

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MAY 6, 1999

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99-19 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building, "B" Room, to consider the following items(s):

Presentation/Update on the Neighborhood Sweeps Program - presented by Ms. Frances Gonzales, Director, Neighborhood Action Department.

Presentation of the Downtown Neighborhood Plan - presented by Mr. Emil Moncivais, Director of Planning. City Council gave direction to move this matter to the "A" Session agenda of May 13, 1999.

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

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

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99-19 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Howard W. Peak, with the following members present: Flores, Salas, Guerrero, Prado, Menéndez, Garza, Marbut, Bannwolf, Webster and Peak. ABSENT: Vásquez.

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99-19 Invocation - Rev. J.S. Smith, New Light Baptist Church.

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99-19 Pledge of Allegiance to the flag of the United States.

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99-19 Minutes of the Regular City Council Meeting for April 1, 1999 were approved.

99-19 **CEREMONIAL ITEMS**

PUBLIC SERVICE MONTH

Mayor Peak stated that the month of May traditionally is observed nationally as Public Service Month, and he noted the presence in the audience of representatives of many City departments.

Mr. Alexander E. Briseño, City Manager, spoke to the annual observance and plans for activities in San Antonio.

Ms. Linda Wasserman, Community Relations Department, introduced 42 City employees, representative of all public service employees in San Antonio, and spoke to their individual backgrounds. She noted that these employees represent a collective 635 years of service to the City of San Antonio.

Mr. Briseño noted that these employees represent the 11,000 City employees, and he spoke to the large amount of services delivered by employees of the City each day. He noted that May is an occasion to recognize their service to the citizens of San Antonio, and he addressed the various events of the month.

The Mayor and individual City Council members congratulated the employees and spoke to recognition of their service to the citizens of the city and to examples of their work.

Mayor Peak then read and presented a proclamation designating "Public Service Month" in San Antonio, accepted by the City Manager on behalf of the employees of the City.

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DISTINGUISHED EDUCATORS AWARDS

Mayor Peak noted that, on May 16, 1999, Trinity University awarded the Trinity Prize for Excellence in Teaching to certain area teachers. He then introduced Dr. John Moore of Trinity University.

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Dr. Moore stated that, since 1982, Trinity University has presented these awards to outstanding educators from San Antonio area school districts, and he spoke to the importance of all teachers and educators.

Each award recipient then came forward to introduce themselves to the Council, and to identify their representative school districts.

Dr. Moore addressed the background of these awards, given to 18 teachers this year.

Mayor Peak and individual members of City Council congratulated the award recipients on this recognition of their accomplishments in the field of education.

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SAN ANTONIO BIKE WEEK

Mayor Peak noted that this coming week will be observed as Bike Week in San Antonio, and he asked Councilwoman Guerrero and Mr. Scott Ericksen of the Metropolitan Planning Organization to come forward. He then read a proclamation designating "San Antonio Bike Week" and presented it to the two.

Ms. Guerrero noted that today is another Ozone Action Day in San Antonio, pointing up the importance of alternative methods of transportation to the automobile on such occasions, including bicycling. She then spoke to the observance of Bike To Work Day on May 14, 1999.

Mayor Peak and individual City Council members congratulated the delegation and spoke to the importance of alternative transportation methods.

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99-19 RESOLUTION OF RECENT ACHIEVEMENTS OF THE SAN ANTONIO SPURS

Mayor Peak spoke to the recent clinching of the Midwest Division championship of the National Basketball Association by the San Antonio Spurs, and introduced two representatives of the Spurs Organization, Mr. George "Iceman" Gervin and Mr. Leo Gomez. He then spoke to a background of the Spurs' accomplishments this season.

The City Clerk read the following Resolution:

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A RESOLUTION
NO. 99-19-15

Whereas, The San Antonio Spurs have been an integral member of the San Antonio Community for more than a quarter century; and

Whereas, The Spurs have reclaimed the National Basketball Association's Midwest Division Crown for the Alamo City; and

Whereas, Despite early season challenges en route to their Midwest Division Championship Season, the Spurs posted a record of 37 wins and 13 losses; and

Whereas, This record is the best in the NBA and thus has earned the Spurs home court advantage throughout the entire playoff run; and

Whereas, Entering this successful home-stretch, the NBA's Reigning Rookie of the Year Tim Duncan was named The League's Player of the Month for March and head coach and General Manager Gregg Popovich was recognized as the NBA's Coach of the Month for April; and

Whereas, The Spurs are as successful off the court, touching the lives of our community's children, as they are on the court, winning games against NBA's best;
NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

That the appreciation of a grateful citizenry by expressed to the Spurs players and coaches: Antonio Daniels, Tim Duncan, Mario Elie, Sean Elliot, Andrew Gaze, Jaren Jackson, Avery Johnson, Steve Kerr, Jerome Kersey, Gerard King, Will Perdue, David Robinson, Malik Rose, Brandon Williams, CoachesL Gregg Popovich, Hank Egan, Paul Pressey and Mike Budenholzer, for bringing to San Antonio another achievement in its distinguished and illustrious sports history. Go Spurs Go!

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

Mr. Gomez, Vice President of the Spurs, spoke to the airport reception taking place at this time as the team returns to the city after clinching the division title last night. He

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thanked the Mayor and City Council for its recognition of the team and its accomplishments.

Mr. Gervin stated that he is proud to represent the City of San Antonio and the Spurs Organization, and distributed special tee-shirts to members of City Council in honor of the occasion.

Mayor Peak and individual City Council members congratulated the team for its accomplishments this season and for bringing recognition to San Antonio.

99-19 **CONSENT AGENDA - INDIVIDUAL COMMENTS**

Mr. Jack Finger, P.O. Box 12048, spoke to his concern with hiring a law firm to recover possible change-order costs relative to the Convention Center Expansion Project. He also asked Council members who have received political contributions from principals of firms involved in agenda items to abstain from voting on those particular items.

Mr. Faris Hodge, Jr., 140 Dora, congratulated the victors in the recent City Council elections, then addressed each item on the Consent Agenda and expressed his personal comments on several.

99-19 **CONSENT AGENDA**

Mr. Bannwolf made a motion to approve Agenda Items 7 through 21b, constituting the Consent Agenda. Mr. Prado seconded the motion.

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

AN ORDINANCE 89701

ACCEPTING THE LOW, QUALIFIED BID SUBMITTED BY INDUSTRIAL DISPOSAL SUPPLY CO., INC. TO PROVIDE THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH A WALK BEHIND/RIDING SWEEPER FOR A TOTAL OF \$25,450.00.

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AN ORDINANCE 89702

ACCEPTING THE LOW BID SUBMITTED BY WHEELED COACH INDUSTRIES, INC. TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH FIFTEEN (15) TYPE I AMBULANCES FOR A TOTAL OF \$970,225.00.

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AN ORDINANCE 89703

ACCEPTING THE LOW BID SUBMITTED BY CAPCO COMMUNICATIONS TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT WITH AN ASYNCHRONOUS TRANSFER MODE (ATM) ARE PROCESSOR FOR A TOTAL OF \$17,672.00.

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AN ORDINANCE 89704

AMENDING A PROFESSIONAL SERVICES CONTRACT AND RATIFYING SERVICES TO ROSIN- COOK, INC. IN AN AMOUNT NOT TO EXCEED \$3,280.87 FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE GENERAL MCMULLEN FROM ROSELAWN TO COMMERCE SIDEWALK PROJECT LOCATED IN COUNCIL DISTRICTS 5 AND 6.

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AN ORDINANCE 89705

RATIFYING SERVICES, AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING MPO/CITY MATCH FUNDS IN AN AMOUNT NOT TO EXCEED \$93,361.00, TO K. M. NG AND ASSOCIATES, INC. (MBE) IN

CONNECTION WITH THE HOUSTON STREET FROM BOWIE TO PINE PROJECT; FOR PLAN MODIFICATIONS DUE TO CHANGE IN SCOPE (\$15,354.00); FOR PAVEMENT DESIGN, ENVIRONMENTAL SUBSURFACE INVESTIGATION, AND RIGHT OF WAY PLATS AND FIELD NOTES (\$23,007.00); AUTHORIZING (\$55,000.00) ADDITIONAL FUNDS BASED ON THE REVISED CONSTRUCTION ESTIMATE; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 89706

SELECTING ROSIN-COOK, INC. TO PROVIDE PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$12,000.00 IN CONNECTION WITH VARIOUS MPO SIDEWALK PROJECTS LOCATED CITYWIDE; AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES CONTRACT; AUTHORIZING \$1,200.00 FOR MISCELLANEOUS CONTINGENCY EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 89707

SELECTING LOCKWOOD, ANDREWS & NEWNAM, INC., IN CONNECTION WITH THE MEDICAL DRIVE FROM INTERSTATE HIGHWAY 10 TO EWING HALSELL PROJECT LOCATED IN COUNCIL DISTRICT 8; AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES CONTRACT TO PROVIDE PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$198,000.00; AUTHORIZING \$19,800.00 FOR MISCELLANEOUS CONTINGENCY EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 89708

AUTHORIZING THE EXPENDITURE OF THE AMOUNT OF \$155,000.00 PAYABLE TO LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR MATT N. MOLAK AND WIFE, MAURINE S. MOLAK, FOR FEE SIMPLE TITLE TO ONE (1) PARCEL IN CONNECTION WITH THE SOUTHCROSS BLVD. - W. W. WHITE TO I.H. 410 PROJECT; AND THE AMOUNT OF \$34,287.12 PAYABLE TO TICOR TITLE AGENCY OF SAN ANTONIO AS ESCROW AGENT FOR NATIONAL

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CONVENIENCE STORES INCORPORATED FOR FEE SIMPLE TITLE TO ONE (1) PARCEL IN CONNECTION WITH THE HILDEBRAND AVENUE - I. H. 10 TO BREEDEN PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 89709

AUTHORIZING A FIVE (5) YEAR LICENSE AGREEMENT WITH THE ALAMO KIWANIS CHARITIES, INC., A NON-PROFIT CORPORATION, FOR THEIR OPERATION OF FIESTA NOCHE DEL RIO IN THE CITY'S ARNESON RIVER THEATER IN 1999, 2000, 2001, 2002 AND 2003 FOR AN ANNUAL CONSIDERATION OF \$7,000.00.

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AN ORDINANCE 89710

AMENDING THE CITY CODE OF SAN ANTONIO, TEXAS, CHAPTER 6, BUILDINGS, BY CREATING A NEW ARTICLE XI, ENTITLED ASBESTOS HEALTH PROTECTION SURVEY, COMMENCING AT SEC. 6-290, REQUIRING AN ASBESTOS SURVEY PRIOR TO THE ISSUANCE OF A PERMIT FOR RENOVATION OR DEMOLITION OF A COMMERCIAL BUILDING OR RESIDENTIAL BUILDING HAVING FIVE OR MORE UNITS; AND PRIOR TO CERTAIN MUNICIPAL REAL PROPERTY TRANSACTIONS; PROVIDING PENALTY FOR VIOLATION; AND, ALLOWING SEVERABILITY.

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AN ORDINANCE 89711

AUTHORIZING THE ACCEPTANCE OF A CASH AWARD IN THE AMOUNT OF \$28,450.00 FROM THE TEXAS DEPARTMENT OF HEALTH TO AUGMENT FUNDING OF THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; AUTHORIZING THE EXECUTION OF CONTRACT CHANGE NOTICE NO. 5; REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 1999/00 ESTABLISHED IN ORDINANCE 88976, PASSED AND APPROVED

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DECEMBER 17, 1998; AND APPROVING PAYMENT FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 89712

RATIFYING THE SUBMISSION OF THE PROJECT H.I.R.E. GRANT APPLICATION IN THE AMOUNT OF \$119,981.00 TO THE ALAMO WORKFORCE DEVELOPMENT, INC., TO SUPPORT A WELFARE-TO-WORK PROGRAM OFFERED AT ST. MARY'S LEARNING AND LEADERSHIP DEVELOPMENT CENTER FROM THE DEPARTMENT OF COMMUNITY INITIATIVES, LITERACY SERVICES DIVISION.

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AN ORDINANCE 89713

AN ORDINANCE APPROVING A LEGAL SERVICES CONTRACT IN THE AMOUNT OF \$50,000.00 WITH THE KLEBERG LAW FIRM TO PROVIDE SERVICES IN CONNECTION WITH THE RECOVERY OF COSTS ARISING FROM CHANGE ORDERS ON THE CONVENTION CENTER EXPANSION PROJECT.

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AN ORDINANCE 89714

AUTHORIZING THE EXECUTION OF AND APPROVING THE TERMS OF AN ADMINISTRATIVE SERVICES AGREEMENT WITH THE SAN ANTONIO FIRE AND POLICE PENSION FUND BOARD OF TRUSTEES ("FUND") FOR THE CITY TO PROVIDE CERTAIN ADMINISTRATIVE SERVICES TO THE FUND FOR THE PERIOD FROM OCTOBER 1, 1998 THROUGH SEPTEMBER 30, 1999; AUTHORIZING THE RENEWAL OF SUCH AGREEMENT THEREAFTER UPON MUTUAL AGREEMENT OF THE PARTIES FOR TWO (2) ADDITIONAL ONE (1) YEAR TERMS; AND ACCEPTING COMPENSATION IN THE AMOUNT OF \$24,000 PER YEAR.

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AN ORDINANCE 89715

APPOINTING MARK ANTON RICHTER (DISTRICT 3) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 15, 2000.

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AN ORDINANCE 89716

RE-APPOINTING LULU OLSON (DISTRICT 9) TO THE HIGHER EDUCATION AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2000.

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99-19 SAWS REPORT ON STATUS OF MANDATES REPORT FOR WATER QUALITY INITIATIVES

Ms. Rebecca Q. Cedillo, Vice President for Planning, San Antonio Water System, narrated a video presentation on the 33 mandate recommendations, and spoke to their current status of completion. A copy of her report is made a part of the papers of this meeting. Ms. Cedillo addressed what has been done so far and what remains to be done regarding comprehensive watershed planning, protection and management, including sensitive areas of the Edwards Aquifer, in accordance with the City Master Plan policies.

Mayor Peak noted that this is an important report, and stated that SAWS has made great progress since 1993 in its protection efforts of the Edwards Aquifer.

Mr. Garza spoke to the particularly important aspects of the accomplishments thus far, and reviewed what remains to be accomplished.

In response to a question by Ms. Guerrero, Mr. Michael Thuss, President and chief Operating Officer of SAWS, clarified and refuted recent news reports about proposed increases in SAWS water rates, and noted that water usage is based on winter averages.

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99-19 ITEMS FOR INDIVIDUAL CONSIDERATION

The Clerk read from the following Ordinance:

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AN ORDINANCE 89717

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS ON SATURDAY, MAY 15, 1999 BEGINNING AT 7:30 A.M. UNTIL 10:00 A.M. IN CONNECTION WITH THE BIKE FEST 99, SPONSORED BY METROPOLITAN PLANNING ORGANIZATION; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE OF EIGHT (8) AFFIRMATIVE VOTES.

Ms. Guerrero 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, Salas, Guerrero, Prado, Menéndez, Garza, Bannwolf, Peak. **NAYS:** None. **ABSENT:** Vásquez, Marbut, Webster.

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99-19 The clerk read from the following Ordinance:

AN ORDINANCE 89718

AUTHORIZING ACQUISITION OF FEE SIMPLE TITLE TO FOUR (4) PARCELS OF LAND FOR THE AMOUNT OF \$145,000.00 PAYABLE TO TICOR TITLE AGENCY OF SAN ANTONIO AS ESCROW AGENT FOR JESUS C. HERNANDEZ AND WIFE, MARIA CELINA HERNANDEZ (\$20,000.00) AND GEORGE ALLEN EICHLER (\$125,000.00) IN CONNECTION WITH THE PLUMNEAR ROAD FLOOD AREA PROJECT.

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

Ms. Cynthia Marmolejo, Neighborhood Action Department, spoke to the City's counseling services provided to homeowners being resettled.

In response to a question by Mayor Peak, Ms. Marmolejo addressed the number of homeowners who were relocated in the same general area.

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Mayor Peak asked to be provided with a map showing the relocation of families, depicting the location they were leaving, and where they were relocated to.

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

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

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99-19 The Clerk read the following Ordinance:

AN ORDINANCE 89720

ACCEPTING THE LOW QUALIFIED BID OF SAN ANTONIO CONSTRUCTORS, INC. IN THE AMOUNT OF \$1,262,584.20 IN CONNECTION WITH THE 1998 VIA LOCAL ASSISTANCE PROGRAM PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING \$34,715.80 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$1,200.00 FOR ADVERTISING EXPENSES, AUTHORIZING \$1,500.00 FOR PRINTING AND PRODUCTION EXPENSES; AND PROVIDING FOR PAYMENT.

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

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

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

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99-19 **UPDATE ON THE 76TH LEGISLATIVE SESSION.**

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Mr. Jim Campbell, Director of Intergovernmental Relations, narrated a video presentation on the Update on the 76th Legislative Session in Austin, a copy of which presentation is made a part of the papers of this meeting. He highlighted an update of specific legislation of interest to major Texas cities and which will have an effect upon San Antonio's legislative package, including electric deregulation, water resources, municipal franchise agreements, sponsorship of the Pan American Games, and annexation. He spoke specifically to the need for a local sales tax increase to fund any shortfall in sponsorship of the Pan American Games, and addressed his concern with three major points in the annexation legislation now before the legislature.

Mr. Webster, Chair of the Council's State Affairs Committee, noted that this is a particularly delicate time, and spoke to the critical need for Council members to be in contact with state legislators on certain legislation.

Mr. Campbell noted that the next eight days are most critical, and he urged Council members to visit with legislators.

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Mr. Faris Hodge, Jr., 140 Dora, spoke in support for the provision of City services to newly-annexed areas within 2-1/2 years. He also spoke in support for electric deregulation, and against consolidation of city/county governments.

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99-19 The Clerk read the following Ordinance:

AN ORDINANCE 89721

AUTHORIZING THE TEMPORARY CLOSURE OF MARTIN LUTHER KING BLVD. FROM HACKBERRY TO CHERRY STREETS ON MONDAY, MAY 17, 1999 BEGINNING AT 9:30 A.M. UNTIL 11:30 A.M. TO ALLOW DOUGLASS ELEMENTARY SCHOOL TO RECEIVE A HISTORICAL LANDMARK DESIGNATION FROM THE CONSERVATION SOCIETY; AS REQUESTED BY COUNCILMAN MARIO M. SALAS, DISTRICT 2.

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

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

**99-19 PUBLIC HEARING ON AMENDMENTS TO THE CITY CODE ON
BED AND BREAKFAST ESTABLISHMENTS**

Mayor Peak declared the Public Hearing to be open.

Mr. Emil Moncivais, Director of Planning, narrated a video presentation on amendments to the City Code dealing with Bed and Breakfast establishments. A copy of his presentation is made a part of the papers of this meeting. He spoke to a background explanation of the proposed ordinance, its effects upon the bed-and-breakfast industry, and several views of the recommended proposals. He noted that the proposed amendments will resolve three issues: density of bed-and-breakfast establishments, the number of rooms they may rent, and the question of owner-occupancy of such establishments.

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

The following citizen(s) appeared to speak:

Ms. Nancy Leake, 236 Claudia; Mr. Jack Pancoast, 232 Washington; Mr. Jim Johnson, representing the King William Association; Ms. Edith Stockhardt, 302 King William; and Ms. Paula Piper, President, San Antonio Conservation Society, all spoke in support for the proposed Ordinance.

Mr. Faris Hodge, Jr., 140 Dora, stated that he could support the proposed Ordinance if it applied only to the King William area, but not the entire city. He spoke in support for neighborhoods having the freedom to choose their own regulations dealing with bed-and-breakfast establishments.

Ms. Diana Smilgin, 950 East Grayson Street, a bed-and-breakfast establishment owner, spoke in support of the proposed ordinance.

Ms. Ann Trabal, 215 Beauregard, owner of a bed-and-breakfast facility, spoke against the owner-occupancy issue, and spoke to the need to insure that her facility is 'grandfathered'.

Mr. Habib Erkan, Assistant City Attorney, stated that present bed-and-breakfast facilities can be registered as 'non-conforming'.

Ms. Trabal spoke against the regulation of distance between such facilities.

Mr. Richard Green, 231 Adams, owner of a bed-and-breakfast, spoke in support for the compromise.

Mr. Kenneth Staggs, 2317 North Main Avenue, resident of Monte Vista district, spoke in support.

Mr. Alan Cash, 319 Stieren, spoke in support, noting that owner-occupancy is important. He also asked for approval of bed-and-breakfast facilities still in the process of being established.

Ms. Susan Powers, 259 Helena, representing the Helena Street Neighborhood Association, spoke to certain delays in the processing of her own request for designation of a bed-and-breakfast facility, even though others were being approved. He addressed a history of the development of this proposed ordinance, and questioned the process used.

Mr. Michael Tease, representing the San Antonio Bed & Breakfast Association, spoke in support for the compromise.

Mr. Jack Finger, P.O. Box 12048, asked that an attorney be present at future meetings on such issues, and questioned the locations of bed-and-breakfast establishments. He stated his belief that the ordinance is a good one, and expressed gratification that Mayor Peak will abstain from this vote.

Discussion then took place on ownership of a property reportedly owned by Mayor Peak and operated as a bed-and-breakfast establishment, during which discussion an individual came forward and stated that she had purchased that property from Mayor Peak some time ago.

Mr. Frank Burney, attorney representing the King William Association; Mr. Aaron Bussay, 226 Claudia; and Laura S. Lindner, 226 Claudia all spoke in favor.

Ms. Betty Eckert thanked the Council for postponing this issue in order to have more discussion about it, and spoke to the need for the City to develop better notification procedures. She spoke in support for a stronger ordinance on this matter.

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

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The Clerk read the following Ordinance:

AN ORDINANCE 89722

AMENDING CITY CODE PART II, CHAPTER 35, ARTICLE III AS FOLLOWS: 1) SECTION 35-3311 (ENTITLED "BED AND BREAKFAST") TO REQUIRE DISTANCE REQUIREMENTS BETWEEN EACH BED AND BREAKFAST ESTABLISHED IN AN R-1, R-2, R-2A, C, D R-4, R-5, R-6, R-7, OR R-8 ZONING DISTRICT; PROVIDE A METHODOLOGY FOR SPECIAL CITY COUNCIL APPROVAL FOR A BED AND BREAKFAST TO BE ESTABLISHED IN A LOCATION CONTRARY TO THE DISTANCE REQUIREMENTS; REQUIRE A BED AND BREAKFAST ESTABLISHED IN AN R-1, R-2, R-2A, R-5, OR R-8 ZONING DISTRICT TO BE OWNER OCCUPIED; AND PROVIDE ADDITIONAL REGULATIONS REGARDING: NUMBER OF GUEST ROOMS PER STRUCTURE; SIGNAGE; AND PARKING REQUIREMENTS; AND 2) AMENDING SECTION 35-3603(A) TO PERMIT BED AND BREAKFASTS IN "C" AND "D" APARTMENT DISTRICTS THAT COMPLY WITH THE REQUIREMENTS SET OUT FOR R-2A AND R-3 ZONING DISTRICTS; AND AMENDING SECTION 35-3261 (ENTITLED "TABLE OF PERMITTED USES IN RESIDENTIAL DISTRICTS") AND SECTION 35-3262 (ENTITLED "TABLE OF PERMITTED USES IN NON-RESIDENTIAL DISTRICTS") TO REFLECT THE CHANGES HEREIN; AND PROVIDING FOR A PENALTY AS HAS BEEN ESTABLISHED IN CHAPTER 35, ARTICLE I, SECTION 35-1024 (ENTITLED "PENALTIES"); AND DIRECTING THE CLERK TO PUBLISH IN ACCORDANCE WITH CITY CHARTER, SECTION 17.

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

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

Mr. Flores noted that the final Ordinance represents a good compromise, and he thanked all involved for their work on that resolution.

Mr. Webster then offered an amendment that “properties which are used as Bed & Breakfast establishments as of this date (May 6, 1999), as well as properties properly zoned for use as Bed & Breakfast establishments, may be registered as non-conforming uses at the Department of Building Inspections and upon such registration shall continue as long as the establishment remains in operation as per Chapter 35, Article III, Division 4, Non-Conforming Uses. Any property currently zoned for use as a Bed & Breakfast, but not used as such, shall one year from the effective date of this ordinance begin to be used as a Bed & Breakfast for this subsection to apply.” Mr. Bannwolf seconded the motion.

Mr. Bannwolf spoke in favor of having a good policy, citywide.

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

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

99-19 CITY MANAGER’S REPORT

NEW ASSISTANT DIRECTOR OF PUBLIC WORKS AND DIRECTOR OF INTERNATIONAL AFFAIRS

Mr. Alexander E. Briseño, City Manager, introduced newly-appointed Assistant Director of Public Works Ms. Sandra Stinson Stout, and newly-appointed Director of International Affairs Mr. Henry Sauvignet. He spoke briefly to the backgrounds of each, and welcomed them to the Executive Team.

99-19 The City Council recessed its regular session at 4:08 P.M. in order to convene in Executive Session for the purpose of:

- A) Status of the City administrative appeal regarding Municipal Court collection of State court costs and fees for Class "C" Misdemeanor offenses from 1993 to 1996.
- B) Attorney/Client Consultation regarding litigation case styled Alamo Music , et al., vs. City of San Antonio, et al., Cause No. 95-CI-06264, in the 31st Judicial District court of Bexar county, Texas.

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The Executive Session was adjourned and the regular session reconvened at 4:36 P.M., at which time Mayor Peak stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.
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99-19 **CITIZENS TO BE HEARD**

MR. WALTER SCHUMANN

Mr. Walter Schumann, representing the Monte Galvan Preservation Society, spoke to the historic roads and highways of this area, and addressed aspects of plans for Walker Ranch Park and the state regulations that apply. He then addressed plans for a visitor center at the park. He asked that serious consideration be given to this project.

MR. FARIS HODGE, JR.

Mr. Hodge expressed concern that the election returns were shown on Cable 21 instead of the City Council meeting. He also expressed appreciation to the City Council for clarifying the issue of the sewer rate increase which was erroneously reported. He then spoke about businesses leaving or not coming to San Antonio due to the insistence of the City Council that a "living wage" be paid. He also stated that the City Council should investigate the lawsuit being filed against Boenig because of racial discrimination. He asked the Council to pass a Resolution urging school districts to pass a uniform policy at all public schools. He congratulated the Spurs but still insists that any arena being proposed be a 50/50 split.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Perez congratulated each of the winners of the City election and then spoke to a recent television movie, Noah's Ark, and he took exception to the movie but also spoke comparing the times of that occurrence and today's society.

**NOGALITOS STREET CORRIDOR PROPOSAL
MR. MANUEL BENAVIDES**

Mr. Manuel Benavides again appeared to speak to the City Council about his proposal entitled, The Nogalitos Street Corridor Development proposal. He presented Council with copies of correspondence he has received from Mr. Emil Moncivais, Director of Planning, which refers to his application as being incomplete. He then spoke to the presentation which will occur on Tuesday, May 11 at 7:00 p.m. at the Collins Garden Library, 200 N. Park, and invited the City council to this presentation.

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99-19 There being no further business to come before the Council, the meeting was adjourned at 5:06 P.M.

A P P R O V E D



**HOWARD W. PEAK
M A Y O R**

Attest: 
**NORMA S. RODRIGUEZ, CMC/AAE
City Clerk**

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