

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE CITY COUNCIL CHAMBER, CITY HALL,
ON THURSDAY, JUNE 27, 1985.

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85-38 The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Henry Cisneros, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, VERA, HARRINGTON, ARCHER, HASSLOCHER, CISNEROS. Absent: NONE.

85-38 The invocation was given by Mr. W. Dan Carter, San Pedro Church of Christ.

85-38 The City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

85-38 AWARDS TO CITY FIRE FIGHTERS

Mayor Cisneros briefly explained the presentation of awards today to a number of San Antonio fire fighters who were instrumental in the City's handling of the May 29, 1985 ammonia explosion at an ice plant at 501 Carolina. He read a City staff memorandum which outlined the events and the names of the individuals involved in this incident. Mayor Cisneros then explained how the fire fighters responded without question despite perilous circumstances, noting that some seventeen of them were taken to local hospitals for treatment.

Fire Chief I.O. Martinez stated that Fire Fighter Delfino Munoz would represent the award-winning fire fighters at today's meeting. He then briefly described Mr. Munoz's role in the rescue of an overcome victim and noted that his air mask had been accidentally ripped off and he himself had to be rescued from the ammonia-filled building.

Mayor Cisneros then spoke of Munoz's personal heroism in the incident.

Fire Fighter Delfino Munoz thanked the City Council for the honor and stated that no City fire fighter would have hesitated to rush into a perilous situation such as this in order to rescue a person under such circumstances. He then briefly explained his role in the rescues of the injured victims.

Mayor Cisneros thanked Mr. Munoz and all the fire fighters involved and then read a Citation to be presented to each fire fighter involved in this incident.

Members of the City Council then offered their individual congratulations.

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85-38

SECRET SERVICE AWARD TO FIRE DEPARTMENT

Mayor Cisneros introduced Mr. Ed Nowland of the United States Secret Service present in the audience.

Mr. Nowland noted that there were some 54 protective visits to the San Antonio area during the latest presidential campaign in the fall of 1984, many of which came to San Antonio itself. He then explained the role of the San Antonio Fire Department in providing protective measures for those visits. Mr. Nowland then read a Citation to the San Antonio Fire Department from the Director of the U.S. Secret Service and presented the Citation to Fire Chief I.O. Martinez.

Chief Martinez thanked Mr. Nowland for the award from the Secret Service.

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DR. HUBERTUS STRUGHOLD

Mayor Cisneros introduced Mrs. Strughold who was present in the audience and briefly explained Dr. Strughold's background work in the early days of space medicine in the United States. The Mayor then read a special citation to Dr. Strughold as the "Father of Space Medicine."

Mrs. Strughold expressed her husband's regret at not being able to attend today's meeting. She accepted the award on his behalf and thanked the City for this great honor.

Mrs. Dutmer spoke to the importance of the Aerospace Medical School to San Antonio and to this nation.

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85-38

GUARDIAN ANGELS

Mayor Cisneros introduced and welcomed Mr. Curtis Sliwa, and several members of the Guardian Angels' organization. He spoke of the success of this patrol program in various cities throughout the nation as

far as protection of persons in inner city neighborhoods is concerned. He stated that he personally felt that San Antonio should support the program and spoke of the rise of crime in America's major cities. He stated his opinion that the group should be a positive influence on the youth of San Antonio and spoke to the Guardian Angels' recruitment campaign this coming weekend. Mayor Cisneros spoke of the need for citizens to be involved and police to enforce the fight against crime. Mayor Cisneros then asked that the two organizations, the Guardian Angels and the Brown Berets meet at a later date.

Mr. Curtis Sliwa spoke of his appreciation for the Mayor's attitude towards the Guardian Angels and their offer of help. He stated that he is working in many other cities organizing chapters of the Guardian Angels and he hopes that the new Guardian Angels from San Antonio make a solid contribution to the crime-fighting effort in San Antonio. He introduced two brothers from Dallas and spoke of them being good role models to emulate.

The two Dallas Guardian Angels then briefly explained how they came to join that organization and some of their responsibilities.

Mayor Cisneros stated that the City needs to applaud this group for their work. He stated that he personally supports it and urges San Antonio youth to get involved with it.

Mr. Archer spoke of the Guardian Angels' work during the Dallas Republican Convention last fall.

Mr. Sliwa spoke of older people now joining the Guardian Angels in the City of Dallas in order to provide surveillance in their own neighborhoods of that city.

Mr. Thompson spoke of the need to see the Guardian Angels properly trained for their role.

Ms. Berriozabal spoke of problems that have been experienced over the years in Victoria Courts but that improvements have recently been made. She stated further that in her opinion the Guardian Angels would be good role models for the youth of that area. She stated that the Guardian Angels patrolling Victoria Courts need to be from that area in order to understand the people involved.

Mr. Sliwa stated that 90% of Guardian Angels' work is in the public housing projects and he noted that one particular San Antonio problem is robberies of youths who are leaving rock concerts in the downtown area.

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Mrs. Dutmer asked that the Guardian Angels seek a memorandum of agreement with the City officials involved and also asked them to proceed with caution.

Mr. Harrington stated that Guardian Angels can do a good service for San Antonio.

In response to a question by Ms. Vera, Mr. Sliwa spoke to how the Guardian Angels interact with the parents of Guardian Angel volunteers, noting that those parents must agree if the Guardian Angel is under the age of 18.

Mayor Cisneros recognized representatives of Alazan Apache Courts who were present in the audience who also have asked for Guardian Angel help in their area and noted that Guardian Angels will be meeting with the Brown Berets later to discuss their joint roles.

Mr. Sliwa thanked San Antonio for accepting the Guardian Angels.

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TEJANOS FOR HUNGER MONTH

Mayor Cisneros introduced a group of citizens to speak on this topic and spoke of the recording work done by major Tejano recording stars in this effort.

Mr. David Cruz, representing Tejanos for Hunger Committee, invited the City Council to its three day concert series, beginning Sunday. He then introduced representatives of the sponsoring groups that were present in the audience, noting that the event will go on tour in the next six weeks. He read a schedule of events of some 40 artists involved, noting that all proceeds will be donated to the "Fight Hunger" campaign in the State of Texas.

Mayor Cisneros read and presented a special proclamation to the group on behalf of Tejanos for Hunger Month in San Antonio.

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MRS. CHRIS MENDIOLA

On a point of personal privilege, Ms. Vera introduced her sister, Mrs. Chris Mendiola, present in the audience, noting that she had returned to San Antonio only recently after spending two years in Turkey.

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Mayor Cisneros then recognized Ms. Vera's mother and another sister, also present in the audience.

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 85-38 The minutes of the Regular Meeting of June 13, 1985 were approved.

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85-38 PUBLIC HEARING - FRATT ROAD

Mayor Cisneros declared the Public Hearing to be open.

Mr. Frank Kiolbassa, Director of Public Works, briefly explained the project and where the recommended costs involved would be used. He noted also that the proponent in this case is against the \$77,500 price tag associated with the closing and abandoning of this portion of Fratt Road, recommended by City staff. He then discussed the new roadway involved in the matter and its benefits to those in that area, including the proponent.

Mr. Aaron Fogiel, representing the Richard Gill Company, spoke of work performed by his firm in the area in order to pay for the railroad crossing work and other amenities involved in this case and asked the City Council to formally waive the required fee.

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

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

The Clerk read the following Ordinance:

AN ORDINANCE 60,926

CLOSING AND ABANDONING FRATT ROAD, BETWEEN NEW CITY BLOCKS 12179, 12188; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A QUITCLAIM DEED TO THE RICHARD GILL COMPANIES, ET AL FOR A CONSIDERATION OF \$77,500.00.

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In response to a question by Mr. Webb, the City Attorney, Mr. Lowell Denton, stated that in his opinion the City cannot waive the cost in this matter.

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Mr. Fogiel stated that he would like to provide a land exchange in lieu of a cash settlement and he read from State Law providing for such an event. He then stated that his firm would be willing to exchange the City 2 1/2 acres of improved right-of-way land along with \$1.00 as a donation in return for the land.

Mr. Thompson stated his opinion that the City should accept the trade being offered.

Mr. Kiolbassa stated his contention that the trade is not an equitable one.

Mr. Hasslocher stated his opinion that he felt the firm should pay the full cost involved.

Mrs. Dutmer favored a 50/50 split in the recommended cost.

Mrs. Dutmer then made a motion that the developer pay \$38,750 (1/2 of the recommended cost). Mr. Thompson seconded the motion.

Mr. Louis J. Fox, City Manager, spoke in favor of the proponent paying the full value recommended.

Mr. Hasslocher stated that it is the City's obligation to collect full market value on the property it sells and spoke against the motion to split the fee.

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

Mr. Hasslocher made a substitute motion to accept the staff recommendation that the proponent pay the full amount of the recommended settlement. Mr. Wing seconded the motion.

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

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

85-38 CONSENT AGENDA

Mr. Hasslocher made a motion to approve Agenda Items 7 - 32, constituting the Consent Agenda, with Agenda Item 27 to be pulled for individual consideration. Mr. Harrington seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Archer, Hasslocher, Cisneros.

AN ORDINANCE 60,927

ACCEPTING THE PROPOSAL OF TEZEL & COTTER TO REPLACE THE AIR COMPRESSORS AT THE CARVER BRANCH LIBRARY FOR A TOTAL OF \$6,788.

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AN ORDINANCE 60,928

ACCEPTING THE BID OF SOUTHWESTERN BELL MEDIA TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH TELEPHONE DIRECTORIES FOR A TOTAL OF \$6,406.58.

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AN ORDINANCE 60,929

ACCEPTING THE PROPOSAL OF CONTROL DATA TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH PLATO COURSEWARE FOR A TOTAL OF \$4,884.

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AN ORDINANCE 60,930

ACCEPTING THE LOW BID OF SIERRA/MISCO, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH AN EARLY FLOOD WARNING SYSTEM FOR A TOTAL OF \$71,917.

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AN ORDINANCE 60,931

ACCEPTING THE LOW BID OF OMNI LIFTS, INC. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH A HANDICAP WHEELCHAIR LIFT FOR A TOTAL OF \$7,278.

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AN ORDINANCE 60,932

ACCEPTING THE LOW BID OF LEROY PLOCH PLUMBING COMPANY IN THE AMOUNT OF \$7,989.00 TO PROVIDE LABOR AND MATERIALS FOR THE BOTANICAL CENTER GROUND WATER DRAINAGE PROJECT.

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AN ORDINANCE 60,933

AUTHORIZING FIELD ALTERATION NO. 8 ON THE CONVENTION CENTER EXPANSION PHASE 1B AND 1C IN THE AMOUNT OF \$25,744.00 AND APPROPRIATING \$25,744.00 TO COVER THE COST OF THIS FIELD ALTERATION.

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AN ORDINANCE 60,934

AUTHORIZING AN ADDITIONAL \$17,048.11 PAYABLE TO HOWARD WONG & ASSOCIATES, FOR WORK PERFORMED ON THE INTERIOR MODIFICATIONS - CITY HALL, CITY HALL ANNEX, PLAZA DE ARMAS, POLICE AND MUNICIPAL COURTS BUILDING PROJECT.

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AN ORDINANCE 60,935

AUTHORIZING AN ADDITIONAL \$16,351.03 FOR ENGINEERING FEES AND MISCELLANEOUS CONTINGENT EXPENSES PAYABLE TO G. E. REAVES ENGINEERING, INC., IN CONNECTION WITH THE DESIGN OF THE MAIN AVENUE PROJECT.

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AN ORDINANCE 60,936

APPROPRIATING AN ADDITIONAL \$11,450.00 FOR PROFESSIONAL SERVICES TO BE RENDERED IN CONNECTION WITH THE WESTSIDE EXPRESSWAY PROJECT PAYABLE TO AMNER INCORPORATED.

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AN ORDINANCE 60,937

APPROPRIATING AND AUTHORIZING THE CITY MANAGER TO EXECUTE FIELD ALTERATION #2 IN THE AMOUNT OF \$38,139.36, PAYABLE TO T. L. UTILITY COMPANY FOR THE RELOCATION OF A CITY PUBLIC SERVICE GAS LINE; AND APPROPRIATING AN ADDITIONAL \$5,000.00 FOR THE CONSTRUCTION CONTINGENCY.

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AN ORDINANCE 60,938

APPROPRIATING AND AUTHORIZING THE CITY MANAGER TO EXECUTE FIELD ALTERATION #2 IN THE AMOUNT OF \$14,878.88, PAYABLE TO BEXAR TRENCHING AND EXCAVATION CO. FOR THE BACKFILLING OF TWO FINAL EFFLUENT PONDS LOCATED AT THE CINNAMON CREEK TREATMENT PLANT, CURRENTLY BEING ABANDONED BY THE CONSTRUCTION OF UNSEWERED AREA 66, PHASE 2B/OAKLAND ESTATES.

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AN ORDINANCE 60,939

ACCEPTING THE BID OF UNITED HOMES ENTERPRISES IN THE AMOUNT OF \$56,837.09 FOR THE CONSTRUCTION OF AN ADDITION TO THE VILLA CORONADO COMMUNITY CENTER BUILDING; AUTHORIZING A CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$14,209.00; APPROPRIATING FUNDS; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 60,940

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$12,900.00 OUT OF VARIOUS FUNDS FOR THE PURPOSE OF ACQUIRING EASEMENTS TO CERTAIN LANDS; ACCEPTING THE DEDICATION OF TITLE TO CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS. (WHEATLEY DRAINAGE PROJECT NO. 200: LOTTIE BARR AND RICHARD M. BARR, NATIONAL TITLE COMPANY AS ESCROW AGENT FOR BEATRICE SANDERS; SAN ANTONIO WASTEWATER FACILITIES IMPROVEMENTS PROGRAM, CATEGORY NO. 4, PACKAGE "F", ALAMO TITLE COMPANY AS ESCROW AGENT FOR ASHLEY SALVAGE COMPANY, ALAMO TITLE COMPANY AS ESCROW AGENT

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FOR ERIC CHRISTENSEN; ZONING CASE NO. Z84486
DEDICATION DEED FROM JESSE YSAIS JUAREZ AND WIFE,
PILAR G. JUAREZ)

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AN ORDINANCE 60,941

APPROPRIATING \$4,876.00 IN PAYMENT FOR EXPENSES
INCURRED IN CONCOR SUBDIVISION OFF-SITE SEWER;
DURANGO STREET OVERPASS; ELM CREEK SANITARY SEWER
OUTFALL; LORENCE CREEK OUTFALL SEWER; ROLLINGWOOD
SANITARY SEWER OUTFALL; STONEWALL STREET-BUFFALO TO
PANAM; SAN ANTONIO WASTEWATER FACILITIES
IMPROVEMENTS PROGRAM, CATEGORY NO. 4, PACKAGES B AND
D, LEON CREEK OUTFALL; AND WINDING CREEK SUBDIVISION
OFF-SITE SEWER.

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AN ORDINANCE 60,942

AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO
EXECUTE A RELEASE OF EASEMENT, RELEASING TWO
EXISTING 16-FOOT UTILITY EASEMENTS IN TRACT 1-A, NEW
CITY BLOCK 16587.

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AN ORDINANCE 60,943

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

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AN ORDINANCE 60,944

AUTHORIZING PAYMENT OF REFUNDS TO PERSONS MAKING
OVERPAYMENTS OR DOUBLEPAYMENTS ON FORTY-FIVE TAX
ACCOUNTS.

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AN ORDINANCE 60,945

AUTHORIZING PAYMENT OF ENDORSEMENTS #15 AND #16 TO
THE BOILER AND MACHINERY POLICY, POLICY NO. NRJ
589092 FOR ADDITIONAL PREMIUM FOR BOILER AND

MACHINERY EQUIPMENT LOCATED AT THE SEWER MAINTENANCE AND CONSTRUCTION BUILDING.

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AN ORDINANCE 60,946

AUTHORIZING ACCEPTANCE OF AN OFFER FOR THE SAN ANTONIO BOTANICAL CENTER TO BECOME A PARTICIPANT INSTITUTION WITH THE CENTER FOR PLANT CONSERVATION.

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AN ORDINANCE 60,947

CLOSING THE 3000 BLOCK OF N. ST. MARY'S FROM WOODLAWN TO MISTLETOE ON SUNDAY, JUNE 30, 1985, FROM 11:00 A.M. to 7:00 P.M. IN CONNECTION WITH A FESTIVAL TO BE HELD BY THE KEEP SAN ANTONIO AND BEXAR COUNTY BEAUTIFUL COMMISSION.

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AN ORDINANCE 60,948

GRANTING A ONE YEAR LICENSE TO OPERATE A SIGHTSEEING TOUR SERVICE WITHIN THE CITY OF SAN ANTONIO TO ALAMO SIGHTSEEING TOURS.

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AN ORDINANCE 60,949

GRANTING A ONE YEAR LICENSE TO OPERATE A LIMOUSINE SERVICE WITHIN THE CITY OF SAN ANTONIO TO LIMOUSINES UNLIMITED.

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AN ORDINANCE 60,950

GRANTING A FIVE YEAR LICENSE TO OPERATE A SIGHTSEEING TOUR SERVICE TO GOING YOUR WAY TOURS WITHIN THE CITY OF SAN ANTONIO.

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AN ORDINANCE 60,951

AUTHORIZING RENEWAL AND EXTENSION OF A LEASE AGREEMENT FOR SPACE IN THE MAIN LIBRARY ANNEX BETWEEN THE CITY OF SAN ANTONIO AND THE TEXAS STATE LIBRARY FOR A TWO YEAR TERM.

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85-38 The Clerk read the following Ordinance:

AN ORDINANCE 60,952

AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH MAMA CRISTINA'S MEXICAN BAKERY AND CANDY SHOP, INC. FOR USE OF CITY-OWNED LAND FOR OUTDOOR DINING SPACE.

* * * *

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

In response to a question by Ms. Berriozabal, Mr. Ron Darner, Director of Parks & Recreation, provided details of the Ordinance, noting that the lease concerned is on the Paseo del Rio and not the Maverick Walk as spelled out in the staff memorandum. He recommended its approval.

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

ZONING HEARINGS

33. CASE Z85115 - to rezone an area within the Mission Historic Area bordered by E. Southcross Blvd. on the north, South Presa and Old Corpus Christi Road on the east, Southeast Military Drive on the south and Quintard on the west, from "B", Historic "B" Residence District, "B" Residence District, Historic Landmark, "D" Apartment District, "F" Historic, "F" Local Retail District, "J", "JJ", Historic "J", "JJ" Commercial District, "L", Historic "L" First Manufacturing District, "B-1", "B-1 Historic, Historic "B-1" Business District, "B-3", Historic "B-3" Business District, "B-3R" Restrictive Business District, "I-1" and

Historic "I-1" Light Industry District to "R-1", "Historic "R-1 One Family Residence District, "R-1" One Family Residence District, Historic Landmark, "R-1" S.U.P. One Family Residence District Special Use Permit for a mobile home for a period of two (2) years, Historic "R-5" Residential District, Historic "R-2" Two Family Residence District, "R-3", Historic "R-3" Multiple Family Residence, Historic "B-2" Business District, Historic "B-2NA" Non Alcoholic Sales District, "B-3R", Historic "B-3R" Restrictive Business District, "B-3", Historic "B-3" Business District, Historic "B-3NA" Non Alcoholic, "B-3" S.U.P. Business District Special Use Permit for the Rental, Sales, Repair and Parts for machinery, Historic "B-3NA" S.U.P. Non Alcoholic Sales District Special Use Permit for a packing company on an area within the Mission Historic Area bordered by E. Southcross Blvd. on the north, South Presa and Old Corpus Christi Road on the east, Southeast Military Drive on the south and Quintard on the West.

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

Mr. D. H. Perry, 4227 Roosevelt Avenue, spoke in favor of the staff recommendation.

Mr. Gilbert Evans, 2908 Mission Road, stated that he owns an ice house and grocery at that location and asked that B-3 be approved on the property in order for him to continue the operations as well as to expand it in the future.

Mr. Frank Salinas, 5851 Spring Village, asked for B-2 zoning on two properties he owns in the area.

Mr. Thomas Bordelon, 2835 Roosevelt Avenue, stated that he would like to have part of his home property made B-1 in lieu of the industrial zoning recommended by the City staff for the rear of the property concerned.

Mr. E. S. Bartkowiak, 3113 Mission Road, asked for equality of zoning in his area.

In response to a question by Mrs. Dutmer, Mr. Andy Guerrero, Planner III, discussed the zoning on the Kensler Machinery Company property and the staff proposal to allow them to continue their manufacturing business on this site. Mr. Guerrero also noted that if the land is sold, the existing zoning cannot be continued.

Mrs. Dutmer made a motion to approve the requested rezoning with Lots 3, 4, 17 and 18, NCB 7676 from Historic "J" Commercial to Historic "I-1" Light Industry District. Mr. Wing seconded the motion.

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Mr. Wing proposed an amendment to rezone Lots 1, 2, 3 and 4, NCB 7674 from Historic J Commercial to Historic B-3 Business District. Mrs. Dutmer seconded the motion.

Mr. Wing then proposed a second amendment to rezone Lots 15, 16, 17, 18, 19 and 33, Block 15, NCB 7689 from Historic "F" Local Retail District to Historic B-3NA Business District, Non-Alcoholic Sales. Mrs. Dutmer seconded the motion.

Mr. Wing then proposed a third amendment to rezone Lots 12, 13, and 14, NCB 7668 and Lot 3, NCB 8619 from Historic "J" Commercial District to Historic B-3NA Business, Non-Alcoholic Sales. Mrs. Dutmer seconded the motion.

Mr. Jose Cisneros, Superintendent, National Park Service, affirmed that the City of San Antonio is doing as it has promised to the National Park Service in regards to the Mission Parkway Project.

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

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

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

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

AN ORDINANCE 60,953

AMENDING CHAPTER 42 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 ON PAPERS ATTACHED TO THIS ORDINANCE FROM "B" RESIDENCE DISTRICT, HISTORIC "B" RESIDENCE DISTRICT, "B" RESIDENCE DISTRICT HISTORIC LANDMARK, "D" APARTMENT DISTRICT, "F" LOCAL RETAIL DISTRICT, HISTORIC "F" LOCAL RETAIL DISTRICT, HISTORIC "B-1" BUSINESS DISTRICT, "B-1" BUSINESS DISTRICT, "B-3" BUSINESS DISTRICT, HISTORIC "B-3" BUSINESS DISTRICT, "B-3R" RESTRICTIVE BUSINESS DISTRICT, HISTORIC "J" COMMERCIAL DISTRICT, "J"

COMMERCIAL DISTRICT, "JJ" COMMERCIAL DISTRICT, HISTORIC "JJ" COMMERCIAL DISTRICT, HISTORIC "I-1" LIGHT INDUSTRY DISTRICT, "I-1" LIGHT INDUSTRY DISTRICT, HISTORIC "L" FIRST MANUFACTURING DISTRICT AND "L" FIRST MANUFACTURING DISTRICT TO "R-1" ONE FAMILY RESIDENCE DISTRICT, HISTORIC "R-1" ONE FAMILY RESIDENCE DISTRICT, "R-1" ONE FAMILY RESIDENCE - HISTORIC LANDMARK, HISTORIC "R-5" RESIDENTIAL DISTRICT, HISTORIC "R-2" TWO FAMILY RESIDENCE DISTRICT, "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, HISTORIC "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, "B-2" BUSINESS DISTRICT, "B-2" BUSINESS DISTRICT, HISTORIC "B-2" BUSINESS DISTRICT, "B-2NA" NON-ALCOHOLIC SALES DISTRICT, "B-3" BUSINESS DISTRICT, HISTORIC "B-3" BUSINESS DISTRICT, "B-3R" RESTRICTIVE BUSINESS DISTRICT, HISTORIC "B-3R" RESTRICTIVE BUSINESS DISTRICT, "B-3NA" NON-ALCOHOLIC SALES DISTRICT, HISTORIC "B-3NA" S.U.P. NON-ALCOHOLIC SALES DISTRICT, SPECIAL USE PERMIT FOR A PACKING PLANT, HISTORIC "B-3" S.U.P. BUSINESS DISTRICT, SPECIAL USE PERMIT FOR AN AMUSEMENT PARK, "I-1" LIGHT INDUSTRY DISTRICT, HISTORIC "I-1" LIGHT INDUSTRY DISTRICT AND HISTORIC "R-1" S.U.P. ONE FAMILY RESIDENCE SPECIAL USE PERMIT FOR A MOBILE HOME FOR A PERIOD OF TWO (2) YEARS.

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34. CASE Z85105 - to rezone Lot 15, save and except the northwest 30.05' and the southeast 10.29', Block G, NCB 11557, 1527 Hillcrest Drive, from "A" Single Family Residence District to "O-1" Office District, located on the northwest side of Hillcrest Drive, being 195.48' northeast of the intersection of Bandera Road and Hillcrest Drive, having 206.2' on Hillcrest Drive and a depth of 279.71'.

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

Mr. Robert Diaz De Leon, representing the proponent, stated that a major thoroughfare intersection is located at Bandera and Hillcrest near this site. He then displayed a proposed site plan for an office building at that location stating that he feels that the lot is not suitable for residential zoning.

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Ms. Naida Segura, 1422 E. Sunshine Drive, displayed a sketch of the area, showing much vacant office space in the area and also showing the subject property in relation to nearby residential zonings.

Ms. Marjorie LaBeaume, 1538 Hillcrest Drive, spoke against the project.

Mr. William Wheeler, 1603 E. Hillcrest Drive, wants a moratorium on any commercial intrusion into the neighborhood.

Ms. Aileen Ethelcht, 1535 E. Hillcrest, spoke against the project.

Mr. Joe Candelario, 1543 E. Hillcrest, also spoke against the project stating that any commercial development of the subject property will require ingress and egress through residential property. He also spoke of his fear for a domino effect if the zoning is granted.

Mr. De Leon stated that he feels O-1 would be a good buffer zoning between commercial and the residential area and stated that the Zoning Commission and the City staff both recommended approval.

Mr. Archer made a motion to deny the requested rezoning. Ms. Berriozabal seconded the motion.

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

CASE Z85105 was denied.

35. CASE Z85172 - to rezone Lots 66, 67, 68, and the remaining portion of Lots 4, 5, 6, and 7, Block 17, NCB 7880, in the 900 Block of Brunswick Blvd., from "B" Residence District to "O-1" Office District, located between Brunswick Blvd. and Fitch Avenue, with I.H. 35 Expressway for an eastern boundary, having 75' frontage on Brunswick and a maximum depth of 143' on I.H. 35 Expressway.

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

Mr. Wing moved that the recommendation of the Zoning Commission be approved provided that 10' of dedication is given along Brunswick and that driveways on Pan Am Expressway are secured from the Texas Highway Department. Also that off-street parking is provided and submitted to the Traffic Section for approval. Ms. Berriozabal seconded the motion.

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

AN ORDINANCE 60,954

AMENDING CHAPTER 42 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 66, 67, 68, AND THE REMAINING PORTION OF LOTS 4, 5, 6, AND 7, BLOCK 17, NCB 7880, IN THE 900 BLOCK OF BRUNSWICK BLVD., FROM "B" RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT, PROVIDED THAT 10' OF DEDICATION IS GIVEN ALONG BRUNSWICK AND THAT DRIVEWAYS ON PAN AM EXPRESSWAY ARE SECURED FROM THE TEXAS HIGHWAY DEPARTMENT. ALSO THAT OFF-STREET PARKING IS PROVIDED AND SUBMITTED TO THE TRAFFIC SECTION FOR APPROVAL.

* * * *

36. CASE Z85187 - to rezone a 16.36 acre tract of land out of NCB 15671, being further described by field notes filed in the Office of the City Clerk, in the 2800 Block of F.M. 1604 Road, from Temporary "R-1" ERZD One Family Edwards Recharge Zone District to "B-3" ERZD Edwards Recharge Zone Business District, located northwest of the intersection of Redland Road and F.M. 1604, having 1140' on F.M. 1604 and 480' on Redland Road.

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

Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved provided that 13' of dedication is given along Redland Road and driveway access from 1604 is secured from the Texas Highway Department and other driveways and off-street parking are provided and submitted to the Traffic Section for approval. Also, stipulations as outlined by Environmental Protection Office. Mr. Thompson seconded the motion.

Mr. Webb spoke against the request for rezoning because of his opposition to extensive business zoning over the aquifer. He spoke to the need to draw a line on business development over the aquifer at this time and asked the Council to oppose the rezoning move.

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Mr. Joe Veytia, 1250 N.E. Loop 410, the proponent, stated that he wants the property for construction for mid-rise office usage.

Mr. David Cardenas, Environmental Protection Officer for the City, explained the pollution abatement program proposed for the property and stated that his office agrees with the plan and with the program.

Mr. Andrew Guerrero, Planner III, stated that other B-3 zonings exist in this immediate area.

Ms. Berriozabal stated that she would vote against the motion since it is over the recharge zone. She also voiced her concern that extensive development tends to send more run-off water down neighborhood creeks and thus through her district.

In response to a question by Mrs. Dutmer, Mr. Veytia noted that the proposed pollution abatement plan does not plug any caves or sinkholes on the property.

Mrs. Dutmer spoke in favor of the motion because the case, while it is over the aquifer, does have a proposed pollution abatement plan supported by City staff.

Mr. Webb stated his feeling that the rezoning is for speculative use only and not for concrete development at this time.

Mr. Veytia, who is real estate manager for Redland Road Joint Venture, noted that his proposal was once rejected by the City Council because a pollution abatement plan was not well done at that time. He stated that since then the joint venture partners have studied similar developments around the nation in order to develop an effective pollution abatement plan and have done so. He spoke of the varied developments planned on the property involved.

Mr. Harrington spoke in favor of the motion noting that it complies with all City regulations.

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

AN ORDINANCE 60,955

AMENDING CHAPTER 42 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 16.36 ACRE TRACT OF LAND OUT

OF NCB 15671, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 2800 BLOCK OF F.M. 1604 ROAD, FROM TEMPORARY "R-1" ERZD ONE FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "B-3" ERZD EDWARDS RECHARGE ZONE BUSINESS DISTRICT, PROVIDED THAT 13' OF DEDICATION IS GIVEN ALONG REDLAND ROAD AND DRIVEWAY ACCESS FROM 1604 IS SECURED FROM THE TEXAS HIGHWAY DEPARTMENT. AND OTHER DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED TO THE TRAFFIC SECTION FOR APPROVAL. FURTHER PROVIDED THAT THE TREATMENT FACILITIES AND OPERATIONS OUTLINED IN THE POLLUTION ABATEMENT PLAN ARE FILED WITH THE AQUIFER PROTECTION OFFICER AND OFFICE OF THE CITY CLERK, AND THAT THESE AS WELL AS OTHER REQUIREMENTS OF THE TEXAS DEPARTMENT OF WATER RESOURCES ARE RECORDED ON THE PLAT IN THE FORM OF NOTATIONS AT THE TIME OF PLATTING, AND FURTHER PROVIDED THAT SUCH REQUIREMENTS ARE MADE PART OF THE DEED RECORDS.

* * * *

85-38

PUBLIC HEARING - MACDONNA AND BUFFALO STREETS
RECONSTRUCTION PROJECT

Mayor Cisneros declared the Public Hearing to be open.

No citizens appeared to speak.

Mayor Cisneros declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 60,956

REPROGRAMMING \$64,000.00 FROM THE GOLDEN DRAINAGE PROJECT TO THE MACDONNA AND BUFFALO STREETS RECONSTRUCTION PROJECT.

* * * *

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

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

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Dutmer, Wing, Martinez, Vera, Harrington, Archer, Hasslocher, Cisneros;
NAYS: None; ABSENT: Thompson.

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MARTIN HIME, CONSUL GENERAL OF GREAT BRITAIN

On a point of personal privilege, Mr. Archer introduced Mr. Martin Hime, Consul General of Great Britain, to the City Council stating that Mr. Hime is in San Antonio to discuss matters related to the Texas Sesquicentennial celebration. He then presented Mr. Hime with a book on San Antonio.

Mr. Hime thanked Mr. Archer and the Council for the book, stating that he saw much signs of an encouraging mutual trade between the United States and Great Britain and spoke of his hope for complete success for the Texas Sesquicentennial next year.

85-38 The Clerk read the following Resolution:

A RESOLUTION NO. 85-38-59

APPROVING THE JUNE 24, 1985, RESOLUTION OF THE CITY PUBLIC SERVICE BOARD APPROVING AND AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT DATED AS OF JUNE 1, 1985, AS THE BASIS FOR SETTLING, IN ACCORDANCE WITH THE TERMS THEREOF, THE CONTROVERSIES AND LITIGATION BETWEEN CITY PUBLIC SERVICE AND BROWN & ROOT, INC. AND HALLIBURTON COMPANY AND RELATED DOCUMENTS.

* * * *

Mr. Jack Spruce, General Manager of City Public Service, noted that the CPS Board of Trustees had approved the settlement at its meeting of June 24th.

Mr. Ferd C. Meyer, attorney for the firm of Matthews & Branscomb, representing the City Public Service Board of Trustees presented to the City Council at this time certain charts outlining the different aspects of the merits of entering into a settlement with Brown and Root. He also outlined reasons for the possible settlement of the lawsuit at this time and presented the Council the various alternatives that would be facing CPS should it not settle the case. Mr. Meyer stated that the alternatives were two: (1) to try the lawsuit in court or (2) have to resolve the

possibility of incurring substantial costs in the neighborhood of \$100 million dollars as well as the risk of receiving nothing should the case be lost in court. Mr. Meyer noted that Central Power and Light of Corpus Christi and Houston Lighting and Power both have signed the Reservation of Rights Agreement. In conclusion, he recommended that CPS and City Council approve the settlement.

At the request of Mayor Cisneros, Mr. Meyer then read into the official record the Matthews & Branscomb letter reference the South Texas Nuclear Project Litigation Settlement and he then paraphrased the restated Reservation of Rights Agreement in conjunction with it and then read the cover letter from his firm on this matter, The text of which reads as follows:

"Gentlemen:

"This is to confirm our understanding that the Release Agreement-Plaintiffs attached to the Settlement Agreement among Halliburton, Brown & Root, HL&P, San Antonio and Austin as Exhibit C-1 (Municipal) and Exhibit C-1 (Corporate) and to the Settlement Agreement among Halliburton, Brown & Root and CP&L as Exhibit C-1, which will be executed, acknowledged and delivered to each of Halliburton and Brown & Root at the appropriate Closing on the appropriate Closing Date, shall, in accordance with their terms, release, indemnify and hold harmless the "successors" of Halliburton and Brown & Root, as that term is construed by the law of the State of Texas when applied to corporations, and the "affiliates" of Halliburton and Brown & Root, as that term is defined in Exhibit A to the Settlement Agreements, and that the Release Agreements--Plaintiffs do not release, indemnify or hold harmless Bechtel Energy Corporation, Ebasco Services, Inc., Houston Lighting & Power Company, or any other person or entity not covered by the terms and conditions of said Release Agreements.

"Please return a signed copy of the letter to me, indicating your client's agreement with the above."

Mrs. Helen Ayala, President of Communities Organized for Public Service (COPS), introduced representatives from her delegation, including the Metropolitan Congregational Alliance and the Eastside Alliance and stated her contention that the settlement is apparently a foregone conclusion. She stated her feeling that an injustice has been done to the rate payers.

Mr. Jesus Cardenas, 105 Monclova, spoke to his concern that the settlement is being rushed through at this time. He then spoke to San Antonio's energy problems with changing natural gas suppliers, the problems with contracting for Wyoming coal by railroad carrier and further problems with the South Texas Nuclear Project.

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

In response to a question by Mrs. Dutmer, Mr. Meyer stated that Brown & Root is a direct competitor to Bechtel, the current contractor on the South Texas Nuclear Project. He also explained that San Antonio is not waiving its rights to sue in the future by approving this settlement.

(Mayor Cisneros returned to the meeting and presided.)

In response to a question by Mrs. Dutmer, Mr. Meyer spoke to the wording of the agreement as prepared by Houston Lighting & Power and Central Power & Light of Corpus Christi. Mr. Meyer stated that he would write a letter to these two other partners to change certain wording related to paragraph six which apparently inferred that the attorneys had agreed to the settlement before the actual CPS Board approval.

In response to another question by Mrs. Dutmer, Mr. Spruce stated that the City Public Service staff recommends that the monies received from the settlement and recovered be used for capital improvements at CPS.

Mrs. Dutmer voiced her concern with putting this money in the South Texas Nuclear Project.

Mayor Cisneros stated that the CPS Board of Trustees had agreed to work with the City Council on the best method of allocation of any settlement funds and to study how best this money could reduce CPS rates. He noted that \$210 million is only a small part of the money that the CPS system needs. He stated that CPS projects rate increases over the next ten years and there is a possibility that this money could only diminish this requirement in part, not in total. He advanced the possibility that the CPS could use the money to reduce the requirements for capital improvements over the coming few years and stated that he feels that the rate increases will slow up over the years ahead.

In response to a question from Mr. Thompson, Mr. Meyer discussed the decision on the maximum settlement figure as arrived at by our side and Brown & Root. He then discussed the \$750 million dollar overall settlement offer made by Mr. Meyer to Brown & Root after his analysis of the situation and increased fuel costs over the years as a result of delays by Brown & Root. Mr. Meyer stated his contention that so-called ability to pay played a major role in the settlement offer he now recommends.

Mr. Thompson stated that he has confidence in the settlement negotiations and noted that he would take a harder look at future CPS rate increases. He stated that the public may feel that the City and CPS did not receive enough from the proposed settlement.

Mr. Webb voiced his concern with how the final settlement date was arrived at on demand of Brown & Root. He stated that he feels other experts should be heard from and noted that some persons view the settlement as being too hasty.

Mr. Meyer noted that he had requested an extension of Brown & Root's June 30 deadline and he then read a letter from Brown & Root which thus in effect rejects that deadline request because of certain other commitments the firm has made. Mr. Meyer stated that he will proceed with the legal proceedings in court if the City Council votes to reject the settlement as recommended.

Mr. Martinez voiced his concern that Brown & Root still is refuting charges that it caused delays in the South Texas Nuclear Project. He stated his feeling that all parties in the South Texas Nuclear Project did not have the same interests in mind over the years. Mr. Martinez noted that he is not convinced that San Antonio has received the best settlement possible at this time and he feels San Antonio could recover damages against the parent Halliburton firm in the future. Mr. Martinez stated his contention that Houston Lighting & Power also may be legally responsible for the delays incurred. He then disagreed with several points of the proposed settlement noting that he feels there are many unanswered questions left in this case. He feels that there is no need to meet Brown & Root's deadline just because they demand it at this time.

Mr. Harrington commended Mr. Meyer for his work in the settlement matter and spoke in favor of approving this settlement.

Mr. Harrington made a motion to approve the proposed Resolution. Mr. Archer seconded the motion.

Ms. Berriozabal reiterated Mr. Meyer's warning of what will happen if the City and CPS do not accept the settlement to wit: (1) be prepared to go to trial on the matter, (2) resolve the question of incurring substantial future costs in relation to the matter and (3) facing the possibility of receiving nothing. She stated her feeling that more and more evidence will surface in the future that shows Brown & Root caused severe problems with South Texas Nuclear Project. She stated that she feels that litigation will not end with the settlement and feels that San Antonio will incur more and more costs in relation to South Texas Nuclear Project. Ms. Berriozabal also stated her feeling that South Texas Nuclear Project will never produce energy for San Antonio and spoke to the construction flaws in that project. She stated that she would like to question more experts on the matter of the settlement issue before making a final decision and spoke against making a hasty decision in order to beat Brown & Root's imposed deadline. She also voiced her concern with Houston Lighting & Power's possible indemnity as a result of being the

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managing general partner that hired Brown & Root in the first place and noted that she would vote against any settlement issue at this time.

Ms. Vera voiced her concern with Brown & Root's deadline demand and stated she too would vote against the issue.

Mr. Webb made a substitute motion to postpone consideration of this Resolution for one week in order to hear from Mr. Boyle of the Public Utility Commission. Ms. Berriozabal seconded the motion.

Mayor Cisneros stated that he wants to be certain that the Public Utility Commission's ruling cannot void San Antonio's chances to seek possible future recovery of damages against perhaps Houston Lighting & Power.

Mrs. Ayala voiced her concern that Mr. Meyer is in favor of a quick settlement.

In response to a question by Ms. Berriozabal, Mr. Meyer explained how Mr. Boyle's recommendation to the Public Utility Commission to not approve the \$750 million settlement offer would affect that settlement.

Mrs. Ayala stated she feels that the public interest needs to be served not the business interests in this case.

The substitute motion failed to carry by the following vote: AYES: Berriozabal, Webb, Martinez, Vera; NAYS: Dutmer, Wing, Thompson, Harrington, Archer, Hasslocher, Cisneros; ABSENT: None.

The main motion to approve the proposed Resolution prevailed by the following vote: AYES: Dutmer, Wing, Thompson, Harrington, Archer, Hasslocher, Cisneros; NAYS: Berriozabal, Webb, Martinez, Vera.

Mrs. Ayala told the Council that she feels that the citizens have been railroaded in this matter today.

Mayor Cisneros noted that the wisdom of this decision will be proven in some three to four years.

85-38 The Clerk read the following Ordinance:

AN ORDINANCE 60,957

AUTHORIZING A MANAGEMENT AND PROFESSIONAL SERVICES CONTRACT FOR THE JOHN R. MCFARLIN TENNIS CENTER.

* * * *

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

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

85-38 The Clerk read the following Ordinance:

AN ORDINANCE 60,958

ESTABLISHING MEMBERSHIP CATEGORIES AND APPOINTING MEMBERS TO THE COMMISSION FOR CHILDREN AND FAMILIES. (COMMITTEE MEMBERS: MARY ALICE CISNEROS (M); DEBRA MONTEZ DAVIS (1); ADOLPH THOMAS (2); MARY TAYLOR (3); GUADALUPE FONSECA (4); ALBERT CORTEZ (5); LUCY HALL (6); DR. BELINDA PADILLA (7); DR. PHYLLIS BOWIE (8); SONIA MASINTER (9); & DR. NORMAN W. CHARLTON (10).)

* * * *

A brief discussion took place concerning the two possible options in this case. Option A would establish a 22 member commission to be established with 11 members selected by district and 11 selected at large. Option B is an 11 member commission established with each member then having an alternate member. The Department of Human Resources and Services recommends adoption of Option B.

Mr. Wing made a motion to adopt Option B. Ms. Berriozabal seconded the motion.

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

At this point each individual City Council member appointed their appointee to the new Commission for Children and Families.

At the conclusion of the appointments, Ms. Berriozabal made a motion to approve the appointments. Mr. Harrington seconded the motion.

The motion was approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

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Mr. Webb spoke to the need for alternate appointees to other boards throughout the City structure.

85-38 The Clerk read the following Ordinance:

AN ORDINANCE 60,959

APPROVING REGULATIONS FOR WATER SERVICE OF THE WATER WORKS BOARD OF TRUSTEES; AND AMENDING A PORTION OF CHAPTER 36-13 WATER, OF THE CITY CODE.

* * * *

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

In response to a question by Mr. Wing, Mr. Roland Lozano, Director of Planning, stated that the regulations, as proposed to the Council today do contain the recommended amendments as made informally by the Council last week.

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

Ms. Angie Garza, Communities Organized for Public Service (COPS), stated that COPS would be looking closely at any increases in water rates in the future.

85-38 It was the concensus of the City Council to momentarily bypass Agenda Item 40 at this time.

85-38 The Clerk read the following Ordinance:

AN ORDINANCE 60,960

APPOINTING TONY CARRANZA TO SERVE ON THE INDUSTRIAL WASTEWATER REVIEW BOARD.

* * * *

Mr. Martinez made a motion to approve the proposed Ordinance. Mr. Harrington seconded the motion.

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

- - -
85-38 The Clerk read the following Ordinance:

AN ORDINANCE 60,961 .

.
 APPOINTING MANUEL D. GARZA AND ELLEN BERKEY TO SERVE
 ON THE MECHANICAL BOARD OF APPEALS.

* * * *

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

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

- - -
85-38 The Clerk read the following Ordinance:

AN ORDINANCE 60,962 .

.
 APPOINTING MEMBERS TO SERVE ON THE HOME IMPROVEMENT
 ADVISORY BOARD, THE AFFIRMATIVE ACTION ADVISORY
 COMMITTEE, AND THE ZONING COMMISSION, AND SETTING
 THEIR TERMS OF OFFICE, AND DECLARING AN EMERGENCY.
 (HOME IMPROVEMENT ADVISORY BOARD APPOINTEES: JANE
 FOSTER, EDDIE WILLIAMS, FRITZ DUELM, JUAN OLIVARES,
 JIMMY CASIANO, REV. GLINWOOD RUSS, ELY BERGMANN,
 JOHN MACKENZIE, E. N. DEAN, HENRY VILLASANA;
 AFFIRMATIVE ACTION ADVISORY COMMITTEE APPOINTEE:
 ONFELIA PENA; ZONING COMMISSION APPOINTEES: JESSE
 OVIEDO, JOHN C. ZAMORA, JOE MEZA, JOHN SMALL,
 ELIZABETH DAVIES.)

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

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

85-38 The Clerk read the following Ordinance:

AN ORDINANCE 60,963

APPOINTING JIM KENDRICK TO THE MECHANICAL BOARD OF APPEALS TO SERVE THE REMAINDER OF THE UNEXPIRED TERM OF CHARLES PARKER.

* * * *

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

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

The City Council, at this point, recessed its meeting at 6:55 P.M., reconvening in Regular Session at 8:00 P.M.

85-38 The Clerk read the following Ordinance:

AN ORDINANCE 60,964

AUTHORIZING THE ISSUANCE OF PERMITS TO OPERATE HORSE-DRAWN CARRIAGES FOR HIRE ON CITY STREETS; DECLARING AN EMERGENCY; AND PROVIDING FOR AN EFFECTIVE DATE.

* * * *

Mr. Roger Ibarra, Supervisor of Public Utilities, briefly explained the staff recommendations in connection with the issuance of a recommended fifteen permits for horse-drawn carriages.

Ms. Berriozabal made a motion to approve staff recommendation. Mr. Thompson seconded the motion.

Mrs. Mary Louise Tapia, 114 Camargo, stated that she lives next door to Yellow Rose Carriage Company and she spoke against the issuance of permits to that firm because of the nuisances caused by the horse stables located in the neighborhood. She further described the conditions in the area and spoke against the awarding of any permits to Yellow Rose Carriage Company and in addition submitted a petition against such an award.

Mrs. Mary Jane Alvarado, 120 Camargo, spoke in protest to possible issuance of permits to the Yellow Rose Carriage Company. She also spoke against the location of the firm's stables in the neighborhood. She spoke of long-standing adverse conditions because of the stables, including horse flies, bad odors, noise during the evening hours, and even rodents because of hay stored near the horses.

Mr. Henje Carlsson, speaking for Alamo Carriage Service, stated that most of the violation tickets issued against his firm have been dismissed by a judge. He spoke of the provision of free rides to needy children at Christmas time by his firm and passed around to the City Council members various copies of letters of appreciation received by Alamo Carriage Service.

Mr. Nick Milam, attorney for Alamo Carriage Services, stated that one of the petitioners for horse-drawn carriage permits, Mr. Ivan Bogachoff, is currently under a non-competition contract with Alamo Carriage Services and thus cannot operate a competing carriage firm in San Antonio against Alamo at this time.

Mr. Lazlo Beres, owner of Alamo Carriage Service, stated that he was proud of his unique carriage service in San Antonio and he displayed the Pentathlon Medal he won in Switzerland recently. He then spoke of his expertise with horses and his contention that there has been a break in communication between the City staff and the City Council. He then spoke of alleged illegal tickets given to his firm for violations of City ordinances.

Miss Anne Wolfe, representing the Royal Coach Livery, stated that she was the co-owner of Yellow Rose Carriage Company with her husband and they currently are partners wishing to disband and dissolve that particular company. She stated that she is now seeking permits herself under the new name.

Mr. Daryl Zipp, representing Yellow Rose Carriage Company, spoke of having operated legally under City zoning and health laws. He also stated his willingness to relocate his firm's business from the King William area if he can find a buyer for the property on Camargo Street.

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Mayor Cisneros spoke of staff analysis of the horse-drawn carriage business in San Antonio and to staff recommendations in this matter.

Mr. Archer stated that he favors giving Alamo Carriage Service another chance and also for re-permitting the Yellow Rose Carriage Company and issuing five permits also to Royal Coach Livery. He stated that he personally feels that horse-drawn carriages are dangerous on City streets.

Mr. Archer made a substitute motion to remove all horse-drawn carriages from City streets and put them at Brackenridge Park. The motion died for lack of a second.

Mr. Thompson noted that the horse-drawn carriage ordinance expires at midnight tonight and that the Council needs eight votes in order to keep carriages on the streets past midnight tonight.

Ms. Vera stated that she cannot support permits for Alamo Carriage Company.

In response to a question by Mr. Wing, Mr. Ibarra spoke to the staff's reasons for not recommending Alamo's permits.

A discussion then took place of alleged health problems concerning the Yellow Rose Carriage Livery Stable.

Mr. Wing made a substitute motion to grant five permits to Lone Star Carriage Company, five permits to HRH at this time. Mrs. Dutmer seconded the motion.

Ms. Berriozabal spoke of long-standing odor problems with the Yellow Rose Stables and spoke of being in favor of the bidding process as far as horse-drawn carriages are concerned.

Mr. Lowell Denton, City Attorney, stated that the Council can impose new ordinance restrictions and conditions on carriage firms issued new permits tonight.

In response to a question by Mrs. Dutmer, Mr. Beres stated that his firm cannot make it economically on just three carriages. He then briefly discussed the differences in the total number of violations as reported by the City staff and reported by his firm.

In response to a question by Mr. Martinez, Mr. Nick Pena, representing El Mercado Carriage, spoke of plans of locating his stables near the downtown area.

Mr. Harrington spoke in favor of re-permitting Alamo Carriage Service with a probationary period to be installed because they were the first firm to operate horse-drawn carriages in San Antonio.

Mr. Archer offered an amendment to approve five permits for Lone Star Carriage Company. Mr. Harrington seconded the motion.

The amendment was approved by the following vote: AYES: Berriozabal, Webb, Martinez, Thompson, Vera, Harrington, Archer, Cisneros; NAYS: Dutmer, Wing; ABSENT: Hasslocher.

The substitute motion was approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Vera; NAYS: Martinez, Harrington, Archer, Cisneros; ABSENT: Hasslocher.

Mr. Archer proposed an amendment to give Yellow Rose Carriage Service the five remaining permits. Ms. Vera seconded the motion.

Mr. Wing offered a substitute motion which would issue three permits to Alamo with a six-month probation and two permits to El Mercado. Mr. Martinez seconded the motion.

The amendment to grant five permits to Yellow Rose prevailed by the following vote: AYES: Berriozabal, Webb, Thompson, Vera, Archer, Hasslocher, Cisneros; NAYS: Dutmer, Wing, Martinez, Harrington; ABSENT: None.

The substitute motion to give three permits to Alamo and two to El Mercado Carriage Service failed to carry by the following vote: AYES: Dutmer, Wing; NAYS: Berriozabal, Webb, Martinez, Thompson, Vera, Harrington, Archer, Hasslocher, Cisneros.

Mr. Wing made a substitute motion to grant all five permits to El Mercado Carriage. Mr. Martínez seconded the motion.

The motion failed to carry by the following votes: AYES: Dutmer, Wing, Martinez; NAYS: Berriozabal, Webb, Thompson, Vera, Harrington, Archer, Hasslocher, Cisneros; ABSENT: None.

Mr. Wing made a substitute motion to bid out the last five unallocated permits. Mr. Harrington seconded the motion.

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

Mrs. Dutmer offered an amendment to grant the remaining five permits to Alamo Carriage Company with a 90 day probation. Mr. Harrington seconded the motion.

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

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Mr. Thompson proposed an amendment to grant Yellow Rose sixty days to stay in their current site. Ms. Vera seconded the motion.

Mr. Wing made a substitute motion to grant three permits to Royal Coach Livery and two permits to El Mercado. The motion died for lack of a second.

The amendment to give Yellow Rose sixty days to stay at their current site was approved by the following vote: AYES: Berriozabal, Webb, Thompson, Vera, Archer, Hasslocher, Cisneros; NAYS: Dutmer, Wing, Martinez, Harrington; ABSENT: None.

The main motion, as amended, was approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Archer, Cisneros; NAYS: None; ABSENT: Hasslocher.

Mr. Archer made a motion to grant these permits immediately so that horse-drawn carriage service can continue uninterrupted in downtown San Antonio from midnight tonight. Mr. Thompson seconded the motion.

The motion carried by the following vote: AYES: Berriozabal, Webb, Martinez, Thompson, Vera, Harrington, Archer, Cisneros; NAYS: Dutmer, Wing; ABSENT: Hasslocher.

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BRIEFING ON REFUNDING PLAN FOR BONDS

Mr. Louis J. Fox, the City Manager, briefly explained that the new tax code will adversely affect the possibility of advance refunding of bonds in the future and stated that the City must move swiftly in order to take advantage of the old provisions before the new tax law goes into effect. He stated the City plans to reduce its outstanding general obligation bonded indebtedness and thus reduce the payments that it makes each year. The net value savings, according to Mr. Fox, estimated at some \$31 million dollars by refunding these bonds at this time. He spoke of this action changing the way the City structures its bonded indebtedness and also spoke to the proposed sequence of events to be accomplished in order to do this refunding.

Mayor Cisneros spoke in recommendation of the staff plan.

Mr. Fox stated that the City plans to go out for bids on bond counsel preferably for a bond counselor for a five year term.

Mr. Martinez stated that he would like local minority firms involved perhaps as co-manager of the bond counsel complex.

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A discussion then took place concerning fee determination for bond counsel on these refunding bonds.

Mr. Thompson spoke of the need to secure a new method to determine how fees are computed for bond and legal counsels as far as the bonded indebtedness of the City is concerned.

Mr. Webb spoke of the need to include minorities in these groups.

Discussion then took place of the need for speed in meeting these so-called 'windows' in order to take advantage of this refunding opportunity.

After discussion, it was determined that an ad hoc committee of City Council members would meet with Mr. Fox at 5:00 P.M. tomorrow at City Hall to discuss the refunding proposal. The Council members named by other Council were: Ms. Vera, Mr. Thompson and Mr. Wing, to serve on the ad hoc committee. It was also determined that they would assist the City Manager in helping to analyze the criteria by which recommendations will be brought to the City Council for action in this matter next week.

Mr. Wing stated that the City's professional staff knows best how to handle these matters.

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CITIZENS TO BE HEARD

WADE E. FIRMIN

Mr. Wade E. Firmin stated that he is of the opinion that Councilman Harrington is not representing the people in his district and does not have their interests in mind. He then stated that he feels that certain groups in the City are given more opportunity for voicing their opinions and participating in decisions made by the local government. He also spoke of safety not being the major issue in the South Texas Nuclear Project.

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JANIE ADAME

Mrs. Janie Adame, 9339 Rhoda Avenue, spoke to the City Council thanking them for their past assistance in having her home repaired. She then spoke about problems she is having with the San Antonio Housing Authority and the issue of \$300 which she is being charged for repairs made to her home.

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Mr. Mercy Pena, Community Action Officer, was asked to meet with Mrs. Adame and officials of the San Antonio Housing Authority who were present in the audience to try to resolve this issue.

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

A P P R O V E D

Henry Cisneros
M A Y O R

ATTEST: *Romeo S. Rodriguez*
C i t y C l e r k