

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, APRIL 24, 1986.

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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, LABATT, HASSLOCHER, CISNEROS. ABSENT: None.

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86-18 The invocation was given by Reverend Carlos Lopez, Divine Redeemer Church.

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86-18 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

86-18 KING ANTONIO

Mayor Cisneros recognized King Antonio and Miss Fiesta who were present in the audience.

King Antonio, Mr. Jack Meyer, then introduced Miss Fiesta, Danette Morin, as well as the Commander of the Texas Cavaliers and two of his aides also present in the audience along with members of the King's guard. He then presented the Mayor and City Council members with mementos for their leadership of San Antonio.

Mayor Cisneros spoke of the growth of Fiesta and the leadership of King Antonio, Mr. Jack Meyer in the community and his many civic endeavors.

86-18 GLENELG, AUSTRALIA

Mayor Cisneros introduced a group of delegates from the City of Glenelg, South Australia, the twin town to San Antonio accompanied by former City Councilmember, Glen Hartman.

Mr. Hartman spoke of the 150th Anniversary of the state of South Australia and then introduced members of the delegation and Miss Joy Dunden, their leader.

Miss Dunden then introduced each individual person involved, Ms. Brenda Hlawka, Ms. Lyn Walter, Ms. Leanne Gaye, Ms. Marlene Panagiotidis, and Ms. Susan Mattiske.

Mayor Cisneros welcomed each to City Hall and presented each with a scarf and a sesquicentennial calendar.

Miss Glenelg, Ms. Brenda Hlawka presented the Mayor a plaque from the City of Glenelg.

Ms. Lyn Walter, Miss Glenelg Pageant, presented the Mayor with a Glenelg picture book.

Mr. Hartman then introduced Mr. Reg Lindsay, Country & Western singer from Australia, accompanying the group.

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86-18

SULZ, WEST GERMANY

Mayor Cisneros introduced Mayor Pete Vosseler, the Mayor of Sulz, West Germany, currently visiting in San Antonio as well as City Council member Gustav Reihling.

Mayor Vosseler then spoke of the open society of San Antonio and South Texas, and spoke to the San Antonio's growth in both science and education in recent years. He thanked members of the San Antonio Liederkrantz for participating in an exchange of visits with citizens of his city and he also thanked the Mayor for the presentation of the alcalde today. He then briefly outlined the history of Sulz over the past 1,200 years and presented the City with a full size flag of the City of Sulz, West Germany as well as a book of history of the city and region. Mayor Vosseler then spoke of the annual celebration in Sulz and introduced two costumed persons who represented that pageant.

Councilmember Reihling then presented the Mayor with a special photograph of the City of Sulz.

Mayor Cisneros spoke of the importance of Germans to Texas and to San Antonio and of their history in this region. He noted that many German communities dot South Texas and he spoke of the homage paid to these historic cities. He then presented a San Antonio book and a tie to Mayor Vosseler and a belt buckle to Councilman Reihling as well as to the two costumed visitors.

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April 24, 1986
sr

86-18MAINZ, WEST GERMANY

Mayor Cisneros introduced Ms. Gesche Wellmer-Brennecke, representing the Mayor of Mainz, in San Antonio to attend Fiesta '86 and noted that she is the Director of the City of Mainz' library and archives. He welcomed her to San Antonio and to City Hall.

Ms. Wellmer-Brennecke spoke of the relationship of San Antonio and Mainz, West Germany and some of the fiesta's in Mainz that reminded her of Fiesta '86 in San Antonio. She then addressed the settlement of South Texas by many immigrants from the area around Mainz, West Germany, and she presented the Mayor with facsimile pages of the Gutenberg bible and a special seal of Mainz made up into a label pin. She then presented Mrs. Dutmer, her hostess for Fiesta, with a small label pin as a memento of her visit.

Mayor Cisneros presented Ms. Wellmer-Brennecke with a San Antonio book to be located in the Mainz library and also presented her with a San Antonio belt buckle for her personal use.

Mrs. Dutmer spoke of her pleasure in being the hostess to Ms. Wellmer-Brennecke during her San Antonio visit.

86-18DEFENSE LANGUAGE INSTITUTE STUDENTS

Mayor Cisneros recognized the presence in the audience of a number of students from the Defense Language Institute of Lackland Air Force Base and welcomed them to City Hall. Each of the students then stood and introduced himself and his nation.

86-18ROTARY GROUP STUDY EXCHANGE

Mayor Cisneros introduced members of the Rotary Group Study Exchange District 952 from South Australia currently visiting in San Antonio and welcomed them to City Hall. He presented each with San Antonio belt buckles and ties and presented an alcalde to their group leader Mr. John Hardy.

Members of the group then sang a special song of South Australia for members of the Council.

Mr. John Hardy, leader of the group presented a special letter to the Mayor from the president of the Rotary Club of Glenelg, South Australia.

Mr. Norm Wigington, Projects Coordinator, Intergovernmental Relations Office, stated that he shortly will be leaving for a six week tour of Australia as a member of the Rotary Club.

A representative of the Australian group then presented Mayor Cisneros with a special kangaroo label pin.

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86-18 The minutes of the City Council meeting of April 10, 1986 were approved.

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86-18 The Clerk read the following Resolution:

A RESOLUTION 86-18-21
APPROVING THE WATER SYSTEM REVENUE REFUNDING BOND SALE.

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

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

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86-18 The Clerk read the following Ordinance:

AN ORDINANCE 62,741
AMENDING ORDINANCE NO. 55556 TO GRANT PERMISSION FOR A PORTION OF THE FIESTA CARNIVAL TO COMMENCE ACTIVITIES AT 4:00 P.M. RATHER THAN 6:00 P.M. ON THURSDAY, APRIL 24, 1986.

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Mayor Cisneros explained the plan of carnival promoters to bring to the carnival around City Hall today a number of underprivileged youngsters from San Antonio and he asked for approval of the ordinance.

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

April 24, 1986
sr

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, Hasslocher, Cisneros; NAYS: None; ABSENT: Labatt.

86-18 CONSENT AGENDA

Mr. Harrington made a motion to approve Agenda Items 8 - 35, constituting the Consent Agenda, with Items 9 and 25 to be pulled for individual consideration. Mrs. Dutmer seconded the motion.

Item 27 was earlier removed from consideration by the City Manager.

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, Hasslocher, Cisneros; NAYS: None; ABSENT: Labatt.

AN ORDINANCE 62,742

ACCEPTING THE BID OF AAL EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO HEALTH DEPARTMENT WITH CARBON MONOXIDE GAS CHAMBERS FOR A TOTAL OF \$21,231.00.

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AN ORDINANCE 62,743

ACCEPTING THE BID OF MANNING TECHNOLOGIES TO FURNISH THE CITY OF SAN ANTONIO WASTEWATER MANAGEMENT DEPARTMENT WITH PORTABLE FLOW METER & FLOW RECORDER FOR A TOTAL OF \$6,045.00.

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AN ORDINANCE 62,744

ACCEPTING THE LOW BID OF MCKESSON CHEMICAL COMPANY TO FURNISH THE CITY OF SAN ANTONIO WASTEWATER MANAGEMENT DEPARTMENT WITH HYDROGEN PEROXIDE FOR A TOTAL OF \$10,160.00.

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AN ORDINANCE 62,745

ACCEPTING THE BID OF GENERAL ELECTRIC CO. TO FURNISH THE CITY OF SAN ANTONIO WASTEWATER MANAGEMENT WITH THE REPLACEMENT OF AN ELECTRICAL STARTER AT SALADO CREEK FOR A TOTAL OF \$41,372.00.

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AN ORDINANCE 62,746

ACCEPTING THE LOW BID OF J & D MECHANICAL TO REPAIR THE AIR CONDITIONING AT THE ROSEDALE PARK YMCA BUILDING FOR A TOTAL OF \$8,500.00.

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AN ORDINANCE 62,747

ACCEPTING THE LOW BID OF UP-RIGHT, INC. TO FURNISH THE CITY OF SAN ANTONIO CONVENTION FACILITIES WITH A SINGLE PERSON TELESCOPING WORK PLATFORM FOR A TOTAL OF \$9,990.00.

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AN ORDINANCE 62,748

ACCEPTING THE LOW BID OF STRAIT FARM EQUIPMENT COMPANY, INC. TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH A WHEELED LOADER FOR A TOTAL OF \$30,387.76.

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AN ORDINANCE 62,749

ACCEPTING THE LOW QUALIFIED BID OF TRI SENTRY CHEMICAL CORPORATION TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH HERBICIDES FOR A TOTAL OF \$85,935.60.

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AN ORDINANCE 62,750

CANCELLING H & A DISTRIBUTOR'S CONTRACT FOR WIPING RAGS AND AWARDING IT TO JOHNSON INTERNATIONAL, MAT., INC.

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April 24, 1986
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AN ORDINANCE 62,751

ACCEPTING THE LOW BID OF MCCORMICK-MORGAN, INC. TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH A GATE SERVICE ASSEMBLY FOR A TOTAL OF \$11,663.00

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AN ORDINANCE 62,752

ACCEPTING THE LOW QUALIFIED BIDS OF ALEX ACOSTA SPORTING GOODS, UNIVERSAL SOCCER, GSH ASSOCIATES, RIVER CITY T-SHIRT FACTORY, INC. AND POTCHERNICK'S TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION WITH KNIT SHIRT UNIFORMS FOR A TOTAL OF \$10,682.09.

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AN ORDINANCE 62,753

ACCEPTING THE BID OF LARIAT GENERAL CONTRACTORS, INC., IN THE AMOUNT OF \$23,757.00 FOR CONSTRUCTION OF THE ASHLEY ROAD INTERSECTION AND VILLAMAIN ROAD; PROVIDING A CONTINGENCY; APPROVING A CONTRACT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 62,754

ACCEPTING THE BID OF SHANNON-MONK, INC., IN THE AMOUNT OF \$1,716,087.00 FOR THE CONSTRUCTION OF THE SALADO CROSSING AT WETMORE ROAD; PROVIDING A CONTINGENCY; APPROVING A CONTRACT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 62,755

GRANTING AND MANIFESTING A LICENSE TO WADE DEVELOPMENT FOR AN EXISTING ONE-FOOT BUILDING ENCROACHMENT ON CITY RIGHT-OF-WAY, IN NEW CITY BLOCK 6931.

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AN ORDINANCE 62,756

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$63,295.00 OUT OF VARIOUS FUNDS FOR THE PURPOSE OF ACQUIRING TITLE AND/OR EASEMENTS TO CERTAIN LANDS; ACCEPTING THE DEDICATION OF EASEMENTS TO CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

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AN ORDINANCE 62,757

AUTHORIZING THE CITY MANAGER TO EXECUTE A SEWER SERVICE CONTRACT BETWEEN THE CITY AND LARRY MACON AND CARL GAMBOA.

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AN ORDINANCE 62,758

APPROVING THE PROPOSED TRANSPORTATION PLANNING PROGRAMS TO BE CONDUCTED DURING FISCAL YEAR 1987.

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AN ORDINANCE 62,759

AMENDING CITY ORDINANCE NO. 60546, DATED APRIL 11, 1985 BY EXTENDING THE CONTRACT TERMINATION DATE FROM APRIL 30 TO MAY 31, 1986 AND RATIFYING THE CONTRACT AMENDMENT EXECUTED BETWEEN THE TEXAS DEPARTMENT OF COMMUNITY AFFAIRS (TDCA), AND THE CITY OF SAN ANTONIO.

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AN ORDINANCE 62,760

AUTHORIZING THE CITY OF SAN ANTONIO TO ENTER INTO A CONTRACT WITH WORK/FAMILY DIRECTIONS TO PROVIDE CHILD CARE REFERRALS, AND ESTABLISHING A REVENUE ACCOUNT.

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AN ORDINANCE 62,761

APPROVING AND ADOPTING STANDARDS TO QUALIFY REGISTERED FAMILY DAY HOMES WITHIN THE CORPORATE LIMITS OF THE CITY OF SAN ANTONIO FOR THE

April 24, 1986
sr

ACCREDITATION FROM THE CITY OF SAN ANTONIO, AND
REVISING THE RENEWAL SCHEDULE AND FEES IMPOSED.

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AN ORDINANCE 62,762

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
USAIR, INC. FOR LEASE OF FENCED APRON AREA AT
TERMINAL 2 AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

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AN ORDINANCE 62,763

AUTHORIZING A ONE-YEAR EXTENSION OF THE CONTRACT
WITH THE HARLANDALE INDEPENDENT SCHOOL DISTRICT
WHICH PROVIDES FOR THE CITY TO OPERATE AND MAINTAIN
A RECREATION SWIMMING PROGRAM AT THE TERRELL WELLS
SCHOOL LOCATED ADJACENT TO MCCOLLUM HIGH SCHOOL.

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AN ORDINANCE 62,764

AUTHORIZING PAYMENT TO ROSEMARY, INC. IN THE AMOUNT
OF \$3,780.00 FOR THE BALANCE AMOUNT OF PRINCE OF
WALES LUNCHEON.

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AN ORDINANCE 62,765

CLOSING CERTAIN STREETS FROM 6:00 P.M. ON FRIDAY,
MAY 2, 1986 TO 11:00 P.M. ON SUNDAY, MAY 4, 1986 FOR
THE MEXICAN AMERICAN CULTURAL CENTER'S CINCO DE MAYO
CELEBRATION.

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AN ORDINANCE 62,766

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SAN
ANTONIO, TEXAS PROVIDING FOR THE REDEMPTION OF
CERTAIN OUTSTANDING PRIOR LIEN SEWER SYSTEM REVENUE
BONDS AND RESOLVING OTHER MATTERS INCIDENT AND
RELATED TO THE REDEMPTION OF SUCH BONDS.

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86-18 The Clerk read the following Ordinance:

AN ORDINANCE 62,767

ACCEPTING THE BID OF A-L WELDING PRODUCTS TO FURNISH THE CITY OF SAN ANTONIO HEALTH DEPARTMENT WITH BOTTLED CARBON MONOXIDE GAS ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF \$10.00 PER HUNDRED CUBIC FEET.

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

Mrs. Dutmer asked for details of the ordinance to be presented to her later.

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, Hasslocher, Cisneros; NAYS: None; ABSENT: Labatt.

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86-18 The Clerk read the following Ordinance:

AN ORDINANCE 62,768

AUTHORIZING THE CITY WATER BOARD TO OVERSIZE A SIXTEEN (16) INCH APPROACH MAIN ALONG FM 1604 TO TWENTY (20) INCHES.

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

In response to a question by Mr. Martinez, Mrs. Rebecca Cedillo, Assistant Director of Planning, briefly explained that the developers involved will be funding this oversizing of an approach main by the City Water Board.

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April 24, 1986
sr

10

ZONING HEARINGS

36. CASE Z85333 P.P. - to rezone a 2.705 acre tract of land out of Parcel 50, NCB 15678, being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" One Family Residence District to "B-2NA" Non-Alcoholic Sales Business District; a 9.219 acre tract of land out of Parcel 50, NCB 15678, being further described by field notes filed in the Office of the City Clerk, in the 12000 Block of Wetmore Road, from Temporary "R-1" One Family Residence District to "I-1" Light Industry District, located 500' northwest of Wetmore Road, being further 2191' southeast of the intersection of Thousand Oaks Drive and Wetmore Road, having a width of 580' with a maximum of 900'.

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

Mr. Andy Guerrero, Planner III, stated that the proponent is asking for a six month postponement of the zoning case or until such time as an effective agreement is reached with opponents to the zoning case.

Mr. Hasslocher briefly explained the requested postponement.

Mr. Hasslocher moved to postpone the zoning case for six months. Mr. Thompson seconded the motion.

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

CASE Z85333 P.P. was postponed.

37. CASE Z86076 - to rezone a 1.858 acre tract of land out of Block 1, NCB 16301, and Block 2, NCB 16303, being further described by field notes filed in the Office of the City Clerk, in the 13600 Block of O'Connor Road, from "R-3" Multiple Family Residence District to "B-3" Business District, located between Old O'Connor Road, and Larkdale Drive, having 667.51' on Larkdale Drive, and 517' on Old O'Connor Road.

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

Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Wing seconded the motion.

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

Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

AN ORDINANCE 62,769

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 1.858 ACRE TRACT OF LAND OUT OF BLOCK 1, NCB 16301, AND BLOCK 2, NCB 16303, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 13600 BLOCK OF O'CONNOR ROAD, FROM "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

38. CASE Z86097 - to rezone a 4.882 acre tract of land out of CB 4997 and NCB 15676, being further described by field notes filed in the Office of the City Clerk, in the 15800 Block of Jones Maltsberger Road, from Temporary "R-1" One Family Residence District to "R-3" Multiple Family Residence District, located on the westside of Jones Maltsberger Road, being approximately 953.14' south of the intersection of Scattered Oaks Drive and Jones Maltsberger Road, having 331.86' on Jones Maltsberger Road with a depth of 680'.

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

Mr. Harrington moved that the recommendation of the Zoning Commission be approved provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Thompson seconded the motion.

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

AN ORDINANCE 62,770

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE

April 24, 1986
sr

12

CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 4.882 ACRE TRACT OF LAND OUT OF CB 4997 AND NCB 15676, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 15800 BLOCK OF JONES MALTSBERGER ROAD, FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

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86-18 The Clerk read the following Ordinance:

AN ORDINANCE 62,771

PROHIBITING THE SALE, POSSESSION, CONSUMPTION OR DISTRIBUTION OF ALCOHOLIC BEVERAGES IN ACME PARK; PROVIDING A PENALTY FOR VIOLATION HEREOF BY A FINE NOT TO EXCEED \$200.00; AND PROVIDING AN EFFECTIVE DATE.

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Mr. Thompson moved 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: Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Berriozabal.

86-18 The Clerk read the following Ordinance:

AN ORDINANCE 62,772

AMENDING CERTAIN LANGUAGE IN ALL NITE SECURITY LITE ELECTRIC, LARGE LIGHTING AND POWER ELECTRIC, EXTRA LARGE POWER ELECTRIC, STANDBY SERVICE RIDER E3 ELECTRIC, AND INDUSTRIAL GAS CLASS B RATE SCHEDULES OF THE CITY PUBLIC SERVICE BOARD OF SAN ANTONIO TO INCORPORATE NEW AVIATION OBSTRUCTION DOUBLE LIGHT AND TO CLARIFY APPLICATION CLAUSES.

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Mr. Harrington moved to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

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

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86-18 The Clerk read the following Ordinance:

AN ORDINANCE 62,773

AUTHORIZING THE EXECUTION OF A TEMPORARY CONSTRUCTION EASEMENT AGREEMENT IN CONNECTION WITH THE TIENDAS DEL RIO UDAG PROJECT IN NEW CITY BLOCKS 152, 166, AND 1010.

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

Mayor Cisneros spoke of the construction in and around the Tiendas del Rio area and noted that the new Marriott Hotel will begin construction within the next 10 days.

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

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86-18 Agenda Item #42 was earlier removed from consideration by the City Manager.

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86-18 It was the concensus of the City Council members to temporarily bypass Agenda Item #43 at this time.

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86-15 The Clerk read the following Ordinance:

April 24, 1986
SR

AN ORDINANCE 62,774

ACCEPTING THE LOW QUALIFIED BID AND AWARDING A CONSTRUCTION CONTRACT TO TWIN-TECH MANAGEMENT, INC., FOR CONSTRUCTION OF THE TEXAS A & M EXTENSION SERVICES FACILITY IN THE AMOUNT OF \$1,413,054.00; AUTHORIZING A CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$70,650.00; APPROVING A CONTRACT; AND PROVIDING FOR PAYMENT.

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

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

86-15 The Clerk read the following Ordinance:

AN ORDINANCE 62,775

ENGAGING FOSTER, BETTAC & HELLER AS LABOR COUNSEL IN CONNECTION WITH COLLECTIVE BARGAINING NEGOTIATIONS IN RELATED MATTERS.

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

In response to a question by Mr. Martinez, Mr. Louis Fox, City Manager, briefly explained the City Council's authority given to him to utilize outside legal counsel in order to handle collective bargaining matters with fire and police unions. He spoke of this local firms extensive experience in labor negotiations and stated that this is the first time he has utilized outside counsel.

Mrs. Dutmer spoke to the experience of the firm involved.

Mr. Fox stated that no one on the city staff is formally trained in labor negotiations and he does not expect the fee to exceed \$30,000.

Mr. Hasslocher spoke in support of the ordinance.

Mayor Cisneros stated that he expects this to be a tough year for labor negotiations. He further stated that the city may have to hold out for no pay raises for its employees this coming year and he does not feel that San Antonio will have to eliminate any services or jobs but will apparently have no funds for pay raises. He then spoke to the many factors that impact the city's ability to give pay raises to its employees.

Mr. Harrington spoke to how real estate factors affect city funds.

Mrs. Dutmer spoke against any cuts in the employee work force.

Mayor Cisneros spoke to the planned new fire and police positions to be included in the upcoming budget as well as increases projected for emergency medical services and stated that other factors influencing the upcoming budget will be the City Council's policy on downtown and code enforcement as well. The Mayor then asked that the chairmen of the City Council committees which have oversight over the various budget aspects this year please report to him with their recommendations by next Wednesday so that final recommendations are ready by Thursday. He asked the committees to make brief reports as well at the Council meeting Thursday.

Mr. Wing spoke to the possibility of realigning some city departments.

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, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

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86-18 The Clerk read the following Ordinance:

AN ORDINANCE 62,776

ACCEPTING THE BID OF SIKES CONSTRUCTION CO., INC., IN THE AMOUNT OF \$998,600.00 FOR THE HEMISFAIR PLAZA PARK PLANTING AND IRRIGATION PACKAGE OF THE HEMISFAIR REDEVELOPMENT PROJECT; AUTHORIZING A CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$49,930.00; AUTHORIZING \$242.00 FOR BID ADVERTISING; APPROVING A CONTRACT; AND PROVIDING FOR PAYMENT.

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

April 24, 1986
sr

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, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

86-18

SPECIAL TEXAS STAR

Mayor Cisneros read a brief letter from Mr. B. P. Barr, of San Antonio, in which he outlined the fact that he is presenting this special star of stained glass to the City of San Antonio. The letter then briefly explained the five points or scenes of the star and he noted that it would be a gift to the citizens of San Antonio by the artist. Mr. Barr, by letter, then asked that this piece of art be placed in a city location, the Mayor recommending either the Centro de Artes Building, somewhere in the Convention Center or a suitable location with a plaque of explanation.

86-18 The Clerk read the following Ordinance:

AN ORDINANCE 62,777

APPROPRIATING \$557,813.80 IN SETTLEMENT OF CAUSE NUMBER 84-CI-06635 IN THE 131ST JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS AND FOR ACQUISITION OF 40.072 ACRES BEING OUT OF THE IGNACIO PEREZ SURVEY NO. 93 AND THE J. M. URIEGAS SURVEY NO. 94, NEW CITY BLOCK 10756, SAN ANTONIO, TEXAS.

* * * *

Mrs. Dutmer moved 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, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

86-18 The Clerk read the following Ordinance:

AN ORDINANCE 62,778

APPOINTING DR. DONALD R. VESTAL TO THE ANIMAL CONTROL ADVISORY BOARD.

* * * *

Mrs. Dutmer moved 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, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

86-18

APPEAL OF HECTOR RIOS CORTES

Mr. Roger Ibarra, Supervisor of Public Utilities, briefly explained a 1985 driving while intoxicated conviction against Mr. Rios Cortes and stated that this occurred while he was driving his taxicab, allegedly off duty and with no passengers aboard. Mr. Ibarra also spoke of an earlier DWI conviction against Mr. Rios Cortes.

Mr. Eric Rodriguez, 442 Dwyer Avenue, the attorney representing Mr. Rios Cortes then spoke to city regulations governing the Transportation Advisory Board and stated that they were based on State law. Mr. Rodriguez then stated that he feels that this case does not meet the criteria requiring that the offense occurred during the normal course of business. He further stated that Mr. Rios Cortes at the time was using the taxicab vehicle for his own personal use not as a taxicab in service. He then spoke to testimony from the minutes of the Transportation Advisory Board meeting at which Mr. Rios Cortes was denied his chauffeurs license. Mr. Rodriguez stated that he feels that the Board and the taxicab inspector did not follow the law.

Mr. Robert Gonzales, taxicab owner, spoke in support of Mr. Rios Cortes and explained how this particular ordinance was patterned after State Statutes. He spoke in favor of granting Mr. Rios Cortes a probationary license if possible.

Mr. Thompson stated that he feels the taxicab operators must exercise the same judgment regardless of whether the vehicle is in service or not and he recommended that the license not be granted.

Mr. Thompson moved to uphold staff recommendation. Mr. Wing seconded the motion.

In response to a question by Mr. Martinez, Ms. Susan Rocha, Assistant City Attorney, stated that in her opinion there is no indication in the arrest records that the taxicab was out of service at the time of the DWI arrest in question. She then spoke of the orientation of the Transportation Advisory Board members concerning the rules that must be

April 24, 1986
sr

18

considered during their deliberation.

A discussion then took place of Mr. Rios Cortes' work hours.

In response to a question by Mr. Martinez, Mr. Rios Cortes described his work hours as apart from the time he was arrested for DWI.

Mr. Martinez stated that he feels that he cannot support the motion because he feels there is a legal point involved.

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

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86-18

APPEAL OF JAMES L. ERICKSON

Mr. Roger Ibarra, Supervisor of Public Utilities, briefly spoke of a fraud or theft conviction against Mr. Erickson.

Mr. Webb moved to uphold staff recommendation. Mr. Thompson seconded the motion.

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

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86-18

The Clerk read the following Ordinance:

AN ORDINANCE 62,779

AUTHORIZING THE IMPLEMENTATION OF THE FIRST PHASE OF THE EAST COMMERCE TRAFFIC PLAN AND SETTING A PUBLIC HEARING FOR MAY 8, 1986, TO CONSIDER AUTHORIZING THE TRANSFER OF \$80,000.00 IN CDBG FUNDS TO THE NEWLY CREATED TWO-WAY COMMERCE STREET PROJECT.

* * * *

Mr. Webb moved to approve the proposed Ordinance. Mr. Wing seconded the motion.

Mr. Frank Kiolbassa, Director of Public Works, briefly explained the plan to make E. Commerce two-way in a small segment of the city's east side. He also stated that the city plans to return Montana Street to residential character in the future and he hopes to be ready to do this by

The Clerk then read the following Ordinance:

AN ORDINANCE 62,780

CLOSING AND ABANDONING A PORTION OF AN UNIMPROVED 15-FOOT ALLEY, IN NEW CITY BLOCK 10184, AND AUTHORIZING THE EXECUTION OF A QUITCLAIM TO JESSE CALVILLO, D/B/A LA FOGATA RESTAURANT, ADJACENT OWNER, FOR A CONSIDERATION OF \$1.00.

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

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

86-18 The Clerk read the following Ordinance:

AN ORDINANCE 62,781

ADDING A CHAPTER TO THE CODE OF THE CITY OF SAN ANTONIO, TEXAS, AS AMENDED, TO BE COMPRISED OF APPROPRIATE SECTIONS; DESIGNATING CERTAIN RETAIL AND SERVICE ESTABLISHMENTS, PUBLIC BUILDINGS, AND FOOD ESTABLISHMENTS AS NONSMOKING AREAS; PROVIDING SIGN REQUIREMENTS; PROVIDING MINIMUM STANDARDS FOR NONSMOKING AREAS; REQUIRING THE POSTING OF SIGNS REGARDING SMOKING AND NONSMOKING AREAS; REQUIRING WRITTEN POLICIES IMPLEMENTING THIS CHAPTER; PROHIBITING SMOKING IN DESIGNATED NONSMOKING AREAS; PROVIDING EXCEPTIONS; PROVIDING FOR THE REGULATION OF SMOKING IN WORKPLACES AT THE EMPLOYER'S OPTION; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

* * * *

Ms. Vera moved to approve the proposed Ordinance. Mrs. Berriozabal seconded the motion.

Mrs. Barbara Holmes, American Cancer Society, cited certain death statistics related to smoking and the harmful effects of so called "secondary smoking". She asked for full Council support of the ordinance.

Ms. Susan Banta, American Lung Association, spoke of the need for the ordinance on smoking in order to protect everyone. She asked that it be applied to the work place as well.

Dr. Douglas Jenkins spoke to the harmful effects of "second hand smoking" and he estimated that some 5,000 deaths occur each year from "second hand smoking".

Ms. Jean Huedepohl, volunteer with the American Cancer Society, urged the ordinance be passed for the protection of asthmatics.

In response to a question by Mr. Gene T. Cole, City Attorney Lowell Denton, stated that there is no legal requirement to advertise for the public hearing on this subject ordinance and stated further that the City Council selected the Centro de Artes Building for the public hearing on the smoking ordinance.

Mr. Cole then voiced his concern with the selection of the site of the public hearing and what he considers a lack of published notice. He stated further that he does not feel the public hearing was held in the proper place.

Ms. Lynn Meyer, Registered Nurse, spoke of medical conditions adversely affected by smoking in the immediate area and spoke in support of the ordinance.

Mr. Bob Couch spoke of the effects of "second hand smoking".

Mr. Bill Hancock commended the City Council for addressing the matter of smoking in public areas and he spoke in support of the ordinance.

Dr. Martin Meltz stated the proposed ordinance does not deal with the matter of smoking in the work place and he displayed a number of test tubes with the names of harmful chemicals found in tobacco smoke. He stated further that he feels there is a need for a minimal level of ventilation where smoking is permitted and he spoke in support of the ordinance.

Ms. Christina Rodriguez, American Heart Association, spoke in support of the ordinance, stating her contention that there needs to be a control on smoking in public places.

Mr. Tom Edson, volunteer with the American Cancer Association, stated that smokers should not endanger others who do not smoke.

April 24, 1986
sr

Mr. William Kohnke spoke to the difficulty of enforcing smoking ordinances and he noted that the rate of compliance in other no smoking cities has been relatively good.

Dr. Kent Trinkle, chest surgeon, spoke to the health risks of smoking and the problems of "passive smoking" or "captive smoking". He stated further that he feels that non smokers have rights as well as smokers and he asked that the ordinance not be diluted.

Mr. Walt Farmer spoke of the need for protection from smokers in public places and he voiced support of the ordinance.

Mr. Jeff Aiken, attorney, spoke in support of the ordinance.

Ms. Vera feels that the ordinance has majority support of the City Council as a protection for the majority of San Antonio citizens and she thanked the legal staff for its work on the matter.

Mrs. Dutmer stated that she feels that this may infringe on the rights of citizens and she stated further that non smokers can leave areas of smoking if smoke bothers them. She also stated that she feels the ordinance may infringe upon free enterprise and may not be enforceable.

In response to a question by Mr. Thompson, Dr. Trinkle spoke of the need to include the smoking restrictions in the work place and more stringent regulations against smoking there.

Mr. Thompson noted that a recent Tucson, Arizona referendum was enacted which included smoking in the work place and he lauded Ms. Vera for pushing the no smoking issue. Mr. Thompson stated however that he wants to avoid penalizing smokers if possible and spoke in support of eventual movement towards controlled smoking in the work place.

Mr. Martinez stated that he feels that this is mainly an individual matter but he does support the ordinance with certain reservations. He stated that he is against a stringent ordinance and voiced his concern with the effects of the ordinance on small businesses.

Mr. Harrington stated that he is not going to support the ordinance because he believes he cannot support an ordinance that dictates to outside private interests. He stated further that he would support an ordinance which would be restricted to municipal buildings.

Mr. Hasslocher spoke about smoking and no smoking areas currently provided by eating establishments and he commended Ms. Vera for bringing the ordinance to the City Council for their consideration.

Mr. Webb stated that he could not at this time support this ordinance.

In response to a question by Mr. Webb, Ms. Rocha stated that there is a State Statute prohibiting smoking in elevators. She then described the places where smoking would be prohibited under the ordinance.

Mrs. Berriozabal spoke in favor of the ordinance stating that she was particularly concerned with the ordinance being reasonable as well as one which would not infringe upon peoples constitutional rights.

In response to a question by Mrs. Berriozabal, Ms. Rocha spoke to the constitutional rights issue and the matter in which the ordinance was written to assure that smokers' rights would not be violated. She also spoke to the ordinances affect upon the equal protection clause of the U.S. Constitution.

Mrs. Dutmer voiced her concern with the mandatory language in the ordinance and its effects upon small restaurants.

Mr. Wing stated his support of the ordinance even though he is a smoker. He stated further that he feels it is easier for a smoker to change his location than to infringe upon non smokers.

Mr. Labatt stated that the ordinance takes the pressure off the business community.

Mr. Hasslocher thanked Ms. Rocha for her hard work.

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

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86-18

HISTORIC PRESERVATION ORDINANCE

Mayor Cisneros stated that a public hearing has been scheduled for 7:00 P.M. Wednesday, May 14th in the Mission Room of the Convention Center in order for the Council to hold a public hearing on the historic preservation ordinance. He asked that this matter be posted properly for citizen viewing.

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86-18

CHANGE IN "B" SESSION

Mayor Cisneros asked that the "B" Session items scheduled for May 8 and May 15 be switched so that the items presently set for consideration on the 8th be taken up on the 15th and those scheduled for May 15th be

April 24, 1986
sr

taken up on May 8th.

86-18

NIGHT MAGISTRATE

Mayor Cisneros spoke of having received a letter from the municipal court judges concerning a proposed reduction in work hours for the night magistrate.

Mr. Louis Fox, City Manager, stated that he would be recommending this change as presented in the letter from the judges and stated that he would personally respond to that letter.

86-18

BOARD APPOINTMENTS

Mayor Cisneros spoke to several board appointments which need to be made soon and he asked that the City Manager's office coordinate this matter with Mrs. Yolanda Ledesma of the City Clerk's Office.

86-18

ARTS FUNDING

Mayor Cisneros noted that a number of arts agencies are asking for some \$ 4.6 million dollars in city funding for the coming fiscal year and he stated that he has not been given a definite money figure with which to work towards funding of the arts agencies.

Mr. Wing stated that he understands the Arts Committee will be recommending a rank-ordering of agencies.

Mr. Louis Fox stated that he will have those dollar figures ready for the Council by next week. He stated that he plans to recommend a 5% reduction in the current allocation.

Mayor Cisneros asked that the City Council be presented with a resolution on next week's agenda in order to vote to include a certain dollar recommended figure in this matter. He stated that perhaps that dollar figure recommended should be the current \$ 2.6 million dollar budget item minus 5% as recommended by the City Manager.

Mr. Fox stated that he would favor all arts agencies doing as he asked city agencies to do this year, that is to make up 3% and 6% cuts from their recommended budgets.

86-18

DISANNEXATION

Mayor Cisneros stated that he had received a letter from the city of Schertz, concerning a matter of dispute over the matter of disannexation of a portion of the area south of Randolph Air Force Base by the City of San Antonio and noted further that according to the letter the matter now apparently is settled. He then distributed copies of the letter to members of the City Council.

86-18

PRESENTATION OF PHOTOGRAPH

Mr. Wing presented to the City of San Antonio a special framed Texas Centennial photograph of 50 years ago donated by the Billy Bless family. He stated that the framed photograph of the Centennial celebration in Alamo Plaza has an estimated value between \$500 and \$1,000 and he asked the City Clerk to prepare a letter of acceptance to the Bless family.

86-18

MR. E. O. GOLDBECK

Mayor Cisneros stated his desire to honor Mr. E. O. Goldbeck of San Antonio with a Benefactor award at a future Council meeting. He suggested setting up a special area for a photo collection from Mr. Goldbeck so that it might be displayed in a public place perhaps in the Convention Center for all to see. Mayor Cisneros asked the City Manager to look into the possibility of establishing a photo collection site for Mr. Goldbeck's photos.

86-18

COMBINED TASKFORCES

Mr. Hasslocher spoke to the possibility of combining the current Streets and Drainage Task Forces of the City of San Antonio.

86-18

CITIZENS TO BE HEARD

MR. RHONALD ERIC BRAWLEY

Mr. Rhonald Eric Brawley asked the City Council what the contents of water fluoridation was to have been.

April 24, 1986
sr

Mr. Harrington responded that the proportion was 1 gallon of fluoride to 800,000 gallons of water.

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MRS. CONSUELO TINAJERO

Mrs. Consuelo Tinajero, representing the 5th grade students of De Zavala Elementary School, stated that they now have 149 days of perfect attendance. She then presented, on behalf of the students, paper bluebonnets made by the students in celebration of the Sesquicentennial.

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MRS. LORRAINE HORNER

Mrs. Horner, Citizens for Decency Through Law, expressed concern about the actions taken by City Attorney Lowell Denton with regard to the Dirty Sally's situation. She stated that this establishment threatens the success of the new businesses in the area and is a detriment to the entire community. She asked that the City Council rewrite or amend the present zoning ordinance in order that this type of establishment may be eliminated or regulated.

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MRS. HATTIE POOLE

Mrs. Poole also expressed the same concerns of Mrs. Horner and spoke about the harmful effects of this type of establishment.

City Attorney Lowell Denton explained that cities have the right to regulate the proximity of this type of establishment to each other as well as to other types of establishments such as schools, churches and residential areas. Mr. Denton also stated that he is taking an active look at the present ordinance as well as other options of changing the ordinance.

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MRS. MARY ALICE CISNEROS

Mrs. Cisneros invited the City Council to participate at today's special free carnival for disadvantaged children which is being sponsored by Mr. Phil Sheridan. She also thanked the City Council for passing the ordinance which enabled this event to occur.

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MRS. BARBARA THOMAS

Mrs. Thomas spoke to the City Council regarding her concern that 360 police officers have been given the opportunity to retire at an early year.

Mr. Joe Constantino, explained the new state statute which enables a police officer at 20 years service to retire at the highest three years earnings.

There being no further business to come before the City Council, the meeting was adjourned at 5:25 P.M.

A P P R O V E D

Henry Casius
M A Y O R

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

April 24, 1986
sr

28