

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, MUNICIPAL PLAZA
BUILDING, THURSDAY, JUNE 9, 1994.

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94-29 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Nelson W. Wolff, with the following members present: PEREZ, McCLENDON, BILLA BURKE, AVILA, SOLIS, AYALA, ROSS, THORNTON, WOLFF. Absent: PEAK, LARSON.

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94-29 Invocation - Rabbi Arnold Scheinberg, Congregation Rodfei Sholom.

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94-29 Pledge of Allegiance to the flag of the United States.

94-29 BEXAR COUNTY SCHOOL FOR THE COMMUNITY

Mayor Wolff stated that this month's honoree for the "Find The Good and Praise It" program is the Bexar County School For the Community, a program of the San Antonio Independent School District. He noted that the school allows middle and high school students to complete public school, and serves students who have been adjudicated by the criminal justice system.

Mayor Wolff then introduced Dr. Victor Rodriguez, Superintendent; Mr. Joe Jasso, Principal of the School; Mr. Charles Shannon, Executive Director of Alamo YMCA; Ms. Beverly Watts Davis, Executive Director of San Antonio Fighting Back; and Ms. Connie Orch, President, SAISD Board of Trustees. He then read and presented special Citations to the program representatives.

Dr. Rodriguez spoke to a brief history of this school and reasons for its creation, and noted that the school now is seeking larger quarters in order to accept more students.

Mr. Jasso then introduced a brief videotaped presentation concerning the school.

Ms. Monica Hiller, a student of the school, stated that the school gave her a chance to finish high school after being expelled from

her original high school.

Several school staff members and instructors were introduced.

City Council members congratulated the school, the school district and its supporting agencies under United Way for their commitment to expelled students.

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AT YOUR SERVICE AWARD: MS. VERONICA ZERTUCHE

Mr. Alex Briseno, City Manager, introduced today's "At Your Service" award honoree, Ms. Veronica Zertuche, Assistant City Attorney, and spoke to her work with the Legal Department as well as service as the acting Director of Intergovernmental Relations.

A brief videotaped presentation outlined Ms. Zertuche's work for the City.

Mayor Wolff and Mr. Briseno then presented Ms. Zertuche with a special certificate and a check for \$200.00.

Ms. Zertuche thanked the City Manager, Mayor and City Council members for the recognition, and spoke to the support of members of her family and Legal Department staff.

Members of City Council congratulated her and spoke to details of her work.

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BOY SCOUT TROOP 285

Mayor Wolff recognized the presence in Council Chambers of members of Boy Scout Troop 285, and welcomed them and their adult leader, Mr. Ted Lee.

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HABITAT FOR HUMANITY

Mayor Wolff spoke to the work of Habitat For Humanity in the San Antonio community, and introduced Ms. Lojean Williams.

Ms. Williams thanked the Mayor and City Council for its recognition of the work of Habitat For Humanity.

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Ms. Billa Burke made a motion to approve Agenda Items 8 through 24, constituting the Consent Agenda, with items 9 and 20 having earlier been removed from consideration by the City Manager, and item 23b being pulled for individual consideration. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Perez, Billa Burke, Avila, Solis, Ayala, Thornton, Wolff. NAYS: None. ABSENT: McClendon, Ross, Peak, Larson.

AN ORDINANCE 80,267

ACCEPTING THE LOW QUALIFIED BIDS OF CULTURAL SURROUNDINGS AND MARSHALL CLEGG ASSOCIATES TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH LIBRARY FURNITURE FOR THE NORTHWEST BRANCH LIBRARY FOR A TOTAL OF \$26,165.00.

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AN ORDINANCE 80,268

ACCEPTING THE PROPOSAL OF CROMOCO, INC. TO PROVIDE MAINTENANCE OF METHANE RECOVERY SYSTEMS FOR THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT ON AN ANNUAL CONTRACT BASIS FOR AN APPROXIMATE AMOUNT OF \$5,000.00 PER MONTH.

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AN ORDINANCE 80,269

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO FURNISH THE CITY OF SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR THE 1994-95 FISCAL YEAR FOR APPROXIMATELY \$2,500,000.00 (COPIES OF ALL BID PACKETS ARE AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE).

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AN ORDINANCE 80,270

AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT WITH ADVANTAGE CONTRACTING CORPORATION IN THE AMOUNT OF \$35,000.00 IN CONNECTION WITH THE REROOFING OF THE 243 CENTER STREET PARKING DIVISION BUILDING; AUTHORIZING \$5,250.00 IN CONSTRUCTION CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 80,271

RATIFYING THE ACTIONS OF CITY STAFF IN AUTHORIZING THE WORK PROVIDED FOR IN FIELD ALTERATION NOS. 17 R AND 21; AUTHORIZING THE EXECUTION OF FIELD ALTERATION NOS. 17R, 21, AND 24 IN AN AMOUNT TOTALLING \$63,556,00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT, ALL IN CONNECTION WITH THE CONSTRUCTION OF THE NEW MAIN LIBRARY.

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AN ORDINANCE 80,272

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE "FURNISHING AND INSTALLING OF TRAFFIC SIGNAL EQUIPMENT BY A MUNICIPALITY" WITH THE TEXAS DEPARTMENT OF TRANSPORTATION; AUTHORIZING A FORCE ACCOUNT FUND IN THE AMOUNT OF \$8,450.00 FOR THE INSTALLATION OF SIGNS, EQUIPMENT RENTAL, LABOR, AND THE FURNISHING AND INSTALLATION OF A CONTROLLER AND ASSOCIATED EQUIPMENT AT THE INTERSECTIONS OF WETMORE ROAD AND RIDGE COUNTRY, AT THE LA QUINTA PARK DRIVEWAY AND METRO PARKWAY.

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AN ORDINANCE 80,273

ACCEPTING THE EXTENSION OF THE TERM OF A LICENSE FOR THE USE OF A PARCEL OF LAND FOR AN ADDITIONAL TWELVE MONTH PERIOD IN CONNECTION WITH THE SOUTH FLORES DRAINAGE PROJECT NO. 70-70A, PHASE II.

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AN ORDINANCE 80,274

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$2,266.00 OUT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS; AND ACQUIRING TITLE TO TWO PARCELS IN CONNECTION WITH THE BUSTILLO DRIVE CDBG PROJECT - KELLY TO ROOSEVELT.

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AN ORDINANCE 80,275

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$1,960.00 OUT OF GENERAL OBLIGATION BONDS TO ACQUIRE TITLE TO THREE PARCELS IN CONNECTION WITH THE OCTAVIA PLACE DRAINAGE PROJECT NO. 63.

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AN ORDINANCE 80,276

APPROVING A FOUR YEAR LEASE AGREEMENT WITH MIRTA NAVA MORNES, A SOLE PROPRIETORSHIP, FOR SPACE NUMBER 7 IN THE FARMER'S MARKET PLAZA BUILDING TO DEMONSTRATE ON-SITE, COMPUTERIZED EMBROIDERY AND TO SELL THE EMBROIDERED MERCHANDISE; THE FIRST YEAR RENTAL WILL BE \$9,585.00, ADJUSTED ANNUALLY BASED ON THE CONSUMER PRICE INDEX (C.P.I.).

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AN ORDINANCE 80,277

AUTHORIZING THE SECOND AMENDMENT OF AN EXISTING LEASE AGREEMENT WITH THE MAJESTIC DEVELOPMENT COMPANY TO INCLUDE AN ADDITIONAL 2,442 SQUARE FEET OF SPACE IN THE MAJESTIC TOWERS BUILDING, COMMENCING JUNE 20, 1994 AND ENDING AUGUST 31, 1997, A RENTAL OF \$2,197.80 PER MONTH FOR THE FIRST YEAR, INCREASING 5% COMPOUNDED ANNUALLY, SUBJECT TO ANNUAL APPROPRIATIONS AFTER SEPTEMBER 30, 1994 (FOR USE BY THE ARTS & CULTURAL AFFAIRS DEPT.)

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AN ORDINANCE 80,278

RATIFYING THE SUBMISSION OF A GRANT APPLICATION, AND AUTHORIZING ACCEPTANCE OF THE GRANT OF \$21,000.00 FOR FUNDING OF RENTAL ASSISTANCE FROM THE LOCAL FEDERAL EMERGENCY MANAGEMENT AGENCY'S "EMERGENCY FOOD AND SHELTER BOARD" PROJECT FROM OCTOBER 1, 1993 TO SEPTEMBER 30, 1994.

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AN ORDINANCE 80,279

AUTHORIZING THE ACCEPTANCE OF \$19,512.00 FROM THE THE TEXAS DEPARTMENT OF HEALTH (TDH) IN ADDITIONAL CASH SUPPORT FOR TB CONTROL ACTIVITIES OPERATED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD); AUTHORIZING THE EXECUTION OF CONTRACT CHANGE NOTICE NO, 7, COMPRISED OF ATTACHMENTS 5A, 6A AND 8A TO CONTRACT C5000104 WITH THE TDH; REVISING

THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT
PROJECT 1994/95 ESTABLISHED IN ORDINANCE 77973
PASSED AND APPROVED MAY 20, 1993.

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AN ORDINANCE 80,280 .

APPOINTING RODOLFO G. LONGORIA (DISTRICT 6) TO THE
ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM OF
OFFICE TO EXPIRE ON NOVEMBER 15, 1995.

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AN ORDINANCE 80,281 .

CLOSING NUEVA STREET (NORTHSIDE) BETWEEN S. ALAMO
AND PRESA STARTING AT 12:00 MIDNIGHT ON FRIDAY, JULY
1, 1994, UNTIL 12:00 MIDNIGHT ON SUNDAY, JULY 3,
1994, FOR THE PURPOSE OF HOLDING THE JULY 4TH CITY
CELEBRATION AS REQUIRED BY BROADWAY SPECIALITY
GROUP.

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DISCUSSION ON APPOINTMENT OF CHAIRMAN OF SAN ANTONIO WATER SYSTEM

94-29 Agenda 23-B, being a proposed ordinance reappointing Cliff
Morton as Chairman of the San Water System Board of Trustees for a
term to expire May 31, 1995, was considered at this time, with the
following taking place:

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

The following persons appeared to speak:

Mr. Guenther Krellwitz, 5518 Chancellor, spoke to his concept
of qualifications for Chairman of the San Antonio Water System and
addressed his particular objections to the reappointment of Mr. Cliff
Morton to that position. He asked that the proposed reappointment be
denied.

Mr. Bob Neal, 1913 Sacramento, stated his belief that Mr.
Morton has a perceived conflict of interest, and spoke in favor of
having an elected board at SAWS.

Mr. Robert Liva, 9834 Boulder Hill, spoke against
reappointment of Mr. Morton as chairman of SAWS.

Mr. Tom Culbertson, 511 Westwood, spoke to Mr. Morton's

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adverse reaction to his proposals on several matters at the last SAWS meeting, and also spoke against Applewhite Reservoir and the August 13, 1994 special referendum election.

Ms. Kay Turner, 7535 North New Braunfels Avenue, spoke to a definition of 'conflict of interest', and spoke against Mr. Morton's proposed reappointment as Chairman of SAWS. She spoke in favor of City Council supporting augmentation of water into the Edwards Aquifer and the need for scientific proof of San Antonio's water needs. She noted that Mr. Morton favors alternative sources of water for San Antonio.

Mayor Wolff spoke in refutation of certain charges made against Mr. Morton's reappointment, and addressed the 2050 Water Committee's recommendations for a Water Plan for San Antonio. He noted that Mr. Morton does not own any property over the Edwards Aquifer, and spoke to the status of certain current lawsuits. He then addressed a series of water-planning initiatives under Mr. Morton's chairmanship at SAWS, and spoke to new plans for the Applewhite Reservoir under that Water Plan. He then addressed certain repercussions to drawing-down the aquifer level below the "bad water line".

Mr. Thornton noted that SAWS, under Mr. Morton's chairmanship, has consolidated three divergent water/wastewater agencies, and spoke in support for the proposed Water Plan. He stated that he feels certain that a federal judge will not allow the springs in San Marcos and New Braunfels to dry up, and urged all concerned to unite and form a single front, to institute the proposed new Water Plan. He then spoke in support for the reappointment of Mr. Morton.

After consideration, the motion prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Thornton, Wolff; NAYS: None; ABSENT: Ross, Peak, Larson.

(This agenda item was later reconsidered. See page 17)

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ZONING HEARINGS

94-29 Zoning Case Z94092CC was temporarily bypassed for consideration later during this meeting.
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94-29 CASE Z94113 - to rezone and reclassify Lots 4 and 5, Block 4, NCB 8952 2100 Block of Buffalo Street, from "B" Residence District to "B-2NA" Non Alcoholic Sales Business District, property is located on the west side of Buffalo Street, being 104 feet south of the intersection of Southcross Boulevard and Buffalo Street, having 64 feet on Buffalo Street and a depth of 110 feet.

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

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Ms Billa Burke made a motion to approve the recommendation of the Zoning Commission. Mr. Perez seconded the motion.

Mr. Avila noted that he has not been contacted by the proponent about this proposed rezoning case.

In response to a question by Mr. Avila, Mr. Israel Maldonado, Jr., the proponent, explained his plan for use of this property for a beauty shop.

At the request of Mr. Avila, further consideration of this rezoning request was postponed temporarily, until later in this meeting, in order that he might meet with the proponent over the matter, first.

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94-29 CASE Z94112 - Lot 1, NCB 15825 I.H. 10 West and Casa Bella Street, for the removal of a 25 foot landscape buffer, a 50 foot building setback line and a non access easement imposed along Casa Bella Street, imposed by ordinance number 57273, property is located southeast of the intersection of I.H. 10 West and Casa Bella Street, having 197.00 feet on I.H. 10 West, 94.85 feet on Casa Bella Street and 123.89 feet on the cutback at the intersection.

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

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, Wolff; NAYS: None; ABSENT: McClendon, Peak, Larson.

AN ORDINANCE 80,282

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, NCB 15825 I.H. 10 WEST AND CASA BELLA STREET, FROM FOR THE REMOVAL OF A 25 FOOT LANDSCAPE BUFFER, A 50 FOOT BUILDING SETBACK

LINE AND A NON ACCESS EASEMENT IMPOSED ALONG CASA BELLA STREET, IMPOSED BY ORDINANCE NUMBER 57273, "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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At this time, it was the concensus of City Council members present to undertake consideration of Agenda Item 3A.

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94-29 CASE Z94092 (CC) - to rezone and reclassify lots 21 and 22, Block NCB 3406 407 Walton Avenue, from "R-5" Single Family Residence District to "R-5" CC Single Family Residence District with City Council approval for a day care center. Property is located northeast of the intersection of Walton Avenue and De Soto Street, having 100 feet on Walton Avenue and 125 feet on De Soto Street.

Mr. Solis made a motion to postpone consideration of this rezoning request for a period of 30 days in order that he might meet with the proponent on day-care needs of the neighborhood. Ms. McClendon seconded the motion.

After consideration, the motion to postpone prevailed by the following vote: AYES: Perez, Billa Burke, Solis, Ayala, Ross, Wolff; NAYS: None; ABSENT: McClendon, Avila, Thornton, Peak, Larson.

Zoning Case Z94092CC was postponed for a period of 30 days.

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94-29 CASE Z94114 - to rezone and reclassify 39.501 acres out of NCB 14890, U.T.S.A. Boulevard, from Temporary "R-1" Single Family Residence District and "R-3" Multiple Family Residence District to "P-1(R-1)" Planned Unit Development Single Family Residence District, Property is located on the south side of U.T.S.A. Boulevard, 1,600 feet northeast of the intersection of Buckhorn Parkway and U.T.S.A. Boulevard and a depth of 1,1017.38 feet.

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

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Billa Burke, Solis, Ayala, Ross, Thornton, Wolff; NAYS: None; ABSENT: McClendon, Avila, Peak, Larson.

AN ORDINANCE 80,283

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 TO REZONE RECLASSIFY 39.501 ACRES OUT OF NCB 14890, U.T.S.A. BOULEVARD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT AND "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT TO "P-1(R)" PLANNED UNIT DEVELOPMENT SINGLE FAMILY RESIDENCE DISTRICT, "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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94-29 CASE Z94115 - to rezone and reclassify the northwest 249.19 feet of Lot 46, Block 1, NCB 12811, 7220 Louis Pasteur Drive, from "B-2" Business District to "B-3NA" Non Alcoholic Sales Business District, property is located on the southeast side of Louis Pasteur Drive, 158 feet northeast of the intersection of Louis Pasteur Drive And Babcock Road, having 693.94 feet on Louis Pasteur Drive and a depth of 249.19 feet.

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

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Billa Burke, Solis, Ayala, Ross, Thornton, Wolff; NAYS: None; ABSENT: McClendon, Avila, Peak, Larson.

AN ORDINANCE 80,284

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 TO REZONE AND RECLASSIFY THE northwest 249.19 feet of Lot 46, Block 1, NCB 12811 7220 Louis Pasteur Drive, from "B-2" Business District to "B-3NA" Non Alcoholic Sales Business District. "THE PENALTY FOR VIOLATION IS A FINE NOT

TO EXCEED \$1,000.00."

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It was the concensus of City Council members present to undertake consideration of Agenda Item 3B, Zoning Case Z94113, at this time.

94-29 #Z94113 (continued)

Mr. Avila stated his desire that only the listed uses allowed under a B-2NA zoning, as requested, be allowed on this property.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, Wolff; NAYS: None; ABSENT: Peak, Larson.

AN ORDINANCE 80,285

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN. TO REZONE AND RECLASSIFY LOTS 4 AND 5, BLOCK 4, NCB 8952 2100 BLOCK OF BUFFALO STREET, FROM "B" RESIDENCE DISTRICT TO "B-2NA" NON ALCOHOLIC SALES BUSINESS DISTRICT,

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94-29 The Clerk read the following Ordinance:

AN ORDINANCE 80,286

AMENDING ORDINANCE NO. 79606 TO REFLECT PRECINCT CHANGES AND UPDATES TO BE USED IN THE AUGUST 13, 1994, REFERENDUM ELECTION.

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

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

McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, Wolff;
NAYS: None; ABSENT: Peak, Larson.

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94-29 The Clerk read the following Ordinance:

AN ORDINANCE 80,287 .

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AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$7,500.00 FROM THE SAN ANTONIO AREA FOUNDATION TO BE USED TO AID IN THE IMPLEMENTATION OF AN ARTS IN EDUCATION PROGRAM ENTITLED "SUMMER SMARTS" WHICH TARGETS AT-RISK YOUTH FOR ALTERNATIVE SUMMER ACTIVITY; AND AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$7,000.00 FROM THE SAN ANTONIO AREA FOUNDATION TO BE USED IN COLLABORATIVE PRODUCING A QUARTERLY ARTS SUPPLEMENT IN THE EXPRESS NEWS; AND APPROVING A BUDGET.

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

Mr. Eduardo Diaz, Director of Arts & Cultural Affairs, introduced a brief videotaped presentation on the "Urban Smarts" program for disadvantaged and at-risk youth of San Antonio in certain targeted areas, and spoke to its advantages and the criteria for selection of its participants.

Several City Council members spoke to the program's advantages and need.

(At this point, Mayor Wolff was obliged to leave the meeting. Mayor Pro Tem Ayala presided.)

In response to a question by Mr. Solis, Mr. Diaz discussed the upcoming budget allocations for arts agencies and the timetable for consideration by peer-review panels.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, NAYS: None; ABSENT: Peak, Larson, Wolff.

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94-29 The Clerk read the following Ordinance:

AN ORDINANCE 80,288 .

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AWARDING A VIA FUNDED CONSTRUCTION CONTRACT IN THE AMOUNT OF \$883,837.30 TO R.L. JONES COMPANY, INC.; AUTHORIZING \$61,868.61 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES, \$13,380.05 FOR ADDITIONAL ENGINEERING EXPENSES, AND \$600.00 FOR ADVERTISING EXPENSES IN CONNECTION WITH THE RECONSTRUCTION OF FRIO STREET FROM GUADALUPE TO BUENA VISTA.

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

Mr. John German, Director of Public Works, explained the Frio Street reconstruction project and its importance to the areas of Municipal Court, the new police substation, and the new downtown UTSA campus. He then addressed the timetable for construction completion.

Ms. McClendon spoke to the need for a comprehensive plan for street construction throughout San Antonio.

Mr. German noted that a steady source of funding will be necessary for such a comprehensive plan.

Mr. Ross noted that the funds involved represent the last of VIA Metropolitan Transit's \$4 million allocation to the City, and stated his belief that VIA needs to take on repair responsibilities for streets damaged by VIA buses.

Mr. Solis noted that basic services are important, and spoke to the need for the Council to address the matter of streets at its upcoming Goals & Objectives Workshop.

Ms. Billa Burke discussed possible innovations in street repair.

Mr. Alex Briseno, City Manager, stated that the staff already is looking for a steady funding source for street repair, and noted that it will be a part of the upcoming five-year financial forecast discussions.

Ms. McClendon asked the Mayor to support appointment of a Council committee to look into a comprehensive plan for streets reconstruction.

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

McClendon, Billa Burke, Ayala, Ross, Thornton, NAYS: None; ABSENT: Avila, Solis, Peak, Larson, Wolff.

The Clerk read the following Ordinance:

AN ORDINANCE 80,289

AUTHORIZING THE SUBMISSION OF A PROPOSAL TO REAPPLY FOR A CONTRACT IN THE AMOUNT OF \$17,721,356.00 WITH THE TEXAS DEPARTMENT OF HUMAN SERVICES TO CONTINUE OPERATION OF THE CHILD CARE MANAGEMENT SERVICES (CCMS) PROGRAM FROM NOVEMBER 1, 1994 TO AUGUST 31, 1995; AUTHORIZING A PERSONNEL SCHEDULE; ADOPTING A BUDGET; AND AUTHORIZING A TEMPORARY LOAN FROM THE GENERAL FUND PENDING RECEIPT OF GRANT FUNDS.

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

Mr. Kevin Moriarty, Director of Community Initiatives, introduced a brief videotaped presentation on the Child Care Management Services program.

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

The videotaped presentation spoke to the program's services and its importance to the community.

In response to a question by Mr. Ross, Mr. Moriarty discussed supervision of vendors by City staff, currently, in lieu of outside supervisors, and contrasted this process with the current process utilized by the Job Training Partnership Act (JTPA) program.

Mr. Thornton spoke to the importance of child care to members of the workforce in San Antonio.

A discussion ensued concerning state rules-changes in program monitoring requirements that caused the current program monitor...Dependent Care Management Services...to opt out of program monitoring in future contracts.

Mayor Wolff noted that San Antonio is the only Texas city that leverages state funds in this area with some \$1.5 million from its General Fund.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Solis, Ayala, Ross, Thornton, Wolff; NAYS: None; ABSENT: Avila, Peak, Larson.

94-29

The Clerk read the following Ordinance:

AN ORDINANCE 80,290

AUTHORIZING THE FOLLOWING ACTIONS IN CONNECTION WITH THE CHILD CARE MANAGEMENT SERVICES PROGRAM (CCMS) SUBJECT TO AWARD OF THE CCMS CONTRACT AND RECEIPT OF FUNDING; AUTHORIZING THE EXECUTION OF A CONTRACT WITH ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) IN AN AMOUNT NOT TO EXCEED \$72,027.00; AUTHORIZING THE EXECUTION OF STANDARD-FORM VENDOR CONTRACTS WITH DESIGNATED CHILD CARE AGENCIES; AND AUTHORIZING THE REIMBURSEMENT TO PARENTS QUALIFYING FOR SELF-ARRANGED CARE UNDER TEXAS DEPARTMENT OF HUMAN SERVICES GUIDELINES FOR CHILD CARE ARRANGEMENTS.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Solis, Ayala, Ross, Thornton, Wolff; NAYS: None; ABSENT: Avila, Peak, Larson.

It was the concensus of City Council members present to undertake consideration of Agenda Item 37 at this time.

94-29

The Clerk read the following Ordinance:

AN ORDINANCE 80,291

AUTHORIZING THE EXECUTION OF A CONTRACT WITH BEXAR COUNTY OPPORTUNITIES INDUSTRIALIZATION CENTER FOR AN AMOUNT NOT TO EXCEED \$500,000.00 TO OPERATE A 1994 JTPA SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

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

Rev. Ronald Benson, representing the Bexar County Opportunities Industrialization Center, 2103 East Houston Street, spoke in support for funding of this program.

Rev. Claude Black, Mount Zion First Baptist Church, addressed the advantageous training of needy participants.

Rev. L.R. Hays III addressed statistics indicating the success of BCOIC in both training and job placement.

Mr. Marvin Kennedy, BCOIC Director, spoke briefly to the program's history and its successes.

Mayor Wolff discussed the possible adverse effects of the Office of the Inspector General federal audits of several San Antonio agencies.

In response to a question by Mr. Solis, Mr. Ron Fleming, Job Training Partnership Act (JTPA) Department, discussed the actions of the San Antonio Works and Private Industry Council boards in the matter of funding for summer youth training programs.

Mr. Solis noted his belief that the SAW board needs to look at funding needs, citywide.

In response to a question by Mr. Ross, Rev. Hays stated that he is unsure exactly who would have to repay any grant funds found to be ineligible.

A discussion ensued concerning program recruitment procedures and the parameters established by the SAW board and higher agencies. Discussion also took place concerning the board's decision to first deny, then finally approve funding for BCOIC.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Solis, Ayala, Ross, Thornton, Wolff; NAYS: None; ABSENT: Avila, Peak, Larson.

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CITY'S FIVE-YEAR FINANCIAL FORECAST FOR 1995-1999

Mr. George K. Noe, Director of Management Services, presented an overview of the Five-Year Financial Forecast in an Executive Summary, speaking to (A) Strategic Issues; (B) Special Topical Study-Infrastructure Maintenance; (C) Economic Update & Outlook; (D) General Fund Forecast; and (E) Other Funds Forecast.

A copy of the Five-Year Financial Forecast is made a part of the papers of this meeting.

Mr. Alex Briseno, City Manager, then reviewed the General Fund forecast and spoke to a breakdown of projected General Fund revenues such as property taxes, sales taxes, and City Public Service revenues. He also spoke to the matter of certain mandates and reviewed the

Conclusions, including: no projected shortfall in revenues for the following fiscal year, for the second year in a row and only the second time since the City began preparing such Forecasts in 1978.

He then cited the reasons for a projected excess in revenues over expenditures, and reviewed projected General Fund shortfalls or excesses in prior and current-year financial forecasts, beginning in the 1989-90 fiscal year and concluding with the projected 1994-95 fiscal year.

He summarized the status of the several Funds, and spoke to the budget process schedule.

Mayor Wolff stated his belief that City staff is being conservative in its estimates of revenues in future fiscal years, and discussed several issues facing the City.

Mr. Perez spoke to a number of possibilities facing the City, in view of the positive financial forecast.

Mr. Ross discussed property values.

Mr. Solis contrasted the City with other agencies which have increased their taxes without any resulting increase in services provided.

Mr. Thornton discussed the importance of financial stability of City government, and stated his belief that citizens' concerns with the City's perceived instability translated itself into term-limitation and tax rollback actions of past recent years.

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RECONSIDERATION OF PREVIOUS AGENDA ITEM

Mayor Wolff stated that a citizen has questioned whether or not a quorum of at least six City Council members were present and voting when Agenda Item 23b was considered earlier in this meeting. He stated that, in the interest of assuring that the Council action relative to this matter is legal, he would entertain a motion for reconsideration of Agenda Item 23b at this time.

Mr. Perez made a motion to reconsider Agenda Item 23b at this time. Mr. Avila seconded the motion.

The motion to reconsider prevailed by the following vote:
AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Thornton, Wolff.
NAYS: None. ABSENT: Ross, Peak, Larson.

Mr. Solis then made a motion to approve Agenda Item 23b. Mr. Perez seconded the motion. After consideration, the motion carrying with it the passage of the following Ordinance, prevailed by the

following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Thornton, Wolff. NAYS: None. ABSENT: Ross, Peak, Larson.

AN ORDINANCE 80,292

REAPPOINTING CLIFF MORTON AS CHAIRMAN OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES FOR A TERM TO EXPIRE ON MAY 31, 1995.

* * * *

FIVE-YEAR AMERICANS WITH DISABILITIES ACT (ADA) PUBLIC FACILITIES PROGRAM

Mayor Wolff declared the Public Hearing to be open.

Mr. Travis Bishop, Assistant to the City Manager, provided a brief overview of the Five-Year Americans With Disabilities Act (ADA) Public Facilities Program.

Ms. Christine Pacetti thanked the City for the plan of action and spoke to access needs along the River Walk.

Ms. Jackie Echol, Vice-Chair, Disability Access Advisory Committee, thanked the City for its actions to comply with ADA regulations, and noted that the committee is confident that the program here will go forward.

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

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

City Council members thanked City staff and members of the committee for their work on this program.

Mayor Wolff noted that this is a \$6.5 million package of projects, over a five-year period.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, Wolff; NAYS: None; ABSENT: Peak, Larson.

94-29 The Clerk read the following Ordinance:

AN ORDINANCE 80,293

ADOPTING THE CITY OF SAN ANTONIO'S FIVE YEAR
AMERICANS WITH DISABILITIES ACT FACILITIES
MODIFICATION PROGRAM.

* * * *

REVISIONS TO CITY'S ETHICS ORDINANCE

Mayor Wolff declared the Public Hearing to be open.

Mr. Guenther Krellwitz, representing the Homeowner-Taxpayers Association, Regional Clean Air & Water, and himself as an individual, urged revisions to the City's ethics ordinance in order to weed out those who use inside information to profit themselves. He stated his belief that board, commission and committee appointments must reflect the community, and endorsed a revised ordinance, speaking to its positive provisions.

Ms. Kay Turner, 7535 North New Braunfels Avenue, spoke to the need for ethics in setting priorities, and she spoke to her belief that the proposed new Water Plan will put the New Braunfels and San Marcos springs in jeopardy some 60 per cent of the time. She questioned the ethics involved in a number of actions relating to Appplewhite Reservoir and the proposed new Water Plan.

Mr. Robert Lira, 9834 Boulder Hill, questioned the ethics of allegedly allowing an illegal hot-dog operation.

Mr. Tom Culbertson, 511 Westwood, spoke to the question of water ownership in Texas, noting his belief that the Texas Natural Resources Conservation Commission needs to take responsibility in water matters.

Mr. Ed Fanick, 1070 Rice Road, representing Dellcrest Homeowners II, noted that Ordinance No. 73880, passed in 1991, established a code of ethics study, and he spoke to several questions relative to service on City boards.

Mr. Franklin D. Keilman, concerned businessman, spoke to his firm's loss of the City towing contract last year, and stated his belief that that loss is an example of the need for ethics in the change of City contractors for towing. He then spoke to his recommendations for a new ethics ordinance.

Mr. F.W. Roberson, Jr. spoke to the need for a change in the ethics ordinance governing makeup of committees and boards, and stressed the need to know everything about those who govern and make decisions.

Mr. Tris Castaneda, Jr., representing the Greater San Antonio

Chamber of Commerce, spoke in support for the ethics ordinance changes that would not discourage people from serving on the City's boards or commissions.

Mr. David E. Gutierrez, Jr., 1511 East Ackard Place, spoke to problems with cleanup of areas of the city's south side and alleged insensitivity of Code Compliance, and questioned why a solution to the matter took so long.

Ms. Ida Kenny spoke her past board/commission service, and addressed the ability of senior citizens to share their knowledge with others through service on the City's boards or commissions. She questioned the possible loss of much of this expertise because of certain new rules being promulgated, and spoke in favor of calling for a sworn affidavit from board/commission members, declining any profits from any City service.

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

* * * *

Ms. McClendon thanked other City Council members who served on the Ethics Committee for their hard work, and also thanked all who testified and made recommendations today. She spoke in favor of Council adoption of a revised ethics ordinance at next week's meeting.

Mr. Solis questioned the proposed exemption of board members of City-funded non-profit organizations from the reporting requirements of the proposed ethics ordinance revision.

In response to a question from Mr. Thornton, Mayor Wolff noted that the Ethics Committee will probably meet once more before next week's adoption of the revised ethics ordinance. He spoke to the possibility that the committee might want to look at the reporting requirement that involves nieces and nephews of affected repartees.

Ms. Ayala questioned why certain members of certain boards or commissions are on the required reporting list, such as the Mayor's Commission on the Status of Women, when they have no financial impact upon the City by any of their decisions. She also questioned the practice of lobbying the City Council for someone else's contract.

Mayor Wolff spoke to having received a letter from Mr. Michael McMahon of the Zoning Commission on the question of who can, and who cannot, appear before City boards or commissions, under terms of the revised ethics ordinance.

Mr. Ross spoke to the need to re-examine the list of boards/commissions whose members would be required to make financial disclosure reports, noting that the City might be losing good people from board/commission service, as a result of their inclusion.

Ms. McClendon asked that any recommendations as to amendments to the proposed new ordinance from other City Council members be passed on to committee members this next week, so that the committee might consider any changes prior to the measure coming back to the Council for a vote next Thursday.

Ms. Ayala stated her desire that an outside group, such as the St. Mary's University Department of Ethics, look at the new proposal before it comes to City Council for enactment. She spoke to the need for more time to study this matter.

Mayor Wolff asked Council members to make necessary amendments to this measure at next week's Council meeting.

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CITIZENS TO BE HEARD

STEVE OETTINGER

Mr. Steve Oettinger, 265 W. Thorain, appeared to speak before the City Council concerning the drainage problems on his street. He spoke to the remedies he has sought and the repairs he has had to make. He spoke to his dissatisfaction with the responses he has received from the City staff on this matter.

In response to Mayor Wolff, Mr. John German, Director of Public Works, stated that he will meet with Mr. Oettinger to address these concerns.

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MRS. MARIA SALAS

Councilman Henry Avila stated that Mrs. Salas had to leave but had left a message with him to read to the Council in which she is congratulating the City on the new City Council Chambers.

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MR. BOB NEAL/MS. KAY TURNER

Ms. Kay Turner appeared to speak on behalf of Mr. Neal, noting his exceptions and concerns about a variety of subjects including the Dome tax that had been collected, the Dome "losses", requests for budget information, and the findings of the 2050 Water Committee, and participation of the Greater San Antonio Chamber of Commerce in the ethics deliberations to the exclusion of other chambers of commerce in the community.

MR. ADOLPH HERRERA

Mr. Adolph Herrera, 535 Pruitt Avenue, spoke to the City Council about naming the new Public Library after Jose Francisco Ruiz, one of San Antonio's first teachers and also a signer of the Texas Declaration Of Independence. He spoke to the many reasons why he feels the Library should be named after Mr. Ruiz.

Mayor Wolff thanked Mr. Herrera for his comments which would be taken under advisement.

MR. GUENTHER KRELLWITZ

Mr. Guenther Krellwitz, 5518 Chancellor, spoke to the Council regarding his defense of earlier comments made in the meeting relative to the actions of the Edwards Underground Water District intervening in the Sierra Club Lawsuit on behalf of the City of San Antonio and to the actions the Edwards Underground Water District has taken recently on the aquifer recharge dams and augmentation issues.

In response to Mr. Thornton, Mr. Krellwitz spoke to the monies being spent by the EUWD in augmentation studies and advised the Council that the Phase I report would be made available to the Council.

MR. ROBERT LIRA

Mr. Robert Lira appeared to speak to the Council to express his concern with the closing down of his catering operation by the San Antonio Metropolitan Health District and how it has affected his livelihood.

MRS. HINES

MRS. HINES took issue with the Applewhite issue being brought up for election again by the City Council. She also took exception to the reappointment of Cliff Morton as SAWS Chairman, which she feels is a conflict of interest.

MR. DAVID GUTIERREZ, JR.

Mr. Gutierrez spoke to the Council regarding the strong possibility of converting the San Antonio Chest Hospital to a Regional Center for Research of Infectious Diseases. This is a great economic boost to the City and he wanted them to be aware of the strong impact to the southside of San Antonio.

Councilwoman Billa Burke stated that she and Councilman Avila have been meeting weekly with the Southside Chamber of Commerce as well as the the San Antonio Chest Hospital on this project.

MR. DON WILKINS CASTILLO

Mr. Castillo spoke to the City Council about the increase in crime in certain areas of the City and spoke to his concern with the curfew not being observed by teenagers. He asked for more police patrols in these areas.

Mayor Wolff thanked Mr. Castillo for his comments.

City Council recessed its regular meeting at 7:15 P.M. for dinner, reconvening in regular session at 8:00 P.M. with Mayor Pro Tem Ayala presiding in the absence of the Mayor.

94-29 The Clerk read the following Ordinance:

AN ORDINANCE 80,294

AMENDING ORDINANCE NO. 76203, PASSED JULY 23, 1992, TO AUTHORIZE THE EXTENSION OF THE GENERAL FUND CONTRACT PERIOD WITH PROJECT QUEST, INC. FOR THE OPERATION OF THE JOB TRAINING DEMONSTRATION PROJECT TO SEPTEMBER 30, 1994.

* * * *

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

Mr. Kevin Moriarty, Director of Community Initiatives, briefly explained the contract amendment with Project Quest.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, NAYS: None; ABSENT: Peak, Larson, Wolff.

94-29 The Clerk read the following Ordinance:

AN ORDINANCE 80,295

AUTHORIZING REIMBURSEMENT TO COUNCILMAN JUAN F. SOLIS, III, DISTRICT 5, IN THE AMOUNT OF 1,550.00 MONTHLY FROM JULY 1, 1994 TO SEPTEMBER 20, 1994, FOR A TOTAL OF \$4,650.00 FOR AN ADMINISTRATIVE SERVICE CONTRACT FROM THE DISTRICT 5 DISCRETIONARY ACCOUNT.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, NAYS: None; ABSENT: Peak, Larson, Wolff.

94-29 The Clerk read the following Ordinance:

AN ORDINANCE 80,296

AUTHORIZING THE EXPENDITURE OF \$627.00 FROM MAYOR NELSON W. WOLFF'S DISCRETIONARY FUNDS TO REPLACE STOLEN EQUIPMENT USED BY THE PEOPLE AGAINST CORRUPTION GROUP AT THE SPRINGVIEW APARTMENTS AND DAWSON COMMUNITY CENTER, AS REQUESTED BY THE MAYOR.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, NAYS: None; ABSENT: Peak, Larson, Wolff.

94-29

The Clerk read the following Ordinance:

AN ORDINANCE 80,297

RATIFYING ADDITIONAL SECURITY GUARD SERVICES IN THE AMOUNT OF \$24,456.50 PERFORMED BY DETECTIVE AND SECURITY SAN ANTONIO AT THE PETROLEUM DRIVE SITE PURSUANT TO A CONTRACT PREVIOUSLY AWARDED BY CITY COUNCIL; AND PROVIDING FOR CONTINUED USE OF SAID FIRM AT THIS SITE THIS SITE THROUGH SEPTEMBER 30, 1994 AT AN HOURLY RATE OF \$6.50.

* * * *

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

Mr. Archie Titzman, Director of Purchasing & General Services, explained the need for ratification of security guard service for the Petroleum Drive site, where contaminated soils are located.

In response to a question by Mr. Ross, Mr. Titzman stated that funds for this security guard service are coming from the contingency fund set up for remediation of contaminated soils.

Ms. McClendon spoke to the physical appearance of the security guards and their sparse accommodations.

Mr. Roland Lozano, Director of Dome Development, stated that City staff would look into this matter.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, NAYS: None; ABSENT: Peak, Larson, Wolff.

94-29

The Clerk read the following Ordinance:

AN ORDINANCE 80,298

APPROVING THE STRATEGIC PLAN FOR THE EMPOWERMENT ZONE/ENTERPRISE COMMUNITY PROGRAM AND ITS SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR CONSIDERATION FOR DESIGNATION AS AN EMPOWERMENT ZONE OR ENTERPRISE COMMUNITY; AUTHORIZING THE SUBMISSION OF DOCUMENTS TO THE TEXAS DEPARTMENT OF COMMERCE (TDOC) IN CONNECTION THEREWITH; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON EIGHT (8) AFFIRMATIVE VOTES.

* * * *

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

Mr. Andrew Cameron, Director of Housing & Community Development, explained the need for Council approval of the final application for Empowerment Zone or Enterprise Community funds.

City Council members spoke to several opportunities that would be presented to San Antonio, through these designations.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, NAYS: None; ABSENT: Peak, Larson, Wolff.

94-29 The Clerk read the following Ordinance:

AN ORDINANCE 80,299

RATIFYING PROFESSIONAL SERVICES IN THE AMOUNT OF \$210,000.00 FOR CONTRACT LEGAL SERVICES PERFORMED BY LLOYD, GOSSELINK, FOWLER, BLEVINS AND MATHEWS, P.C., AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$250,000.00 FOR LEGAL SERVICES TO ASSIST WITH ALAMODOME CONSTRUCTION CONTRACT ANALYSIS AND DEFENSE OF THE CITY IN LITIGATION STYLED LYDA, INC. v. CITY OF SAN ANTONIO, NO. 49536; AND PROVIDING FOR PAYMENT FROM THE 1/2 PERCENT ALAMODOME SALES TAX.

* * * *

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

Mr. Roland Lozano, Director of Dome Development, explained the legal services for the law firm representing the City in the lawsuit brought by Lyda, Inc. in connection with construction of the Alamodome, noting that this legal service also covers Alamodome construction contract analysis.

In response to a question by Mr. Ross, Mr. Lozano spoke to the current status of subcontractor claims on the Alamodome work, noting that the City is holding some \$245,000.00 in retainage to complete the work, if Salazar Construction cannot complete the building's "punch list". He stated that, should Salazar be unable to complete the "punch list", then legal action could be taken, a portion of which might include some relief for the subcontractors.

In response to a question by Mr. Solis, Mr. Lloyd Garza, City Attorney, spoke to the process utilized to select this particular law firm in order to match the expertise of the law firm retained by Lyda, Inc. He then spoke to the status of negotiations with Lyda.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, NAYS: None; ABSENT: Peak, Larson, Wolff.

94-29 The Clerk read the following Ordinance:

AN ORDINANCE 80,300

RATIFYING FIELD ALTERATION NO. 1 IN THE AMOUNT OF \$271,473.00 FOR THE CONSTRUCTION CONTRACT WITH INCORE, INC. FOR WORK ON THE ALAMODOME: PACKAGE 15C - ALAMODOME CONCESSIONS PHASE II & IMPROVEMENTS, AMENDING THE CONSTRUCTION CONTINGENCY BY \$131,019.75; AND APPROVING PAYMENT FROM THE 1992 CERTIFICATES OF OBLIGATION - ALAMODOME CONCESSIONS APPROVED ON JULY 9, 1992.

* * * *

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

Ms. Jelynn Burley, Dome Development Office, explained the scope of work on the concessions areas in the Club Level of the Alamodome, noting that this closes Phase II of the concessions work.

In response to a question by Mr. Thornton, Ms. Burley explained the reasons for the delay in paying this bill.

Mr. Thornton addressed his concerns with cash-flow problems experienced by the subcontractors.

Ms. Burley explained the City's policy relative to the timing of payments.

Mr. Alex Briseno, City Manager, explained the reasons for the delay in gaining access to VIA funding, in order to pay this.

In response to a question by Mr. Thornton, Mr. John German, Director of Public Works, noted that the bonding company in the next few days will be taking over the work on the Las Palmas Learning & Literacy Center construction, in light of the contractor's inability to pay his subcontractors.

Mr. Ross spoke to the need for the City to do everything possible to pay its bills on time because of the adverse impact that a delay in such payment causes to subcontractors.

In response to a question by Ms. McClendon, Ms. Burley and Mr. Roland Lozano, Director of Dome Development, spoke to the work remaining for completion of the Alamodome, noting that the City now is in the "punch-list" and finish-out stages of that work.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, NAYS: None; ABSENT: Peak, Larson, Wolff.

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SUPER SATURDAY FOOTBALL GAMES IN THE ALAMODOME

Mr. Solis, on a Point of Personal Privilege, noted that one of the teams invited to participate in the "Super Saturday" high school football tripleheader in the Alamodome next fall cannot play its scheduled opponent on the date in question, and therefore a substitute game must be selected. He spoke to the previous selection process for games on "Super Saturday", and noted that the new substitute game will be either Taft-Churchill or Brackenridge-Southwest.

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94-29 The City Council recessed its regular meeting at 8:35 P.M. to convene in Executive Session for the purpose of:

A. Briefing on Settlement of Cause No. 90-CI-16859, styled Joni Childers, et al. vs. City of San Antonio.

B. Briefing on Settlement of Jose Apolinar, Claim No. 010008-011977-GB-01, Irmalinda Rocha (Administrative of Estate of Marcelino Olivares, Claim No. 010008-011975-GB-01 and Timothy McNeal, Claim No. 010008-011978-GB-01 vs. City of San Antonio.

94-29 Mayor Pro-Tem reconvened the regular meeting and announced that the City Council had been briefed on the above and had given staff direction to proceed.

94-29 There being no further business to come before the Council, the meeting was adjourned at 9:48 P.M.


A P P R O P R I E T

M A Y O R

Attest: 
C I T Y C L E R K

June 9, 1994

Honorable Mayor and Members of the City Council of the City of San Antonio:

The following petition was received in my office and forwarded to the appropriate departments for investigation and report to the City Council:

June 9, 1994

Petition submitted by Mr. John Langan, 2430 Facet Oak, San Antonio, Texas 78232, and other interested residents requesting that a 3-way stop sign be placed at the corner of Facet Oak and Henderson Pass and having one lane for vehicular traffic on Henderson Pass.

/s/ Norma S. Rodriguez
City Clerk