

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
TUESDAY, NOVEMBER 26, 1991.

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The meeting was called to order by the Presiding Officer, Mayor Nelson W. Wolff, with the following members present: PEREZ, PIERCE, BILLA BURKE, WING, MARTINEZ, THOMPSON, VERA, THORNTON, LABATT, LARSON, WOLFF. Absent: NONE.

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91-50 Invocation - Councilman Weir Labatt.

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91-50 Pledge of Allegiance to the flag of the United States.

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91-50 Minutes of the October 22, 1991 Regular City Council Meeting were approved.

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91-50 TAFOLLA MIDDLE SCHOOL MULTILINGUAL HONOR CHOIR

Mayor Wolff noted that the Tafolla Middle School Multilingual Honor choir, has been invited to perform at the White House December 28, 1991 at the request of President and Mrs. Bush. He stated that a total of 20 members of the choir will make the trip, and are present at City Hall today to be named "Ambassadors of Goodwill" on behalf of the City of San Antonio.

Mayor Wolff then read the formal proclamation designating the choir members to be "Ambassadors of Goodwill", and presented it to the group.

Representatives of the choir explained the "multilingual" aspects of the Honor Choir, its invitation to the White House, and its drive to raise some \$11,200.00 needed to finance the trip.

Several City Council members congratulated the choir on its accomplishments and dedication, and spoke of the fundraising efforts among Council members to help finance the trip.

A representative of Tafolla Middle School noted that some 540

students from throughout the San Antonio Independent School District take part in Tafolla's multilingual classes.

Mayor Wolff spoke to the importance of following this fine example of education throughout the city.

91-50 CONSENT AGENDA

Ms. Billa Burke made a motion to approve Agenda Items 10 through 41, constituting the Consent Agenda, with Item 25 pulled for individual consideration. Mr. Pierce seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Thompson.

AN ORDINANCE 74,798

ACCEPTING THE PROPOSAL OF INFORMATION ACCESS COMPANY FOR A BUSINESS INDEX SUBSCRIPTION RENEWAL FOR THE CITY OF SAN ANTONIO PUBLIC LIBRARY FOR A TOTAL OF \$11,200.00.

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AN ORDINANCE 74,799

ACCEPTING THE PROPOSAL OF UNIVERSITY MICROFILMS INTERNATIONAL FOR THE RENEWAL OF A MICROFILM SUBSCRIPTION FOR THE CITY OF SAN ANTONIO PUBLIC LIBRARY FOR A TOTAL OF \$4,795.00.

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AN ORDINANCE 74,800

ACCEPTING THE PROPOSAL OF HOWARD W. SAMS AND COMPANY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH PHOTOFACTS FOR A TOTAL OF \$5,677.95.

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AN ORDINANCE 74,801

ACCEPTING THE PROPOSAL OF H.W. WILSON COMPANY FOR A SUBSCRIPTION RENEWAL FOR BOOKS AND PAMPHLETS FOR THE CITY OF SAN ANTONIO PUBLIC LIBRARY FOR A TOTAL OF \$15,147.00 PLUS FREIGHT CHARGES.

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AN ORDINANCE 74,802

ACCEPTING THE PROPOSAL OF COULTER ELECTRONICS, INC. TO FURNISH THE CITY OF SAN ANTONIO HEALTH DEPARTMENT WITH A MAINTENANCE AGREEMENT ON A COULTER HEMATOLOGY ANALYZER FOR A TOTAL OF \$4,560.00.

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AN ORDINANCE 74,803

ACCEPTING THE LOW BID OF REECE SUPPLY CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH A TRAFFIC SIGN LETTER CUTTING SYSTEM FOR A TOTAL OF \$19,753.00.

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AN ORDINANCE 74,804

ACCEPTING THE LOW QUALIFIED BIDS OF TRIAD ENTERPRISES, KING WIRE & CABLE, AND TW COMMUNICATION CORPORATION TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH TRAFFIC CABLE FOR A TOTAL OF \$14,901.20.

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AN ORDINANCE 74,805

RATIFYING AND CONFIRMING ALL ACTIONS TAKEN BY CITY STAFF IN ACCEPTING THE PROPOSAL OF A-1 ELEVATOR SERVICE, INC. FOR EMERGENCY REPAIR OF THE MISSION ROOM FREIGHT ELEVATOR FOR A TOTAL OF \$6,000.00.

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AN ORDINANCE 74,806

ACCEPTING THE PROPOSAL OF COLE PUBLICATIONS TO FURNISH THE CITY OF SAN ANTONIO CENTRAL STORES WITH CRISS CROSS DIRECTORIES FOR A TOTAL OF \$12,135.03.

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AN ORDINANCE 74,807

CANCELLING THE CONTRACT OF JANI-BEST JANITORIAL SERVICE FOR JANITORIAL SERVICE AT THE POLICE SUBSTATIONS AND AWARDING IT TO THE NEXT LOW QUALIFIED BIDDER, CAROL HARRIS.

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AN ORDINANCE 74,808

ACCEPTING THE LOW BID OF ANCIRA WINTON CHEVROLET, INC. TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH POLICE PATROL AUTOMOBILES FOR A TOTAL OF \$2,150,460.00.

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AN ORDINANCE 74,809

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 1 IN THE AMOUNT OF \$68,088.05 TO THE CONTRACT WITH R.L. JONES COMPANY, INC. IN CONNECTION WITH THE BULVERDE ROAD FROM NACOGDOCHES TO THOUSAND OAKS RECONSTRUCTION PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,810

ACCEPTING THE LOW, QUALIFIED BID OF R. L. JONES COMPANY, INC. IN THE AMOUNT OF \$219,675.89 IN CONNECTION WITH THE CARLE STREET FROM PROBANDT TO PARK ROW RECONSTRUCTION PROJECT; AUTHORIZING A CONTRACT; AUTHORIZING \$21,967.59 FOR CONSTRUCTION CONTINGENCIES, \$9,710.50 FOR PROJECT OVERSIGHT COSTS; APPROPRIATING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,811

AUTHORIZING AN ADDITIONAL \$10,000.00 FOR INVESTIGATION SERVICES IN CONNECTION WITH THE ELDRIDGE DRAINAGE PROJECT NO. 61 L, M, N; APPROPRIATING 1985 G.O. BOND FUNDS; AND PROVIDING FOR PAYMENT TO PAUL R.W. KNIESTEDT, INCORPORATED.

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AN ORDINANCE 74,812

AUTHORIZING AN ADDITIONAL \$6,027.35 FOR EXPENSES INCURRED IN THE REPLACEMENT OF THE RAILROAD CROSSING ON HUEBNER ROAD BETWEEN VANCE JACKSON AND LOCKHILL

SELMA; APPROPRIATING FUNDS; AND PROVIDING FOR
PAYMENT TO SOUTHERN PACIFIC TRANSPORTATION COMPANY.

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AN ORDINANCE 74,813

AUTHORIZING THE CITY WATER BOARD TO OVERSIZE 370
FEET OF DEVELOPER CUSTOMER BORDER MAIN LINES AT THE
NORTH EAST CORNER OF F.M. 1604 AND US 281 FROM
TWELVE (12) INCHES TO TWENTY (20) INCHES TO AT AN
ESTIMATED COST TO THE CITY WATER BOARD OF
\$17,966.00.

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AN ORDINANCE 74,814

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$6,757.00
OUT OF VARIOUS FUNDS; ACCEPTING THE DEDICATION OF A
TEMPORARY EASEMENT IN CONNECTION WITH THE DRIFTWOOD
DRAINAGE PROJECT #39 B-F SOUTH; ACQUIRING TITLE TO
A PARCEL IN CONNECTION WITH THE SOUTH FLORES
DRAINAGE PROJECT #70-70A, PHASE II; ACQUIRING TITLE
TO ONE PARCEL AND ACQUIRING A TEMPORARY EASEMENT IN
CONNECTION WITH THE SCIENCE PARK DRAINAGE PROJECT
#58H, I, & J; AND ACQUIRING TITLE TO TWO PARCELS IN
CONNECTION WITH THE ENGLEWOOD AREA STREETS AND
DRAINAGE PROJECT - PHASE IV.

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AN ORDINANCE 74,815

AUTHORIZING EXECUTION OF A FIVE-YEAR LEASE AGREEMENT
WITH A. H. BURRITOS MEXICAN RESTAURANT, AT 516
EAST HOUSTON, FOR 207 SQUARE FEET OF SPACE TO BE
USED FOR SIDEWALK CAFE PURPOSES FOR A TOTAL FEE OF
\$5,589.00, PLUS ADJUSTMENTS DURING THE FOURTH AND
FIFTH CONTRACT YEARS, BASED ON THE CONSUMER PRICE
INDEX.

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AN ORDINANCE 74,816

AUTHORIZING EXECUTION OF A FIVE-YEAR LEASE AGREEMENT
WITH ELTON MOY D/B/A CROSSWALK DELI, FOR 72 SQUARE
FEET OF SPACE AT 121 ALAMO STREET TO BE USED FOR
SIDEWALK CAFE PURPOSES FOR A TOTAL FEE OF \$1,944.00,

PLUS ADJUSTMENTS DURING THE FOURTH AND FIFTH
CONTRACT YEARS, BASED ON THE CONSUMER PRICE INDEX.

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AN ORDINANCE 74,817 .

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AUTHORIZING THE EXECUTION OF A FIVE-YEAR LEASE
AGREEMENT WITH GAL-TEX HOTEL CORP., D/B/A SAN
ANTONIO MENDER HOTEL AT 204 ALAMO PLAZA, FOR 490.5
SQUARE FEET OF SPACE TO BE USED FOR SIDEWALK CAFE
PURPOSES FOR A TOTAL FEE OF \$13,243.80 PLUS
ADJUSTMENTS DURING THE FOURTH AND FIFTH CONTRACT
YEARS BASED ON THE CONSUMER PRICE INDEX.

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AN ORDINANCE 74,818 .

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AUTHORIZING EXECUTION OF A FIVE-YEAR LEASE AGREEMENT
WITH INA, INC., FOR 64 SQUARE FEET OF SPACE AT 214
LOSOYA STREET BE USED FOR SIDEWALK CAFE PURPOSES FOR
A TOTAL FEE OF \$1,728.00, PLUS ADJUSTMENTS DURING
THE FOURTH AND FIFTH CONTRACT YEARS, BASED ON THE
CONSUMER PRICE INDEX.

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AN ORDINANCE 74,819 .

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AUTHORIZING EXECUTION OF A FIVE-YEAR LEASE AGREEMENT
WITH THE EMILY MORGAN HOTEL D/B/A YELLOW ROSE CAFE
FOR 17.6 SQUARE FEET OF SPACE AT 705 E. HOUSTON
STREET TO BE USED FOR SIDEWALK CAFE PURPOSES, FOR A
TOTAL FEE OF \$475.20 PLUS ADJUSTMENTS DURING THE
FOURTH AND FIFTH CONTRACT YEARS, BASED ON THE
CONSUMER PRICE INDEX.

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AN ORDINANCE 74,820 .

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AUTHORIZING THE EXECUTION OF A LEASE WITH DELTA AIR
LINES, INC. FOR BAYS 30, 31, AND 32 IN THE AIR
CARGO BUILDING AT SAN ANTONIO INTERNATIONAL AIRPORT
FOR A FIVE YEAR TERM AND AT AN ANNUAL RENTAL OF
\$36,084.24.

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AN ORDINANCE 74,821

AUTHORIZING THE EXECUTION OF A FIVE YEAR LEASE AGREEMENT WITH UNITED PARCEL SERVICE, INC. FOR 89,745 SQUARE FEET OF RAMP SPACE AT SAN ANTONIO INTERNATIONAL AIRPORT AT AN ANNUAL RENTAL OF \$66,770.28.

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AN ORDINANCE 74,822

AUTHORIZING PAYMENT TO UNIVERSITY MICROFILMS INTERNATIONAL IN THE AMOUNT OF \$60,200.00 TO SUPPLY SEVEN ONE-YEAR SUBSCRIPTIONS OF THE GENERAL PERIODICALS ON DISC FOR BRANCH LIBRARIES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,823

AUTHORIZING THE PAYMENT OF ANNUAL MEMBERSHIP DUES FOR THE CITY OF SAN ANTONIO IN PUBLIC TECHNOLOGY, INC. (PTI), THE RESEARCH AND DEVELOPMENT AFFILIATE OF THE NATIONAL LEAGUE OF CITIES, IN THE AMOUNT OF \$27,500.00.

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AN ORDINANCE 74,824

AUTHORIZING EXECUTION OF A CONTRACT IN THE AMOUNT OF \$70,500.00 WITH THE METROPOLITAN PLANNING ORGANIZATION FOR THE CITY TO PERFORM CERTAIN TRANSPORTATION PLANNING TASKS IN THE SAN ANTONIO/BEXAR COUNTY TRANSPORTATION PLANNING AREA'S 1991-92 UNIFIED WORK PROGRAM; APPROPRIATION FUNDS AND AUTHORIZING PERSONNEL POSITIONS.

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AN ORDINANCE 74,825

APPROPRIATING FUNDS FROM THE FUND BALANCE OF THE CAPITAL IMPROVEMENTS RESERVE FUND AND ESTABLISHES A PROJECT BUDGET IN THE AMOUNT OF \$280,000.00; AND AUTHORIZING PAYMENT FOR MAINTENANCE PROJECTS TO BE PERFORMED BY CITY FORCES.

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AN ORDINANCE 74,826

AUTHORIZING THE REVISION OF THE TITLE TO THE EXISTING EXPENDABLE TRUST FUND ACCOUNT, "SAN ANTONIO BY DESIGN PLANNING AND EDUCATION PROJECT".

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AN ORDINANCE 74,827

AUTHORIZING APPLICATION FOR A \$12,000.00 GRANT FROM SAVE OUTDOOR SCULPTURE!, (SOS!) IN SUPPORT OF A SURVEY OF OUTDOOR SCULPTURE TO BE COMPLETED IN MAY, 1992, IN CONJUNCTION WITH THE SAN ANTONIO BY DESIGN URBAN PLANNING PROJECT.

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AN ORDINANCE 74,828

APPROVING THE PARADE PERMIT FOR THE ARTHRITIS FOUNDATION JINGLE BELL 5-K RUN SCHEDULED TO BE HELD SUNDAY, DECEMBER 15, 1991; AND AUTHORIZING THE CLOSURE OF CERTAIN STREETS.

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91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,829

ACCEPTING THE LOW QUALIFIED PROPOSAL OF OHIO MATRIX SYSTEMS, INC., IN THE AMOUNT OF \$1,527,262.00 TO DESIGN AND INSTALL AN AUTOMATED ACCESS CONTROL SYSTEM AT SAN ANTONIO INTERNATIONAL AIRPORT; APPROVING A CONTRACT; AUTHORIZING \$152,726.00 FOR A CONTINGENCY ACCOUNT; AMENDING THE CONTRACT WITH INFORMATION SYSTEMS & NETWORKS CORPORATION FOR SECURITY CONSULTANT SERVICES; APPROVING A REVISED BUDGET FOR THE PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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Mr. Efren Gonzalez, Assistant Director of Aviation, explained the request for an automated access control system for International Airport.

Mr. Henry Homrighaus, representing National Guardian, spoke to the Council concerning his firm's apparent low bid and his protest of the decision to reject all bids and to readvertise for additional bids.

He stated his belief that accepting his firm's original bid would have saved the City some \$86,000.00. He stated his belief that the firm now being recommended for award of this project was not eligible to bid during the original round of the Request for Proposal, and asked the Council to postpone action on award of this project to the recommended winner.

In response to a question by Mr. Larson, Mr. Gonzalez explained the technical deficiencies in the National Guardian proposal and noted that only one of the original bidders was state-licensed; thus, new Requests for Proposal were called for.

Following brief consultation with the City Attorney, Mr. Gonzalez spoke to specifics of the deficiencies in the proposal in question.

In response to a question by Mr. Larson, Mr. John Goretta, representing Ohio Matrix Systems, Inc., the recommended firm, spoke of his firm's plans for a local presence in San Antonio as well as in other airports that it services, around the nation. He then discussed his firm's pledge to achieve at least a 44 per cent local minority subcontractor level in this project as well as other aspects of the proposal, citing the heavy penalties required for non-compliance.

Mr. Frank McMillan, consultant on the project, discussed the security aspects of the Requests for Proposal submitted.

In response to a question by Mr. Martinez, Mr. Carl Baber, Planning and Engineering Division, Department of Aviation, noted that the Federal Aviation Administration requires a 25 per cent minority subcontractor level in such contracts using federal funds.

Ms. Vera 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, Pierce, Billa Burke, Wing, Martinez, Vera, Labatt, Larson, Wolff; NAYS: None; ABSENT: Thompson, Thornton.

It was the concensus of the City Council to undertake consideration of agenda item 56 at this time.

91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,830

OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO

RE-APPOINTING MUNICIPAL COURT JUDGES AND
MAGISTRATES.

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

Mr. Wing, Chairman of the Council's Municipal Courts Committee, spoke to the committee's discussions relative to appointments and reappointments to Municipal Court, and he read a list of the committee's recommendations. He stated that the committee recommends that the City advertise for new applicants for Municipal Court, and discussed the time period for such applications. A copy of his remarks is made a part of the papers of this meeting.

Mayor Wolff thanked members of the committee for their work in moving to restore public confidence in Municipal Court.

Mr. Thornton stated his agreement that there is a need to restore public confidence in Municipal Court, and he also thanked members of the committee for their work.

Mr. Larson thanked Mr. Wing for his committee leadership and spoke to the deliberations of the committee on this matter. He also addressed plans for re-evaluation of Municipal Court judges in two years.

Ms. Vera noted that the committee's recommendations were unanimous, and she addressed future evaluations of judges in the Municipal Court system.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Thompson.

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91-50 City Council recessed its Regular Session at 2:12 P.M. in order to convene in Executive Session for a status report on the Municipal Courts, which may include a general discussion on the performance, appointment, employment, evaluation, reassignment, duties, discipline or dismissal of Municipal Court personnel.

City Council reconvened in Regular Session at 2:40 P.M. at which time Mayor Wolff stated that the Council had been briefed on the above named subject.

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91-50 ZONING HEARINGS

4A. CASE Z91152 - to rezone Lots 13 and 14, Block 38, NCB 8925 from "R-2" Two Family Residence District to "B-2" Business District 927-931 King Avenue, located on the north side of King Avenue, 60 feet east of the intersection of Bynum Avenue and King Avenue, having 100 feet on King Avenue and a depth of 140 feet.

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

Mr. Wing made a motion to approve the Zoning Case. Mr. Thompson seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Thompson, Vera, Thornton, Larson, Wolff; NAYS: None; ABSENT: Martinez, Labatt.

AN ORDINANCE 74,831

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 13 AND 14, BLOCK 38, NCB 8925 FROM "R-2" TWO FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, 927-931 KING AVENUE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4B. CASE Z91074 - to rezone Lot 78, save and except the north 140 feet and the south, east and west 20 feet, Block 2, NCB 11314 from "B-3NA" Non-Alcoholic Sales Business District to "B-3NA" SUP Non-Alcoholic Sales Business District for a contractor with outside storage 1325 Menefee, located between Menefee Avenue and S. General McMullen, 186.88 feet north of the intersection of S. General McMullen and Menefee Avenue, having 142.5 feet on S. General McMullen and 140.5 feet on Menefee Avenue.

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

Mr. Andy Guerrero, Land Development Services, noted that nine affirmative votes of City Council would be required to approve the requested rezoning because of the percentage of opposition to this case.

Mr. Rudy Hettler, representing the proponent, stated that the property owner wants to continue the present usage of the property and

needs approval for outside storage. He then briefly outlined that outside storage need.

Mr. Guerrero explained the one-year Special Use Permit for such outside storage, if the rezoning is agreed to by the Council.

Mr. Thompson made a motion to deny the recommendation of the Zoning Commission. Ms. Billa Burke seconded the motion.

After consideration, the motion, to deny the zoning case, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: None.

Zoning Case was denied.

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4C. CASE Z91137 - to rezone Lot 22, save and except the northwest 150 feet, NCB 12180 and the northwest 150 feet of Lot 22, NCB 12180, and Lot 21, NCB 12180 from "A" Single Family Residence District and "F" Local Retail District to "R-4" Manufactured Home District and "B-3" Business District and "B-3NA" Non-Alcoholic Sales Business District located on the southeast side of Austin Highway 1452.30 feet southwest of the intersection of Austin Highway and Bobby Lou, being 536 feet southeast of Austin Highway, having a width of 230.25 feet and a depth of 131.57 feet. The "B-3" and "B-3NA" property is located 1777.30 feet southwest of the intersection of Austin Highway and Bobby Lou, having 175 feet on Austin Highway and a depth of 389.81 feet.

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

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

In response to a question by Mr. Larson, Mr. Rudy Hettler, representing the proponent, spoke to the usage of the property in question.

Mr. Larson moved to approve B-3NA zoning on the entire tract except for Lot 21, to be rezoned R-4; and requirement for a six-foot solid screen fence to be erected and maintained along the rear property line. Mr. Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Thompson.

AN ORDINANCE 74,832

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 22, NCB 12180 AND LOT 21, NCB 12180 FROM "A" SINGLE FAMILY RESIDENCE DISTRICT AND "F" LOCAL RETAIL DISTRICT TO "R-4" MANUFACTURED HOME DISTRICT AND "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 2250 AUSTIN HIGHWAY. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4D. CASE Z91140 - to rezone a 2.336 acre tract of land out of NCB 13837 and a 0.839 acre tract of land out of NCB 13837 from temporary "A" Single Family Residence District to "O-1" Office District and "B-2" Business District, 14031 Jones Maltsberger Road. The 0.839 acre tract is located southwest of the intersection on Burning Trail and Jones Maltsberger Road, having 108.71 feet on Jones Maltsberger Road and 184.09 feet on Burning Trail and the 2.336 is located northwest of the intersection of Burning Trail and Jones Maltsberger Road, having 461.62 feet on Jones Maltsberger Road and 224.02 feet on Burning Trail.

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

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Thompson.

AN ORDINANCE 74,833

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 2.336 ACRE TRACT OF LAND OUT OF NCB 13837 AND A 0.829 ACRE TRACT OF LAND OUT OF NCB 13837 FROM TEMPORARY "A" SINGLE FAMILY RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT AND "B-2" BUSINESS

DISTRICT, 14031 JONES MALTSBERGER ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4E. CASE Z91131 (SUP)- to rezone a 0.895 acre tract of land out of Lot 12, Block 12, NCB 14702 and a .032 acre tract of land out of Lot 12, Block 2, NCB 14702 from temporary "R-1" Single Family Residence District to "B-2" Business District and "B-3NA" SUP Non-Alcoholic Sales Business District with special use permit for a taxidermy.

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

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Vera, Thornton, Labatt, Wolff; NAYS: None; ABSENT: Martinez, Thompson, Larson.

AN ORDINANCE 74,834

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 0.895 ACRE TRACT OF LAND OUT OF LOT 12, BLOCK 2, NCB 14702 AND A 0.32 ACRE TRACT OF LAND OUT OF LOT 12, BLOCK 2, NCB 14702 FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT AND "B-3NA" SUP NON-ALCOHOLIC SALES BUSINESS DISTRICT WITH SPECIAL USE PERMIT FOR A TAXIDERMY, 9475 HUEBNER ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4F. CASE Z91147 - to rezone Lot 4A, save and except the east 50 feet of NCB 17946 and the east 50 feet of Lot 4A, NCB 17946 from temporary "R-1" Single Family Residence District to "B-2NA" and "B-3NA" Non-Alcoholic Sales Business Districts, 8516 Bandera Road located on the east side of Bandera Road, 677.23 feet northwest of the intersection of Guilbeau Road and Bandera Road, having 262.04 feet on Bandera Road and a depth of 360.41 feet.

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

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Vera, Thornton, Labatt, Wolff; NAYS: None; ABSENT: Martinez, Thompson, Larson.

AN ORDINANCE 74,835

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 4A, SAVE AND EXCEPT THE EAST 50 FEET OF NCB 17946 AND THE EAST 50 FEET OF LOT 4A, NCB 17946 FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2NA" AND "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICTS. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4G. CASE Z91148 - to rezone Lot 1, Block 1, NCB 18288 from temporary "R-1" Single Family Residence District to "R-3" Multiple Family Residence District, 7999 Potranco Road located on the northwest side of Potranco Road, 645 feet southwest of the intersection of Micron Drive and Potranco Road, having 615.54 feet on potranco Raod and a depth of 597 feet.

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

Ms. Vera made a motion to approve the recommendation of the Zoning Commission. Mr. Labatt seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Vera, Thornton, Labatt, Wolff; NAYS: None; ABSENT: Martinez, Thompson, Larson.

AN ORDINANCE 74,836

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 1, BLOCK 1, NCB 18288 FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, 7999 POTRANCO ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4H. CASE Z91150 - to rezone a 2.951 acre tract of land out of NCB 13663 from temporary "A" and "R-1" Single Family Residence Districts to "B-2NA" Non-Alcoholic Sales Business District 2900 block of Babcock Road, located on the east side of Babcock Road, approximately 540 feet southeast of the intersection of Babcock Road and Hamilton Wolfe Road, having 259.68 feet on Babcock Road and a depth of 515 feet.

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

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Vera, Thornton, Labatt, Wolff; NAYS: None; ABSENT: Martinez, Thompson, Larson.

AN ORDINANCE 74,837

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 2.951 ACRE TRACT OF LAND OUT OF NCB 13663 FROM TEMPORARY "A" AND "R-1" SINGLE FAMILY RESIDENCE DISTRICTS TO "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 4900 BLOCK OF BABCOCK ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,838

AUTHORIZING PAYMENT OF REFUNDS TOTALING \$238,537.45, TO PERSONS MAKING A DOUBLE PAYMENT, OVERPAYMENT, OR

AS A RESULT OF A VALUE CHANGE ON 31 TAX ACCOUNTS.

* * * *

Mr. Pierce 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: Perez, Pierce, Billa Burke, Wing, Vera, Thornton, Labatt, Wolff; NAYS: None; ABSENT: Martinez, Thompson, Larson.

91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,839

RATIFYING THE PROPOSAL DATED JULY 26, 1991 AND ACCEPTING THE PROPOSAL DATED NOVEMBER 11, 1991, FROM KMOL TELEVISION TO PROVIDE UP TO \$27,000.00 IN PROMOTIONAL SERVICES IN CONNECTION WITH THE "EXTINCT? NOT CHILDHOOD DISEASES!" PROGRAM; PROVIDING FOR PAYMENT OUT OF THE U.S. PUBLIC HEALTH SERVICE GRANT; AND APPROPRIATING FUNDS.

* * * *

Mr. Pierce 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, Pierce, Billa Burke, Wing, Thompson, Vera, Thornton, Labatt, Wolff; NAYS: None; ABSENT: Martinez, Larson.

91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,840

CLOSING, VACATING AND ABANDONING AN EXISTING PORTION OF UNIMPROVED MANGO AVENUE LOCATED BETWEEN PROCTOR AND HOPKINS STREETS, BETWEEN NEW CITY BLOCK 11085 AND NEW CITY BLOCK 11086, SAN ANTONIO, BEXAR COUNTY, TEXAS; AND AUTHORIZING THE CITY MANAGER OR ASSISTANT CITY MANAGER TO EXECUTE FOUR QUITCLAIMS TO (1) ROSALIO N. FLORES AND AURELIA FLORES, (2) ALFRED V. SEDILLO AND ROSEMARY SEDILLO, (3) FRANCISCO ANAYA AND LILLIE ANAYA, AND (4) DAVID

MALDONADO AND KANE MALDONADO, RESPECTIVELY, FOR THE CONSIDERATION OF ONE (\$1.00) DOLLAR EACH.

* * * *

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.

Mr. Bill Toudouze, Real Estate Division, Public Works Department, briefly explained the request.

Mr. Wing 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: Perez, Pierce, Billa Burke, Wing, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Martinez.

(At this point, Mayor Wolff was obliged to leave the meeting. Mr. Perez presided in the absence of the Mayor Pro Tem.)

91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,841

APPROVING AND RATIFYING A TRIPARTY DOWNTOWN TRANSPORTATION IMPROVEMENTS CONSTRUCTION CLAIMS ADMINISTRATION PROFESSIONAL SERVICES CONTRACT WITH GILBANE-GARCIA/WRIGHT JOINT VENTURE; AUTHORIZING AGREEMENTS BETWEEN THE CITY AND DESIGN PROFESSIONAL SERVICES CONSULTANTS TO PROVIDE TECHNICAL ASSISTANCE ON BEHALF OF THE CITY OF SAN ANTONIO; APPROPRIATING TRIPARTY FUNDS; AND AUTHORIZING PAYMENT IN AMOUNTS NOT TO EXCEED \$256,349.00 FOR CLAIMS ADMINISTRATION SERVICES AND EXPENSES, AND \$55,000.00 FOR CLAIMS PHASE DESIGN PROFESSIONAL SERVICES.

* * * *

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

Mr. Frank Perry, Director of Downtown Initiatives, Parks & Recreation Department, briefly explained the contract for litigation and

administrative services in connection with the TriParty Project in downtown San Antonio.

Mr. Thompson explained the rationale for keeping the management firm in-place through possible litigation action over the Tri-Party project.

In response to a question by Mr. Labatt, Mr. Perry spoke to the funding aspects of the ordinance, noting that no General Fund monies are involved.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Thompson, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Martinez, Wolff.

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

91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,842

AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF SAN ANTONIO, AS LESSEE, AND THE STATE OF TEXAS ACTING BY AND THROUGH ITS GENERAL SERVICES COMMISSION, AS LESSOR, FOR THE USE OF THREE TRACTS OF LAND IN NEW CITY BLOCKS 574,581, AND 589 FOR PUBLIC PARKING PURPOSES FOR A PRIMARY TERM OF TEN YEARS TOGETHER WITH THREE FIVE-YAR RENEWAL OPTIONS AT A RENTAL OF \$1.00 PER YEAR; PROVIDING FOR THE PAYMENT OF RENTAL OUT OF CURRENTLY AVAILABLE FUNDS; APPROPRIATING \$200,000.00 AND AUTHORIZING THE EXPENDITURE THEREOF FOR INSTALLATION OF CERTAIN IMPROVEMENTS.

* * * *

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

In response to a question by Mr. Larson, Mr. Joe Rodriguez, Assistant Director of Public Works, stated that the funds are planned to be used to improve the property, noting that the land-cost is only \$1.00 per year.

A discussion then took place concerning parking for nearby churches.



After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Vera.

- - -
91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,843

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.
APPROVING THE TERMS AND CONDITIONS AND RATIFYING THE EXECUTION OF A ONE YEAR PROFESSIONAL SERVICES CONTRACT WITH THE SAN ANTONIO SPORTS FOUNDATION TO SOLICIT THE HOSTING OF COMPETITIVE SPORTING EVENTS TO THE SAN ANTONIO AREA, WHICH CONTRACT INCLUDES PROFESSIONAL SERVICES RELATED TO THE ACQUISITION OF AN NFL EXPANSION FRANCHISE, FOR A CONTRACT FEE OF \$140,000.00.

* * * *

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

Mr. Roland Lozano, Director of Dome Development, explained the contract with San Antonio Sports Foundation for attracting sporting events to the Alamodome, as well as helping prepare the request for a National Football League franchise for San Antonio.

Mr. Thornton spoke in support for the Ordinance, stating his belief that it is money well-spent. He then recalled the Foundation's three years of success.

A discussion then ensued concerning the difference in work performed by the San Antonio Sports Foundation and that performed by Spectacor, including a brief discussion of the Foundation's future plans.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Billa Burke, Wing, Martinez, Thompson, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Pierce, Vera.

- - -
91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,844

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.
ACCEPTING THE LOW QUALIFIED BID OF A.J. MONIER & COMPANY, AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$514,800.00 WITH A CONTINGENCY OF

\$41,184.00 FOR THE ALAMODOME: PACKAGE 8F-BOILER
BUILDING MEP, FUNDED BY THE 1/2 PERCENT SALES TAX
REVENUE COLLECTION.

* * * *

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

In response to a question by Mr. Larson, Mr. Roland Lozano, Director of Dome Development, spoke to the bid being below budget, as is the entire Alamodome project, to date. He then addressed remediation work underway and the possible use of funds from the state's "superfund" on three sites within the Alamodome area.

A discussion took place concerning the status of archaeological work on-site.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Martinez, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke, Wing.

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91-50

APPEAL OF MRS. NORMA SOLIS

Mr. Gene Camargo, Director of Building Inspections, explained this request for an exception to the Alamodome moratorium in order to permit a lounge to reopen in the area. He noted that City staff is recommending denial of the request, although the applicant can legally re-apply for non-conforming rights, once the Alamodome area moratorium ends.

Mr. Jesse Solis, 4111 West Salinas, noted that the property in question is owned by his grandmother and is her sole source of income. He noted that the vacant property is being vandalized.

Mr. Pierce spoke in support for the request for exception and addressed his reasons for that support.

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

A discussion took place concerning the various pros and cons of having a lounge in this area.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Martinez, Thornton, Labatt, Wolff; NAYS: Wing, Thompson, Vera; ABSENT: Larson.

AN ORDINANCE 74,845

ALLOWING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AND INCIDENTAL ON-PREMISE SIGNS FOR THE OPERATION OF A LOUNGE LOCATED WITHIN THE BOUNDARIES OF THE ALAMODOME IMPACT AREA; AND GRANTING AN EXCEPTION TO THE MORATORIUM ON THE ISSUANCE OF CERTIFICATES OF OCCUPANCY AND SIGN PERMITS AS IMPOSED BY ORDINANCES NO. 74488 AND NO. 74531.

* * * *

91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,846

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR CONSTRUCTION MAINTENANCE AND OPERATION OF TRAFFIC SIGNALS BETWEEN THE CITY OF SAN ANTONIO AND THE TEXAS DEPARTMENT OF TRANSPORTATION; APPROPRIATING \$14,540.00 TO BE PAID ACCORDING TO THE TERMS OF THE AGREEMENT FOR WORK RELATED TO THE IMPROVEMENTS OF IH-37 ADJACENT TO THE ALAMODOME; PROVIDING FOR PAYMENT FROM THE 1/2 PERCENT SALES TAX REVENUE COLLECTION; AND DECLARING AN EMERGENCY.

* * * *

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

Mr. Roland Lozano, Director of Dome Development, displayed a map of planned improvements.

In response to a question by Mr. Thornton, Mr. Lozano spoke to the possibility of perhaps suggesting the move of an expressway access road location in order to lessen the adverse impact upon HemisFair Park, and stated that he could report back to the City Council in three weeks on the possibility, after consulting with the state. He then explained the two ordinances involved, the first of which deals with traffic signalization in the area, and the second dealing with the new frontage roads. He discussed cost estimate differences between those of the City and the state on portions of the project.

In response to a question by Mr. Larson, Mr. Lozano discussed several overages in estimated costs, because of imposition of new state requirements.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez,

Pierce, Billa Burke, Wing, Martinez, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: None.

91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,847

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE TEXAS DEPARTMENT OF TRANSPORTATION; APPROPRIATING \$4,006,695.00 TO BE PAID ACCORDING TO THE TERMS OF THE AGREEMENT FOR CONSTRUCTION IMPROVEMENTS TO MONTANA STREET AND THE NEW FRONTAGE ROAD ALIGNMENT ADJACENT TO THE ALAMODOME; PROVIDING FOR PAYMENT FROM THE 1/2 PERCENT SALES TAX; AND DECLARING AN EMERGENCY.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Vera, Labatt, Larson, Wolff; NAYS: None; ABSENT: Thornton.

91-50 Agenda Item 50, being a proposed Ordinance authorizing the City Attorney to file suit against Bethany United Church of Christ to recover equipment purchased by the City of San Antonio in conjunction with a comprehensive nutrition project contract between the City and the church, was earlier removed from consideration by the City Manager.

(At this point, Mayor Wolff was obliged to leave the meeting. Mr. Larson presided in the absence of the Mayor Pro Tem.)

91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,848

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO SETTLE AND COMPROMISE A CLAIM BY TERESA JIMENEZ CHAVEZ ARISING FROM A VEHICULAR ACCIDENT INVOLVING A

PUBLIC WORKS VEHICLE ON JANUARY 12, 1990, IN THE
TOTAL SUM OF \$27,000.00.

* * * *

Mrs. Vera 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,
Pierce, Billa Burke, Wing, Martinez, Thompson, Vera, Thornton, Labatt;
NAYS: Larson; ABSENT: Wolff.

91-50

EXCEL CABLE FRANCHISE PROPOSAL

In response to a question by Mr. Thompson, Mr. Alex Briseno,
City Manager, explained why Excel Communications had withdrawn its
request for an extension of its Memorandum of Understanding with the
City relative to its cable television franchise proposal.

Mr. George K. Noe, Director of Management Services, explained
that Excel feels that this Memorandum of Understanding extension is no
longer needed, and plans to return with a re-filing of its franchise
proposal when new financing is obtained. He stated that no firm date
has been set for Excel to re-apply with the City Council for the cable
TV franchise.

91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,849

ALLOCATING \$1,000.00 FROM THE DISTRICT 9
DISCRETIONARY ACCOUNT TO THE PUBLIC WORKS DEPARTMENT
AND THE PARKS AND RECREATION DEPARTMENT TO RID CITY
PROPERTY OF GRAFFITI AS REQUESTED BY COUNCILMEMBER
LABATT.

* * * *

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

Mr. Labatt explained the request to use these funds to remove
graffiti at Olmos Dam, the Sunken Gardens, and other locations
throughout the city.

Ms. Vera noted that this can also be accomplished through the
use of volunteers, and spoke to several examples.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Pierce, Billa Burke, Thompson, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Perez, Wing, Martinez, Wolff.

- - -
91-50 The Clerk read the following Resolution:

A RESOLUTION NO. 91-50-67 .

.
EVIDENCING THE SUPPORT OF THE CITY OF SAN ANTONIO FOR FUNDING UNDER THE DEPARTMENT OF DEFENSE LEGACY RESOURCE MANAGEMENT PROGRAM, FOR PRESENTATION, RESTORATION, AND MAINTENANCE OF ARCHITECTURALLY SIGNIFICANT STRUCTURES AT FT. SAM HOUSTON.

* * * *

Mrs. Billa Burke made a motion to approve the proposed Resolution. Ms. Vera seconded the motion.

Ms. Jill Souter explained details of the federal program to restore and maintain Department of Defense cultural and natural resources, and spoke to the federal funding available.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Pierce, Billa Burke, Thompson, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Perez, Wing, Martinez, Wolff.

- - -
91-50 The Clerk read the following Resolution:

A RESOLUTION NO. 91-50-68 .

.
SUPPORTING EFFORTS OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES (AFGE) TO OPPOSE THE DEPARTMENT OF DEFENSE PROPOSAL AFFECTING A "SUPPLY DEPOT CONSOLIDATION".

* * * *

Mr. Labatt made a motion to approve the proposed Resolution. Mr. Billa Burke seconded the motion.

Mr. Thompson explained the proposed consolidation plan of the Department of Defense, and of the desirability of phasing-down all five Air Force logistical commands, rather than closing any single command.

A discussion took place concerning plans to save the logistical command headquartered at Kelly Air Force Base.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Pierce, Billa Burke, Thompson, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Perez, Wing, Martinez, Wolff.

91-50 The Clerk read the following Ordinance:

AN ORDINANCE 74,850

APPROPRIATING FUNDS AND AUTHORIZING PAYMENT OF OUTSTANDING FEES AND EXPENSES IN THE AMOUNT OF \$182,775.86 FOR THE CASE STYLED SIERRA CLUB V. LUJAN, ET AL., AND RELATED ACTIVITIES.

* * * *

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

Mr. Lloyd Garza, City Attorney, explained details of the lawsuit and the need to pay the outstanding fees and expenses. He then spoke to the status of the lawsuit and negotiations surrounding it.

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

A discussion ensued concerning the uncertainty of pinpointing actual future costs incurred in connection with this case.

Mr. Thornton spoke of the need to effect removal of San Antonio from this lawsuit by resolving the Sierra Club's concerns, thus avoiding a costly legal battle over monitoring the springflow in New Braunfels and San Marcos.

Mr. Larson spoke to the waste of taxpayers' money caused by these lawsuits, which forced the City of San Antonio to defend itself and its use of Edwards Aquifer water.

Mayor Wolff briefly summarized the progress made in negotiations and litigation matters.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: None.

91-50 The Clerk read the following Resolution:

A RESOLUTION NO. 91-50-69

EXPRESSING THE CONCERN OF THE CITY COUNCIL THAT THE LUTHERAN GENERAL HOSPITAL CONTINUE TO PLAY A ROLE IN THE PROVISION OF HEALTH CARE TO THE RESIDENTS OF SAN ANTONIO AND ENCOURAGES THE BEXAR COUNTY HOSPITAL DISTRICT TO ASSUME A MAJOR LEADERSHIP ROLE IN WORKING WITH THE CITY AND OTHER HEALTH CARE PROVIDERS IN THIS EFFORT.

* * * *

Mr. Martinez made a motion to approve the proposed Resolution. Mr. Thompson seconded the motion.

Mr. Martinez introduced the Vice-Chairman of the Bexar County Hospital District, Mr. Leo Alvarado, and thanked him for his efforts in this matter.

Ms. Mary Paccione, representing Communities Organized for Public Service, stated that her group has been working with the Hospital District Board of Managers and stated that they want the district to purchase Lutheran General Hospital in order for it to continue serving the medical needs of this area of the city.

Sister Bernadine Reyes, also representing COPS, also spoke in favor of the proposed Resolution, and urged the City Council to approve it as presented by Council member Martinez.

The following persons then spoke in favor of the Resolution and urged Council to approve it, noting how inconvenient it is to the needy to travel all the way to Medical Center Hospital for treatment:

Mr. Juan F. Solis III, Chairman of SER Jobs For Progress.

Ms. Lupe Ochoa, member of the board, SER Jobs For Progress, and also a member of the Avenida Guadalupe Association.

Mr. Danny Hernandez, Avenida Guadalupe Association.

Ms. Deborah Woodring, representing La Clinica Amistad.

Ms. Elvira Cisneros, former board member, Lutheran General Hospital.

Dr. Ernesto Garza, MD, a concerned citizen.

Mr. Benjamin Flores, representing Barrio Betterment Family Health Care Center.

Mr. Rick Gonzalez, representing the Hispanic Chamber of Commerce.

Mr. Martinez commended Lutheran General Hospital for its 76 years of service to this community, and addressed the importance of maintaining medical services on the city's west side. He spoke to the City's usage of Community Development Block Grant funds for other medical services to this area of the city. Mr. Martinez stated his belief that the only way to solve this problem is to involve the Bexar County Hospital District, and he urged citizens to speak to this matter at two remaining public hearings on this topic. He urged that action be taken before the assets of Lutheran General Hospital are liquidated.

Mr. Perez spoke to the need to send a message to Bexar County Commissioners Court expressing concern that no action has yet been taken to address health care to this area of the city.

(At this point, Mayor Wolff was obliged to leave the meeting. Mr. Larson presided in the absence of the Mayor Pro Tem.)

Mr. Thornton noted that, over the past five years, some 95 Texas hospitals have closed down, and noted that this is the first San Antonio hospital to be affected by the same forces that caused the other 95 to close down. He spoke to the financial squeeze that most hospitals are caught in.

In response to a question by Mr. Thornton, Ms. Cisneros stated that Lutheran General Hospital was some \$6 million in debt to the Bank of Australia.

Mr. Thornton predicted that Bexar County Hospital District will be in "financial discomfort" within five years.

In response to a question by Mr. Thornton, Dr. Fernando Guerra, Director of the Metropolitan Health District, stated his belief that mismanagement caused the problems with Lutheran General Hospital, and he spoke to the need for a public hospital on the city's west side.

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

Mr. Thornton stated his belief that it will require a tax increase for the Hospital District or a reduction of its current services in order to achieve the needs of this neighborhood, and he stated that Commissioners Court will have to be involved. He spoke to the need to have exact costs involved, and stated his contention that physicians also will need to play a key role in this matter.

Mr. Wing spoke to the adverse impact of the closure of Lutheran General Hospital on the medical needs of the inner city, which already has a lack of such facilities. He stated his belief that the Hospital District needs to tell the City just what it will take to make

Lutheran General Hospital a success.

Mr. Martinez made an amendment to include wording in the Resolution, namely in section 2 to add "investigating the feasibility of reopening" and in section 3 "to investigate the feasibility of establishing." Mr. Larson seconded the motion.

After consideration, the amendment, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Thornton, Labatt, Larson, Wolff; NAYS: Vera; ABSENT: None.

After consideration, the main motion, as amended carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: None.

- - -
91-50 DISCUSSION ON PROPOSED AMENDMENTS TO SMOKING ORDINANCE

Ms. Vera made a motion to refer the recommendations of the American Lung Association, the American Heart Association, the American Cancer Society, to the City Attorney and the Metropolitan Health District Director for their study and report back to City Council in three weeks on a possible amendment to the City's smoking ordinance. Mr. Thompson seconded the motion.

Mr. Jim Keller, spokesperson for the Tri-Agency, spoke in favor of amendments to the City's current smoking ordinance. He spoke to updated information on smoking that he feels makes it necessary to amend the City's smoking ordinance, making reference to four specific areas where he feels the ordinance needs strengthening, such as worksites, sampling, vending machines and existing penalties for offenses.

The following persons then spoke in favor of amendments to the smoking ordinance:

Dr. Kent Trinkle, representing the American Heart Association.

Ms. Jana Jahns, representing the American Lung Association.

Dr. Ken Lazarus, representing the American Cancer Society.

Ms. Gladys Baker, representing the San Antonio Independent School District as its Nursing Coordinator.

Ms. Janet McNeely, representing the North East Independent School District PTA.

Mr. Jose Gallegos, Jr., representing Texans War on Drugs.

Ms. Kathi Whitley, concerned citizen.

Mr. Michael Walker, concerned citizen.

Mr. Thornton spoke in support for changes to the ordinance, especially in regulating vending machines and protection of citizens who don't want to experience second-hand smoke.

In response to a question by Ms. Vera, Dr. Fernando Guerra, Director, Metropolitan Health District, stated his belief that the City can have an amended ordinance by the end of the year.

Ms. Vera spoke in support of looking at similar ordinances from other cities, and thanked the Tri-Agency for its draft ordinance.

Mr. Larson spoke to the need to properly enforce the City's current ordinance provisions, as well. He stated his belief that it will be difficult for some businesses to comply with the recommended new regulations, because of a lack of space.

After consideration, the motion, to refer the information to staff and come back to Council with a report, prevailed by the following vote: AYES: Perez, Pierce, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke, Wing, Martinez.

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91-50

NEW LAS PALMAS BRANCH LIBRARY SITE

Mr. Thompson noted that procurement of the new site for the las Palmas Branch Library will be coming before City Council for action on December 19, 1991, and he thanked Mr. Perez, Dr. Thornton, and Mr. Bill Toudouze, Real Estate Division, Public Works Department, for their efforts in this regard.

Mr. Perez noted that the Planning Commission must vote on this new site first, then a Public Hearing will be held, then the issue goes before the Library Board of Trustees prior to final action by City Council.

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91-50

CITIZENS TO BE HEARD

GANG VIOLENCE

JOSE GALLEGOS, JR.

Mr. Gallegos, appeared to speak to the Council regarding his concern with gang activity in the City. He spoke with particular reference to the slaying of a twelve year old in a housing project. He spoke of his own personal experience with gang activity in his youth and the persons who helped him overcome this experience. He commended the

Police Department for their efforts in this recent case. He urged the Council to drive through neighborhoods to see the living conditions of those persons affected by gang violence. He spoke to several proposals which he would share with the Council such as the initiation a gang intervention Task Force. He urged public hearings addressing this issue by the Council. He urged more police protection especially in the Cassiano Homes area where there is a real state of emergency present.

* * * *

MRS. ROSA ROSALES

Mrs. Rosa Rosales, State Director of Lulac also spoke to the Council regarding gang violence in the City. She reiterated the same concerns expressed by Mr. Gallegos. She urged that the City Council give specific directions to the Police Department to address the state of emergency at the Cassiano Homes area and the other housing project areas.

* * * *

MRS. ANGIE GARCIA

Mrs. Angie Garcia, Deputy Director for Lulac, recommended that the Housing Authority Director be monitored regarding the monies in the amount of 1.5 million given to the Housing Authority for this purpose.

In response to Mr. Roger Perez, Captain Al Phillipus stated that the Police Department will look at a re-shifting of some areas to respond to the emergency situation at the Cassiano Homes. As far as the Foot-Patrols, Captain Phillipus stated that the Police Department is strapped for resources in this area.

Mayor Wolff concurred that a report needs to be brought forth from the SAHA on additional HUD monies to help in this particular issue. He would also want a report by the Housing Authority on improvements to the existing housing projects.

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MR. TOM MORGAN

Mr. Tom Morgan, Bexar County Taxi Drivers Assn., spoke to the Council regarding their request for relief on several problems which they brought forward to the Council. He reiterated the problems for the Council. He stated that he would read a prepared statement, a copy of which is on file with the papers of this meeting, outlying their proposed plan of action. Mayor Wolff asked the staff to investigate this statement and report back to the City Council.

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91-50

CITY MANAGER'S REPORT

City Manager Briseno made reference to a report by the Police Chief regarding a Juvenile Curfew Update and a Status Report on Curfew violations prepared by the Administrator of the Youth Services Division, Mr. Sergio Soto.

Members of the Council expressed pleasure about the results attained from the curfew ordinance and thanked the work of the Police Officers and other staff members for their efforts in this issue. A discussion took place on the general overall effect on crime.

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91-50 The "A" Session was recessed at 7:30 P.M. to go into "B" Session to discuss vacancies on Board appointments on the Urban Renewal Agency, the Planning Commission, and the Fire and Police Civil Service Commission.

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91-50 There being no further business to come before the Council, the meeting was adjourned at 7:40 P.M.

A P P R O V E D
Robert W. Wolf
M A Y O R

Attest: *Norma S. Rodriguez*
C I T Y C L E R K

