

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO,
HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING,
THURSDAY, DECEMBER 5, 1996**

* * * *

96-48 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):

Boards and Commissions Work session

The Council members present were: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster and Thornton.

96-48 The regular meeting was called to order at 1:00 p.m. by the Presiding Officer, Mayor William E. Thornton, with the following members present: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster and Thornton. Absent: None.

96-48 Invocation by Pastor Harry Kahl, Jefferson United Methodist Church

96-48 Pledge of Allegiance to the flag of the United States.

96-48 **Moment of Silence**

Mr. Herrera requested a point of personal privilege to call for a moment of silence out of respect for two boys whose murdered bodies were recently discovered.

96-48 **CEREMONIAL AGENDA**

Ms. Lynn Bobbitt, San Antonio Conservation Society, addressed the Council and distributed leaflets regarding the "Twelve Days Before Christmas" activities taking place from December 4, 1996 through December 19, 1996.

Mayor Thornton encouraged citizens to take advantage of the activities and to visit the "Little Christmas Village" in La Villita.

December 5, 1996

96-48

jtr

CONSENT AGENDA

Mr. Flores made a motion to approve Agenda Items 5 through 28, constituting the Consent Agenda, with item 6 having been pulled for individual consideration. Mr. Avila seconded the motion.

After consideration, the motion carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Flores, Lott, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; Absent: Billa Burke.

AN ORDINANCE 85,233

ACCEPTING THE LOW BID OF RESOURCE ENGINEERING & MANAGEMENT, INC. (REM) TO PROVIDE THE CITY OF SAN ANTONIO PURCHASING & GENERAL SERVICES DEPARTMENT WITH LABOR AND MATERIALS TO REPLACE REFUELING DISPENSERS AT CITY GASOLINE REFUELING STATIONS FOR A TOTAL OF \$43,500.00

* * * *

AN ORDINANCE 85,234

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH ANDREW PEREZ ASSOCIATES, ARCHITECTS BY AUTHORIZING ADDITIONAL 1989 GENERAL OBLIGATION LIBRARY BOND FUNDS IN THE AMOUNT OF \$7,000.00 FOR PROVIDING ADDITIONAL SERVICES IN CONNECTION WITH THE LANDA BRANCH LIBRARY PROJECT; AUTHORIZING \$1,000.00 FOR MISCELLANEOUS ARCHITECTURAL CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (MBE)

* * * *

AN ORDINANCE 85,235

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH GABRIEL DURAND-HOLLIS, AIA BY AUTHORIZING ADDITIONAL FACILITIES IMPROVEMENTS AND MAINTENANCE PROGRAM (FMIP) FUNDS IN THE AMOUNT OF \$21,800.00 IN CONNECTION WITH THE POLICE HEADQUARTERS - WALL PROBLEMS AND HELIPORT LEAKS PROJECT; AUTHORIZING \$1,800.00 FOR MISCELLANEOUS ARCHITECTURAL CONTINGENCY EXPENSES; APPROPRIATING FUNDS AND

December 5, 1996

96-48

jtr

PROVIDING FOR PAYMENT. (MBE)

* * * *

AN ORDINANCE 85,236

AUTHORIZING ADDITIONAL 1994 GENERAL OBLIGATION IMPROVEMENT BOND FUNDS IN THE AMOUNT OF \$32,000.00 PAYABLE TO BROWNING FERRIS INDUSTRIES FOR THE REMOVAL AND DISPOSAL OF NON-HAZARDOUS MATERIAL IN CONNECTION WITH THE CONSTRUCTION OF THE PUBLIC SAFETY TECHNOLOGY CENTER.

* * * *

AN ORDINANCE 85,237

RATIFYING AND APPROVING TRAFFIC OPERATIONS FUND PAYMENTS IN THE AMOUNT OF \$37,525.03 PAYABLE TO ALAMO PETROLEUM EXCHANGE AND AUTHORIZING \$15,045.00 PAYABLE TO ANALYSIS, INC. FOR THE REMOVAL AND DISPOSAL OF HAZARDOUS MATERIAL IN CONNECTION WITH THE TRAFFIC FACILITIES.

* * * *

AN ORDINANCE 85,238

AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT); AUTHORIZING REIMBURSEMENT IN THE AMOUNT OF \$49,800.00 TO TXDOT AND RATIFYING ALL ACTION TAKEN IN CONNECTION WITH THE REMOVAL OF A BUILDING LOCATED AT 1040 INTERSTATE HIGHWAY 35 NORTH ASSOCIATED WITH THE WURZBACH PARKWAY PROJECT; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 85,239

SELECTING JDM ASSOCIATES TO PROVIDE ARCHITECTURAL SERVICES IN CONNECTION WITH THE PLAZA DE ARMAS STAIRWAY IMPROVEMENTS PROJECT; AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES CONTRACT FOR AN AMOUNT NOT TO EXCEED \$6,160.00; AUTHORIZING \$1,200.00 FOR MISCELLANEOUS ARCHITECTURAL CONTINGENCY EXPENSES; APPROPRIATING

December 5, 1996

96-48

jtr

FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 85,240

RATIFYING SERVICES AND APPROPRIATING FUNDS IN THE AMOUNT OF \$66,717.90 PAYABLE TO BROWNING-FERRIS INDUSTRIES IN CONNECTION WITH THE REMOVAL OF IMPACTED SOILS FROM ASPHALT MATERIALS AT THE FORMER PUBLIC WORKS STORAGE FACILITY LOCATED AT JONES- MALTSBERGER AND U.S. HIGHWAY 281.

* * * *

AN ORDINANCE 85,241

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH PAPE-DAWSON CONSULTING ENGINEERS, INC. BY AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$129,608.07 TO PROVIDE ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE WURZBACH PARKWAY I AND II PROJECT; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 85,242

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF A SANITARY SEWER EASEMENT OUT OF LOT 71, BLOCK 2, N.C.B. 11966; AND FEE SIMPLE TITLE AND ONE TEMPORARY EASEMENT OUT OF LOT 69, BLOCK 2, N.C.B. 11966, BEXAR COUNTY, TEXAS FOR PUBLIC PURPOSES, NAMELY THE CONSTRUCTION OF THE WESTERN AVENUE DRAINAGE PROJECT #74, PHASE III B & C.

* * * *

AN ORDINANCE 85,243

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO PORTIONS OF LOTS 3, 4 AND 36, N.C.B. 10115, LOTS 10 AND 13 THROUGH 16, BLOCK 1, N.C.B. 7253 AND LOT 10, N.C.B. 9000, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE, NAMELY THE CONSTRUCTION OF THE BASSE ROAD AT SAN PEDRO INTERSECTION, A METROPOLITAN PLANNING ORGANIZATION PROJECT.

* * * *

December 5, 1996

96-48

jtr



AN ORDINANCE 85,244

AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE TO TWO PARCELS, FOR \$3,005.00 PAYABLE TO COMMERCE LAND TITLE OF SAN ANTONIO, INC., AS ESCROW AGENT FOR RICARDO REYES AND WIFE, INEZ M. REYES IN CONNECTION WITH THE OCTAVIA PLACE DRAINAGE PROJECT #63, PHASE II OUT OF 1985 GENERAL OBLIGATION DRAINAGE BONDS (SOLD IN 1994).

* * * *

AN ORDINANCE 85,245

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH (TDH) FOR UP TO \$1,018,017.00 TO CONTINUE THE TITLE V MATERNAL AND CHILD HEALTH PROJECT OPERATED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 1996 THROUGH AUGUST 31, 1997; ESTABLISHING A FUND; ADOPTING A BUDGET; AUTHORIZING CONTRACTUAL SERVICES; AND APPROVING A PERSONNEL COMPLEMENT.

* * * *

AN ORDINANCE 85,246

AUTHORIZING THE ACCEPTANCE OF \$551,411.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH); APPROVING THE USE OF SAID FUNDS AS FOLLOWS: CHRONIC DISEASE PREVENTION PROJECT \$59,932.00, HEALTH SERVICES/EDUCATION PROJECT \$239,820.00, SPECIAL TB OUTREACH PROJECT \$189,979.00, AND STATE IN-KIND SUPPORT \$61,680.00; AUTHORIZING THE EXECUTION OF A REVISION TO THE CONTRACT WITH TDH; REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 1996/97 ESTABLISHED IN ORDINANCE NO. 83917, PASSED AND APPROVED APRIL 11, 1996; AUTHORIZING PAYMENTS FOR OFFICE SPACE; AND APPROVING PERSONNEL POSITIONS.

* * * *

AN ORDINANCE 85,247

AUTHORIZING THE ACCEPTANCE OF A \$10,000.00 GRANT FROM SMITHKLINE BEECHAM PHARMACEUTICALS TO SUPPORT THE HEPATITIS A DEMONSTRATION PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT.

* * * *

December 5, 1996

96-48

jtr

AN ORDINANCE 85,248

RATIFYING LEGAL SERVICES AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$9,509.81 TO AKIN, GUMP, STRAUSS, HAUER, AND FELD, L.L.P. IN CONNECTION WITH THE CROCKETT STREET CLOSE-OUT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT.

* * * *

AN ORDINANCE 85,249

RATIFYING FINANCIAL ADVISORY SERVICES AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$17,500.00 TO MASTERSON, MORELAND, SAUER, AND WHISMAN IN CONNECTION WITH THE CROCKETT STREET CLOSE-OUT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT.

* * * *

AN ORDINANCE 85,250

RATIFYING PERFORMANCE AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$10,717.27 FOR LEGAL PROFESSIONAL SERVICES RENDERED BY LLOYD, GOSSELINK, FOWLER, BLEVINS & MATHEWS, P.C. TO ADDRESS REGULATORY AND RESPONSIBILITY ISSUES PERTAINING TO THE CITY'S SOUTHEAST LANDFILL (REILLY LANDFILL), AND FURTHER AUTHORIZING ADDITIONAL PROFESSIONAL LEGAL SERVICES TO BE RENDERED PERTAINING TO SOUTHEAST (REILLY) AND OTHER CLOSED LANDFILLS; AND PROVIDING FOR PAYMENT FROM THE SOLID WASTE OPERATING FUND; THE EXPENSE OF ALL NOT TO EXCEED \$50,000.00.

* * * *

AN ORDINANCE 85,251

AMENDING THE TRAFFIC CONTROL DEVICES SCHEDULES ESTABLISHED BY CHAPTER 19 (TRAFFIC REGULATIONS), ARTICLE III (TRAFFIC CONTROL DEVICES), SECTION 19-68(B) TO INCLUDE CERTAIN ADDITIONS TO THE OFFICIAL TRAFFIC CONTROL DEVICES SCHEDULE FOR "STOP" SIGNS, "YIELD RIGHT-OF-WAY" SIGNS, "PROHIBITED PARKING AT ALL TIME" SIGNS, AND "PROHIBITED TURN" SIGNS; AUTHORIZING THE PERMANENT INSTALLATION OF SAID DEVICES; DECLARING THEM AS OFFICIAL TRAFFIC CONTROL DEVICES OF THE CITY OF SAN ANTONIO OF THE CITY OF SAN ANTONIO; AND DECLARING VIOLATIONS OF THESE TRAFFIC REGULATIONS, TO BE MISDEMEANOR CRIMES PUNISHABLE BY A FINE OF NOT

December 5, 1996

96-48

jtr

MORE THAN \$200,000, AND DECLARING VIOLATIONS OF THE CIVIL PARKING VIOLATIONS TO BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE CITY CODE SECTION 19-225 (ADMINISTRATIVE ADJUDICATION OF STOPPING, STANDING, AND PARKING VIOLATIONS).

* * * *

AN ORDINANCE 85,252

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO COMPROMISE AND SETTLE CAUSE NO. 94-CI-17934, IN THE 57TH JUDICIAL DISTRICT COURT, STYLED MARGARET ANDERSON V. MIGUEL PAGAN AND THE CITY OF SAN ANTONIO, IN THE AMOUNT OF \$62,000.00.

* * * *

AN ORDINANCE 85,253

AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO COMPROMISE AND SETTLE CAUSE NO. SA-93-CA-0778, STYLED FELICIANO MORENO, ADMINISTRATOR OF THE ESTATE OF JORGE MORENO, ET. AL. V. CITY OF SAN ANTONIO, IN THE AMOUNT OF \$140,000.00.

* * * *

AN ORDINANCE 85,254

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE METROPOLITAN PLANNING ORGANIZATION (MPO) FOR THE CITY TO PERFORM VARIOUS PLANNING TASKS FOR AN AMOUNT NOT TO EXCEED \$252,505.00 AS PART OF THE MPO'S UNIFIED PLANNING WORK PROGRAM FOR FY 1996-97; APPROPRIATING FUNDS; AND AUTHORIZING PERSONNEL POSITIONS.

* * * *

AN ORDINANCE 85,255

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS FROM 6:00 P.M. UNTIL 8:45 P.M., FRIDAY, DECEMBER 20, 1996 IN CONNECTION WITH THE LA GRAN POSADA, SPONSORED BY SAN FERNANDO CATHEDRAL.

December 5, 1996

96-48

jtr

* * * *

96-48 The Clerk read the following Ordinance:

AN ORDINANCE 85,256

ACCEPTING THE LOW, QUALIFIED BIDS OF ANCIRA - WINTON CHEVROLET COMPANY, MCCOMBS FLEET SERVICE, SOUTHWAY FORD, INC. AND SMITH MOTOR SALES TO PROVIDE THE CITY OF SAN ANTONIO WITH LIGHT DUTY TRUCKS FOR A TOTAL OF \$2,240,405.00. (MBE)

* * * *

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

The following citizens appeared to speak:

Mr. Faris Hodges, Jr., inquired as to what type of trucks were being procured, and what criteria was used to determine when a truck should be replaced, and how the City disposes of trucks which are currently in use.

* * * *

Ms. Janie B. Cantu, Director, Purchasing and General Services Department, responded to Mr. Hodges' questions, noting that trucks are disposed of at auction after they have reached 72,000 miles.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Avila, Solis, Herrera, Marbut, Peak, Webster, Thornton; NAYS: None; Absent: Billa Burke, Ross.

96-48 **Consideration Of The Following Annexation Ordinances (Second And Final Reading):**

The Clerk read the following Ordinance:

AN ORDINANCE 85,087

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE ANNEXATION OF APPROXIMATELY 620 ACRES OF LAND KNOWN AS THE

December 5, 1996

96-48

jtr

WALZEM/GIBBS-SPRAWL ROAD PROPERTY AND APPROVING A SERVICE PLAN FOR SUCH AREA.

*** * * ***

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

Ms. Rebecca Waldman, Acting Director of Planning, explained the proposed Ordinance to the Council.

The following citizen appeared to speak:

Mr. Faris Hodges, Jr., spoke to his concerns that City services not be negatively affected by the City's annexation of other areas, and that the acquisition of annexed areas may over tax the City's ability to provide services.

*** * * ***

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: Avila; Absent: Billa Burke.

The Clerk read the following Ordinance:

AN ORDINANCE 85,088

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE ANNEXATION OF APPROXIMATELY 15 ACRES OF LAND KNOWN AS THE HERITAGE PARK PROPERTY AND APPROVING A SERVICE PLAN FOR SUCH AREA.

*** * * ***

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

Ms. Rebecca Waldman, Acting Director of Planning, explained the proposed Ordinance to the Council.

Mr. Avila spoke in opposition to the proposed Ordinance.

December 5, 1996

96-48

jtr

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: Avila; Absent: None

The Clerk read the following Ordinance:

AN ORDINANCE 85,089

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE ANNEXATION OF APPROXIMATELY 1,400 ACRES OF LAND KNOWN AS THE MOUNTAIN VIEW PROPERTY AND APPROVING A SERVICE PLAN FOR SUCH AREA.

* * * *

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

Ms. Rebecca Waldman, Acting Director of Planning, explained the proposed Ordinance to the Council.

The following citizen appeared to speak:

Mr. Jesse Gonzalez, requested that Council hold off on annexation and complained of the short notice given.

* * * *

Mr. Herrera spoke in support of the proposed Ordinance.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: Avila; Absent: None

The Clerk read the following Ordinance:

AN ORDINANCE 85,090

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE ANNEXATION OF APPROXIMATELY 3,130 ACRES OF LAND KNOWN AS THE GREYSTONE PROPERTY AND APPROVING A SERVICE PLAN FOR SUCH AREA.

December 5, 1996

96-48

jtr



* * * *

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

Ms. Rebecca Waldman, Acting Director of Planning, explained the proposed Ordinance to the Council.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: Avila; Absent: None

AN ORDINANCE 85,091

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE ANNEXATION OF APPROXIMATELY 364 ACRES OF LAND KNOWN AS THE MEDIO CREEK PROPERTY AND APPROVING A SERVICE PLAN FOR SUCH AREA.

* * * *

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

Ms. Rebecca Waldman, Acting Director of Planning, explained the proposed Ordinance to the Council.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: Avila; Absent: None

The Clerk read the following Ordinance:

AN ORDINANCE 85,092

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE ANNEXATION OF APPROXIMATELY 1,739 ACRES OF LAND KNOWN AS THE KELLY AIR FORCE BASE PROPERTY AND APPROVING A SERVICE PLAN FOR SUCH AREA.

* * * *

December 5, 1996

96-48

jtr

Mr. Herrera made a motion to approve the proposed Ordinance. Ms. Lott seconded the motion.

Ms. Rebecca Waldman, Acting Director of Planning, explained the proposed Ordinance to the Council.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: Avila; Absent: None

96-48 The Clerk read the following Ordinance:

AN ORDINANCE 85,257

APPROVING BUSINESS POINTS FOR A LEASE AGREEMENT WITH CENTRO ALAMEDA, INC., A TEXAS NON-PROFIT CORPORATION, FOR USE OF THE ALAMEDA THEATER, CASA DE MEXICO OFFICE BUILDING AND ADJACENT PROPERTY IN THE 300 BLOCK OF HOUSTON STREET, AND THE BASILA PHARMACY BUILDING AND ADJACENT PROPERTY AT 118 NORTH LAREDO STREET; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH SAID CORPORATION ON TERMS CONSISTENT WITH THE BUSINESS POINTS AND CITY OF SAN ANTONIO POLICY.

* * * *

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

Mr. Roland Lozano, Director Of Asset Management, presented the proposed Ordinance to the Council. A copy of his presentation is attached to the papers of this meeting.

Mayor Thornton stated that this Ordinance is a step toward the restoration of the Alameda Theater area and the furtherance of the development of a "cultural zone" in that area.

Mr. Solis commented on the unique heritage of the Alameda and urged his Council colleagues to support the Ordinance.

The following citizen appeared to speak:

Mr. Jorge "George" Cortez, Centro de Alameda, Inc., spoke to the cultural benefits to be derived from the restoration of the Alameda.

December 5, 1996

96-48

jtr



* * * *

Prompted by a question by Mr. Ross, a discussion followed regarding the business aspects of the lease agreement and what would happen if performance standards are not met.

Mr. Flores offered his congratulations to Centro de Alameda, Inc.

Prompted by a question by Mr. Webster, a discussion followed regarding when the taxpayers would see a return on their investment.

The following citizen appeared to speak:

Mr. Henry Munoz, Jr., Centro de Alameda, Inc., stated that while the eventual intent is to create a self-sufficient facility which would generate income, the Alameda also has cultural and historic significance. Mr. Munoz went on to explain that just as the Apollo Theater in Harlem, New York is important to the African American community, the Alameda Theater is equally important to the Hispanic community of San Antonio. Mr. Munoz urged the Council to support the Staff recommendations.

* * * *

Mr. Ross commented on the need to look at the long-term impact on the City's taxpayers.

Mr. Flores expressed his confidence in the Centro de Alameda's ability to make the project a successful one.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; Absent: None

96-48 The Clerk read the following Ordinance:

AN ORDINANCE 85,258

PROVIDING FOR THE EXTENSION OF THE QVC SAN ANTONIO, INC. ("QVC") INDUSTRIAL DISTRICT FOR A TIME PERIOD OF FIVE YEARS; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO INDUSTRIAL DISTRICT NON-ANNEXATION AND BASIC FIRE SERVICE EXTENSION AGREEMENTS WITH QVC. (AMENDS ORDINANCE 76,060, DATED JULY 2, 1992)

December 5, 1996

96-48

jtr

* * * *

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

Mr. Clinton Bolden, Director Of Economic Development, presented the proposed Ordinance to the Council. A copy of his presentation is attached to the papers of this meeting.

The following citizens appeared to speak:

Ms. Bebb Francis, Attorney for QVC, distributed a press release to the Council regarding QVC's community goodwill efforts. A copy of this release is attached to the papers of this meeting.

Dr. Robert W. Ramsay, Chancellor, Alamo Community College District (ACCD), spoke in support of the proposed Ordinance.

Mr. Mike De La Garza, Chairman, Alamo Workforce Development Council, spoke in support of the proposed Ordinance.

Mayor Thornton spoke to the development of job opportunities in San Antonio, and observed that San Antonio's unemployment rate, 3.7%, is the lowest recorded rate .

Mr. Webster encouraged QVC to look into the possibilities of using Kelly AFB as a future distribution point, in keeping with ongoing initiatives to privatize it and convert it from military to civilian use.

Mr. Avila characterized the proposed Ordinance as a "win-win" situation for all parties.

(At this point, Mayor Thornton departed the meeting, leaving Mayor Pro Tem Herrera to preside.)

Mr. Solis requested clarification on the benefits which would be available to employees.

(At this point, Mayor Thornton returned to preside.)

In response to a question from Mr. Peak, Mr. Bolden spoke to the multiplier effect generated by the \$7M payroll.

December 5, 1996

96-48

jtr

Mr. Ross commented that the loss to the City would be minimal due to the non-annexation provisions of the Ordinance.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; Absent: Billa Burke.

96-48 The Clerk read the following Ordinance:

AN ORDINANCE 85,259

AUTHORIZING THE EXPENDITURE OF \$2,174.25 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND IN SUPPORT OF YOUTH ATHLETIC PROGRAMS BY HELPING THE JEFFERSON RAIDERS ORGANIZATION PURCHASE EQUIPMENT AND UNIFORMS FOR THEIR FOOTBALL TEAM; AS REQUESTED BY COUNCILWOMAN DOLORES LOTT.

* * * *

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

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Herrera, Peak, Webster, Thornton; NAYS: None; Absent: Solis, Ross, Marbut.

96-48 The Clerk read the following Ordinance:

AN ORDINANCE 85,260

AUTHORIZING THE EXPENDITURE OF \$300.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND IN SUPPORT OF YOUTH ATHLETIC PROGRAMS BY HELPING PRINCE OF PEACE PURCHASE EQUIPMENT AND UNIFORMS FOR THE BASKETBALL TEAM CONSISTING OF 10-YEAR OLD CHILDREN; AS REQUESTED BY COUNCILMAN ROBERT A. HERRERA.

* * * *

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

December 5, 1996

96-48

jtr

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Herrera, Peak, Webster, Thornton; NAYS: None; Absent: Solis, Ross, Marbut.

96-48 The Clerk read the following Ordinance:

AN ORDINANCE 85,261

AUTHORIZING THE EXPENDITURE OF \$600.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND IN SUPPORT OF YOUTH ATHLETIC PROGRAMS BY HELPING THE EDGEWOOD SEMINOLES POP WARNER FOOTBALL TEAM PAY FOR TRAVEL EXPENSES TO ATTEND THE NATIONAL CHAMPIONSHIP FINALS; AS REQUESTED BY COUNCILMAN ROBERT A. HERRERA.

* * * *

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

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Herrera, Peak, Webster, Thornton; NAYS: None; Absent: Avila, Solis, Ross, Marbut.

96-48 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE - TREE PRESERVATION ORDINANCE

Mayor Thornton declared the Public Hearing to be open.

Ms. Rebecca Waldman, Acting Director of Planning, presented the proposed Ordinance to the Council. A copy of the presentation is attached to the papers of this meeting.

Mr. Bill Telford, Comprehensive Planning Manager, spoke to the details presentation.

(At this point, the Mayor was obliged to leave the meeting, leaving Acting Mayor Pro Tem Flores to preside.)

Mr. Gene Carmargo, Director, Building Inspections Department, spoke to the portion of the presentation regarding staffing support for the Ordinance.

(At this point, Mayor Pro Tem Herrera returned to preside over the meeting.)

December 5, 1996

96-48

jtr



Mr. Telford completed the presentation following Mr. Carmargo's portion.

* * * *

The following citizens appeared to speak:

Ms. Bonnie Conner, Co-Chair, Ad Hoc Tree Ordinance Committee, spoke to the need to complete the City's Master Plan.

Mr. Stephen Colley, 519 Artemis Drive, spoke in favor of the proposed Ordinance and to conservation measures and cost savings to be derived from utility bills due to the shade provided by trees.

Mr. Doug Leonhard, 4204 Gardendale, spoke in favor of the proposed Ordinance.

Mr. Barry Middleman, 210 West Sunset, spoke in favor of the proposed Ordinance.

Mr. Faris Hodges, Jr., 140 Dora, spoke in opposition to the proposed Ordinance.

Mr. David Anderson, Greater San Antonio Builders Association, read from a prepared statement regarding costs associated with the implementation of the proposed Ordinance. A copy of his statement is attached to the papers of this meeting.

Mr. John Hertz, River Road Neighborhood Association, distributed a chart regarding sizes and diameters of trees. A copy of his chart is attached to the papers of this meeting. Mr. Hertz further encouraged the Council to strengthen the Ordinance and to reduce the review time from three to two years.

Ms. Peggy Day, River Road Neighborhood Association, presented the Council with a petition reportedly containing 2,400 signatures in support of approval of the proposed Ordinance. Ms. Day further offered recommendations for policy changes and also recommended that the review period be reduced from three to two years. Ms. Day's recommendations were delineated in a letter which she distributed to the Council. A copy of this letter is attached to the papers of this meeting.

Ms. Susan Rust, Stewardship Services, stated that she strongly supports the Ordinance, however, conditionally. Ms. Rust offered proposed changes to the wording of the Ordinance. A copy of her proposed changes is attached to the papers of this meeting.

Mr. Fred Wills recommended changes to the proposed Ordinance, to include provisions for the planting of "native" trees.

December 5, 1996

96-48

jtr

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

Ms. Jane Gillis, while speaking in favor of the Ordinance, agreed with the preceding speakers regarding recommended changes and further called for changes which would provide for a "root protection zone" and an earlier effective date of January 15, 1997.

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

Ms. Karen Jones echoed the comments of the presiding speaker and called for a "root protection zone", and called for an immediate effective date.

Mr. Terry Morrissey expressed his disappointment in the proposed Ordinance and called for the inclusion of provisions for "native" trees.

Ms. Loretta Von Coppenolle, Citizens Concerned About Tree Preservation, characterized the proposed Ordinance as being heavily weighted in favor of developers. Reading from a prepared statement, Ms. Von Coppenolle stated that she felt that it was ludicrous that developers had so much say in the development of the ordinance. Ms. Von Coppenolle submitted a petition which reportedly contained 1,600 signatures.

Dr. Stewart A. Wilber, MD., spoke on favor of the proposed Ordinance with the proviso that the review period be changed from three to two years.

Mr. David Klar spoke in favor of the proposed Ordinance, but qualified his support by stating that the ordinance should be stronger, and that the review period should be changed from three to two years.

Ms. Sally Buchanan, President, San Antonio Conservation Society, read from a prepared statement, a copy of which is attached to the papers of this meeting.

Mr. Mark A. Peterson, Regional Urban Forester, Texas Forest Service, submitted a letter to the Council outlining recommended changes to the proposed Ordinance. A copy of this letter is attached to the papers of this meeting.

Mr. Joe Nix, Surveyor, spoke in support of the proposed Ordinance as it is.

Mr. Scott Bleck, San Antonio Apartment Association, encouraged approval of the proposed Ordinance, and discouraged any changes to it. Mr. Bleck stated that his Association supports the Tree Ordinance Committee's draft of the Ordinance.

December 5, 1996

96-48

jtr

Ms. Kathleen Trenchard, 215 E. Park Ave, quoted studies conducted by the Environmental Protection Agency and spoke in support of approval of the Ordinance.

Ms. Nancy Nielsen spoke in support of the Ordinance, but favored a two year review period.

Mr. M. Scott Kelley, 37-3 Larchmont, spoke in support of the Ordinance.

* * * *

There being no other citizens to speak, Mayor Thornton declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 85,262

AMENDING CHAPTER 35 OF THE CITY CODE BY ENTITLING AARTICLE VI OF THE UNIFED DEVELOPMENT CODE "LANDSCAPE AND TREE PRESERVATION," RECODIFYING SECTION 35-6001 THROUGH 35-6099 OF ARTICLE VI INTO A NEW DIVISION 1 ENTITLED "LANDSCAPING"; BY ADDING A NEW DIVISION 2 UNDER ARTICLE VI ENTITLED "TREE PRESERVATION" CONTAINING SECTION 35-6100 THROUGH 35-6199; ADOPTING NEW REGULATIONS CONTAINED THEREIN RELATED TO THE DEVELOPMENT AND SUBDIVISION OF LAND FOR THE PURPOSE OF PRESERVING TREES; MAKING RELATED AMENDMENTS TO SECTIONS 35-4002 AND SECTION 35-4142 TO PROVIDE REFERENCE THERETO; PROVIDING FOR COLLECTION OF CIVIL PENALTIES FOR VIOLATION OF CHAPTER 35, ARTICLE VI DIVISION2; DECLARING THE VIOLATION TO BE A CRIMINAL MISDEMEANOR AND PROVIDING FOR PUNISHMENT UPON CONVICTION BY A CRIMINAL FINE NOT TO EXCEED \$200.00, AND ESTABLISHING A CIVIL PENALTY FOR VIOLATIONS NOT TO EXCEED \$1000.00; WITH EACH DAY A VIOLATION IS PERMITTED TO EXIST CONSTITUTING A SEPARATE OFFENSE; EXTENDING THE APPLICATION OF TREE PRESERVATION REGULATIONS TO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO; DIRECTING PUBLICATION OF THIS ORDINANCE AFTER PASSAGE; AND AUTHORIZING AN EFFECTIVE DATE OF MAY 1, 1997 AS APPLIED TO SINGLE FAMILY DEVELOPMENT AND MARCH 1, 1997 AS APPLIED TO ALL OTHER DEVELOPMENT.

* * * *

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

December 5, 1996

96-48

jtr

Mayor Thornton described the history of the Ordinance and drew comparisons with previous ordinances which addressed signage and landscaping.

Mr. Peak commented on the benefits to be derived from planting trees and while acknowledging that the Ordinance was not "100 percent perfect", it was better than the current situation, and that the Ordinance may be adjusted and amended as necessary. In response to the numerous comments made by citizens regarding the three-year review period, Mr. Peak stated that the three-year review period was based on the recommendations of tree professionals and not an arbitrary figure as had been suggested.

Mr. Ross recognized the contributions of Mr. Solis and Mayor Thornton in the development of the Ordinance. Mr. Ross further commented on the impact of planting tree on air quality and water quality, but then spoke to his concern with the apparent contradiction of approving an ordinance to preserve trees, but imposing a utility surcharge on water users, as larger amounts of water would be necessary to preserve trees, which require greater amounts of water. Mr. Ross concluded his comments by stating that he would not support any amendments to the proposed Ordinance.

Mr. Webster stated his belief that it was a lack of common sense regarding tree preservation that necessitated the Ordinance. Mr. Webster expressed his faith in the committee's integrity and said he would vote in favor of the Ordinance.

Mr. Marbut supported Mr. Webster's previous comments regarding the committee and further supported Mr. Peak's observation that the three-year review period was based on the recommendation of a consulting arborist and not an arbitrary figure. Mr. Marbut stated that he hoped that developers would not run out and cut down trees in an attempt to to remove trees before the Ordinance takes effect.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; Absent: None

96-48

AN ORDINANCE 85,263

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AND ENLARGEMENT OF THE EXISTING SOLID WASTE DISPOSAL CONTRACT WITH TEXAS DISPOSAL SYSTEM LANDFILL, INC. (TDSL), TO ENABLE PRIVATIZATION AND TRANSFER OF OPERATIONS AND MAINTENANCE OF THE CITY'S STARCREST TRANSFER STATION TO TDSL, ALLOWING TDSL TO USE THE TRANSFER STATION FOR TRANSFER OF MUNICIPAL SOLID WASTE COLLECTED BY TDSL AND OTHERS.

December 5, 1996

96-48

jtr

* * * *

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

Mr. John German, Director Of Public Works, presented the proposed Ordinance to the Council. A copy of his presentation is attached to the papers of this meeting.

At this point, Mayor Thornton was obliged to leave the meeting, Mayor Pro Tem Herrera presided.

The following citizens appeared to speak:

Mr. Jay Neal, speaking on behalf of his client, Alamo Waste Haulers, voiced his objections to the bidding process being limited to land fill owners and stated that the process should have been opened to all bidders.

Mr. Bob Gregory, Vice President and General Manager, Alamo Waste Haulers, also objected to the limiting of bidders to land fill owners and questioned why the bidding was limited.

In response to Messrs. Neal and Gregory's comments, Mr. German stated that it was the City's position that bidders needed their own land fill in order to successful perform the contract.

Mr. Ross called for a traffic impact study for the transfer station.

Mr. Webster called for a "true cost benefit analysis" and requested more precise line by line numbers instead of the summarized version normally provided to Council and voiced his concerns over the long term duration of the contract.

In response to a question from Mr. Avila, Mr. Lloyd Garza, City Attorney, commented on the general liability incurred by the City in the event of accidents or spills.

Mr. Ross made a motion to clarify, require and ensure:

a. First priority for the City's use and access to the Transfer Station facilities, thereby affording the City a first right of service and limiting work or services available to third parties at any time the City may so choose or need the stations capacity;

b. The Transfer Station Oversight Panel shall not include the Councilmember from District 9, but instead include a member appointed the City Manager.

December 5, 1996

96-48

jtr

c. The existing contract provisions, securing to the City disposal capacity at the TDSL landfill in Buda, Texas, shall be independent of and severed from instant contract amendment provisions which may effect termination of the City and TDSL's use and management relationship pertaining to the Starcrest Transfer Station;

d. The City may terminate the transfer station agreement, subject of the instant contract amendment, for cause on account of material breach.

After consideration, the amendment prevailed by the following vote: **AYES:** Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** None

After consideration, the main motion as amended carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Lott, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** Billa Burke, Avila, Solis, None; **Absent:** None

96-48 The Clerk read the following Ordinance:

AN ORDINANCE 85,264

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH WASTE MANAGEMENT, INC. (WMI), D/B/A WASTE MANAGEMENT OF TEXAS, INC. (WMTX), FOR THE DEVELOPMENT OF A REGIONAL ENVIRONMENTAL ENTERPRISE ZONE (REEZ), WHICH AGREEMENT WOULD DESIGNATE THE COVEL GARDENS LANDFILL, OPERATED BY WMTX, AND ADJACENT ACREAGE, AS A REEZ.

* * * *

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

Mr. John German, Director of Public Works, presented the proposed Ordinance to the Council. A copy of his presentation is attached to the papers of this meeting.

The following citizens appeared to speak:

Mr. Frank Burney, BFI, urged the Council to exercise caution in their negotiations and spoke in support of a competitive bidding process.

December 5, 1996

96-48

jtr

Mr. Dick Grant, Southside Chamber of Commerce, spoke in support of the proposed Ordinance.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; NAYS: None; Absent: None

96-48 CITIZENS TO BE HEARD

Mr. Stan Waghalter thanked the Council for its support of neighborhood associations.

* * * *

Mr. James J. Kelley, spoke in objection to proposed rate increases for Paragon Cable, noting that not all areas receive the same level of service.

* * * *

Mr. Don Wilkins Castillo spoke regarding outstanding warrants.

96-48 Executive Session

City Council recessed its regular meeting to convene in Executive Session at 7:26 p.m., for the purpose of discussing the following:

A) Attorney/Client consultation regarding the status of pending Fair Labor Standards Act issues and compliance by the San Antonio Police Department.

B) Attorney/Client consultation regarding the TNRCC Executive Director's Preliminary Report related to Alamodome soils.

C) Attorney/Client consultation regarding the legal implication involved with pursuing condemnation proceedings for purchase of Cattleman's Square property.

96-48 City Council reconvened its regular session at 7:56 p.m., at which time, Mayor Thornton announced that staff had discussed the above mentioned items, but had taken no official action.

December 5, 1996

96-48

jtr

96-48 There being no further business to come before the Council, the meeting was adjourned at 7:57 p.m.

A P P R O V E D



WILLIAM E. THORNTON
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AAE
City Clerk

December 5, 1996
96-48
jtr