 79,199

AUTHORIZING THE TRANSFER OF FUNDS TO MATCH CARVER COMMUNITY CULTURAL CENTER GRANT ACCOUNTS FROM APPROPRIATIONS IN THE HOTEL MOTEL TAX FUND AND THE GENERAL FUND TRANSFER; AUTHORIZING AMENDMENTS TO THE BUDGETS IN GRANT ACCOUNTS; AND AUTHORIZING THE APPROPRIATION OF INTEREST ACCRUED IN THE CHALLENGE GRANT OF THE CARVER COMMUNITY CULTURAL CENTER AS MATCHING FUNDS FOR 93-94 ORGANIZATIONAL SUPPORT GRANT.

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AN ORDINANCE 79,200

AUTHORIZING A CONTRACT IN THE AMOUNT OF \$7,200.00 WITH THE COMMUNITY GUIDANCE CENTER OF BEXAR COUNTY, TEXAS TO PROVIDE TRAINING SERVICES TO STAFF OF THE YOUTH SERVICES DIVISION OF THE DEPARTMENT OF COMMUNITY INITIATIVES.

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AN ORDINANCE 79,201

AUTHORIZING A CONTRACT IN THE AMOUNT OF \$25,000 WITH THE BAPTIST CHILDREN'S HOME OF BEXAR COUNTY, TEXAS TO PROVIDE EMERGENCY SHELTER TO CLIENTS OF THE YOUTH SERVICES DIVISION OF THE DEPARTMENT OF COMMUNITY INITIATIVES.

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AN ORDINANCE 79,202

AUTHORIZING A CONTRACT IN THE AMOUNT OF \$4,680 WITH MARK W. STEEGE, A.C.S.W.-A.C.P., L.P.C. OF BEXAR COUNTY, TEXAS TO PROVIDE TRAINING SERVICES TO STAFF OF THE ADOLESCENT SEX OFFENDER PROGRAM OF THE YOUTH SERVICES DIVISION OF THE DEPARTMENT OF COMMUNITY INITIATIVES.

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93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,203

AUTHORIZING FIELD ALTERATION NO. 1, IN THE AMOUNT OF \$50,000.00 PAYABLE TO CLARK CONSTRUCTION COMPANY

IN CONNECTION WITH THE SEAL COAT - 1993 B PROJECT;
APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez, Solis.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,204

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$11,131.73 OUT OF VARIOUS FUNDS; ACQUIRING ONE PARCEL IN CONNECTION WITH THE SOUTH FLORES STREET DRAINAGE PROJECT #70-70A, PHASE II; ACQUIRING ONE PARCEL IN CONNECTION WITH THE 34TH STREET RECONSTRUCTION PROJECT - CULEBRA TO WEST COMMERCE; ACQUIRING ONE PARCEL IN CONNECTION WITH CASTROVILLE ROAD RECONSTRUCTION PROJECT - GENERAL MCMULLEN TO ACME ROAD; ACQUIRING ONE PARCEL IN CONNECTION WITH THE F.M. 1517 (ECKHERT ROAD) PROJECT - S.H. 16 TO HUEBNER ROAD; ACQUIRING ONE PARCEL IN CONNECTION WITH THE KOCH STORAGE FACILITY AREA EVACUATION PROJECT; ACQUIRING TWO PARCELS IN CONNECTION WITH THE BUSTILLO DRIVE PROJECT - KELLY TO ROOSEVELT; ACQUIRING A PERMANENT EASEMENT AND TWO TEMPORARY EASEMENTS IN CONNECTION WITH THE LORD ROAD DRAINAGE PROJECT #114C, PHASE I; ACQUIRING TITLE TO ONE PARCEL IN CONNECTION WITH THE MELISSA ANN DRIVE PROJECT AND ACCEPTING THE DEDICATION OF A PERMANENT EASEMENT IN CONNECTION WITH THE CABLE ELEMENTARY DRAINAGE IMPROVEMENT PROJECT.

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

In response to a question by Ms. McClendon, Mr. Bill Toudouze, Real Estate Division, Public Works Department, and Mr. Joe Rodriguez, Assistant Director of Public Works, explained details of the proposed ordinance dealing with evacuation routes from residential areas near the Koch Refinery, and the Lord Road project.

In response to a question by Ms. Ayala, Mssrs. Toudouze and Rodriguez spoke to the property parcels remaining to be acquired for the Castroville Road project, and details of further coordination required with the Northside Independent School District on the Cable Elementary School project.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Solis, Ayala, Ross, Peak, Larson, Wolff; NAYS: None; ABSENT: Avila, Thornton.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,205

APPROPRIATING FUNDS AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,172.00 FOR APPRAISAL SERVICES ON THE KOCH STORAGE FACILITY AREA EVACUATION ROUTE AND THE MELISSA ANN DRIVE PROJECT; AND FOR TITLE SERVICES ON THE WURZBACH PARKWAY PROJECT.

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

In response to a question by Ms. McClendon, Mr. Bill Toudouze, Real Estate Division, Public Works Department, and Mr. Joe Rodriguez, Assistant Director of Public Works, spoke to details of the Melissa Ann Drive project, noting that it is not involved with the Koch Refinery area evacuation route project.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez, Avila.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,206

AUTHORIZING A TWO-YEAR, RENT-FREE LEASE AGREEMENT WITH CASA TAMAULIPAS ON THE EAGER HOUSE (1,637 SQUARE FEET) IN HEMISFAIR PARK; AND CANCELLING AN EARLIER LEASE WITH THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) FOR USE OF THAT BUILDING BY THE HEMISPHERE INSTITUTE FOR PUBLIC SERVICE, INC.

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

Mr. Ron Darner, Director of the Parks and Recreation Department, briefly explained details of the lease with Casa Tamaulipas for the Eager House at HemisFair Park.

Mr. Thornton spoke of this as being part of a new era for San Antonio, under the recently-approved North American Free Trade Agreement. He stated his opinion that the City now needs an updated policy on placement of facilities such as this in HemisFair Park.

Mr. Darner spoke to details of existing Mexican and Latin American leases at HemisFair Park and their placement there, and stated that City staff will work with any such entity on providing a location there.

A discussion then took place concerning the possibility of locating the various 'casas' together in one single area of HemisFair Park, as part of a comprehensive strategy on this matter.

Ms. Ayala stated her belief that a conference might be necessary in order to formulate such a comprehensive strategy.

Mayor Wolff stated that the City might well have to plan such location within the expansion area of the Convention Facilities, and asked Ms. Ayala to coordinate effort.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,207

AUTHORIZING THE SUBMISSION OF PLANNING DOCUMENTS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE FY 1993-94 COMMUNITY ACTION PROGRAM; ESTABLISHING A CONTRACT PERIOD FROM DECEMBER 1, 1993 TO DECEMBER 31, 1994; AUTHORIZING DELEGATE AGENCY CONTRACTS WITH PROJECT FREE AND THE SAN ANTONIO FOOD BANK; AUTHORIZING A BUDGET TOTALLING \$1,188,991.00; AND AUTHORIZING A PERSONNEL COMPLEMENT.

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

Mr. Kevin Moriarty, Director of Community Initiatives, briefly explained the continuation of the Community Action Program and redirecting of its funding.

Ms. McClendon spoke to her concern that one-fourth of the budget of Project FREE is being cut off, and also expressed concern with cuts in programs for children and for senior citizens.

Mr. Moriarty spoke to the need to try to restore many of the affected senior citizen services. He then discussed the overall status of senior citizen services and possible changes that might be made in the nutrition sites.

A discussion then ensued concerning minimum requirements that must be met in order to maintain full-service kitchens at certain nutrition sites, as opposed to cooking the meals elsewhere and delivering them to the nutrition sites.

Mr. Ross spoke to his hope that surplus funds in the City's general fund might be reallocated to senior citizen services, and asked to have a report within two weeks on this possibility.

Mr. Solis stated his belief that the City should not only be concerned with providing a hot meal to senior citizens, but also must look more at the human side of the issue. He spoke to the need to provide a certain atmosphere for senior citizens at the nutrition sites.

A discussion took place on the need for City Council to look at the tabled City staff plan on the nutrition sites.

Mr. Alex Briseno, City Manager, stated his opinion that the City Council needs to hold a "B" Session on this issue, in order to determine the Council's direction to staff. He spoke to his concern with City Council misconceptions on staff insensitivity to this issue.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez.

93-48

CITY COUNCIL COMMITTEE ON AQUIFER QUALITY

Mayor Wolff spoke to details of a memorandum on the City Council Committee on Aquifer Quality, and noted that Ms. Rebecca Q. Cedillo, Vice-President for Planning, San Antonio Water System, will be ready by January to begin these considerations.

A copy of the Mayor's memorandum to City Council members on formation and meetings of this committee is made a part of the papers of this meeting.

93-48

CLEANUP DAY

Mr. Peak spoke to the successful Cleanup Day held in San Antonio last Saturday, and expressed a desire that the event be continued at other times in the future.

Mr. Ross spoke to the hard work and spirit of cooperation of City employees involved in Cleanup Day activities.

A discussion took place concerning the costs to conduct Cleanup Day operations.

93-48

CONTAMINATED ALAMODOME SOIL

Ms. McClendon noted that the five-member committee charged with investigating the matter of the contaminated soil at the Alamodome site had met last night and had agreed to select the firm of Gardere & Wynne, L.L.P. of Dallas as consultants to the investigation.

Ms. McClendon distributed copies of a special handout outlining the firm's long expertise in environmental matters.

Ms. Mary K. Sahs, an associate in the firm's Environmental Section, spoke briefly about the firm's work with the environment.

93-48 It was the concensus of City Council members present to undertake discussion and consideration of Agenda Item 43 at this time, at the request of Ms. McClendon.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,208

APPOINTING MEMBERS TO THE CITY-COUNTY MARTIN LUTHER KING, JR. MEMORIAL COMMISSION.

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

Mr. Travis Bishop, Assistant to the City Manager, explained the updated list of members to the Martin Luther King Commission, and spoke briefly to details of its planned 10-day celebration in January.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez.

93-48

ZONING HEARINGS

4A. CASE Z93204 - to rezone 4.960 ACRES OUT OF NCB 8702, BASSE ROAD, FROM "B-3" BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT LOCATED SOUTH OF THE INTERSECTION OF TREELINE PARK AND BASSE ROAD, HAVING 650.91 FEET ON BASSE ROAD AND A DEPTH OF 383.90 FEET.

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

Mr. Andy Guerrero, Senior Planner, explained details of the Ordinance.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez.

AN ORDINANCE 79,209

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 4.960 ACRES OUT OF NCB 8702, BASSE ROAD, FROM "B-3" BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4B. CASE Z93205 - to rezone 16.937 ACRES OF LAND OUT OF NCB 17627, SHAVANO HOLLOW AND SHAVANO BIRCH, FROM "BP" ERZD BUSINESS PARK EDWARDS RECHARGE ZONE DISTRICT TO "R-7" ERZD SMALL LOT HOME EDWARDS RECHARGE ZONE DISTRICT LOCATED 170.10 FEET NORTHWEST OF THE INTERSECTION OF SHAVANO HOLLOW AND RIDGE DRIVE, HAVING 118.82 FEET ON SHAVANO HOLLOW, A MAXIMUM WIDTH OF 804.87 FEET AND A MAXIMUM LENGTH OF 1383.89 FEET.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council, provided that the recommendations of the Aquifer Studies Office as outlined on the attached report are met.

Mr. Andy Guerrero, Senior Planner, explained details of the Ordinance.

Mr. Thornton made a motion to approve the recommendation of the Zoning Commission. Mr. Larson seconded the motion.

Discussion was held on plans to cope with the Edwards Aquifer recharge feature located on-site.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: Solis; ABSENT: Perez, Avila.

AN ORDINANCE 79,210

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 16.937 ACRES OF LAND OUT OF NCB 17627, SHAVANO HOLLOW AND SHAVANO BIRCH, FROM "BP" ERZD BUSINESS PARK EDWARDS RECHARGE ZONE DISTRICT TO "R-7" ERZD SMALL LOT HOME EDWARDS RECHARGE ZONE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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(At this point, Mayor Wolff was obliged to leave the meeting. Mayor Pro-Tem Peak presided.)

4C. CASE 793177 - to rezone 0.268 ACRE TRACT OF LAND OUT OF NCB 13667, 5223 HAMILTON WOLFE ROAD FROM "B-3R" RESTRICTIVE BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT LOCATED ON THE NORTHWEST SIDE OF HAMILTON WOLFE ROAD, 626 FEET SOUTHWEST OF THE INTERSECTION OF HAMILTON WOLFE ROAD AND FLOYD CURL DRIVE, HAVING 48.67 FEET ON HAMILTON WOLFE ROAD AND A MAXIMUM DEPTH OF 279.14 FEET.

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

Mr. Andy Guerrero, Senior Planner, explained details of the Ordinance.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez, Avila.

AN ORDINANCE 79,211

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 0.268 ACRE TRACT OF LAND OUT OF NCB 13667, 5223 HAMILTON WOLFE ROAD FROM "B-3R" RESTRICTIVE BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4D. CASE 293189 - to rezone 24.79 ACRES OUT OF NCB 17740, DONSHIRE PLACE "B-2" BUSINESS DISTRICT AND "B-3" BUSINESS DISTRICT TO "R-5" SINGLE FAMILY RESIDENCE DISTRICT LOCATED APPROXIMATELY 740 FEET EAST OF THE INTERSECTION OF DONSHIRE PLACE AND MYRTLE TRAIL, HAVING A WIDTH OF 1275 FEET AND A LENGTH OF 2527.93 FEET.

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

Mr. Andy Guerrero, Senior Planner, explained details of the Ordinance.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Solis, Ross, Thornton, Peak, Larson; NAYS: None; ABSTAIN: Ayala; ABSENT: Perez, Avila, Wolff.

AN ORDINANCE 79,212

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 24.79 ACRES OUT OF NCB 17740, DONSHIRE PLACE "B-2" BUSINESS DISTRICT AND "B-3" BUSINESS DISTRICT TO "R-5" SINGLE FAMILY RESIDENCE

DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4E. CASE Z93196 - to rezone LOT 25, BLOCK 50, NCB 2744, 1606 FREDERICKSBURG ROAD FROM "B-2NA" NON ALCOHOLIC SALES BUSINESS DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT LOCATED NORTHWEST OF THE INTERSECTION OF FREDERICKSBURG ROAD AND BUCKEYE AVENUE, HAVING 94.26 FEET ON FREDERICKSBURG ROAD AND 123 FEET ON BUCKEYE AVENUE.

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

Mr. Andy Guerrero, Senior Planner, explained details of the Ordinance.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Solis, Ayala, Ross, Thornton, Peak, Wolff; NAYS: None; ABSENT: Perez, Avila, Larson.

AN ORDINANCE 79,213

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 25, BLOCK 50, NCB 2744, 1606 FREDERICKSBURG ROAD FROM "B-2NA" NON ALCOHOLIC SALES BUSINESS DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4F. CASE Z93199 - to rezone LOT 20, BLOCK 1, NCB 3075, 108 VITRA STREET FROM "B-2" BUSINESS DISTRICT TO "B-3NA" NON ALCOHOLIC SALES BUSINESS DISTRICT LOCATED ON THE SOUTHEAST SIDE OF VITRA STREET, BEING 100.10 FEET SOUTHWEST OF THE INTERSECTION OF SOUTH PRESA STREET AND VITRA STREET, HAVING 50.02 FEET ON VITRA STREET AND A DEPTH OF 131 FEET.

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

Mr. Andy Guerrero, Senior Planner, explained details of the Ordinance.

Mr. Larson made a motion to approve the recommendation of the Zoning Commission. Mr. Thornton seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Solis, Ayala, Ross, Thornton, Peak, Larson; NAYS: None; ABSENT: Perez, Avila, Wolff.

AN ORDINANCE 79,214

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 20, BLOCK 1, NCB 3075, 108 VITRA STREET FROM "B-2" BUSINESS DISTRICT TO "B-3NA" NON ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4G. CASE Z93200 - to rezone 0.6344 ACRE TRACT OF LAND OUT OF NCB 14578, 13107 NACOGDOCHES ROAD, FROM "B-3NA" NON ALCOHOLIC SALES BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT LOCATED ON THE SOUTHWEST SIDE OF WORDSWORTH DRIVE, BEING 165 FEET NORTHWEST OF THE INTERSECTION OF NACOGDOCHES ROAD AND WORDSWORTH DRIVE, HAVING 66.99 FEET ON WORDSWORTH DRIVE AND A DEPTH OF 390.00 FEET.

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

Mr. Andy Guerrero, Senior Planner, explained details of the Ordinance.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa Burke, Solis, Ross, Thornton, Peak, Larson; NAYS: None; ABSENT: Perez, McClendon, Avila, Ayala, Wolff.

AN ORDINANCE 79,215

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 0.6344 ACRE TRACT OF LAND OUT OF NCB 14578, 13107 NACOGDOCHES ROAD, FROM "B-3NA" NON ALCOHOLIC SALES BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4H. CASE Z93203 - to rezone Lot 5, Block 7, NCB 2837, 606 West Malone, from "R-5" Single Family Residence District to "B-3NA" Non Alcoholic Sales Business District located on the southside of W. Malone Avenue 50 feet west of the intersection of IH 35 South Expressway and West Malone Avenue, having 50 feet on West Malone Avenue and 150 feet in depth.

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

Mr. Andy Guerrero, Senior Planner, explained details of the Ordinance.

Mr. Solis explained neighborhood opposition to this rezoning case because of commercial intrusion into a residential area, and also noted that Communities Organized for Public Service (COPS) is against the rezoning request.

Mr. Hugh Anderson, representing Red Line Hamburgers (Rally's), explained the proposed rezoning request.

Mr. Solis made a motion to postpone this zoning case for 30 days. Mr. Larson seconded the motion.

After consideration, the motion to postpone this zoning case for 30 days prevailed by the following vote: AYES: Billa Burke, Solis, Ross, Thornton, Peak, Larson; NAYS: None; ABSENT: Perez, McClendon, Avila, Ayala, Wolff.

Zoning Case Z93203 was postponed for 30 days.

4I. CASE Z93207 - to rezone LOTS 14 AND 15, NCB 8403, 147 AND 151 BABCOCK ROAD FROM "O-1" OFFICE DISTRICT AND "D" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT LOCATED ON THE NORTHSIDE OF BABCOCK ROAD, 501 FEET WEST OF THE INTERSECTION OF BABCOCK ROAD AND FREDERICKSBURG ROAD, HAVING 100 FEET ON BABCOCK ROAD AND A DEPTH OF 120 FEET.

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

Mr. Andy Guerrero, Senior Planner, explained details of the Ordinance.

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

Mr. Ross complimented Albertson's for working closely with the neighborhood association on this requested rezoning.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Solis, Ross, Thornton, Peak, Larson; NAYS: None; ABSENT: Perez, Avila, Ayala, Wolff.

AN ORDINANCE 79,216

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 14 AND 15, NCB 8403, 147 AND 151 BABCOCK ROAD FROM "O-1" OFFICE DISTRICT AND "D" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4J. CASE Z93198 (CC) - to rezone THE NORTHWEST 60 FEET OF THE NORTHEAST 40 FEET OF LOT 9, NCB 11304, 907 QUINTANA ROAD FROM "I-1" LIGHT INDUSTRY DISTRICT TO "I-1" CC LIGHT INDUSTRY DISTRICT WITH CITY COUNCIL APPROVAL FOR A COMMUNICATION TRANSMISSION TOWER LOCATED 844.52 FEET SOUTHWEST OF THE INTERSECTION OF QUINTANA ROAD AND THE UNION PACIFIC RAILROAD RIGHT-OF-WAY, BEING 108 FEET NORTHWEST OF QUINTANA ROAD, HAVING A WIDTH OF 40 FEET AND DEPTH OF 60 FEET.

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

Mr. Andy Guerrero, Senior Planner, explained details of the Ordinance.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Solis, Ross, Thornton, Peak, Larson; NAYS: None; ABSENT: Perez, Avila, Ayala, Wolff.

AN ORDINANCE 79,217

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 NORTHWEST 60 FEET OF THE NORTHEAST 40 FEET OF LOT 9, NCB 11304, 907 QUINTANA ROAD FROM "I-1" LIGHT INDUSTRY DISTRICT TO "I-1" CC LIGHT INDUSTRY DISTRICT WITH CITY COUNCIL APPROVAL FOR A COMMUNICATION TRANSMISSION TOWER. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4K. CASE 293197 (CC) - to rezone the north 226.37 feet of Lot 1, Block 2, NCB 14702, Oakland Road and Huebner Road, from "B-2" Business District and "B-3" CC Business District located 280 feet northeast and 220 feet northwest of the intersection of Huebner Road and Oakland Road, having 200 feet on Huebner Road and 554.97 feet on Oakland Road.

Mr. Andy Guerrero, Senior Planner, noted that City staff is in receipt of petitions bearing some 52 signatures of persons in opposition to the proposed rezoning.

Mr. Mike Coyle, representing Southwestern Bell Mobile Systems, stated that the proposed communications tower is part of a telecommunications network, and he explained the need for this particular site. He spoke to negotiations with opponents on amendments to the original rezoning request, and stated that he is willing to restrict the tower height to 100 feet, with no strobe light to be installed atop the tower. He further noted that the facility will employ some 25 employees, and pointed out that B-2 zoning already exists on the property in question. He addressed the importance of the \$6 million tower in the network to serve customers.

Mr. Douglas Miller, representing Oakland Estates Homeowners Association, stated that his group opposes location of this tower at the entrance to the residential neighborhood, stating his belief that it can be located elsewhere. He also spoke to his concerns for the proposed height of the tower.

Mr. Coyle spoke to the agreed-upon concessions made during negotiations and explained the need for the tower height.

In response to a question by Mr. Peak, Mr. Coyle discussed the differences in tower requirements between those located in Dallas and those located in San Antonio, because of a more intensive use of cellular systems in Dallas.

In response to a question by Mr. Ross, Mr. Coyle explained why his client cannot locate the tower site to another location in the area.

In response to a question by Mr. Thornton, Mr. Guerrero explained the list of allowable uses under a B-3R zoning.

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

Mr. Thornton discussed the difficult options available in this case, and reviewed the commercial development of the area. He then spoke to what can be located on this site, under existing zoning, uses that he considered to be more onerous than a tower to neighborhood residents.

Ms. Kathryn Meany, Secretary of the Homeowners Association, stated that she can see the value in another month's discussion and negotiations with the proponent.

Mr. James Burrows, Real Estate Manager, Southwestern Bell Telephone Company Southwest Region, spoke to a December 9, 1993 deadline set by the property owner on a final decision on this issue.

Mr. Thornton made a motion to continue this zoning case until December 9, 1993. Mr. Larson seconded the motion.

After consideration, the motion to continue this zoning case until December 9, 1993, prevailed by the following vote: AYES: Billa Burke, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez, McClendon, Avila, Ayala.

Zoning Case Z93197CC was continued until December 9, 1993.

4L. CASE Z93051 - to rezone the southwest 120 feet of Lot 4, NCB 14258, 3500 Oakgate Drive, from "R-2" Two Family Residence District to "R-3" Multiple Family Residence District located on the southeast side of Wurzbach Road and a depth of 908.42 feet.

Ms. Carla Wood, Property Manager for Woodbridge Apartments Ltd., asked that this case be sent back to the Zoning Commission for consideration of a Special Use Permit to allow for parking on the property.

Mr. Thornton noted that no new structures would be allowed on the property in question.

Mr. Thornton made a motion to refer this case back to the Zoning Commission for consideration of a special use permit designation. Mr. Solis seconded the motion.

Mr. Andy Guerrero, Land Development Services, stated that, under the Special Use Permit designation, City Council can place a restriction against construction of any new structure on the property.

After consideration, the motion to refer this case back to the Zoning Commission prevailed by the following vote: AYES: McClendon, Avila, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez, Billa Burke, Ayala.

Zoning Case Z93051 was referred back to the Zoning Commission for consideration of a Special Use Permit designation.

93-48 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE DESIGNATING THE BEN E. KEITH COMPANY REINVESTMENT ZONE AND APPROVING A TAX PHASE-IN AGREEMENT:

Mayor Wolff declared the Public Hearing to be open.

No citizen appeared to speak to this matter.

Mayor Wolff declared the Public Hearing to be closed.

AN ORDINANCE 79,218

DESIGNATING A TRACT OF LAND LEGALLY DESCRIBED AS 17.55 ACRES OF LAND, NCB 16340, LOT 48, RITTIMAN EAST BUSINESS PARK, UNIT 15, LOCATED AT 5800 KAEPA COURT MORE SPECIFICALLY DESCRIBED IN EXHIBIT A ATTACHED HERETO, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AS THE BEN E. KEITH COMPANY REINVESTMENT ZONE PURSUANT TO THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT.

* * * *

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

Mr. Clint Bolden, Director of Economic Development, explained the tax phase-in application for a food service distribution center.

Ms. McClendon spoke in support for the motion, and addressed the new jobs to be created as a result of this proposed action.

Mr. Bolden then introduced executives of the Ben E. Keith Company to the City Council.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: McClendon, Avila, Solis, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez, Billa Burke, Ayala, Ross, Thornton.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,219

APPROVING A TAX ABATEMENT AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH THE BEN E. KEITH COMPANY, A TEXAS CORPORATION, TO EXEMPT FROM AD VALOREM TAXATION SPECIFIED REAL PROPERTY IMPROVEMENTS LEGALLY DESCRIBED AS 17.55 ACRES OF LAND, NCB 16340, LOT 48, RITTIMAN EAST BUSINESS PARK, UNIT 15, LOCATED AT 5800 KAEPA COURT, MORE SPECIFICALLY DESCRIBED IN ATTACHMENT A ATTACHED HERETO, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, PURSUANT TO THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: McClendon, Avila, Solis, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez, Billa Burke, Ayala, Ross, Thornton.

93-48 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE DESIGNATING THE H.E. BUTT GROCERY COMPANY REINVESTMENT ZONE AND APPROVING TAX PHASE-IN AGREEMENT:

Mayor Wolff declared the Public Hearing to be open.

No citizen appeared to speak to this matter.

Mayor Wolff declared the Public Hearing to be closed.

AN ORDINANCE 79,220

DESIGNATING A TRACT OF LAND LEGALLY DESCRIBED AS 47.058 ACRES OF LAND, OUT OF THE GERTRUDE RODRIGUEZ SURVEY NO. 132, ABSTRACT NO. 610, COUNTY BLOCK 5077, NCB 15778, LOCATED AT 5103 RITTIMAN ROAD MORE SPECIFICALLY DESCRIBED IN EXHIBIT A ATTACHED HERETO, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AS

THE H. E. BUTT GROCERY COMPANY (REGIONAL PRODUCE CENTER) REINVESTMENT ZONE PURSUANT TO THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT.

* * * *

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

Mr. Clint Bolden, Director of Economic Development, briefly explained the proposed regional produce distribution center for H.E. Butt Grocery Company, a local firm, and addressed the new jobs to be created as a result of this proposed action.

Ms. McClendon spoke in support for the motion, noting that HEB works with the neighborhood in a number of ways.

Mr. Larson noted that local firms that want to expand can now be offered tax-abatement, just like firms coming in from outside San Antonio. He spoke to the need to spread the word to established firms in San Antonio.

Mr. Bolden discussed the newly-revised guidelines on tax abatement which permit this.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez, Avila, Ayala.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,221

APPROVING A TAX ABATEMENT AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH THE H. E. BUTT GROCERY COMPANY, A TEXAS CORPORATION, TO EXEMPT FROM AD VALOREM TAXATION SPECIFIED REAL PROPERTY IMPROVEMENTS LEGALLY DESCRIBED AS 47.058 ACRES OF LAND, OUT OF THE GERTRUDE RODRIGUEZ SURVEY NO. 132, ABSTRACT NO. 610, COUNTY BLOCK 5077, NCB 15778, MORE SPECIFICALLY DESCRIBED IN ATTACHMENT A ATTACHED HERETO, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, PURSUANT TO THE PROPERTY REDEVELOPMENT AND TAX ABATEMENT ACT.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez, Avila, Ayala.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,222

APPROVING TWO PART-TIME POSITIONS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR PHYSICAL SECURITY TO ACCOMMODATE EVENING LITERACY CLASSES AT THE GUADALUPE AND COLUMBIA HEIGHTS LEARNING CENTER.

* * * *

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

Mr. Kevin Moriarty, Director of Community Initiatives, explained the status of the two learning centers.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez, Avila, Ayala.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,223

AMENDING CHAPTER 32 OF THE CITY CODE AS IT PERTAINS TO THE FARMERS MARKET, CHANGING THE NAME OF THE BUILDING FROM FARMERS MARKET TO FARMERS MARKET PLAZA; ESTABLISHING RENTAL RATES; APPROVING THE TENANTS AND LICENSEES; AND APPROVING AND AUTHORIZING THE EXECUTION OF STANDARD LEASE AND LICENSE AGREEMENTS WITH SAID TENANTS AND LICENSEES FOR THE USE OF THE FARMERS MARKET PLAZA.

* * * *

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

Mr. Ron Darner, Director of Parks & Recreation, briefly explained the history of the Farmers Market project, its proposed name-change, and approval for new tenants and licenses, noting that

current Farmers Market tenants are 'grandfathered' in. He then compared the old and new lease rates, and lease provisions, noting that the City is requiring signed contracts before tenants are allowed to move in.

Mr. Manuel Longoria, Economic Development Manager, Small, Minority & Women-Owned business Advocacy Program, Economic Development Department, addressed the process followed to arrive at the recommendations for leases in Farmers Market Plaza. A copy of the leasing process is made a part of the papers of this meeting.

The following persons appeared to speak:

Ms. Dora Salinas, President, Market Square Commission, reviewed the process followed in reviewing the applications and in making the recommendations, noting that the group had more than 200 applicants for some 76 locations in Farmers Market Plaza.

Mr. Joe van de Walle, Jr., Commissioner, Market Square, spoke to the 10-year process involved in reaching this point in the development of Farmers Market Plaza, and stated that no favoritism was shown in the recommendations.

Mr. Angel Rivera, Jr., representing San Antonio Galeria, spoke in opposition to the process and the recommendations which resulted in his selection as a lessee. He stated his belief that new tenants should pay the same rates as current tenants.

Mr. Jim Meeks, representing J.N. Meeks Company, Market Square, addressed his aspirations for his new business.

Mr. Frank Flores, representing Birds N Us, thanked the commission for its recommendations.

Mr. Bernardo Ortega, representing La Chata, spoke to his application for space for a new restaurant.

Mr. Nick Pena, President, El Mercado Merchants Association, took issue with the method used by the commission in making selection of new tenants. He stated his belief that the large majority of tenants selected for the Farmers Market Square duplicate merchandise already offered there. He asked that action on this matter be delayed until his group has more time to review the recommendations in more detail.

Mr. Carlos Herrejon, El Mercado Merchants Association, reiterated statements of the previous speaker, and noted that the presidents of the three associations in Market Square were not allowed to participate in the selection process.

Mayor Wolff stated that the original intent was to open up the process and bring in a variety of merchandise and goods. Mr. Louis Ramirez, representing Farmers Market Association, stated his belief that the existing tenants who have not yet signed their new leases have as many rights as the new tenants because they have been paying their rents

for some time. He stated that the old tenants will welcome the new tenants, but feels that there still is too much duplication in goods and merchandise. He suggested that the food courts not be allowed to serve beer, and asked that action on this matter today be delayed.

(At this point, Mayor Wolff was obliged to leave the meeting. Mayor Pro-Tem Peak presided.)

Ms. Rosa Rosales, representing the League of United Latin American Citizens, asked that a final decision on this proposed ordinance be delayed, and expressed her belief that certain EDA guidelines may not have been followed. She also expressed concern that some of the recommended tenant firms are not 'new' firms, and she spoke to alleged rental disparities in City lease rates.

Ms. Sonya Zamora, representing the Farmers Market Association, spoke to her concern that the newly-renovated facility is not yet ready for move-in, yet City staff is pushing for such move-in. She asked for a delay in the ordinance vote until attorneys have had time to discuss contracts with City staff attorneys. She also contended that some tenant locations within Farmers Market Plaza were allocated ahead of time, and expressed her belief that the process has not been fair.

Ms. Mary Gonzales, also representing the Farmers Market Association, spoke of her concern that Monterrey Products is being allowed into the new facility, because the firm is her supplier and a large firm, as well.

Mr. Jesus Castillo, representing the Farmers Market Association, stated that he was told that there would be no duplication of goods and merchandise in the new facility, yet he believes that there will be such duplication. He asked for a delay in passage of the proposed ordinance until all ramifications can be studied, including the new contracts.

Mr. S. R. Green, 5807 Babcock Road, a new tenant, spoke to the uniqueness of his product, and thanked the City Council for the opportunity to make a living as a tenant in Farmers Market Plaza.

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

Mr. Phillip Barrera, Farmers Market Association, stated his belief that the commission did not follow guidelines in allocating slots for tenants, noting that no review board was held. He asked for a chance to compete.

Mr. Don Bankler, SCL Enterprise, spoke to his concern with the process followed, and stated his opinion that the scores given to one firm were incorrect. He stated that he was told that his firm did not fit into Farmers Market Plaza, and asked that allocation of locations be independently-scored by a third party. He also asked for a review of the applications and their scores.

Mr. Rick Arzola, representing Farmers Market Association, noted that he is one of the 'grandfathered' tenants, and spoke to his concern with certain changes made in the contracts. He asked for a delay in taking action on the proposed ordinance until the contracts can be studied, and stated that he may well have to 'fight it out'.

Mr. Jesse Castillo, attorney for certain existing tenants in Farmers Market, noted that he has a meeting set with Mr. Darner tomorrow in order to discuss the leases. He spoke to certain changes in the leases and the need for time to discuss and negotiate on the matter. He asked for a delay in passage of the proposed ordinance.

In response to a question by Mayor Wolff, Mr. Darner discussed a comparison of the old tenant lease rates versus the proposed new rates, both for 'grandfathered' tenants as well as new tenants in Farmers Market Plaza.

Mayor Wolff spoke to his concern for giving better lease rates to one tenant, over another, expressing his belief that all tenants in the facility should pay \$1.25 per square foot.

Mr. Rolando Bono, Assistant City Manager, noted that some of the Farmers Market merchants have existing leases for another three years, and this fact entered into the rate-structure setting.

Mr. Larson noted that there are many new firms that desire to lease space in Farmers Market Plaza, if the 'grandfathered' present tenants do not wish to pay the new rates. He spoke of the need for the City to adopt a business attitude in this matter, and spoke to his concerns with both complaints and attacks on City staff and commission members in this matter. He urged the City Council to grant the 70-cent per square foot lease rate for 30 days, after which all lease rates in Farmers Market Plaza would be set at \$1.25 per square foot.

Mr. Perez noted that renovation of Farmers Market Plaza is going well, and spoke to the 225 applications for the 76 spaces available. He also noted that 12 'grandfathered' firms will occupy some 50 per cent of the space in the renovated facility.

Mr. Bono noted that, thus far, only four of the 'grandfathered' tenants have signed new leases.

Mr. Joe Candelo, consultant to the commission, spoke to the space allocations and the product mix.

Mr. Perez noted that some two million persons visited Farmers Market Plaza last year, and expressed his belief that a 70-cent per square foot lease rate is very favorable in today's market. He also spoke to his concern with four-year contracts.

Mr. Solis spoke in support for the reasons for 'grandfathering' the existing tenants, and stressed the need for cooperation. He stated that, at this moment, he would not be able to

vote in favor of the proposed ordinance, and spoke to the importance of tomorrow's meeting between Mr. Darner and attorneys for certain tenants.

Mr. Ross made an amendment to the motion to accept staff recommendations on this matter, with the exception of Space #85, which will be brought back before City Council in 30 days for a decision. Ms. Ayala seconded the motion.

Ms. Ayala spoke in support for the lease rates being proposed for 'grandfathered' tenants, and spoke of the need to have signed contracts within certain time-lines.

Mr. Larson made a second amendment to the motion that all lease contracts for Farmers Market Plaza must be signed within 30 days of today, or the spaces involved will be declared vacant; further, that a signed lease and proof of insurance will be required for move-in to leased space in Farmers Market Plaza. Mr. Ross seconded the motion.

Mr. Frank Reed, consultant to the commission, questioned the matter of withdrawing from consideration a single space in Farmers Market Plaza, without allowing rebidding for the other spaces in the facility, as well.

Mr. Ross spoke to the rationale for the proposed amendment, including the local ownership of one of the applicants for that space.

Ms. McClendon stated her opinion that if the Council reconsiders one space-lease, it needs to reconsider all of them.

A discussion then took place concerning penalties for encroachment by a tenant into non-leased space.

After consideration, the amendment to the motion that all lease contracts for Farmers Market Plaza must be signed within 30 days of today, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: Solis; ABSENT: None

After consideration, the amendment to the motion to delete Space #85 and then come back in 30 days after a review is made failed by the following vote: AYES: Ayala, Ross, NAYS: Perez, McClendon, Billa Burke, Avila, Solis, Thornton, Peak, Larson, Wolff; ABSENT: None.

After consideration, the main motion as amended, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: Solis; ABSENT: None.

- - -
93-48 The City Clerk read a proposed ordinance authorizing one-time allocations from the hotel-motel occupancy tax fund of \$333,333.00 for the Empire Theater restoration project, \$300,000.00 for the San Antonio

Symphony, and \$100,000.00 for the Children's Museum, and appropriating funds for such purposes.

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

Mayor Wolff explained the issue of allocation of excess hotel-motel occupancy tax funds and the rationale for the three recommendations being brought before City Council today, allocations totalling \$733,333.00. He noted that two of the recommendations involve ongoing projects, while the third is a new project.

The following persons appeared to speak:

Mr. Larry Walker, Chairman of the San Antonio Symphony Board of Directors, introduced the Symphony's new Executive Director, Mr. David Schillhammer.

(At this point, Mayor Wolff was obliged to leave the meeting. Mayor Pro-Tem Peak presided.)

Ms. Claudia Ladenson, Chairperson, San Antonio Cultural Arts Board, spoke in support for the three recommendations, but stated her belief that certain perceptions are left as to the process followed, in her opinion. She spoke to her concerns that, as a result, her board now will be approached by other arts agencies for funding, and suggested the manner in which any future extra funds are used.

Mr. Jeffrey Moore, representing Blue Star Art Space, stated that he does not oppose any of the three recommendations, but is concerned with the process used in this matter. He spoke in support for the current arts funding process.

Mr. Ric Collier, representing Southwest Craft Center, questioned the methods used in the process, and stated that he favors all agencies following the arts funding process now in place. He further stated that he feels he should be allowed to make a case for additional funding for his organization.

Ms. Graciela Sanchez, Director, Esperanza Peace & Justice Center, questioned who has the power to do certain things, and spoke to laws that have come about in order to provide equal access. She spoke to the past records of arts funding in San Antonio, and the process to be followed in such funding. She addressed last year's funding of these projects and a repeat of this funding, once again.

Mr. Steve Bailey, representing Jump Start Performance Company, addressed his concern with the process involved in this funding, and expressed his opinion that public funding should go to the broadest-based need, and that all arts groups should have access to this funding.

Pedro Rodriguez, Executive Director, Guadalupe Cultural Arts Center, stated that he is disturbed by the proposed ordinance, and spoke to development of the current 'peer panel review' process, and its creation of a 'level playing field'. He also spoke to his concern with development of only a downtown arts area.

Ms. Joci Straus, representing the Las Casas Foundation, spoke to the history of the City's \$11.5 million investment in a downtown development and arts district, and plans for future development. She spoke to the need for additional funding for the Empire Theater project.

Ms. Kay Lennox, representing The Children's Museum, spoke to the educational benefits of the proposed museum.

Mayor Wolff stated his opinion that restoration of the Majestic and Empire Theaters, and creation of the Children's Museum, are not "arts issues", in his opinion; rather, they are economic development/restoration issues. He noted that questions concerning additional funding for the San Antonio Symphony may be a different matter. He then compared the Symphony's belt-tightening to that of the Guadalupe Cultural Arts Center. He stated his belief that the City Council is the final authority on funding, and it may have disagreed with the recommended funding levels provided the Symphony by the 'peer review panel'.

Ms. Ayala stated her opinion that this is a matter of equity, and spoke to the need to follow long-established policies in this area. She stated that she would vote against the recommended additional allocation for the Symphony.

Mr. Thornton spoke to the difference between the hotel/motel occupancy tax and the City's general fund monies. He then spoke to the need to find a way to revitalize Houston Street, after so many dollars already have been spent on it. He spoke to the need for Houston Street development in order to attract more development from the private sector, such as Southwestern Bell. He then spoke to the rationale for the recommended funding, as presented in the proposed ordinance.

Mr. Perez spoke in support for the proposed ordinance allocations for the Empire Theater and the Children's Museum.

Ms. Billa Burke stated that she rejects the "elitist" label given to fundraising events for the arts and/or restoration projects, and spoke in support for the recommendations contained in the proposed ordinance.

(At this point, Mayor Wolff was obliged to leave the meeting. Mayor Pro-Tem Peak presided.)

Mr. Solis spoke in support for additional funding for the Empire Theater restoration and a Children's Museum, and stated that this is an issue of equity. He spoke to the process established in arts funding, and stated his belief that the wrong message is being sent to

other arts agencies by the proposed additional funding ordinance. He stated that if City Council wishes to set aside a certain sum of money each year for the Symphony, perhaps \$500,000.00, then it should do it, but it should be done up-front and separate from other arts funding.

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

Mayor Wolff noted that a study committee on the Symphony, chaired by Dr. Richard Howe, is to report its findings to City Council in January, and this would be, in his opinion, the proper time to debate this issue.

Mr. Ross stated his belief that the three items up for additional or new funding area matters of downtown development, but noted that some feel that the arts-funding process has been circumvented. He spoke in support for Mr. Solis' recommendations.

In response to a question by Mr. Peak, Mr. Walker noted that the Symphony's children's program attracts some 60,000 each year.

Mr. Peak stated his belief that, despite a lapse in process, he will support all three funding recommendations, speaking to the leveraging effect of these funds.

Mr. Larson spoke in support for the three recommendations, and for Mr. Solis' recommendation as to the Symphony.

After discussion, Ms. Billa Burke and Ms. McClendon as maker and seconder of the motion on the floor agreed to withdraw that motion, in order that City Council might consider each of the three recommended funding actions as separate ordinances.

The Clerk read the following Ordinance:

AN ORDINANCE 79,224

AUTHORIZING A ONE-TIME ALLOCATION FROM THE HOTEL-MOTEL OCCUPANCY TAX FUND OF \$333,333.00 FOR THE EMPIRE THEATER RESTORATION PROJECT; AND APPROPRIATING FUNDS FOR SUCH PURPOSE.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Avila.

The Clerk read the following Ordinance:

AN ORDINANCE 79,225

AUTHORIZING A ONE-TIME ALLOCATION FROM THE HOTEL-MOTEL OCCUPANCY TAX FUND OF \$100,000.00 FOR THE CHILDREN'S MUSEUM; AND APPROPRIATING FUNDS FOR SUCH PURPOSE.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Avila.

The Clerk read the following Ordinance:

AN ORDINANCE 79,226

AUTHORIZING A ONE-TIME ALLOCATION FROM THE HOTEL-MOTEL OCCUPANCY TAX FUND OF \$300,000.00 FOR THE SAN ANTONIO SYMPHONY; AND APPROPRIATING FUNDS FOR SUCH PURPOSE.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Ross, Thornton, Peak, Larson, Wolff; NAYS: Solis, Ayala; ABSENT: Avila.

After discussion, it was the concensus of City Council members present to give direction to City staff to draft into the City's annual budget process the allocation of \$333,333 for the Empire Theater restoration and \$100,000 for a Children's Museum in each of the next two general fund budgets, beginning with this just-approved allocation.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,227

AUTHORIZING THE PLACEMENT OF TEMPORARY DIRECTIONAL SIGNAGE NEAR THE RIVERWALK AT THE STREET LEVEL FOR THE MACKENZIE FINANCIAL SERVICES CONFERENCE FOR THE

PERIOD WEDNESDAY, NOVEMBER 24, 1993, TO FRIDAY,
NOVEMBER 26, 1993; AND DECLARING AN EMERGENCY.

* * * *

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

After consideration, the motion, carrying with it the passage
of the Ordinance, prevailed by the following vote: AYES: Perez,
McClendon, Billa Burke, Solis, Ayala, Ross, Thornton, Peak, Larson,
Wolff; NAYS: None; ABSENT: Avila.

93-48 TRAVEL AUTHORIZATION - Granted:

Mayor Nelson W. Wolff and Councilmembers Roger A. Perez, Ruth
Jones McClendon, Bob Ross, William E. Thornton and Howard W. Peak to
attend the National League of Cities Conference in Orlando, Florida,
being held from December 1, 1993 through December 6, 1993.

* * * *

93-48 Agenda Item 35, being a proposed Travel Authorization for Mayor
Nelson W. Wolff to attend an official meeting with Mexican Officials on
NAFTA in Mexico City, Monterrey and Guadalajara on November 24, 1993,
was removed from consideration.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,228

AUTHORIZING REIMBURSEMENT FROM DISTRICT 5
DISCRETIONARY FUNDS ACCOUNT TO COUNCILMAN JUAN F.
SOLIS, III, IN THE AMOUNT OF \$1,550.00 PER MONTH
FROM NOVEMBER 1, 1993 TO MARCH 31, 1994, FOR A TOTAL
OF \$7,750.00 FOR AN ADMINISTRATIVE SERVICE CONTRACT,
AS REQUESTED BY COUNCILMAN JUAN F. SOLIS, III.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Avila, Ayala.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,229

AMENDING THE CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$2,011.90 FOR THE CONSTRUCTION CONTRACT WITH SALAZAR CONSTRUCTION, INC. FOR WORK ON THE ALAMODOME: PACKAGE 5A - FINISHES, FUNDED BY THE 1/2 PERCENT SALES TAX.

* * * *

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

Mr. Gabriel Perez, Dome Development Office, explained the need for the work involved.

Mr. Larson noted that Salazar Construction, Inc. has owed certain sub-contractors some \$300,000, some of them for more than a year.

Mr. Perez spoke to a method by which it can be insured that the sub-contractors involved will be paid, by use of the retainage on this project. He noted that the sub-contractors may well have to look to the construction firm's bonding company for their money.

In response to a question by Mr. Thornton, Ms. Jelyne Burley, Dome Development Office, noted that preparation of some 11 concession stands in the Alamodome remain unfinished.

Mr. Roland Lozano, Director of Dome Development, addressed a brief history of the matter of construction of the concession stands in the Alamodome, and noted that plans are to have the final 11 completed by the end of the year.

A discussion then took place concerning the retainage policy on Alamodome projects.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Ross, Thornton, Peak, Larson, Wolff; NAYS: Solis; ABSENT: Avila, Ayala.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,230

RATIFYING FIELD ALTERATION NO. 57 IN THE AMOUNT OF \$116,646.00 FOR THE CONSTRUCTION CONTRACT WITH JWP BRANDT ENGINEERING COMPANY, INC. FOR WORK ON THE ALAMODOME: PACKAGE 8C - HVAC SYSTEMS, AMENDING THE CONSTRUCTION CONTINGENCY BY \$157,238.19, FUNDED BY THE 1/2 PERCENT SALES TAX.

* * * *

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

Mr. Gabriel Perez, Dome Development Office, briefly explained the field alteration involved.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Avila, Ayala.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,231

AMENDING THE CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$17,958.00 FOR THE CONSTRUCTION CONTRACT WITH LYDA, INC. FOR WORK ON THE ALAMODOME: PACKAGE 13A - SITE IMPROVEMENTS, FUNDED BY THE 1/2 PERCENT SALES TAX.

* * * *

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

Mr. Gabriel Perez, Dome Development Office, explained the proposed amendment.

A discussion ensued concerning the status of negotiations with Lyda, Inc. on differences in amounts allegedly owed on the Alamodome project.

Mr. Roland Lozano, Director of Dome Development, addressed details of the lawsuit filed by the City against Lyda, Inc.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Avila, Ayala.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,232

AUTHORIZING PAYMENT TO THE LAW FIRM OF CARMODY & HERRMANN IN THE AMOUNT OF \$12,196.96 FOR LEGAL SERVICES RENDERED IN CAUSE NO. 93-CI-12684, VAN HENRY ARCHER, JR., VS. CITY OF SAN ANTONIO, ET AL.

* * * *

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

Mr. Tom Finlay, Assistant City Attorney, noted that the payment is for legal fees owed on a lawsuit won by the City.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Avila, Ayala.

93-48 The Clerk read the following Ordinance:

AN ORDINANCE 79,233

AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO COMPROMISE AND SETTLE CAUSE NO. 90-CI-10130, SIEBERT ET. AL. VS CITY OF SAN ANTONIO; AUTHORIZING PAYMENT OF BACKPAY IN THE AMOUNT OF \$235,000.00 AND PENSION CONTRIBUTIONS IN THE AMOUNT OF \$48,280.00; APPROVING AN AMENDMENT TO THE PROMOTIONS ARTICLE XXXI OF THE COLLECTIVE BARGAINING AGREEMENT WITH LOCAL 624, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS' TO PROVIDE ELIGIBILITY FOR PROMOTIONAL EXAMINATION BASED ON RETROACTIVE SENIORITY; AUTHORIZING THREE FIRE CAPTAIN POSITIONS AND PROVIDING FUNDS THEREFOR IN THE AMOUNT OF \$84,963.00; AND DECLARING AN EMERGENCY.

* * * *

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

Mr. Bill Morris, Assistant City Attorney, noted that this compromise and settlement was discussed with City Council in Executive Session. He then addressed subsequent changes in the Fire Department's seniority rule, following a vote of union members on this settlement.

Mr. Larson stated his opinion that the City and the Fire Chief are limited in matters of "civilianization" of portions of the Fire Department, as a result of this lawsuit. He then spoke to his concern with the 'mixed signals' being sent by the Firefighters Union Local.

A discussion then took place concerning the court's interpretation of state law in areas of "civilianization" of Fire Department positions.

Mr. Alberto Pena, Assistant City Attorney, defined "firefighter", as spelled out in the state law.

Mr. George K. Noe, Director of Management Services, noted that this is on the table in the current contract negotiations with the Firefighters Union Local.

Mr. Solis stated his belief that state law may need to be changed in this area.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Avila, Ayala.

93-48

CITIZENS TO BE HEARD

There were no citizens signed to speak for the Citizens To Be Heard segment of this City Council meeting.

93-48 There being no further business to come before the Council, the meeting was adjourned at 8:46 P.M.

A P P R O V E D

Robert W. Wolff
M A Y O R

Attest:

Arma S. Rodriguez
C I T Y C L E R K

November 23, 1993
nw

November 23, 1993

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

The following petition was received in my office and forwarded to the City Manager for investigation and report to the City Council:

November 23, 1993

Petition submitted by Mr. Mike Phelan, 725 W. Magnolia, San Antonio, Texas 78212, on behalf of parents and the P.T.A. of Travis Elementary School, requesting the City of San Antonio to install One-Way directional signs at Dewey and Courtland.

/s/ Norma S. Rodriguez
City Clerk