

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, DECEMBER 10, 1998.

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98-43 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building, "B" Room, to consider the following items(s):

Presentation of the Library Master Plan - postponed to December 17, 1998.

Presentation of the 1998 Parks & Recreation System Plan - presented by Mr. Malcolm Matthews, Director of Parks & Recreation.

The Council members present were: Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Bannwolf, and Peak. **ABSENT:** Flores, Marbut, Webster.

The "B" Session adjourned at 11:35 A.M.

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98-43 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Howard W. Peak, with the following members present: Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster and Peak. **ABSENT:** None.

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98-43 Invocation - Rev. Charles Boerger, St. Paul Lutheran Church.

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98-43 Pledge of Allegiance to the flag of the United States.

98-43 **BOARDS AND COMMISSIONS MEMBERS SWEARING-IN**

Mayor Peak addressed the importance of citizens doing volunteer work for their city.

City Clerk Norma S. Rodriguez then administered the oath of office to the present board or commission members, en masse, and congratulated them.

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Each newly-sworn board or commission member then came forward to receive their Certificate of Appointment from their appointing City Council member, and their congratulations.

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CHURCHILL HIGH SCHOOL BAND

Mayor Peak noted that the Churchill High School band recently competed in the Bands of America Grand National Championships in Indianapolis IN, and was ranked ninth in the nation. He then introduced representatives of the band, present in the audience.

Mr. Bannwolf and other members of the Council congratulated the band for its accomplishments.

The director of the band thanked the Mayor and City Council for this honor of recognition.

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98-43 Mayor Peak asked to have Agenda Item 56 brought forward at this time for consideration, and spoke to the unfortunate situations leading up to this proposed action, the removal of Mr. Miles Cabell from the Greater Kelly Development Corporation board. He then introduced Ms. Marlene Martin, member of the Ethics Committee, who introduced other members of the committee, present in the audience.

Ms. Martin explained a brief history of the allegations and the committee's findings, noting that each City Council member has received a packet of information relative to the findings.

Mr. Salas stated that he has asked for Mr. Cabell's removal from the Greater Kelly Development Corporation board of directors.

The City Clerk then read the following ordinance:

AN ORDINANCE 88877

REMOVING MILES CABELL FROM THE BOARD OF DIRECTORS OF THE GREATER KELLY DEVELOPMENT CORPORATION (GKDC) AS PROVIDED FOR BY ARTICLE 8 OF GKDC'S ARTICLES OF INCORPORATION AND ARTICLE II

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OF THE CORPORATION'S BY-LAWS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT (8) AFFIRMATIVE VOTES; AS REQUESTED BY COUNCILMAN MARIO M. SALAS.

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Mr. Salas made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

Mr. Miles Cabell spoke to his dedication to the GKDC board after his appointment, and stated his belief that he is being removed for political reasons. He spoke to his concerns with the operation of the GKDC board, and expressed his opinion that the allegations against him are false and the Ethics committee's findings groundless. He then spoke to several concerns with the GKDC contracting process, which he termed 'scandalous'.

Mayor Peak then thanked the Ethics Committee for its work.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores.

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98-43 CONSENT AGENDA - CITIZEN COMMENTS

Mr. Robert Beltran, 1639 Highland Blvd., spoke in support for Agenda Items 16 and 17, dealing with licenses to use public rights-of-way adjacent to the Villa Hermosa Apartments and the Marie McGuire Apartments.

Mr. Faris Hodge, Jr., 140 Dora, spoke to details of each Consent Agenda item.

Mr. Jack Finger, P.O. Box 12048, noted that in several agenda items, representatives of the firms involved have indicated that they made political contributions to several City Council members. He asked that those Council members abstain from voting on that particular item, particularly pointing out Agenda Items 12 and 29.

Mr. Michael Idrogo, 317 Rosewood, spoke in opposition to Agenda Items 10 and 20, each calling for additional funds for a contractor; submitted a petition in relation to the Union Pacific Railroad, asking for closure of certain railroad crossings; and spoke to having found a police light-set and siren.

CONSENT AGENDA

Mr. Flores made a motion to approve Agenda Items 7 through 37b, constituting the Consent Agenda, with Agenda Items 31 and 36 having been pulled for individual consideration. Mr. Bannwolf seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak. **NAYS:** None. **ABSENT:** Salas.

AN ORDINANCE 88878

ACCEPTING THE LOW BID OF FERRARA FIRE APPARATUS, INC. TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH FOUR (4) FIRE PUMPER TRUCKS, FOR A TOTAL OF \$1,018,560.00.

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AN ORDINANCE 88879

RATIFYING THE PROPOSAL OF GENERAL SAFETY EQUIPMENT TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH AN EMERGENCY FIRE PUMPER TRUCK FOR A TOTAL OF \$259,648.00 FOR QUICK DELIVERY.

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AN ORDINANCE 88880

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS MATERIAL AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR THE 1998/99 FISCAL YEAR FOR A TOTAL OF APPROXIMATELY \$270,000.00. (MBE/WBE) (COPIES OF BID PACKETS ARE AVAILABLE FOR REVIEW IN THE PURCHASING DEPARTMENT AND A LIST OF SUCCESSFUL BIDDERS ARE AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE)

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AN ORDINANCE 88881

ACCEPTING THE LOW, QUALIFIED BASE BID AND ADDITIVE ALTERNATES NO. 1 THROUGH NO. 5 OF MENDEZ CONSTRUCTION COMPANY FOR IMPROVEMENTS TO KELLY AREA PARK IN THE AMOUNT OF \$120,045.00; AUTHORIZING A CONSTRUCTION CONTRACT; ESTABLISHING THE KELLY AREA PARK COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT BUDGET; AUTHORIZING THE ALLOCATION OF 20TH YEAR CDBG FUNDS INTO THIS PROJECT BUDGET; AUTHORIZING \$20,884.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING AN AMOUNT NOT TO EXCEED \$2,500.00 PAYABLE TO E.S. MORAN CONSULTING ENGINEERS, INC. FOR ENGINEERING EXPENSES; AUTHORIZING \$1,885.00 FOR STORMWATER FEES; AUTHORIZING \$1,200.00 FOR ADVERTISING EXPENSES; AUTHORIZING \$400.00 FOR BINDING AND PRINTING COSTS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 88882

RATIFYING SERVICES AND APPROVING A SAN ANTONIO WATER SYSTEMS (SAWS) FUNDED FIELD ALTERATION NO. 1 IN THE AMOUNT OF \$32,794.76 PAYABLE TO S.H. TOLLIVER CO. IN CONNECTION WITH THE SOUTH FLORES 70-70A, PHASE II, PART II PROJECT, LOCATED IN COUNCIL DISTRICT 4; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 87748 DATED APRIL 30, 1998.)

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AN ORDINANCE 88883

RATIFYING SERVICES AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$26,850.00 FOR PROFESSIONAL ENGINEERING SERVICES PAYABLE TO PAPE-DAWSON ENGINEERS, INC. IN CONNECTION WITH THE WURZBACH PARKWAY PHASE II PROJECT, LOCATED IN COUNCIL DISTRICT 10; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 67749 DATED AUGUST 18, 1988)

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AN ORDINANCE 88884

APPROVING FIELD ALTERATIONS NOS. 22, 23, 24, 25, 26 AND 27 IN THE AMOUNT OF \$142,423.00 PAYABLE TO STODDARD CONSTRUCTION COMPANY IN CONNECTION WITH THE RENOVATION OF THE INTERNATIONAL CENTER RENOVATION PROJECT; AND RATIFYING PERFORMANCE OF SERVICES AND PAYMENT.(AMENDS ORDINANCE NO. 85225, DATED NOVEMBER 26,1996.)

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AN ORDINANCE 88885

SELECTING MCCALL & ASSOCIATES TO PROVIDE PROFESSIONAL SERVICES IN CONNECTION WITH THE RENOVATION OF FIRE STATION NO. 5 PROJECT, LOCATED AT 1011 MASON, IN COUNCIL DISTRICT 2; AUTHORIZING A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$55,000.00; AUTHORIZING \$16,850.00 FOR ADDITIONAL SERVICES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 88886

RATIFYING SERVICES AND APPROVING FIELD ALTERATION NO. 3 IN THE AMOUNT OF \$66,005.96 PAYABLE TO WESTAR GENERAL CONTRACTING, INC. IN CONNECTION WITH THE NEW FIRE STATION NO. 11 PROJECT, LOCATED ON 610 SOUTH FRIO STREET IN COUNCIL DISTRICT 5; AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH MENDOZA & ASSOCIATES, A.L.A. BY PROVIDING ADDITIONAL FUNDS IN THE AMOUNT OF \$5,610.00 FOR ARCHITECTURAL AND ENGINEERING SERVICES; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 82389 DATED JUNE 22, 1995.)

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AN ORDINANCE 88887

AUTHORIZING THE EXECUTION OF A 10-YEAR LICENSE TO USE PUBLIC RIGHT OF WAY BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO HOUSING AUTHORITY FOR THE USE OF PUBLIC PROPERTY ADJACENT TO THE VILLA HERMOSA APARTMENTS LOCATED ON N. FLORES

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AND SALINAS STREETS, FOR A PAYMENT OF \$2,500.00 WITH AN ADDITIONAL \$2,500.00 TO BE APPLIED TOWARD THE CITY'S HUD-HOME CONTRIBUTION.

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AN ORDINANCE 88888

AUTHORIZING THE EXECUTION OF A 10-YEAR LICENSE TO USE PUBLIC RIGHT OF WAY BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO HOUSING AUTHORITY FOR THE USE OF PUBLIC PROPERTY ADJACENT TO THE MARIE MCGUIRE APARTMENTS LOCATED ON N. ALAMO AND THIRD STREETS, FOR A PAYMENT OF \$2,500.00 WITH AN ADDITIONAL \$2,500.00 TO BE APPLIED TOWARD THE CITY'S HUD-HOME CONTRIBUTION.

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AN ORDINANCE 88889

AUTHORIZING THE EXECUTION OF A FIVE (5) YEAR LEASE AGREEMENT WITH RONALD R. DEROO, FOR 4,258 SQUARE FEET OF CLINIC AND OFFICE SPACE IN THE SAM HOUSTON SHOPPING CENTER LOCATED AT 1013 RITTIMAN ROAD FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT IN CONNECTION WITH THE WOMEN, INFANTS & CHILDREN'S (WIC) PROJECT AT A LEASE RATE OF \$3,406.40 PER MONTH FOR LEASE YEARS 1 AND 2 AND \$3,619.30 PER MONTH FOR LEASE YEARS 3, 4 AND 5 FOR THE PERIOD DECEMBER 8, 1998 TO DECEMBER 7, 2003; AND APPROVING PAYMENTS TO THE LESSOR IN CONNECTION THEREWITH.

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AN ORDINANCE 88890

AUTHORIZING THE ACCEPTANCE AND EXECUTION OF AN AGREEMENT IN THE AMOUNT OF \$7,287.00 WITH THE SANTA ROSA HEALTH CARE CORPORATION PROVIDING FUNDS TO THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO TRAIN PHYSICIANS FROM THE SANTA ROSA FAMILY PRACTICE RESIDENCY PROGRAM IN PUBLIC HEALTH ACTIVITIES FOR THE PERIOD JULY 1, 1998 THROUGH JUNE 30, 1999.

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AN ORDINANCE 88891

AUTHORIZING THE ACCEPTANCE AND EXECUTION OF AN AMENDMENT TO THE RYAN WHITE CARE ACT OF 1990 TITLE I PROGRAM MANAGEMENT AGREEMENT WITH BEXAR COUNTY IN ORDER TO PROVIDE AN ADDITIONAL \$9,645.00 TO AUGMENT THE FUNDING OF THE RYAN WHITE TITLE I DENTAL CLINIC PROJECT 1998/99 OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; REVISING THE BUDGET ESTABLISHED IN ORDINANCE 88005, PASSED AND APPROVED JUNE 25, 1998; AND AUTHORIZING AN INCREASE IN THE AMOUNT ALLOCATED FROM SAID PROJECT FOR CONTRACT DENTIST AND DENTAL HYGIENIST FEES.

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AN ORDINANCE 88892

AUTHORIZING THE ACCEPTANCE OF TWO (2) CASH GRANT AWARDS IN THE TOTAL AMOUNT OF \$10,000.00 FROM THE PRESIDENT'S COMMITTEE ON THE ARTS AND THE HUMANITIES (1998 COMING UP TALLER AWARD) AND THE NATIONAL ENDOWMENT FOR THE ARTS TO SUPPORT THE FY 98-99 URBAN SMARTS PROGRAM; ESTABLISHING A FUND; AND ADOPTING A BUDGET.

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AN ORDINANCE 88893

APPROVING THE FY 98-99 PROJECT WINTER ASSISTANCE RELIEF MOBILIZATION (W.A.R.M.) PLAN, WHICH IS PROJECTED TO PROVIDE APPROXIMATELY \$630,000.00 IN ASSISTANCE TO ELIGIBLE CITY PUBLIC SERVICE RATEPAYERS IN THE SAN ANTONIO AREA; AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY AND CITY PUBLIC SERVICE (CPS) TO IMPLEMENT SUCH A PLAN; AND AUTHORIZING THE EXECUTION OF DELEGATE AGENCY CONTRACTS WITH PROJECT QUEST IN THE AMOUNT OF \$50,000.00; HARLANDALE INDEPENDENT SCHOOL DISTRICT IN THE AMOUNT OF \$10,000.00; DAUGHTERS OF CHARITY SERVICES OF SAN ANTONIO IN THE AMOUNT OF \$10,000.00; WESLEY COMMUNITY CENTER IN THE AMOUNT OF \$10,000.00; AND THE NATIONAL VETERANS OUTREACH PROGRAM IN THE AMOUNT OF \$10,000.00.

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AN ORDINANCE 88894

AMENDING ORDINANCE 87122, PASSED AND APPROVED ON DECEMBER 18, 1997, BY AUTHORIZING THE CITY MANAGER TO EXECUTE APPROVAL OF THE ASSIGNMENT FROM GARBAGE GOBLER, A DIVISION OF WASTE MANAGEMENT OF TEXAS, INC. TO WASTE MANAGEMENT OF TEXAS, INC. AND EXERCISING A RENEWAL OPTION OF THE CURRENT CONTRACT FOR A ONE (1) YEAR EXTENSION TO PROVIDE SOLID WASTE COLLECTION AND RECYCLING SERVICES IN THE STONE OAK AREA FOR THE PERIOD JANUARY 1, 1999 THROUGH DECEMBER 31, 1999, FOR AN ESTIMATED COST OF \$156,760.00.

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AN ORDINANCE 88895

AMENDING ORDINANCE 83252, PASSED AND APPROVED ON DECEMBER 7, 1995, BY AUTHORIZING THE CITY MANAGER TO EXECUTE APPROVAL OF THE ASSIGNMENT FROM GARBAGE GOBLER, TO WASTE MANAGEMENT OF TEXAS, INC., AND EXERCISING THE RENEWAL OPTION OF THE CURRENT CONTRACT FOR A ONE (1) YEAR EXTENSION TO PROVIDE SOLID WASTE COLLECTION AND RECYCLING SERVICES IN THE HERITAGE NORTHWEST AREA FOR THE PERIOD JANUARY 1, 1999 THROUGH DECEMBER 31, 1999, FOR AN ESTIMATED COST OF \$413,381.00.

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AN ORDINANCE 88896

AMENDING ORDINANCE 86995, PASSED AND APPROVED ON NOVEMBER 13, 1997, BY AUTHORIZING THE CITY MANAGER TO EXECUTE APPROVAL OF THE ASSIGNMENT FROM USA WASTE OF SAN ANTONIO, INC. TO WASTE MANAGEMENT OF TEXAS, INC. AND EXERCISING THE RENEWAL OPTION OF THE CURRENT CONTRACT FOR A ONE (1) YEAR EXTENSION TO PROVIDE SOLID WASTE COLLECTION AND RECYCLING SERVICES IN THE LONGS CREEK AREA FOR THE PERIOD JANUARY 1, 1999 THROUGH DECEMBER 31, 1999, FOR AN ESTIMATED COST OF \$352,003.00. (ALSO AMENDS ORDINANCE NO. 83253 DATED DEC. 7, 1995.)

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AN ORDINANCE 88897

AMENDING ORDINANCE 87539, PASSED AND APPROVED ON MARCH 19, 1998, BY AUTHORIZING THE CITY MANAGER TO EXECUTE APPROVAL OF THE ASSIGNMENT FROM USA WASTE OF SAN ANTONIO, INC. TO WASTE MANAGEMENT OF TEXAS, INC. TO PROVIDE SOLID WASTE COLLECTION AND RECYCLING SERVICES IN THE GREAT NORTHWEST AREA.

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AN ORDINANCE 88898

ACCEPTING A PROPOSAL AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH WASTE MANAGEMENT OF TEXAS, INC., TO PROVIDE MUNICIPAL SOLID WASTE COLLECTIONS, DISPOSAL AND RECYCLING SERVICES IN THE INTERSTATE HIGHWAY 10 WEST AREA FOR A (1) YEAR PERIOD BEGINNING JANUARY 1, 1999, AND ENDING DECEMBER 31, 1999, WITH THREE (3) ONE-YEAR RENEWAL OPTIONS, FOR AN ESTIMATED COST OF \$74,598.00.

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AN ORDINANCE 88899

ACCEPTING A PROPOSAL AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH WASTE MANAGEMENT OF TEXAS, INC., TO PROVIDE MUNICIPAL SOLID WASTE COLLECTION, DISPOSAL AND RECYCLING SERVICES IN THE TIMBER RIDGE AREA FOR A ONE (1) YEAR PERIOD BEGINNING JANUARY 1, 1999 AND ENDING DECEMBER 31, 1999, WITH THREE (3) ONE-YEAR RENEWAL OPTIONS, FOR AN ESTIMATED COST OF \$223,337.00.

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AN ORDINANCE 88900

ACCEPTING THE LOW, QUALIFIED BID AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BFI WASTE SYSTEMS OF NORTH AMERICA, INC. TO PROVIDE SOLID WASTE COLLECTION, DISPOSAL AND RECYCLING SERVICES IN THE SUNRISE AREA FOR A ONE (1) YEAR PERIOD BEGINNING JANUARY 1, 1999 AND ENDING DECEMBER 31, 1999, WITH THREE (3) ONE-YEAR RENEWAL OPTIONS, FOR AN ESTIMATED COST OF \$166,195.00.

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AN ORDINANCE 88901

AMENDING ORDINANCE 88498 BY REDUCING THE MONTHLY RATE FOR GARBAGE/REFUSE COLLECTION AND DISPOSAL, COMMONLY KNOWN AS THE SOLID WASTE PROCESSING FEE, FROM \$20.20 TO \$18.40 PER DUPLEX DWELLING ON ONE METER AND BY ALSO ADDING THE ENVIRONMENTAL SERVICES FEE TO ALL UNITS SERVICED BY ONE COMMON ELECTRICAL SERVICE METER.

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AN ORDINANCE 88902

AUTHORIZING THE EXECUTION OF CONTRACTS WITH BENEFIT PLANNERS, INC. (BPI) AND PREFERRED HEALTH ARRANGEMENT (PHA), A COMPANY OWNED BY BENEFIT PLANNERS, INC., TO PROVIDE THE FOLLOWING THIRD PARTY ADMINISTRATOR (TPA) SERVICES: CLAIMS ADMINISTRATION, UTILIZATION REVIEW, AND PREFERRED PROVIDER NETWORK SERVICES FOR ACTIVE CIVILIAN EMPLOYEES, FIRE AND POLICE, AND RETIREES FOR A TERM OF THREE (3) YEARS BEGINNING JANUARY 1, 1999 AND ENDING DECEMBER 31, 2001, IN AN ESTIMATED AMOUNT OF \$1,014,722.00, \$1,030,902.00 AND \$1,068,448.00, FOR THE FIRST, SECOND, AND THIRD YEAR OF THE CONTRACTS, RESPECTIVELY, AND WITH AN OPTION FOR THE CITY TO EXTEND SAID CONTRACTS UP TO TWO (2) ADDITIONAL ONE (1) YEAR TERMS, SUBJECT TO AND CONTINGENT UPON FUNDING AND APPROVING BY CITY COUNCIL.

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AN ORDINANCE 88903

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR AN AMOUNT OF \$80,000.00 TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) TO BE USED TO FUND THE THIRD YEAR ADMINISTRATIVE AND COORDINATION EFFORTS OF THE CRISIS ASSISTANCE TEAM OF THE VICTIMS ADVOCACY SECTION.

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AN ORDINANCE 88904

AUTHORIZING THE PURCHASE OF A SPECIALTY TRAINED K-9 FOR THE SAN ANTONIO POLICE DEPARTMENT'S K-9 UNIT, WHICH INCLUDES THE ASSOCIATED TRAINING FOR THE K-9'S HANDLER, FOR A COST OF \$4,800.00.

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AN ORDINANCE 88905

AUTHORIZING PAYMENT IN THE AMOUNT OF \$6,500.00 TO THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES, INC. TO CONDUCT ON-SITE ASSESSMENT OF THE SAN ANTONIO POLICE DEPARTMENT FOR COMPLIANCE WITH STANDARDS OF ACCREDITATION.

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AN ORDINANCE 88906

APPOINTING TERESA KILMER (DISTRICT 7) AND REAPPOINTING DOROTHY L. COLLINS (DISTRICT 2) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 15, 1999 AND 2000, RESPECTIVELY.

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AN ORDINANCE 88907

APPOINTING STEPHEN REYES (MAYOR) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 1999.

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98-43 The Clerk read the following Ordinance:

AN ORDINANCE 88908

RATIFYING THE EXTENSION OF THE CONTRACT WITH DAVID M. GRIFFITH AND ASSOCIATES, FOR A PERIOD OF NINETY (90) DAYS TO COMPLETE THE CODE COMPLIANCE, DEVELOPMENT PROCESS AND BUSINESS ASSISTANCE SERVICES ORGANIZATIONAL AND MANAGEMENT REVIEW PROJECT.

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Mr. Prado made a motion to approve the proposed Ordinance. Mr. Flores seconded the motion.

Ms. Terry Brechtel, Director of Budget and Employee Services, spoke to certain delays in receiving the final report, and the reasons for requesting the extension. She noted that a draft copy of that final report now is underway to the City.

Mr. Prado spoke in support for the request, noting that the City Council needs this final report to examine these organizational and management review matters.

Mayor Peak spoke to the need for the final report as soon as possible, with thorough recommendations.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Salas.

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Mr. Octavio Peña, Director of Finance, narrated a video presentation on the proposed bond and certificates of obligation sale, a copy of which presentation is made a part of the papers of this meeting. He noted that Standard & Poor's has upgraded the City's bond rating to AA+, and addressed the low interest rates submitted for these instruments being offered for sale. He then reviewed a summary of the City's bond and Certificate sales since 1992, and noted that the low interest figures represent the marketplace's confidence in San Antonio.

Mr. Frank Garza, City Attorney, focused on the bond-rating upgrade's impact on San Antonio's financial picture and future bonding capacity of the City.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, commended the City staff for the savings achieved through the better bond rating, and spoke to his desire that the citizens be allowed to purchase these bonds.

Mr. Michael Idrogo, 317 Rosewood, addressed the four bond-sale agenda items and spoke to his concern for possible corruption in the handling of the monies.

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Mayor Peak thanked all involved and cited the City's growth in several areas.

Mr. Bannwolf spoke to the team effort involved.

Mr. Menéndez addressed the impact of the better interest rates.

Ms. Guerrero thanked every member of the team involved.

Mr. Alexander E. Briseño, City Manager, spoke to the key points that indicate San Antonio's growth in recent years.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Vásquez.

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INSTRUMENTS AND PROCEDURES RELATED THERETO; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

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Mr. Bannwolf made a motion to approve the proposed Ordinance. Mr. Webster seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores.

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98-43 The Clerk read the following Ordinance:

AN ORDINANCE 88913

BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$8,490,000.00 IN PRINCIPAL AMOUNT OF "CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE FORWARD CERTIFICATIONS OF OBLIGATION, SERIES 2000"; SECURING THE PAYMENT THEREOF BY AUTHORIZING THE LEVY OF AN ANNUAL AD VALOREM TAX AND FURTHER SECURING THE OBLIGATIONS BY A LIMITED LIEN ON AND PLEDGE OF CERTAIN SURPLUS REVENUES OF THE CITY'S MUNICIPALLY-OWNED PARKS; APPROVING AND AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN OFFICIAL STATEMENT; APPROVING AND AUTHORIZING ALL OTHER INSTRUMENT AND PROCEDURES RELATED THERETO; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

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Ms. Guerrero made a motion to approve the proposed Ordinance. Mr. Bannwolf seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores.

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98-43 ZONING HEARINGS - CITIZEN COMMENTS

Mr. Faris Hodge, Jr., 140 Dora, spoke to each zoning case on the agenda and expressed his approval or opposition.

98-43 ZONING HEARINGS

4A. CASE #Z98069 (SUP)- The request of Robert Cruzen (owner: Janis Hawthorne), to rezone and reclassify P-27A, NCB 17365, 14824 Bulverde Road from "R-1" Single Family Residence District to "O-1" SUP Office District with special City Council approval for a paint contractor's office. The property is located on the northeast side of Bulverde Road, 497.75 feet northwest of the intersection of Briar Hollow and Bulverde Road, having 170.45 feet on Bulverde Road and a depth of 1,033.78 feet. Staff's recommendation was for denial.

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Webster made a motion to approve the proposed Zoning change. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores.

AN ORDINANCE 88914

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 P-27A, NCB 17365, 14824 BULVERDE ROAD FROM "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "O-1" SUP OFFICE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A PAINT CONTRACTOR'S OFFICE.

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4B. CASE #Z98165- The request of FC Properties, One, Ltd. (owner), to rezone and reclassify 3.228 acre tract of land out of NCB 19217, from Canyon Golf Road Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "B-1" ERZD Business Edwards Recharge Zone District. The properties are located north of Stone Oak Parkway. Staff's recommendation was for denial.

The Zoning Commission has recommended approval.

In response to a question by Mr. Bannwolf, Mr. Raymond Lozano, Land Development Services, discussed nearby commercial area zoning and staff's objection to this request for rezoning.

Mr. Bannwolf made a motion to approve the proposed Zoning change. Ms. Guerrero seconded the motion.

The following citizen(s) appeared to speak:

Mr. Michael Idrogo, 317 Rosewood, spoke against the rezoning of any more properties above the Edwards Aquifer recharge zone, speaking to his concern for the creation of more parking lots. He also protested the lack of financial-disclosure documents on each rezoning case.

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After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores.

AN ORDINANCE 88915

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 3.228 ACRE TRACT OF LAND OUT OF NCB 19217, FROM CANYON GOLF ROAD TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "B-1" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT.

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4C. CASE #195CC-The request of Bryant A. Harris Family Enterprises, Ltd. (owners), to rezone and reclassify 3.250 acres out of Lot 27, Block 32, NCB 17022, DeZavala Road from "B-2" ERZD and "B-3" ERZD Business Edwards Recharge Zone Districts to "B-3NA" CC ERZD Non-Alcoholic Sales Business Edwards Recharge Zone District with City Council approval for a mini-warehouse facility over two and one half acres. The property is located on the northwest side of DeZavala Road, 250 feet southwest of the intersection of DeZavala Road and Parkside Woods, having 201.94 feet on DeZavala Road and a depth of 631.60 feet. Staff's recommendation was for denial.

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Marbut spoke briefly to the case in question, and submitted for the record a list of deed restrictions agreed to in this case.

Mr. Marbut made a motion to approve the proposed Zoning change. Mr. Webster seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores.

AN ORDINANCE 88916

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 3.250 ACRES OUT OF LOT 27, BLOCK 32, NCB 17022, DEZAVALA ROAD FROM "B-2" ERZD AND "B-3" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICTS TO "B-3NA" CC ERZD NON-ALCOHOLIC SALES BUSINESS EDWARDS RECHARGE ZONE DISTRICT WITH CITY COUNCIL APPROVAL FOR A MINI-WAREHOUSE FACILITY OVER TWO AND ONE HALF ACRES.

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4D. CASE #Z98169(PP)- The request of Thomas Flores (owner: Jorge Gamboa, et. al.), to rezone and reclassify a 4.659 acres tract out of NCB 11608 and NCB 11609, and 0.468 acre tract out of NCB 11608, Wurzbach Road from "R-6" Townhouse Residence District to "P-1(R-6)" Planned Unit Development Townhouse Residence District. The properties are located southwest of the intersection of Tournat Road and Wurzbach Road. Staff's recommendation was for approval.

The Zoning Commission has recommended approval.

Mr. Marbut made a motion to approve the proposed Zoning change. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Marbut, Bannwolf.

AN ORDINANCE 88917

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 4.659 ACRES TRACT OUT OF NCB 11608 AND NCB 11609, AND 0.468 ACRE TRACT OUT OF NCB 11608, WURZBACH ROAD FROM "R-6" TOWNHOUSE RESIDENCE DISTRICT TO "P-1(R-6)" PLANNED UNIT DEVELOPMENT TOWNHOUSE RESIDENCE DISTRICT.

* * * *

4E. CASE #Z98235- The request of Phil Garay (owner: Ralph Carranza), to rezone and reclassify Lots 7, 8, 9 and the northwest 65 feet of 10, and 0.401 acre tract out of Block 2, NCB 14686, in the rear of 5631 Babcock Road from "R-1" Single Family Residence District to "B-2" Business District. The property is located 1,012 feet southeast of the intersection of Huebner Road and Babcock Road, being 200 feet east of Babcock Road, having a width of 380 feet and depth of 262.55 feet. Staff's recommendation was for approval.

The Zoning Commission has recommended approval.

Mr. Marbut made a motion to approve the proposed Zoning change. Ms. Guerrero seconded the motion.

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After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Peak; **NAYS:** None; **ABSENT:** Flores, Bannwolf, Webster.

AN ORDINANCE 88918

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 7, 8, 9 AND THE NORTHWEST 65 FEET OF 10, AND 0.401 ACRE TRACT OUT OF BLOCK 2, NCB 14686, IN THE REAR OF 5631 BABCOCK ROAD FROM "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT.

* * * *

4F. CASE #Z98230- The request of Charles Eden (owner: Town East Baptist Church), for a change in zoning from "R-A" Residence Agriculture District and "B-2" Business District to "I-1" Light Industry District on Lot 1, Block 7, NCB 16567, I.H. 10 East Expressway. The property is located southeast of the intersection of S.W. Military Drive and Westshire Drive, having 323.41 feet on S.W. Military Drive and a depth of 144.64 feet. Staff's recommendation was for denial.

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

The following citizen(s) appeared to speak:

Mr. Charles Eden, the proponent, speaking for Town East Baptist Church, spoke to his agreement to a continuance of this case to the City Council meeting of January 14, 1999. He spoke briefly to the reasons for the requested rezoning, stating his willingness to meet with anyone relative to this request, prior to the re-hearing date in January.

Mr. Raymond Ryan, 8941 Green Road, spoke to the concerns of those in opposition to the rezoning request and their reasons for that opposition. He noted that some are concerned with possible adverse uses for the rezoned property and possible pollution from its development.

Ms. Inga Ryan, 8941 Green Road, spoke to her concern with pollution, more traffic, more lights, and more noise from the new development of the property.

Mr. Ryan then narrated a video presentation, depicting the area of the requested rezoning.

* * * *

After consideration, Mr. Salas made a motion to continue this rezoning case to the City Council meeting of January 14, 1999. Mr. Flores seconded the motion.

After consideration, the motion, prevailed by the following vote: **AYES:** Flores, Salas, Prado, Vásquez, Menéndez, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Guerrero, Marbut, Bannwolf.

Zoning Case Z98230 was continued to the Council meeting of January 14, 1999.

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4G. CASE #Z98196- The request of Wilbur L. Mathews, Jr. d/b/a Westshire Venture Property (owner: Wilbur L. Mathews, Jr. & Dan C. Peavy, Jr.), to rezone and reclassify 0.989 acres out of Block 53, NCB 15590, 7200 Block of S. W. Military Drive from Temporary "R-1" Single Family Residence District to "B-2NA" Non-Alcoholic Sales Business District. The property is located southeast of the intersection of S.W. Military Drive and Westshire Drive, having 323.41 feet on S.W. Military Drive and a depth of 144.64 feet. Staff's recommendation was for denial and approval of "O-1".

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Menéndez made a motion to approve the proposed Zoning change. Mr. Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Prado, Vásquez, Menéndez, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Guerrero, Marbut, Bannwolf.

AN ORDINANCE 88919

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 0.989 ACRES OUT OF BLOCK 53, NCB 15590, 7200 BLOCK OF S. W. MILITARY DRIVE FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT.

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4H. CASE #Z98221- The request of Dan Hanke (owner: Anthony Guillen), to rezone and reclassify Lots 1 and 17, Block 1, NCB 17637, 10575 Culebra Road from Temporary "R-1" Single Family Residence District to "B-2" Business District. The properties are located on the east side of Rogers Road, between Culebra Road and Mountain Drive, having 87.19 feet on Culebra Road, 347.19 feet on Rogers Road and 45.83 feet on Mountain Drive. Staff's recommendation was for denial as requested and approval of "B-2" on Lot 1 and "O-1" on Lot 17.

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Menéndez made a motion to approve the proposed Zoning change. Mr. Salas seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Prado, Vásquez, Menéndez, Webster, Peak; **NAYS:** None; **ABSENT:** Guerrero, Garza, Marbut, Bannwolf.

AN ORDINANCE 88920

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 AND 17, BLOCK 1, NCB 17637, 10575 CULEBRA ROAD FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT.

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4I. CASE #Z98222- The request of Kaufman and Associates, Inc. (owner: Thomson & Thomson Bronco, Ltd.), to rezone and reclassify P-38, save and except the east 50 feet, Block 29, NCB 15483 and P-40, save and except the east 50 feet, Block 30, NCB 15482 and "B-1" Business District on the east 50 feet of P-38, Block 29, NCB 15483 and the east 50 feet of P-40, Block 30, NCB 15482, 8228 Bronco Lane from Temporary "R-1" Single Family Residence District to "B-2" Business District. The properties are located northeast and southeast of the intersection of Loop 410 Expressway and Bronco Lane. Staff's has recommended denial as requested and approval of "R-3".

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Menéndez made a motion to approve the proposed Zoning change. Mr. Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Vásquez, Menéndez, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Guerrero, Prado, Garza, Bannwolf.

AN ORDINANCE 88921

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 P-38, SAVE AND EXCEPT THE EAST 50 FEET, BLOCK 29, NCB 15483 AND P-40, SAVE AND EXCEPT THE EAST 50 FEET, BLOCK 30, NCB 15482 AND "B-1" BUSINESS DISTRICT ON THE EAST 50 FEET OF P-38, BLOCK 29, NCB 15483 AND THE EAST 50 FEET OF P-40, BLOCK 30, NCB 15482, 8228 BRONCO LANE FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT.

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4J. CASE #Z98224- The request of Moody's Food Mart (owner: Ricardo Chavez), to rezone and reclassify Lot 3, Block 13, NCB 8990, 4610 Eldridge Avenue from "O-1" SUP Office District with special use permit for a grocery store with no sales of alcoholic sales beverage to "B-2" Business District. The property is located southwest of the intersection of Eldridge Avenue and S.W. 39th Street, having 157 feet on Eldridge Avenue and 51 feet on S. W. 39th Street. Staff's recommendation was for denial.

The Zoning Commission has recommended denial.

Mr. Menéndez made a motion to reject the recommendation of the Zoning Commission, and to deny the requested rezoning. Mr. Flores seconded the motion.

Mr. Raymond Lozano, Land Development Services, informed City Council that nine affirmative votes for denial would be required in this case.

The following citizen(s) appeared to speak:

Ms. Sylvia Hamdan, 631 S.W. 37th Street, submitted petitions bearing some 100 signatures of area residents in favor of the rezoning, and she spoke in support.

Mr. Menéndez stated that he is in agreement with the Zoning Commission, and in favor of denial of the requested rezoning.

Ms. Hamdan stated that rezoning will not create a bar on the property, and that she is seeking only permission to sell beer and wine. She then spoke to the benefits of the store to the neighborhood.

Ms. Debra Azzoz, 3242 Colima, stated that sales of beer and wine is necessary to keep the store operating.

Ms. Aurora Barrera, 707 S.W. 39th Street, the next-door neighbor, spoke to her concern for the effects of the sale of beer and wine on neighborhood children, and presented petitions in opposition to the rezoning request. She also noted that a facility to house probationers was located nearby in the neighborhood, without notification to neighborhood residents.

Mr. Ruben Estrada, 551 S.W. 36th Street, stated that the area is inundated with stores which sell alcoholic beverages.

Speaking in rebuttal, Ms. Hamdan noted that Father Jasper of the nearby church also is in favor of her request.

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Mr. Menéndez then stated that he has in his possession a later letter, retracting that support.

After consideration, the motion was denied by the following vote: **AYES:** Flores, Salas, Prado, Vásquez, Menéndez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Guerrero, Bannwolf,.

Zoning Case Z98224 was denied.

* * * *

4K. CASE #Z98229- The request of Severa C. Salazar (owner), to rezone and reclassify the east 163 feet of Lot 23, Block 8, NCB 8992, 700 Block of S. W. 34th Street from "R-1" Single Family Residence District to "O-1" Office District. The property is located on the west side of S.W. 34th Street, 250 feet north of the intersection of S.W. 34th Street and Akron Street, having 129.28 feet on S.W. 34th Street and a depth of 163 feet. Staff's recommendation was for denial.

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Menéndez made a motion to approve the proposed Zoning change. Mr. Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Prado, Vásquez, Menéndez, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Guerrero, Marbut, Bannwolf.

AN ORDINANCE 88922

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 EAST 163 FEET OF LOT 23, BLOCK 8, NCB 8992, 700

BLOCK OF S. W. 34TH STREET FROM "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT.

* * * *

4L. #190 The request of Alejandro I. Nasis (owner), to rezone and reclassify from "B-2NA" Non-Alcoholic Sales Business District to "B-3" Business District on the southwest irregular 78.91 feet of Lot 2, NCB 7224, 1435 Frio City Road. The property is located northeast of the intersection of Frio City Road and Carolyn Street, having 78.91 feet on Frio City Road and 92.08 feet on Carolyn Street. Staff's recommendation was for denial.

The Zoning Commission has recommended approval.

Mr. Vásquez made a motion to reject the recommendation of the Zoning Commission, and to deny the requested rezoning. Mr. Prado seconded the motion.

The following citizen(s) appeared to speak:

Mr. Henry Rodriguez, speaking for the proponent, spoke to reasons for support of the rezoning request, noting that the business was not closed for more than one year. He stated his opinion that the lounge has not caused problems for the neighborhood for the 10 years it was previously in business at this site, and spoke against putting the proponent out of business.

Mr. Alejandro Nasis, co-owner of the property and the proponent of the rezoning request, spoke to a history of the property and the need for the rezoning.

Ms. Loretta Heffson, 119 Casa del Vista, spoke to the small amount of neighborhood opposition and the reasons for that opposition, and addressed the economic impact if B-3 zoning is not granted.

Mr. Arthur Nasis, 12103 Jones-Maltsberger Road, noted that the property in question enjoyed B-3 zoning for a long period of time until rezoned last year.

* * * *

Mr. Vásquez stated that neighbors are in opposition to more businesses in the area, selling alcoholic beverages, and noted that the zoning on the property was downgraded while it was vacant.

After consideration, the motion to deny this zoning change prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Bannwolf.

Zoning Case Z98190 was denied.

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4M. CASE #Z98200(CC)- The City of San Antonio has under consideration the rezoning and reclassification of all Lots under Block 10, NCB 6253, 600 Block of Oriental Street from "J" Commercial District to "R-5" Single Family Residence District. The properties are located between Trinity Street, Oriental Street to the south, Frio City Road to the west and Nancy Place to the north. Staff's recommendation was for approval.

The Zoning Commission has recommended approval.

Mr. Vásquez made a motion to continue this rezoning case to the City Council meeting of February 11, 1999. Mr. Webster seconded the motion.

After consideration, the motion to continue this rezoning case prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Bannwolf.

Zoning Case Z98200CC was continued to the Council meeting of February 11, 1999.

* * * *

4N. CASE #231- The request of Alicia Cendejas (owner), to rezone and reclassify Lots 1 thru 4 and 9 thru 12, Block A, NCB 8651, 4414 W. Commerce from "B-3R" Restrictive Business District to "B-2" Business District. The property is located on the west side of Panuco Street, between Alta Vista Street and West Commerce, having 174.7 feet on Panuco Street and 100 feet on West Commerce and Alta Vista Street. Staff's recommendation was for approval.

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Vásquez made a motion to approve the proposed Zoning change. Mr. Prado seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Bannwolf.

AN ORDINANCE 88923

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 THRU 4 AND 9 THRU 12, BLOCK A, NCB 8651, 4414 W. COMMERCE FROM "B-3R" RESTRICTIVE BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT.

* * * *

4-O. CASE #Z98244- The request of Felix Alvan Flores & Tomasa A. Flores (owners), to rezone and reclassify Lot 15, Block 2, NCB 7912, 427 Weinberg Street from "R-1" Single Family Residence District to "R-2" Two Family Residence District. The property is located on the west side of Weinberg Street, 167 feet north of the intersection of Weinberg Street and Division Avenue, having 62.7 feet on Weinberg Street and a depth of 150 feet. Staff's recommendation was for denial.

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Vásquez made a motion to approve the proposed Zoning change. Mr. Prado seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Bannwolf.

AN ORDINANCE 88924

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 15, BLOCK 2, NCB 7912, 427 WEINBERG STREET FROM "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-2" TWO FAMILY RESIDENCE DISTRICT.

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4P. CASE #Z98115- The request of Francisco Franco (owner), for a change in zoning from "R-1" Single Family Residence District to "B-2NA" Non-Alcoholic Sales Business District on Lots 1 and 2, Block 40, NCB 7988, 1722 W. Southcross Blvd. Staff's recommendation was for denial.

The Zoning Commission has recommended approval.

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning request.

Mr. Prado made a motion to continue this rezoning case to the City Council meeting of January 14, 1999. Mr. Vásquez seconded the motion.

After consideration, the motion to continue this rezoning case prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Bannwolf.

Zoning Case Z98115 was continued to the Council meeting of January 14, 1999.

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4Q. CASE #98239CC- The request of MST Contractors, Inc. (owner), to rezone and reclassify over 2 ½ acres of Lots 16 and 17, Block 6, NCB 6505, 2505 Hackberry Street from "B-2" Business District and "B-3NA" Non-Alcoholic Sales Business District to "B-3NA" CC Non-Alcoholic Sales Business District with special City Council approval for a mini-warehouse. The property is bounded to the north with McKinley Avenue, to the south with Steves Avenue, to the west with I.H. 37 Expressway and to the east with Hackberry Street. Staff's recommendation was for approval.

The Zoning Commission has recommended approval.

Ms. Guerrero made a motion to approve the proposed Zoning Ordinance. Mr. Flores seconded the motion.

The following citizen(s) appeared to speak:

Ms. Helen Dutmer, former City Council member, noted that the contractor for this project has honored his past commitments, but also expressed her concern for an increase in traffic along nearby McKinley Avenue. She also stated that the area in question needs to be cleaned up and drainage problems corrected.

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After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Peak; **NAYS:** None; **ABSENT:** Bannwolf, Webster.

AN ORDINANCE 88925

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 OVER 2 ½ ACRES OF LOTS 16 AND 17, BLOCK 6, NCB 6505, 2505 HACKBERRY STREET FROM “B-2” BUSINESS DISTRICT AND “B-3NA” NON-ALCOHOLIC SALES BUSINESS DISTRICT TO “B-3NA” CC NON-ALCOHOLIC SALES BUSINESS DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A MINI-WAREHOUSE.

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4R. CASE #Z98192(CC)- The request of Stephanie D. Sapenter Jones (owner: Deila Sapenter), to rezone and reclassify A-7, Block 27, NCB 675, 1034 S. Olive Street from “R-2” Two Family Residence District to “R-2” CC with special City Council approval for a child day care center. Staff’s recommendation was for approval. The property is located east of the intersection of Florida Street and Olive Street, having 54.7 feet on Olive Street and a depth of 150 feet.

The Zoning Commission has recommended approval.

Mr. Salas made a motion to approve the proposed Zoning change. Ms. Guerrero seconded the motion.

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After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Peak; **NAYS:** None; **ABSENT:** Bannwolf, Webster.

AN ORDINANCE 88926

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-7, BLOCK 27, NCB 675, 1034 S. OLIVE STREET FROM "R-2" TWO FAMILY RESIDENCE DISTRICT TO "R-2" CC WITH SPECIAL CITY COUNCIL APPROVAL FOR A CHILD DAY CARE CENTER.

* * * *

4S. CASE #Z98209- The request of Thomas D. Levert, George Salinas, and Polish Art & Culture Foundation (owners), to rezone and reclassify Lots 22, 23 and 24, NCB 965 and Lots 50, 51, 55 and the west 25 feet of Lot 56, NCB 984, plus Lots 33, 34, and 35, NCB 984, 1526, 1530 and 1606 N. Alamo Street for a change in designation to Historic Significant Landmarks. The properties are located on the east side of N. Alamo Street, north and south of the intersection of N. Alamo Street and Casa Blanco Street. Staff's recommendation was for approval.

The Zoning Commission has recommended approval.

Mr. Emil Moncivais, Director of Planning, explained the proposed designation of some 18 properties as Historic Significant Landmarks, and noted that this proposed designation is in conformance with recommendations made by the Community Revitalization Action Group (CRAG).

The following citizen(s) appeared to speak:

Mr. George Salinas, 1526 North Alamo Street, spoke to his desire to preserve historic old homes in this area of the city.

Mr. Dthomas Leverett, 1530 North Alamo Street, noted that he has renovated his home and also has purchased properties in the next block in order to preserve them.

* * * *

In response to a question by Mr. Salas, Mr. Moncivais spoke to the status of the properties in question, noting that nine of them are owner-occupied.

Mr. Salas made a motion to approve the proposed Zoning Ordinance. Mr. Webster seconded the motion.

Mayor Peak spoke in support for revitalization efforts in the inner-city areas, expressing his belief that this spirit of preservation will spread throughout this neighborhood.

Mr. Garza spoke in agreement, and cited other examples of neighborhood revitalization.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Marbut, Bannwolf.

AN ORDINANCE 88927

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 22, 23 AND 24, NCB 965 AND LOTS 50, 51, 55 AND THE WEST 25 FEET OF LOT 56, NCB 984, PLUS LOTS 33, 34, AND 35, NCB 984, 1526, 1530 AND 1606 N. ALAMO STREET FOR A CHANGE IN DESIGNATION TO HISTORIC SIGNIFICANT LANDMARKS.

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4T. CASE #Z98210- The City of San Antonio has under consideration the designation of Historic Significant Landmarks on the following properties owned by Otilia & Joe Cervantes, Barbara G. Weaver, Graham B. Knight, Edgar W. & Gloria A. Mauney, Ina Marie Williams, Richard & Florence Alcoser, Grayson Properties, Aaron & Patricia E. Respondek, Michele Roweroft, Iva Strout Marie and Edward A. Ashley, Jr. (owners), on the east 55 feet of the west 81.1 feet of the south 150 feet of Lot 5 (also known as per BAD as Lot 2, Arb 5B), Block 3, NCB 993 and Lots 18 and 20 and the east 27.9 feet of the south 62.5 feet of north 125 feet of Lot 7, Block 3, NCB 993; Lots 27 and the north 35.58 feet of Lot 28 and the west 84 feet of the south 27.02 feet of Lot 28 and the west 84 feet of Lot 29 and 30, Block 29, NCB 1261, Lot 6, Block 2, NCB 1263; Lot 10 and the north 126.15 feet of Lot 1, Block 1, NCB 1265; the south 67 feet of Lot 1, Block 2, NCB 1266; Lot 3, Block 3, NCB 1267; Lot 5, Block 6, NCB 1277 and Lots 9 and 10, Block 8, NCB 1276. Properties are located at 522 E. Carson Street, 702 E.

Carson Street, 912 E. Carson Street, 1951 Pan Am, 618 E. Mason Street, 703-705 E. Mason Street, 420 Pierce Avenue, 1811 N. Palmetto Avenue, 1814 N. Palmetto Avenue, 1825 N. Palmetto Avenue, 617 Quitman Street, 523 E. Carson Street, 1947 N. Pan Am. The properties are located to the east of Willow Street, to the west of Rogers Avenue, to the south of Grayson Street and to the north of I.H. 35 North. Staff's recommendation was for approval.

The Zoning Commission has recommended approval.

In response to a question by Mr. Salas, Mr. Emil Moncivais, Director of Planning, stated that some 15 properties are involved, and he spoke to the number of owner-occupied dwellings among those properties.

Mr. Salas stated that he can support rehabilitation of buildings that can be restored, and spoke in support for neighborhood residents purchasing these properties.

Mr. Salas made a motion to approve the proposed Zoning change. Mr. Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Menéndez, Marbut, Bannwolf.

AN ORDINANCE 88928

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE EAST 55 FEET OF THE WEST 81.1 FEET OF THE SOUTH 150 FEET OF LOT 5 (ALSO KNOWN AS PER BAD AS LOT 2, ARB 5B), BLOCK 3, NCB 993 AND LOTS 18 AND 20 AND THE EAST 27.9 FEET OF THE SOUTH 62.5 FEET OF NORTH 125 FEET OF LOT 7, BLOCK 3, NCB 993; LOTS 27 AND THE NORTH 35.58 FEET OF LOT 28 AND THE WEST 84 FEET OF THE SOUTH 27.02 FEET OF LOT 28 AND THE WEST 84 FEET OF LOT 29 AND 30, BLOCK 29, NCB 1261, LOT 6, BLOCK 2, NCB 1263; LOT 10 AND THE NORTH 126.15 FEET OF LOT 1, BLOCK 1, NCB 1265; THE SOUTH 67 FEET OF LOT 1, BLOCK 2, NCB 1266; LOT 3, BLOCK 3, NCB 1267; LOT 5, BLOCK 6, NCB 1277 AND LOTS 9 AND 10, BLOCK 8, NCB 1276. PROPERTIES ARE LOCATED AT 522 E. CARSON STREET, 702 E. CARSON STREET, 912 E. CARSON STREET, 1951 PAN AM, 618 E. MASON STREET, 703-705 E. MASON STREET, 420 PIERCE

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AVENUE, 1811 N. PALMETTO AVENUE, 1814 N. PALMETTO AVENUE, 1825 N. PALMETTO AVENUE, 617 QUITMAN STREET, 523 E. CARSON STREET, 1947 N. PAN AM. THE PROPERTIES ARE LOCATED TO THE EAST OF WILLOW STREET, TO THE WEST OF ROGERS AVENUE, TO THE SOUTH OF GRAYSON STREET AND TO THE NORTH OF I.H. 35 NORTH, TO THE DESIGNATION OF HISTORIC SIGNIFICANT LANDMARKS.

* * * *

4U. CASE #Z98215- The request of Andrew Guerrero (owner: John A. Colglazier), to rezone and reclassify Lots 1 thru 4, and the north 9.7 feet of the west 205.08 feet of alley, save and except the north 30 feet of Lots 1 thru 4, NCB 493, 1426 I.H. 35 North Expressway from "B-3" Business District to "I-1" Light Industry District. The properties are located southeast of the intersection of I.H. 35 North and Mesquite Street, having 205 feet on I.H. 35 North and 159.7 feet on Mesquite Street. Staff's recommendation was for denial.

The Zoning Commission has recommended approval.

Mr. Salas made a motion to continue this rezoning request to the City Council meeting of January 14, 1999. Mr. Webster seconded the motion.

After consideration, the motion, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Marbut, Bannwolf.

Zoning Case Z98215 was continued to the Council meeting of January 14, 1999.

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4V. CASE #Z98219- The request of Nevada Land and Cattle Co., LLC (owner: John Pabst), to rezone and reclassify 0.671 acre tract out of NCB 10615 and "O-1" Office District on 1.502 acre tract out of NCB 10615, 746 S. W. W. White Road from "A" Single Family Residence District and "B-2" Business District to "B-3R" Restrictive Business District. The property is located on the east side of S.W.W. White Road, 235 feet north of the intersection of S.W.W. White Road and Lavender Lane, having 116.82 feet on S.W.W. White Road and a depth of 599.26 feet. Staff's recommendation was for approval of "B-3R" on the west 230 feet and "O-1" on the remaining portion.

The Zoning Commission has recommended approval.

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The following citizen(s) appeared to speak:

Mr. John Pabst, 1502 Jackson-Keller Road, stated that he has spoken with representatives of the neighborhood association, and they support his request for rezoning.

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Mr. Salas made a motion to continue this rezoning case to the City Council meeting of January 14, 1999. Mr. Prado seconded the motion.

After consideration, the motion to continue this rezoning case prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Webster, Peak; **NAYS:** None; **ABSENT:** Marbut, Bannwolf.

Zoning Case Z98219 was continued to the Council meeting of January 14, 1999.

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4W. CASE #Z98218- The request of Maria T. Brito (owner: Anthony Nasher), to rezone and reclassify Lots 8 and 9, Block 2, NCB 2074, 935 and 937 Culebra Road from "B" Residence District to "B-1" Business District. The property is located on the north side of Culebra Road, 205.12 feet east of the intersection of Culebra Road and Calaveras, having 102.56 feet on Culebra Road and a depth of 157.66 feet. Staff's recommendation was for denial. Zoning Commission has recommended approval of "O-1" on Lot 8 and denial on Lot 9.

Mr. Flores made a motion to reject the recommendation of the Zoning Commission, and to grant O-1 Office District zoning on the properties in question. Mr. Prado seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Garza, Peak; **NAYS:** None; **ABSENT:** Menéndez, Marbut, Bannwolf, Webster.

AN ORDINANCE 88929

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 8 AND 9, BLOCK 2, NCB 2074, 935 AND 937

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CULEBRA ROAD FROM "B" RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT.

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98-43 ITEMS FOR INDIVIDUAL CONSIDERATION - CITIZEN
COMMENTS

Mr. Jack Finger, P.O. Box 12048, spoke to his concern with the process followed in relation to Agenda Item 42, selection of the Fiesta Carnival and Fiesta Parade Route Concessionaire.

Mr. Flores, chairman of the City Council Fiesta Committee, spoke to reasons why committee interviews of applicants for the concessions were held behind closed doors, in order to protect certain proprietary information of certain bidders.

Mr. Finger also expressed his concern for not being called to speak to Agenda Item 56, which was called up out of normal order for consideration by City Council. He expressed his opposition to the use of tax funds for a high school graduation party.

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98-43 The Clerk read the following Ordinance:

AN ORDINANCE 88930

AUTHORIZING THE BEXAR APPRAISAL DISTRICT TO RE-APPRAISE ALL PROPERTY DAMAGED DURING THE RECENT FLOODS WITHIN THE CITY OF SAN ANTONIO.

* * * *

Mr. Flores made a motion to approve the proposed Ordinance. Mr. Garza seconded the motion.

Mr. Octavio Peña, Director of Finance, spoke to the law which allows for reappraisal of properties damaged in flooding such as San Antonio experienced recently.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Prado, Vásquez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Salas, Guerrero, Menéndez, Bannwolf.

— — —
98-43 The Clerk read the following Ordinance:

AN ORDINANCE 88931

AUTHORIZING PARKING ENFORCEMENT OFFICERS TO ISSUE HOLIDAY PARKING TICKETS IN LIEU OF THE TRADITIONAL PARKING CITATIONS TO BE ISSUED DURING CERTAIN HOURS AND AT CERTAIN LOCATIONS ON DECEMBER 21st, 22nd AND 23rd, 1998 TO ENCOURAGE RECIPIENTS TO CONTRIBUTE THE AMOUNT OF THE FINE, WHICH IS \$13.00, TO A NON-PROFIT AGENCY.

* * * *

Mr. Webster made a motion to approve the proposed Ordinance. Mr. Vásquez seconded the motion.

Mr. Henry Ross, Parking Division, Public Works Department, narrated a brief video presentation, a copy of which is made a part of the papers of this meeting. He explained the program, pointing out that this will be the third year it has been in force in San Antonio.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Bannwolf.

— — —
98-43 The Clerk read the following Ordinance:

AN ORDINANCE 88932

ACCEPTING THE LOW BID OF YANTIS COMPANY IN THE AMOUNT OF \$5,212,021.35 IN CONNECTION WITH THE BABCOCK ROAD FROM DE ZAVALA TO HAUSMAN ROAD, LOCATED IN COUNCIL DISTRICT 8; AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING \$351,133.01 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING AN ADDITIONAL \$219,000.00 PAYABLE TO PAPE-DAWSON

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ENGINEERS, INC. FOR ENGINEERING EXPENSES; APPROPRIATING FUNDS;
AND PROVIDING FOR PAYMENT.(AMENDS ORDINANCE NO. 82390 DATED
JUNE 22, 1995)

* * * *

Ms. Guerrero made a motion to approve the proposed Ordinance. Mr. Webster seconded the motion.

Mr. John German, Director of Public Works, narrated a video presentation explaining the project, a copy of which presentation is made a part of the papers of this meeting.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

— — —
98-43 The Clerk read the following Resolution:

A RESOLUTION
NO. 98-43-49

SETTING TIMES, DATES AND LOCATIONS FOR TWENTY (20) NEIGHBORHOOD PARTICIPATION MEETINGS AND TWO (2) CITY COUNCIL PUBLIC HEARINGS REQUIRED FOR THE CITY'S ANNUAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS (HOME), HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) AND EMERGENCY SHELTER GRANTS (ESG) CONSOLIDATED PLAN/BUDGET PROCESS.

* * * *

Mr. Prado made a motion to approve the proposed Resolution. Mr. Bannwolf seconded the motion.

Ms. Margie Gant, Department of Housing and Community Development, noted that this ordinance begins the process of neighborhood hearings and the formal public hearing process before City Council.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Bannwolf, Webster; **NAYS:** None; **ABSENT:** Marbut, Peak.

— — —
98-43 The Clerk read the following Ordinance:

AN ORDINANCE 88933

ACCEPTING THE SELECTION OF THE FIESTA CARNIVAL AND FIESTA PARADE ROUTE CONCESSIONAIRE FOR THE 1999, 2000, AND 2001 EVENTS.

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Mr. Bannwolf made a motion to approve the proposed Ordinance. Mr. Flores seconded the motion.

Mr. Malcolm Matthews, Director of Parks & Recreation, narrated a video presentation, a copy of which is made a part of the papers of this meeting. He spoke to a background of the proposed contract.

Ms. Gloria Key, chair of the Fiesta San Antonio Commission committee which made the final recommendation to her board of directors, refuted contentions that her group was secretive in their deliberations, then spoke to the mission statement and procedures involved in the Request For Proposal. She noted that five groups responded to the request, and addressed the criteria used to rate those firms' proposals. She noted that four of the groups possessed a large amount of carnival experience, and addressed her committee's recommendation of Six Flags Theme Parks, Inc. to be the concessionaire under this proposed contract. She spoke to the reasons for that recommendation, and asked City Council for its approval.

Mayor Peak announced at this time that he would allow each presenting group a total of 10 minutes each to speak to this issue.

Mr. Matthews then presented a summary of the proposals of the five responders to the proposal, narrating a video presentation of that summary, a copy of which is made a part of the papers of this meeting. He addressed a comparison of the costs for the carnival rides, and spoke to City staff committee's ratings of each group. He addressed his concern with the Fiesta San Antonio Commission's final recommendation, and spoke to a comparison of the revenues involved. Finally, he spoke to general staff comments to the Six Flags Theme Parks, Inc. proposal, and addressed the matter of concessions payments.

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Mayor Peak then reiterated his ground rules for this discussion, and cautioned each presenter not to enhance their proposals.

The following citizen(s) appeared to speak:

Mr. Frank Herrera, attorney representing Alamo Concessions/Dias Alegres, introduced a video presentation on Alamo Concessions' carnival operations, then spoke to its partnership with Dias Alegres and the advantages of that partnership. He then narrated a video presentation in support of his proposal, as compared to several other responders to the Request For Proposal.

Mr. Chuck Hendrix, Six Flags Events, representing Six Flags Theme Parks, Inc., spoke to the benefits of his proposal, as representatives of his firm handed out gifts to members of City Council. He stressed his family-oriented proposal.

Mr. Roy McClanahan, representing Murphy Brothers, introduced other team members present in the audience.

Mr. Enrique Turegano then narrated a video presentation on his firm's proposal and urged the City Council to go with the highest guarantee. He then spoke to comparisons with over responders.

Mr. McClanahan then narrated a video presentation which compared his firm's guarantees to those of the other responders.

Mr. Frank Wycek, President, Alamo/Wade Shows, spoke to the major points of his firm's proposal and its advantages.

Mr. Henry Rodriguez, 1947 West Huisache Avenue, representing the League of United Latin American Citizens (LULAC) Concilio Zapatista 4383, spoke in support for maintaining the affordability of carnival rides and minority inclusiveness, and asked that the community be able to participate in this matter.

* * * *

The presentations having now been completed, Mayor Peak noted that today's action will be the second step in this selection process, and spoke to his desire to have a fair return on the taxpayers' investment in Fiesta. He noted that both the staff committee and the Fiesta Commission committee are recommending Six Flags Theme Parks, Inc.

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In response to a question by Mayor Peak, Mr. Matthews stated that the proposal of Wade Shows provides the lowest cost for carnival rides.

Mr. Flores recited the staff committee's evaluation of the proposals and its final recommendation, noting that, between the responders, the money returned is about the same. He then spoke to the factors impacting the committee's recommendation.

Mr. Bannwolf addressed his concern with the proposed carnival prices by Six Flags Theme Parks, Inc., but spoke in support for the committee recommendation.

Mr. Menéndez noted that he took objective measurements of each proposal presented and compared them, then spoke to his own results and the impact of each proposal on the average family participating in Fiesta Week activities such as the parade and carnival. He spoke in support for the Alamo/Wade proposal, and expressed his belief that the contract should become null and void if the firm failed to meet its stated obligations in its first year in operation.

Mr. Menéndez offered a substitute motion to approve the proposal of Alamo Attractions/W.G. Wade Shows, Inc. Mr. Prado seconded the motion.

Mr. Webster expressed his disappointment that some of the presenting groups today chose to denigrate their competitors, instead of reinforcing their own proposals. He also spoke to safety and financial accountability as the major selling-points, in his mind.

Discussion took place concerning the matter of required performance bonds.

Mr. Frank Burney, attorney, spoke to the four payments to be made, two of which occur prior to Fiesta Week operations.

Mr. Webster expressed his desire to see performance bonds guarantee a certain minimum return.

Mr. Frank Garza, City Attorney, addressed the City's limited input into the matter.

It was pointed out that four of the proponents agreed to put up a performance bond in an amount of a minimum guarantee.

Mr. Prado stated that, to him, affordability to the citizens was the major consideration, including the costs for carnival rides and food prices. He spoke in support for Mr. Menéndez' substitute motion.

Ms. Guerrero agreed with Mr. Prado's comments, that affordability is the most important point. She spoke to the need to retain the local San Antonio flavor and traditions of Fiesta Week, and spoke in support for the substitute motion.

Mr. Marbut addressed his concern with the late receipt, at this meeting, of a matrix comparing the respective responders, and noted that the integrity of the bid process is important.

Mr. Vásquez stated his belief that the process followed this year was open, and he addressed the importance of the carnival contract in financing other Fiesta Week events.

Mr. Salas thanked the Mayor for allowing time today for all groups to make presentations.

Mr. Flores spoke to his concern with the stance taken on this issue by Mr. Marbut.

Mayor Peak stated his belief that this was the most open process, ever, in this operation, and reiterated earlier remarks that the City need to receive its fair share of the revenues, in return for its out-of-pocket costs to service Fiesta Week.

Mr. Menéndez spoke to the requirement for an audit of carnival operations, and stressed that his substitute motion was to approve the Alamo/Wade proposal, only.

After discussion, the substitute motion prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza. **NAYS:** Marbut, Bannwolf, Webster, Peak. **ABSENT:** None.

The main motion, as substituted, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Bannwolf, Webster. **NAYS:** Marbut, Peak. **ABSENT:** None.

— — —
98-43 City Council recessed its regular session at 6:30 P.M., reconvening at 7:03
P.M.
— — —

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The Clerk read the following Ordinance:

AN ORDINANCE 88934

APPROVING THE BEXAR METRO 911 DISTRICT'S BUDGET OF \$5,118,400.00 FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1998 AND ENDING SEPTEMBER 30, 1999.

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Mr. Vásquez made a motion to approve the proposed Ordinance. Mr. Webster seconded the motion.

Police Chief Al A. Philippis narrated a video presentation of the Bexar Metro 9-1-1 District budget, a copy of which presentation is made a part of the papers of this meeting. He spoke to a brief background of the network, noting that both capital improvements and modernization contributed to a rise in the district's budget, which he then summarized.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, stated his belief that the 9-1-1 system has too slow a response, and spoke to examples. He also spoke to the need for more Emergency Medical Services units and technicians.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, addressed his concern that the proposed contract is retroactive to last September.

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In response to a question by Mr. Webster, Chief Philippus spoke to a brief description of how the 9-1-1 system works. He noted that the proposed new budget has been under discussion for some time, and by law, the old budget can be extended, in the interim. He then spoke to the network's makeup of some nine entities, representing the areas surrounding San Antonio. He also noted that the City of San Antonio contributes some 80 per cent of the district's budgetary costs.

Chief Philippus and Mr. Jim Hasslocher, Board President, discussed the annual audits of the network budget by an outside audit firm, and spoke in comparison of various 9-1-1 districts around the state, their personnel complements, and their funding.

Mr. Webster spoke to a new 9-1-1 facility and the possibility of locating it at Fort Sam Houston.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

98-43 The City Clerk read a proposed ordinance authorizing the City Manager or his designated representative to negotiate interlocal agreements with certain public education districts for the purpose of waiving certain development fees in exchange for services; providing for the waiver of certain development fees pending execution of said contracts; and repealing Ordinance NO. 87495 of March 1998.

Mr. Vásquez made a motion to postpone consideration of this matter to a "B" Session in January 1999, and to continue waiving certain development fees, in the interim. Mr. Flores seconded the motion.

After discussion, the motion prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Garza, Bannwolf, Peak. **NAYS:** None. **ABSENT:** Menéndez, Marbut, Webster.

98-43 The Clerk read the following Ordinance:

AN ORDINANCE 88935

AUTHORIZING THE EXPENDITURE OF \$5,380.00 FROM THE MAYOR'S BUDGET ACCOUNT TO COMMON ENTERPRISE FOR PAYMENT OF SERVICES RENDERED DURING THE CITY COUNCIL GOALS AND OBJECTIVES WORK SESSION, WHICH WAS HELD ON JUNE 18 AND 19, 1998; AS REQUESTED BY MAYOR HOWARD W. PEAK.

* * * *

Mr. Flores made a motion to approve the proposed Ordinance. Mr. Salas seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Garza, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Menéndez, Marbut, Webster.

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The Clerk read the following Ordinance:

AN ORDINANCE 88943

AUTHORIZING THE TEMPORARY CLOSURE OF ONE LANE OF ALAMO STREET FROM BLUM TO CROCKETT STREET ON FRIDAY, DECEMBER 18, 1998, FROM 6:30 P.M. UNTIL 9:00 P.M. IN CONNECTION WITH A CHRISTMAS CONCERT FEATURING BLIND CHILDREN PLAYING INSTRUMENTS FROM THE SECOND FLOOR BALCONY OF THE MENGER HOTEL; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE OF EIGHT (8) AFFIRMATIVE VOTES; AS REQUESTED BY COUNCILMAN ROGER FLORES, II.

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Mr. Flores made a motion to approve the proposed Ordinance. Mr. Prado seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menéndez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Bannwolf.

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98-43 **PUBLIC HEARING AND PRESENTATION-TAX INCREMENT FINANCING (“TIF”) REINVESTMENT ZONE**

Mayor Peak declared the Public Hearing to be open.

Mr. Peter Holt,, Chairman of the Board, San Antonio Spurs, stated that use of tax-increment financing is the only way to finance a new arena and allow the Spurs basketball team to make it, financially, in San Antonio. He noted that the City Council vote on the TIF proposal, scheduled for December 12, 1998, is only the next step in the process. He spoke to pledges made by the Spurs organization and asked that the process be allowed to go forward.

Mr. Webster spoke to the background of the Council’s TIF Committee, which he chairs, and its work. He noted that the final hard numbers involved will come from the consultant, after which the City Council will make the final decision.

Ms. Melissa Byrne Vossmer, Assistant City Manager, narrated a video presentation on the TIF proposal, a copy of which presentation is made a part of the papers of this meeting. She addressed the background of the TIF study process and an overview of the

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committee (or work group) actions, noting that the subcommittee studied various aspects of this matter.

Mr. Webster then spoke to what each subcommittee studied, after which Ms. Vossmer provided a broad background of the process.

Mr. Mike McGee, representing Leisure Management International, the consultant, spoke to determining the need for an 18-20,000-seat arena, including recommendations; the financial impact of a new arena on the Alamodome; certain conclusions; evaluation of some seven possible arena sites; the matter of re-negotiation of the Spurs lease with the City and certain Alamodome renovations; the new arena operating budget; and a summary of the need for a new 18-20,000-seat arena in San Antonio.

Mr. Jon Hockenyos, representing Texas Properties, Inc., also a consultant, addressed an economic impact analysis; the impact of the Spurs leaving downtown San Antonio; the impact on downtown projects, should the Spurs leave downtown; the impact of the Spurs leaving San Antonio; and a summary of his conclusions.

Ms. Frances Gonzalez, Director of Neighborhood Action Department, addressed the City staff examination of potential alternate arena sites and certain conclusions.

Mr. Frank Garza, City Attorney, spoke to the legal issues and concerns; recommendation for creation of a five-member TIF board of directors; the unresolved issue of whether or not the City would be responsible for any default on repayment of bonds involved; and possible next steps in the issue.

Mr. Octavio Peña, Director of Finance, addressed the financial background of the issue and identification of a possible shortfall; the Spurs proposal; taxing units involved; an certain comparative assumptions.

Mr. Jorge Rodriguez, representing Coastal Securities, provided a financial review and assessment of the issue; spoke to certain credit issues, including the adverse effect of the unresolved bond default issues and its impact on the City's standing in the bond market. He noted, however, that legally the arena financing does not constitute a direct obligation of the City of San Antonio. He spoke specifically to the effect of the City's credit reputation, and also provided a financial analysis summary, as outlined on Page 202 of the TIF presentation.

Ms. Vossmer then provided staff's conclusions and possible options, pointing out that the Longhorn Quarry Site does not comply with the City's Master Plan as approved by City

Council in 1997. She then outlined the three recommended options for City Council consideration, as outlined on Pages 230-232 of the TIF presentation.

The following citizen(s) appeared to speak:

Mr. Jack Finger, P.O. Box 12048, spoke to his concern with the changeable nature of the Spurs proposals, and recommended that the City Council not approve creation of a tax-increment financing district.

Mr. Fred Raley, representing the North San Antonio Chamber of Commerce, asked the City Council to continue with the TIF process and assist the Spurs in remaining viable.

Mr. Tony Garza spoke against creating a TIF district, and urged that the citizens be allowed to vote on such a proposal.

Mr. Tim McCallum, representing Metro Alliance, spoke in opposition to the use of public dollars for non-public uses, such as tax abatements and TIF districts.

Ms. Christina Castro, representing Communities Organized for Public Service, stated her group's opinion that the TIF district is the wrong tool for the job.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke in favor of an arena on the west side of the city.

Mr. Faris Hodge, Jr., 140 Dora, also favors an arena on the northeast side of the city, and addressed reasons for that recommendation. He expressed his personal willingness to purchase arena bonds, and urged the Council to continue the TIF process.

Mr. Courtney Connell, 3607 Horsemint, asked the Council to continue to find solutions to this issue.

Ms. Mari Vickery, 49 Millwood Heights, spoke in favor of creation of a TIF district to finance a new arena, and urged Council to continue the process.

Mr. Gary Guzman, 7550 IH 10 West, stated his opinion that an arena project is a positive project for San Antonio, and asked Council members to keep an open mind.

Mr. Greg Moore, 8751 Tradewind, stated that the Spurs need a new arena, and urged Council to find ways to make such a project work.

Ms. Ann-Lynn Perkins, 701 Broadway, stated her opinion that a TIF district is a benefit to all, and spoke to the impact on local charities, should the Spurs leave town.

Ms. Jean McLemore, 230 Bark Lane, urged the Council to help keep the Spurs in San Antonio, and to continue the TIF process.

Ms. Susan Blackwood, 706 Birdsong South, read a letter from Mr. Pat Frost, Chairman of the San Antonio Sports Foundation, addressing future uses for a new arena.

Mr. Bob Ross, 3760 Hunter Circle, stated that he was speaking to a TIF district proposal, not necessarily to a new arena, stating his belief that the Longhorn Quarry Site is not eligible for a TIF district designation, according to the State Attorney General. He stated his opinion that the project plan and financing plan are flawed, and addressed the reasons for his opinion. He stated his belief that tax revenues cannot be used for an exclusive use and benefit to the Spurs, and expressed his concern that it might affect the May bond election.

Mr. Aaron Seaman, representing the San Antonio Hispanic Chamber of Commerce, stated his opinion that more time is needed to understand all the issues involved, and asked the Council to continue the TIF process.

Mr. John Yoggerst, 9315 Contessa, noted that taxing entities will be paying some \$130 million for this project, and questioned the Spurs' calculations. He estimated that it would take some 20 years for revenues from the TIF district to equal the lost taxes. He urged the Council to go to the voters concerning a downtown arena, paid for by a sales tax.

Mr. John Newman, 354 West Palfrey, questioned why the business community doesn't finance the arena, instead of the taxpayers, and spoke against all tax abatements.

Mr. Terry Machgan, 4614 Purlane, stated his opinion that this is a question of economic development, and that the Longhorn quarry area will develop over a period of time, anyway. He urged Council to continue the process and get the answers for a good plan.

Mr. Rene Neira, representing South Side Development Group, spoke in support for locating a new arena in the Harlandale Independent School District area, and spoke to the need to keep the Spurs in San Antonio.

* * * *

There being no further citizens signed to speak to this matter, Mayor Peak declared the Public Hearing to be closed.

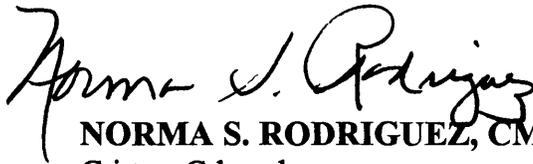
— — —
98-43 There being no further business to come before the Council, the meeting was adjourned at 10:45PM.

A P P R O V E D



HOWARD W. PEAK
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AE
City Clerk