

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MARCH 27, 1980.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Lila Cockrell with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, CANAVAN, ARCHER, STEEN, COCKRELL; Absent: NONE.

80-16 The invocation was given by the Reverend W.C. Ahlrich, Trinity Lutheran Church.

80-16 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

80-16 Mayor Cockrell recognized a group of students, representing the Public Administration Club of San Antonio College, who were present in the audience.

80-16

PROCLAMATION DESIGNATING
DALLAS COWBOYS BASKETBALL TEAM
DAY

Mayor Cockrell read the following Proclamation:

WHEREAS, Members of the Dallas Cowboys Team of the National Football League have banded together to form a basketball team, and

WHEREAS, Members of the Basketball Team perform without charge in the interests of fund-raising and other charitable causes, allowing use of their widely recognized names in such endeavors for the benefit of others, and

WHEREAS, this talented group of professional athletes in demonstrating its collective love for young people by contributing the proceeds of its March 28 benefit basketball game against a group of San Antonio All-Stars, including representatives of Radio Stations KZ-100 and KCCW, to the St. Gerard's Regional High School Education Fund, and

WHEREAS, the citizens of the City of San Antonio wholeheartedly endorse this selfless gesture in human concern and understanding,

NOW, THEREFORE, I, LILA COCKRELL, Mayor of the City of San Antonio, in recognition thereof, do hereby proclaim March 28, 1980, to be,

"DALLAS COWBOYS BASKETBALL TEAM DAY"

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Mayor Cockrell presented the Proclamation to Sister Karen Doyle, Curriculum Coordinator for St. Gerard's High School and each of the Council members expressed their congratulations.

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PROCLAMATION DESIGNATING
"CENSUS DAY"

Mayor Cockrell read the following Proclamation:

- WHEREAS, the Twentieth United States Decennial Census of Population and Housing will be conducted beginning April 1, 1980, and
- WHEREAS, all the inhabitants of the City of San Antonio, Texas are to be enumerated in this Census, and
- WHEREAS, the information collected in the Census serves many useful purposes, among which are apportionment of representation in Congress and other legislative bodies, measurement of the economic well-being of communities and their inhabitants, allotment of certain Federal and State Tax Revenues and other financial aid to our communities, determination of future needs for public services, and numerous other useful purposes, and
- WHEREAS, the accuracy and completeness of the Census for the City Government of San Antonio, Texas, will determine its population rank among other communities of the country,
- NOW, THEREFORE, I, LILA COCKRELL, Mayor of the City of San Antonio, in recognition thereof, do hereby proclaim April 1, 1980, as

"CENSUS DAY"

Mayor Cockrell presented the Proclamation to Mr. Glen Hartman, Chairman of the Correct Count Census Committee, 1980, and reminded all citizens to send in their census forms promptly. Each of the Council members also congratulated Mr. Hartman and expressed their appreciation towards his endeavors.

80-16

PARKS' PROGRAMS

Mr. Ron Darner, Director of Parks and Recreation, informed the Council of two new Parks and Recreation Programs beginning soon: the "Parks-the City's Front Yard" Program and an Easter Egg Hunt in Brackenridge Park Sunday, March 30, co-sponsored by the Parks and Recreation Department and by the Radio Station, KTSA.

The Easter Bunny from KTSA then presented Easter baskets to the Mayor and Council members.

80-16

CORRECTION TO THE MINUTES

Mr. Thompson made reference to Zoning Case 7996, of last week's minutes in which he stated that the minutes state that the motion was made for denial; whereas, it actually was for approval, but failed in a 5-5 vote.

With this correction, Mr. Steen moved to approve the minutes of the meeting of March 20, 1980. Mrs. Dutmer seconded the motion. On voice vote, the motion carried.

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Mr. Steen moved that items 4-25, constituting the consent agenda be approved with the exception of items 13 and 14, to be considered individually. Mr. Archer seconded the motion.

On roll call, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 51,985

ACCEPTING THE LOW BID OF GRIMM'S GARDEN CENTER TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH MISCELLANEOUS PLANTS AND SHRUBS FOR A NET TOTAL OF \$5,141.05.

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AN ORDINANCE 51,986

ACCEPTING THE LOW BID OF RIVER CITY MUSIC TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF HUMAN RESOURCES AND SERVICES WITH STEREO SOUND EQUIPMENT FOR THE CARVER COMMUNITY CULTURAL CENTER FOR A NET TOTAL OF \$5,249.00.

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AN ORDINANCE 51,987

ACCEPTING THE LOW BID OF NORTHWEST PAINT AND CARPET CENTER TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH CARPETING FOR A TOTAL OF \$5,901.50, LESS 2% - 10 DAYS.

* * * *

AN ORDINANCE 51,988

ACCEPTING THE PROPOSAL OF THE A. FRANK COMPANY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH THE REPAIR OF POWER TOOLS FOR A TOTAL OF \$6,775.50.

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AN ORDINANCE 51,989

ACCEPTING THE LOW BIDS OF CROSS-B COMPANY AND WATSON DISTRIBUTING COMPANY TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH SPRINKLERS FOR A NET TOTAL OF \$8,045.25.

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AN ORDINANCE 51,990

ACCEPTING THE LOW BID OF TEXAS FIRE FIGHTERS EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH AQUEOUS FILM FORMING FOAM FOR A NET TOTAL OF \$10,660.40.

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AN ORDINANCE 51,991

ACCEPTING THE LOW BID OF DATAPOINT CORPORATION TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH THE LEASE OF A MINI-COMPUTER DISK DRIVE FOR A NET TOTAL OF \$379.00 PER MONTH, INCLUDING MAINTENANCE COSTS, FOR A PERIOD OF ONE (1) YEAR BEGINNING ON THE INSTALLATION DATE.

* * * *

AN ORDINANCE 51,992

ACCEPTING THE LOW BID OF EMPIRE HYDROCARBON CORPORATION TO FURNISH THE CITY OF SAN ANTONIO AUTOMOTIVE OPERATIONS DIVISION WITH FOUR MILLION GALLONS OF PROPANE MOTOR FUEL FOR A NET TOTAL OF \$1,920,000.00.

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AN ORDINANCE 51,993

APPROPRIATING FROM CERTAIN FUNDS AMOUNT IN THE TOTAL SUM OF \$4,101.00 IN PAYMENT FOR EXPENSES INCURRED IN CONNECTION WITH OLMOS CREEK DRAINAGE #88-87, UNSEWERED AREA NO. 57& 58 SANITARY SEWER; GEORGIAN OAKS SUBDIVISION OFF-SITE SANITARY SEWER AND WELCH SUBDIVISION SANITARY SEWER.

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AN ORDINANCE 51,994

AUTHORIZING EXECUTION OF FIELD ALTERATION NO. 3 IN THE AMOUNT OF \$11,550.00 TO THE CONTRACT FOR THE PATTON DRAINAGE PROJECT, PROVIDING FOR REPLACEMENT OF CERTAIN SANITARY SEWER LINES.

* * * *

AN ORDINANCE 51,995

ACCEPTING THE LOW QUALIFIED BID OF PALMER LANDSCAPE COMPANY IN THE AMOUNT OF \$3,639.61 TO CONSTRUCT IRRIGATION ADDITIONS AT THE CONVENTION CENTER, REVISING THE BUDGET AND AUTHORIZING PAYMENT.

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AN ORDINANCE 51,996

ACCEPTING THE LOW QUALIFIED BID OF R.L. JONES COMPANY, INC., IN THE AMOUNT OF \$45,261.92 FOR RELOCATION OF THE SANITARY SEWER ON IH 35 FROM WALZEM TO STARLIGHT TERRACE, APPROPRIATING FUNDS AND AUTHORIZING PAYMENT.

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AN ORDINANCE 51,997

AUTHORIZING EXECUTION OF AN AGREEMENT TO PROVIDE THE TEXAS STATE LIBRARY SPONSORED COUNTY ARCHIVAL PROJECT WITH APPROXIMATELY 2000 CUBIC FEET OF STORAGE SPACE IN THE OLD MAIN LIBRARY BUILDING.

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AN ORDINANCE 51,998

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR LEASE OF 1.38 ACRES AT STINSON FIELD FOR A RADIO TRANSMITTER SITE.

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AN ORDINANCE 51,999

AUTHORIZING PAYMENT OF REFUNDS TO PERSONS MAKING OVERPAYMENT OR DOUBLE PAYMENTS ON 7 TAX ACCOUNTS.

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AN ORDINANCE 52,000

AUTHORIZING PAYMENT OF THE SECOND INSTALLMENT IN THE AMOUNT OF \$85,875.83 ON CERTAIN FIRE AND EXTENDED COVERAGE INSURANCE POLICIES.

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AN ORDINANCE 52,001

ACCEPTING THE GIFT BY MR. AND MRS. ALFRED ABRAMSON OF THIRTY EAST AFRICAN FIGURINES TO THE CITY OF SAN ANTONIO FOR ITS CARVER COMMUNITY CULTURAL CENTER.

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AN ORDINANCE 52,002

ACCEPTING A SUPPLEMENTAL GRANT OF \$14,000 FROM THE TEXAS DEPARTMENT OF COMMUNITY AFFAIRS TO PROVIDE FOR SUPERVISION OF YOUNG ADULT CONSERVATION CORPS ENROLLEES, AMENDING THE PROFESSIONAL SERVICES CONTRACT OF THE YACC PROGRAM ADMINISTRATOR, AMENDING THE YACC PROGRAM BUDGET AND APPROVING PERSONNEL POSITIONS.

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AN ORDINANCE 52,003

APPROPRIATING FEDERAL AVIATION ADMINISTRATION GRANT FUNDS AND REVISING THE BUDGET FOR THE INTERNATIONAL AIRPORT LAND ACQUISITION PROJECT, PHASES I AND II.

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AN ORDINANCE 52,004

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE SAN ANTONIO-BEXAR COUNTY URBAN TRANSPORTATION STUDY STEERING COMMITTEE PROVIDING FOR THE DEPARTMENT OF TRAFFIC AND TRANSPORTATION TO PERFORM CERTAIN ADDITIONAL TASKS IN CONNECTION WITH THE STUDY.

* * * *

80-16 The Clerk read the following Ordinance:

AN ORDINANCE 52,005

AUTHORIZING EXPENDITURE OF THE SUM OF \$42,200.00 OUT OF VARIOUS FUNDS FOR THE PURPOSE OF ACQUIRING TITLE AND/OR EASEMENTS TO CERTAIN LANDS; ACCEPTING THE DEDICATION OF EASEMENTS TO CERTAIN LANDS; ALL TO BE USED IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

* * * *

Mr. Steen moved to approve the Ordinance. Dr. Cisneros seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Frank Kiobassa, Director of Public Works, explained that the two parcels of land near Mitchell Lake will be used for access purposes and for other improvement works.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Alderete.

80-16 The Clerk read the following Ordinance:

AN ORDINANCE 52,006

REPROGRAMMING FUNDS TO PROVIDE ADDITIONAL FUNDING FOR THE SACRED HEART HOUSING PROJECT.

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Mr. Steen moved to approve the Ordinance. Mr. Wing seconded the motion.

In response to a question by Mrs. Dutmer, Mr. George Noe, Administrative Assistant to the City Manager, explained that the subject property was being purchased in expectation of approval for 202 funds; if funds are not received, the City still owns the property.

Mrs. Dutmer stated that she cannot support the item.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None; ABSTAIN: Dutmer.

80-16 ZONING HEARINGS

26. CASE 8004 - to rezone Lots 20 and 21, Block 10, NCB 1569, 211 "K" Street from "B" Two Family Residential District to "I-1" Light Industry District, located on the north side of "K" Street, being 55' southeast on the intersection of "K" Street and Roland Street, having 101.32' on "K" Street and a maximum depth of 150'.

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

No citizen appeared to speak in opposition.

After consideration, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved. Mr. Webb seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 52,007

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 20 AND 21, BLOCK 10, NCB 1569, 211 "K" STREET, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

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27. CASE 7979 - to rezone the northeast 50' of Lot 20, NCB 11304, 1405 Quintana Road, from "R-3" Multiple Family Residential District to "B-1" Business District, located on the northwest side of Quintana Road being approximately 260' northeast of the intersection of Quintana Road and Humboldt Place, having 50' on Quintana Road and a depth of 268'.

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

No citizen appeared to speak in opposition.

After consideration, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved. Mr. Wing seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 52,008

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTHEAST 50' OF LOT 29, NCB 11304, 1405 QUINTANA ROAD, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT.

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28. CASE 8003 - to rezone Lot 6 and the west 51.86' of Lot 7, NCB 934, in the 400 Block of Pereida Street, from Historic "D" Apartment District to Historic "B-3" Business District, located on the northwest side of Pereida Street, being 215' northeast of the intersection of Pereida Street and S. Alamo Street, having 104.25' on Pereida Street and a depth of 145'.

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

No citizen appeared to speak in opposition.

After consideration, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 52,009

AMENDING CHAPTER 42 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 6 AND THE WEST 51.86' OF LOT 7, NCB 934, IN THE 400 BLOCK OF PEREIDA STREET, FROM HISTORIC "D" APARTMENT DISTRICT TO HISTORIC "B-3" BUSINESS DISTRICT.

* * * *

29. CASE 7982 - to rezone Tract D, save and except the northwest 150', NCB 11964, in the 3400 Block of Nacogdoches Road, from Temporary "A" Single Family Residential District to "I-1" Light Industry District, located 150' off of the southeast side of Nacogdoches Road, being 530; northeast of the intersection of Nacogdoches Road and Twisted Oaks Drive, having a maximum depth of 1016'; the northwest 150' of Tract D, NCB 11964, from Temporary "A" Single Family Residential District to "B-3" Business District, located on the southeast side of Nacogdoches Road, being 530' northeast of the intersection of Nacogdoches Road and Twisted Oaks Drive, having 885.98' on Nacogdoches Road and a maximum depth of 150'.

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

Mr. L.E. Travis III, representing his father, the applicant, stated that they are in the sandblasting business and explained that they had acquired the old Stull Chemical property and had thus far spent \$100,000 to date in renovations since their old business location was in the Olmos drainage area, which necessitated the move to a new location. He explained that he has applied to the Texas Air Quality Control Board for an air pollution license to operate and has asked for an inspection by the San Antonio Metropolitan Health District.

In response to a question by Mayor Cockrell, Mr. Gene Camargo, Planning Administrator, explained that the firm had acquired a building permit for this residential area because the Texas Air Quality Control Board required that certain changes be made prior to the new zoning.

Mrs. Dutmer expressed concern regarding the air quality.

No citizen appeared to speak in opposition.

After discussion, Mr. Steen moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished in order to determine those areas that are buildable. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Canavan.

AN ORDINANCE 52,010

AMENDING CHAPTER 42 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 TRACT D, SAVE AND EXCEPT THE NORTHWEST 150', NCB 11964, IN THE 3400 BLOCK OF NACOGDOCHES ROAD, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT; THE NORTHWEST 150' OF TRACT D, NCB 11964, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED IN ORDER TO DETERMINE THOSE AREAS THAT ARE BUILDABLE.

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30. CASE 7934 - to rezone a 1.20 acre tract of land out of NCB's 13763 and 13806, being further described by field notes filed in the Office of the City Clerk, from Temporary "A" Single Family Residential District to "B-3R" Restrictive Business District; a 4.50 acre tract of land out of NCB's 13763 and 13806, being further described by field notes filed in the Office of the City Clerk, in the 10600 Block of I.H. 35 Expressway from Temporary "A" Single Family Residential District to "I-1" Light Industry District, properties located on the southeast side of I.H. 35 Expressway being 1340' northeast of the intersection of Starlight Terrace and I.H. 35 Expressway, 284.47' on Northlight Terrace, being 140' east of Earlway Drive and a maximum depth of 820'. The "B-3R", being a strip of land varying from 20' to 40' in width located on the south and east property lines of subject property, the "I-1" being the remaining portion.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Archer moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished; that a six foot solid screen fence is erected and maintained adjacent to the residential dwellings; that a non-access easement is imposed on Starlight Terrace and Overlook Drive; and that landscaping as proposed is accomplished. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Archer, Steen, Cockrell; NAYS: Thompson; ABSENT: Canavan.

AN ORDINANCE 52,011

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 1.20 ACRE TRACT OF LAND OUT OF NCB'S 13763 AND 13806, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT; A 4.50 ACRE TRACT OF LAND OUT OF NCB'S 13763 AND 13806, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 10600 BLOCK OF I.H. 35 EXPRESSWAY, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED; THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ADJACENT TO THE RESIDENTIAL DWELLINGS; THAT A NON-ACCESS EASEMENT IS IMPOSED ON STARLIGHT TERRACE AND OVERLOOK DRIVE AND THAT LANDSCAPING, AS PROPOSED, IS ACCOMPLISHED.

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31. CASE 7991 - to rezone Lots 13 and 14, Block 4, NCB 10673, 4438-4442 Mercury Drive, from "A" Single Family Residential District to "B-2" Business District, located on the south side of Mercury Drive, being 245' west of the intersection of S.W.W. White Road and Mercury Drive, having 120' on Mercury Drive and a maximum depth of 172.28'; Lots 4, 5, and 6, Block 9, NCB 10625, 4439 E. Houston Street, from "A" Single Family Residential District to "B-3R" Restrictive Business District, located on the north side of Houston Street, being 313.13' west of the cutback between S.W.W. White Road and Houston Street, having 188.13' on Houston Street and a maximum depth of 208.18'.

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

In response to a question by Mrs. Dutmer, the applicant, Mr. P.L. Hamilton, representing D.B. Harrel Company, explained that there will be a formal announcement shortly of "major significance" as to what the property is being used for; such a comment would not be appropriate yet.

Mr. Webb spoke in support of the passage of the Ordinance.

No citizen appeared to speak in opposition.

After consideration, Mr. Archer moved that the recommendation of the Zoning Commission be approved provided that a six foot solid screen fence is erected and maintained along the north property line of Lots 4, 5, and 6, Block 8, NCB 10625; along the north property line of Lot 13, NCB 10673, in compliance with the City Code requirements and a four foot solid screen fence at the required front building setback line of Lot 13, NCB 10673, and that a non-access easement and a landscape area is imposed along the north property line of Lot 13, NCB 10673. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Thompson.

AN ORDINANCE 52,012

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 13 AND 14, BLOCK 4, NCB 10673, 4438-4442 MERCURY DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; LOTS 4, 5, AND 6, BLOCK 9, NCB 10625, 4439 E. HOUSTON STREET, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTH PROPERTY LINE OF LOTS 4, 5, AND 6, BLOCK 9, NCB 10625, ALONG THE NORTH PROPERTY LINE OF LOT 13, NCB 10673, IN COMPLIANCE WITH CITY CODE REQUIREMENTS AND A FOUR FOOT SOLID SCREEN FENCE AT THE REQUIRED FRONT BUILDING SETBACK LINE OF LOT 13, NCB 10673, AND THAT A NON-ACCESS EASEMENT AND A LANDSCAPE AREA IS IMPOSED ALONG THE NORTH PROPERTY LINE OF LOT 13, NCB 10673.

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80-16 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Thompson.

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AN ORDINANCE 52,013

ESTABLISHING A SPECIAL FUND FOR PARKS- "THE CITY'S FRONT YARD PROGRAM" SUPPORT AND AUTHORIZING EXPENDITURE OF FUNDS DEPOSITED THERETO FOR COSTS RELATED TO SAID PROGRAM.

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AN ORDINANCE 52,014

ACCEPTING \$10,000 CASH GIFT FROM PHILLIP SHERIDAN, ALAMO CONCESSIONS, INC., FOR PAYMENT OF PERFORMERS AT "FIESTAS MEXICANAS" DURING FIESTA WEEK; ESTABLISHING A FUND FOR SAID PROJECT, AUTHORIZING EXPENDITURES FOR SUCH FUNDS FOR PAYMENT OF PERFORMERS AND OTHER EXPENSES, AND PROVIDING FOR PAYMENT BY MR. SHERIDAN OF STAFF OVERTIME INCURRED IN SUPPORT OF THIS PROGRAM.

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80-16

The Clerk read the following Ordinance:

AN ORDINANCE 52,015

ADOPTING NAMES FOR CERTAIN RECREATION FACILITIES.

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Dr. Cisneros moved to approve the Ordinance. Mr. Wing seconded the motion.

In response to a question by Mr. Alderete, Mr. Ron Darner, Director of the Parks and Recreation Department, explained how name choices were arrived at. He explained that in the case of the Lanier Pool, the Parks and Recreation Advisory Board suggested the choice of name, "San Antonio Natatorium". He further explained that the suggested name for the McAllister Soccer Complex was a result of Anderson's leading role in the upsurge of youth soccer in San Antonio.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

80-16 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mr. Archer, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 52,016

ESTABLISHING ADMISSION FEES FOR THE SAN ANTONIO BOTANICAL CENTER.

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80-16

The Clerk read the following Ordinance:

AN ORDINANCE 52,017

AMENDING THE PROVISIONS OF ORDINANCE 47455 WHICH PROVIDES THAT NO COMMERCIAL CARNIVAL MAY BE HELD IN THE CENTRAL BUSINESS DISTRICT (CBD) DURING FIESTA EXCEPT ONE LICENSED BY THE FIESTA SAN ANTONIO COMMISSION, SO AS TO ADOPT A NEW DEFINITION OF "CENTRAL BUSINESS DISTRICT" AND EXTEND THE LIMITATION ON OTHER CARNIVALS IN THE CBD TO THE ENTIRE MONTH OF APRIL.

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Mr. Webb moved to approve the Ordinance. Mr. Steen seconded the motion.

In response to a question by Mr. Alderete, Mr. Stewart Fischer, Director of Traffic and Transportation, explained that in this case, the definition of "Central Business District" is being brought into line with the definition as used in the wrecker Ordinance.

Mr. Alderete commented that this was opening the door to perhaps altering the "Central Business District" boundaries so as to include the Vista Verde South area, as well.

Mrs. Dutmer made reference to the inter-office memorandum regarding the Vista Verde South action by Council and stated that this was not in the "Central Business District".

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: Dutmer; ABSENT: None.

80-16 The Clerk read the following Resolution:

A RESOLUTION
NO. 80-16-28

DESIGNATING PROJECTS AND ESTABLISHING
PRIORITIES FOR TRANSPORTATION IMPROVEMENTS
UNDER THE FEDERAL AID URBAN SYSTEMS
PROGRAM FOR 1981-82.

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Mr. Steen moved to approve the Resolution. Mr. Thompson seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Stewart Fischer, Director of Traffic and Transportation, stated that the figures for the projects listed were estimates only, and that they probably would change when the projects were actually bid and accepted.

At this time, Mr. Eureste introduced a motion to amend the Ordinance and take \$850,000 from the Downtown Signalization Program line item and allocate these funds in the following manner: \$275,000 to Downtown Signalization; \$200,000 to District 4 streets; \$175,000 to District 5 streets; and \$200,000 to District 7 streets. He stated that he felt that this was a much more equitable plan to all districts concerned. Mr. Wing seconded the motion.

Mr. Aldetete spoke in support of the amendment.

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Mr. Canavan spoke strongly in opposition. He stated that the Downtown Signal system improvements could save the City much money.

Mr. Archer spoke against the amendment. He stated that an agreement had been reached at the last "B" Session on the allocation of these funds.

Mr. Thompson concurred with Mr. Canavan's remarks. He stated that the amendment to the motion was an attempt to achieve parity across district lines, while the staff's recommendations addressed the needs of the City.

Mr. Steen also spoke in opposition to the amendment. He concurred with Mr. Archer's remarks that an agreement regarding the funding of these projects had been reached last week.

Mrs. Dutmer spoke in opposition to the amendment. She stated that any help to the central City is for the good of all.

Mr. Eureste commented on one of the recommended projects, the De Zavala Road Project. He stated that this was one of the newer roads in the City, whereas other older San Antonio streets in the South side of town, were to receive nothing in the program, and he felt that the disparity needed airing. He stated that he had attended the Metropolitan Planning Organization meeting where the City's needs to year 2000 were addressed, and felt that the inner-city was not getting a fair shake in this plan, either, saying that older streets in the south side of town are in bad shape.

Mr. Alderete addressed the disparity in street allocations between some north side areas and the major artery serving Kelly Air Force Base, one of the City's major employers. He expressed concern that streets in City areas just outside the downtown area were decaying.

Mr. Wing commented on the major thoroughfares in this district that he says are always overlooked for improvement.

Mr. Thompson concurred with Mr. Wing's remarks regarding his district but voiced his support for staff's recommendations and urged the Council to vote on the merits of the issue.

Dr. Cisneros thanked the Council for its support of downtown area work in the past and stated that other streets in the City should be re-done before redoing the downtown signal system. He stated that he will be voting for the amendment and asked his colleagues to choose specific street projects as directives to the City staff to include in a new plan.

A discussion then ensued on the De Zavala Road Project.

Mr. Canavan expressed concern that Districts 8, 9, and 10 only get 10% of the proposed \$5 million expenditure.

At this time, Mr. Archer made a motion to amend the pending amendment and take \$15,000 from all seventeen original projects in the program and give it to District 9, since it had none. Mr. Steen seconded the motion.

Mr. Eureste spoke against the motion, comparing traffic volumes in various sectors of the town and noted staff's recommendations to exclude Mr. Canavan's district from the project list.

In response to a question by Mayor Cockrell, Mr. Fischer stated that such removal would mean the City could do about one-third of the work planned in the downtown signalization plan.

Mayor Cockrell stated that since some of the Council members feel their districts' needs are not being addressed, the whole Council should be concerned. She stated that she could not support the motion to the pending amendment, but felt that she could support removal of \$575,000 from the downtown signalization system and asked staff to prioritize that amount between the four districts not scheduled to receive project funding under the staff's recommendations.

Mr. Alderete spoke in support of the Mayor's proposal.

City Manager, Thomas Huebner asked that the Council not take money from the Energy Conservation line-item.

After consideration, Mr. Archer's motion to take \$15,000 from all seventeen original projects in the program and give it to District 9, failed to carry by the following vote: AYES: Archer; NAYS: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Steen, Cockrell; ABSENT: None.

At this time, Dr. Cisneros made a substitute motion that staff remove \$575,000 from the downtown signalization system line-item and have staff select high priority street projects in District 4, 5, 7, and 9, to fund with these monies. Mr. Eureste seconded the motion. On roll call, the substitute motion carried by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Alderete, Cockrell; NAYS: Dutmer, Thompson, Canavan, Archer, Steen; ABSENT: None.

The main motion carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

In response to a question by Mr. Stewart Fischer, Ms. Jane Macon, City Attorney stated that since no mention of of an amount to be spent on the projects had been made in the Resolution, the approved segment of the original Urban Systems project list could be sent to the State now and later an amendment be passed to cover the projects recommended for the four districts mentioned in the vote.

Mayor Cockrell urged the Traffic and Transportation Department and the Public Works Department to watch the cost estimates closely in order to keep within the dollar constraints.

80-16

The Clerk read the following Ordinance:

AN ORDINANCE 52,018

GIVING THE CONSENT OF THE CITY OF SAN ANTONIO TO THE FORMATION OF A FRESH WATER SUPPLY DISTRICT IN THE CITY'S ETJ; PROVIDING CONDITIONS TO THAT CONSENT; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE DISTRICT TO SPECIFY SUCH CONDITIONS.

* * * *

Mr. Steen moved to approve the Ordinance. Dr. Cisneros seconded the motion.

In response to a question by Mr. Alderete, Mayor Cockrell stated that the Edwards Underground Water District was to brief the City Council at a meeting soon on what it was doing to monitor work over the aquifer. She stated that the Edwards Aquifer Advisory Committee then would meet to discuss the letter received from the State, concerning any possible new actions on monitoring over the Extraterritorial Jurisdiction.

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In response to a question by Mrs. Dutmer, Assistant City Attorney, Nelson Clare explained what proponents of the new water district plan to do; form a fresh water supply district in order to refurbish the existing old water well system.

Mrs. Dutmer expressed concern that the City might be helping to create the beginnings of a new incorporated city on the outer ring of San Antonio.

Mr. Nelson Clare explained that the City of San Antonio must first approve anything the Homeowners Association wants to do over and above the creation of the subject water district.

A discussion then ensued pertaining to concerns about the possibility of creating a sub-standard water system.

Mr. Alderete then made a motion to deny the Ordinance, Mr. Thompson seconded the motion.

Mr. Howard Peak, Planner V with the Planning Department, explained that the Homeowners Association only wants to buy out the old system and improve it. He stated that any such change in the water system in its Extraterritorial Jurisdiction must meet San Antonio's standards and they must come to the City for sewage and drainage improvements, in needed.

After discussion, the motion to deny, failed to carry by the following vote: AYES: None; NAYS: Cisneros, Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; ABSENT: Webb, Eureste.

The main motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste.

The meeting was recessed at 4:00 P.M. and reconvened at 4:10 P.M.

80-16

The Clerk read the following Ordinance:

AN ORDINANCE 52,019

AUTHORIZING AN AGREEMENT WITH THE UNIVERSITY OF CHICAGO, OPERATOR OF ARGONNE NATIONAL LABORATORY, FOR THE ACCEPTANCE OF A U.S. DEPARTMENT OF ENERGY GRANT OF \$108,853 TO PREPARE ENERGY-CONSERVING DEVELOPMENT REGULATIONS FOR SITE AND NEIGHBORHOOD DESIGN; ESTABLISHING AN OFFICE OF ENERGY MANAGEMENT; AUTHORIZING A PERSONNEL POSITION AND APPROVING A BUDGET.

* * * *

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

Assistant City Manager, Louis Fox, explained the Ordinance, stating that part of the Ordinance is to realign the Office of Energy Management, to be responsible to the City Manager, and perhaps moved to another department in the future. He stated that it will work closely in coordination with City Public Service Board Energy Conservation Program.

Dr. Cisneros spoke in support of working closely with the City Public Service Board in energy conservation.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Webb.

AN ORDINANCE 52,020

REJECTING ALL BIDS RECEIVED FOR CONSTRUCTION
OF THE OLMOS CREEK DRAINAGE PROJECT #87-88
AND AUTHORIZING THE READVERTISING AND FUNDING
OF OLMOS CREEK DRAINAGE PROJECT.

* * * *

MR. JOHN STEEN: So move.

MRS. HELEN DUTMER: Second.

MAYOR COCKRELL: All right, there are a number of citizens, but first we'll have the explanation from our City staff as to just what has happened.

MR. FRANK KIOLBASSA, DIRECTOR OF PUBLIC WORKS: Yes madam, we opened bids on the Olmos Creek Drainage Project on February 19th, at which time the apparent low bidder was Farrell Construction Company. On February 22nd, the low bidder advised us that he had made an error in his bid tabulation and in his preparation of his bid and through telegram, put us on notice that this action had been taken; that he had done it, that he had advised us of it and he would like to reform his bid. Basically, correct his unit price on bid for excavation which would increase the amount of his bid, a little over a million dollars, in doing so. We continue then to complete our review of all the bid tabulations and prepare recommendation. Along with that, the low bid being \$11,500,000 and the 74 bond fund having only 9.6, a little over 9.6 million dollars in it. We had to do some analyzing of all alternatives to fund this project to come up with the exact amount to award this project. We have been doing this since then, and we have come up with a mechanism and of course, this is why we also put on the "B" Session agenda to discuss the overall funding problems, because this is just another dilemma we get into because of the rising cost of inflation and everything else of funding projects. And the proposal we would discuss in "B" Session is how to deal with this funding situation from the Council giving policy direction on on-going basis, so we feel we have to put those two packages together, so that again, we will just not go from crisis to crisis. However, we had, and then during this process, worked up a mechanism for funding Olmos Creek, realizing and studying the legal aspects of it, our City Attorney advised us that in fact, that he had a case because he did not notify us prior to the actual awarding of the bid to him and that he had, for example, an opportunity to withdraw and also to obtain his bid bond back; in other words, no penalty attached to it. Mr. Farrell of the Construction Company, realizing that we were going to recommend the awarding of the contract and not let him reform his bid, the company felt that the bid was a good bid and that our practice this was the thing to do. He decided to withdraw his bid and not be considered any longer. The next low bidder is approximately \$13 million or approximately \$2 million over the bid that was submitted by the Farrell Construction Company. We feel that, at this time, we should consider looking at the project and readvertising it and hopefully getting a bid lower than the second low bidder and by looking at alternatives of restructuring the bids slightly and we would be better off doing this and this is the reason that led us to the recommendation to you today that we reject all bids and readvertise, and that's basically the synopsis to discussion that led to our discussion.

MAYOR COCKRELL: All right, now then, just to clarify, because there are citizens here. What has happened is that when the bids were opened, the low bidder was above the amount that remains in that bond fund, but even so, you were going to recommend that we take that low bid and you were identifying sources of income to make up the difference; it would have required a Council approval but the Council has indicated a strong commitment to getting this project done. But now, the low bidder has indicated his desire to withdraw the bid and the second low bidder is substantially higher. And in other words, the amount of subsidy from other funds would now be close to \$2 million more that we would have to find in other funds. So, you are recommending that we reject the bids and immediately go out to readvertise and hoping that we will get a bid in that round that would be a more favorable bid than the approximate \$3 million of the second highest bidder, of the

second lowest bidder. Excuse me.

MR. KIOLBASSA: This is correct.

MAYOR COCKRELL: How long will it take in the rebidding process?

MR. KIOLBASSA: We expect that we can advertise within the next week to 10 days, or probably two weeks get the advertisement out, because we would like to pull certain items off and add them as alternates to allow a similar flexibility in awarding the contract. We would probably recommend a three week advertisement since there are several contractors who may have not bid originally in this job because of other bids they had pending; that would now like to bid on it and would increase the opportunity of getting more competitive bids. In two weeks, we feel will be too short of a time to prepare a bid of this magnitude and in three weeks, we feel would be, maybe the minimum time allowed to give the opportunity of the bidder so that we would advertise for three weeks. Depending on the action of the Council today, we will instruct our engineer to prepare the bid package, accordingly, and tell him to get it done with all due haste and as soon as we can get it out, we will.

MAYOR COCKRELL: So, it would be a minimum of 30 days.

MR. KIOLBASSA: Approximately 30 days, we should have bids opened and be prepared to, hopefully come to the Council immediately with the recommendation to award.

MAYOR COCKRELL: I think that we all know and recognize that this project has suffered from several delays and it's been a problem. There were problems in the design and in the final decision as to the right-of-way. And there were problems on acquiring the right-of-way and various things that have piled up, and we are not looking for anymore delays, but with the problem caused by the withdrawal of the low bid, I can certainly understand your recommendation to go out for a re-bid and see if we can do a little better than that second high bid.

MR. KIOLBASSA: Yes madam. I might want to point out one other thing, too. The commitment was made by the previous Council and we had promised the citizens in that area that we would maintain that channel, in other words, cut the trees down, and try to maintain as much, as best possible flow. We of course, have not made a major effort in that area now because we anticipated the contract going to bids and that's with the apparent additional 30 day delay, we will be moving our forces into that area to do the necessary clean-up because as we know, the rains have finally come and we will again increase our efforts in that area to maintain that channel as best we can.

MAYOR COCKRELL: All right, Mr. Thompson.

MR. ROBERT THOMPSON: I didn't get clear in my mind what happened to ~~the~~ bond, the low bidder's bond. Did he lose that?

MR. KIOLBASSA: We still have the bond, basically and I'll let Ms. Macon answer that question, basically under the case law that she has and the opinion that she has given us, that we have to return the bond to them if they request it. And I will probably yield to Ms. Macon and she can explain to you the law in this matter.

MS. JANE MACON, CITY ATTORNEY: Basically, under a bid bond, it is contingent on the City accepting the bid and the City has not accepted the bid and the bid was withdrawn prior to acceptance and the cases including the Texas Supreme Court have ruled, that at that point, there is no bid before the Council, as from that particular contractor.

MR. THOMPSON: Okay, so we opened the bids, his was the low one and we did not accept it.

MR. KIOLBASSA: Yes, sir.

MR. THOMPSON: At that instant, when we did not accept it, he then has a right to withdraw it until we accept it. Is that correct?

MS. MACON: That's correct.

MR. KIOLBASSA: That's correct.

MR. THOMPSON: And if he does so, his bond is not affected in any way affect

MR. KIOLBASSA: As I understand Ms. Macon's opinion, yes sir. Which one thing that we will definitely do is that we are going to look at the way we structure our bid bonds and try to place in that bonding some mechanism that we can penalize a person whether through the bid bond process or some other mechanism where we can get some type of guarantee, or some type of penalty, you know, if we have just some arbitrary withdrawal of the bid. And I think that this has not occurred to us before as it has occurred to other public agencies and it just, we just have to put some more insurance in there at least keep the bidders a little more honest and make them do a little better job in preparing their bids so that they don't get caught in this dilemma.

MR. THOMPSON: Well, in this particular case, we could have made a half of a million dollars, if we could have kept him in.

MR. KIOLBASSA: Yes, sir, I agree.

MR. THOMPSON: Now, when did he withdraw that? Last week I was asking
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MR. KIOLBASSA: He withdrew it officially, I think you have to go through the process, he gave us notice basically of error on the 22nd which was the third day after the bids had been opened, we had not finished our tabulations to determine whether that bid

MR. THOMPSON: Twenty-second of February?

MR. KIOLBASSA: Twenty-second of February. Now, he officially exercised the right to withdraw the bid and as I understand the City Attorney's opinion, the fact that he had given us notice of error, whether we had accepted it the following Thursday, or not, March 1 or March 6, he still could have gotten his bid bond back. Is that correct, Jane?

MS. JANE MACON, CITY ATTORNEY: Basically, an acceptance has to be by the City Council and that ordinance has to be passed, and the cases are very strong. There are three levels, one is that you have no contract until accepted by the City Council, so basically, he withdrew his offer and his offer is off the table at this point, so we have, of course, no authority to retain his bid bond and the Supreme Court Case deals specifically with that point.

MR. THOMPSON: What is the bid bond? How would we ever get it then?

MS. MACON: If we accepted his bid, then he refused to perform, then of course, we have . . . that's the purpose of it.

MR. THOMPSON: Well, I was looking at bid and performance. I didn't know where one stopped and the other one began.

MR. KIOLBASSA: And the contractor had indicated there, I think, that he was all along prepared to take some action, this type, prior to City Council action. His action, in other words if it would have been last week he would have been prepared to do the same type, before the City Council had taken option on it. He was prepared since the 22nd of February, to take a withdrawal action It's my opinion, that the contractor probably would have withdrawn his bid and exercised his option if we had done it March 6th, or if we had done it last week, or like we're doing it this week.

MR. THOMPSON: Well, Madam Mayor, we're at a problem and it's compounded from several different directions now, and not the least of which is the fact that we did not have enough money to accept his bid. But, it's gone on. We have gone on about five weeks here, and I guess we've really stewed with this problem and Frank is, I think has ultimately decided that he needs some help. The whole thing has to be flushed out and we have to look at all of the programs. This bringing this whole issue to our attention. One of the things I am disappointed about this one is, that we did let it go for this five weeks. We probably let the best bid go. The best price bid we'd get on this project probably had just left. I don't know how much it's going to cost because we're only going to have to go back and re-bid and see what it comes back in next time. I regret that we have to do that. I don't know what the procedure or mechanism in accepting the second high bid, in this case, apparently you feel that's too high, two million dollars difference, and we're going to go back through some form of incremental or step gradation on the project which apparently will allow us to bid at certain levels. Is that correct?

MR. KIOLBASSA: Yes, we'll bid a base bid, plus we'll take some of the items that are in the bid presently, and bid them as additive alternates, which we could not have done with the original.

MR. THOMPSON: Is that going to be based upon some decisions we might make later today about this entire project?

MR. KIOLBASSA: Yes, sir. It could effect that, how much we do on these additive alternates. . . .

MR. THOMPSON: Is the baseline going to be the \$9 million, we have in hand?

MR. KIOLBASSA: The baseline will be the basic channel that we have to build which would be probably more than the nine million we do have, or counting the sewer allocation to it, the approximately \$11 million we have available, yes, it'll be in that neighborhood.

MR. THOMPSON: Well, not to belabor this, because we're going to have to go over it in a little while, I'd certainly vote to reject the thing but I sure hate to do it.

MR. KIOLBASSA: Well, as I say, what we have done, why we have delayed in coming to you is that because the bid was so good, that we felt that we should make all major efforts, not withstanding the legal aspect to it to come to you with a package to award the contract and we felt the extra weeks of delay in trying to award this low bid, was worth the wait, and moreso, than just automatically rejecting it or trying to and that's been our reason for it because we felt we should do every effort and that's what we've been trying to do. And this is the Thursday, we felt we were prepared to talk to you about funding this thing, that's why we delayed that because we were trying to make those efforts to award that contract, because we felt that it was a golden opportunity. I think Mr. Farrell does not think so, but we do.

MR. THOMPSON: Well, we let him get out, and I'm disappointed in that.

MAYOR COCKRELL: Well, apparently, he had taken action very quickly to put us on notice that he had made an error and that was the indication of his position. Mr. Canavan.

MR. GENE CANAVAN: In discussing, I want to speak very strongly for support of this particular motion on the project. I think that it's the only project left in San Antonio, drainage project, that's definitely a risk for life. I was there in the neighborhood, visited with some of the residents last night, and if you've missed the opportunity, it's just really ridiculous. But I would like to say, that in losing the low bid, I've talked to a number of my clients that are also in the same business and it's very likely that they would have dropped this \$500,000, if that would have been the choice, rather than doing the job because in addition to

the million-two that they left out in excavation, he was still over a million dollars lower than the next bid and there just wasn't that much profit in it for an out of town contractor to come in, so he would have probably just taken his lumps on the bid bond. So, we lost it, I think now that what we are going to be looking at is an alternate bid that reduces the Allena Street Bridge and a couple of other changes that I think staff has worked on, and that's probably what we're going to have to accept; the lesser package, but I certainly did not want it to get tied up in Court for three years. That project needs to get underway immediately, and I know the residents are here to speak to that.

MAYOR COCKRELL: All right, let me just state, I just, so far as I am able to determine, I think the whole Council has been very aware of the seriousness of the problem, in that it is one of the threat to life projects. In fact, as you mentioned, it may be the only major one left. May I call on the Manager.

CITY MANAGER, THOMAS HUEBNER: Yes, the thing that concerns me now with the kind of case law that we've got to deal with is that it's going to put the onus on us, that once we open a bid, that we very rapidly perform our calculations, and get it to the Council, in a minimum amount of time. We're going to have to time our bid openings so that there is adequate time for staff to review and nothing more. So that we don't get stung again, like we have on this one. This has really put us in a difficult situation. And I hope that the Council will understand just what the implications of that is.

MAYOR COCKRELL: Thank you, Mr. Webb.

MR. JOE WEBB: This nine million dollars that we're talking about is all that's left in the 1970 Bond money. Is that correct?

MR. KIOLBASSA: 1974.

MAYOR COCKRELL: 1974.

MR. WEBB: 1974 Bond money. And there is a couple of other projects that will be cut out that the residents in my district are very much upset about; the Cherry Street and Pine Street Drainage. They have been waiting for it for so long; they have been flooded out for years and years and years and if anybody is familiar with . . . talk about a trying experience, I'd like for you to even try Pine and Iowa sometimes after a rain. but at any rate, I realize that this, if you had to put it on a one on one situation, I think the problem with the Olmos would far exceed the other project, however, though, that's pretty hard to explain to a lot of residents who have been out there waiting for this kind of project, so we've got to come up with another seven million dollars plus, but I really wanted to say is that it seems to me that we're not going to get another bid like the one we had.

MR. KIOLBASSA: I would imagine, yes sir, I would think so. I don't expect another bid like that. I expect a bid somewhere in the range, between the low and I would hope between the low and the second low bid.

MR. WEBB: I read your report and I still didn't see where we're going to get the money from.

MR. KIOLBASSA: Basically, we go back to the tables here, we have this thing called Category One and if you would look following those two tables called the Category One Projects, there's a funding plan which is a narrative here, basically, the best way to describe it is a series of borrowing plans, it's a borrowing system in which, what we are proposing is we get into the thing in a "B" Session. It's just a type of mechanism that we're going to be using to arrive at funding or going to construction with those projects which come up and are ready to go, and those which are not or which the Council does not choose to pursue, wants to let go at a slow pace, money would be borrowed from them. And this is basically the mechanism that we're proposing to do. Basically we do it on a system review, a systematic basis, but basically that's the plan that was proposed to do this.

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MR. WEBB: So, basically you're going to take two projects from District 2 and then you are going to turn around and borrow from another project from District 2 in order to get enough money involved to do this project. And I have problems with that, and I'm just telling the Council now that we're going to have problems with that in the future, the whole Council, and I just want to make that as a statement. And I'm looking out for the project and saying that we were going to do in District 2, as well as the total San Antonio. I just wanted to make those observations.

MR. KIOLBASSA: I appreciate your concern, I think we're trying to have a mechanism to deal with that, that's . . .

MR. WEBB: I would also like to add too, that that's not the only district that you are talking about borrowing from, but I just want to speak for mine, because that's who I represent.

MAYOR COCKRELL: Mr. Wing.

MR. FRANK WING: Yes madam, we'll be discussing the borrowing process in "B" Session; right now, we're just dealing with the Olmos Creek.

MR. KIOLBASSA: Yes sir. The only reason that we put it on here because if we had to award the contract, then I think that we would have to had made some decisions on the borrowing mechanism before we could agree to, how we are going to do it. But, since this is a rejection, we can postpone that discussion until a "B" Session.

MAYOR COCKRELL: Mr. Eureste.

MR. BERNARDO EURESTE: Are we ready for the vote?

MAYOR COCKRELL: No, we've got six citizens to be heard on this item.

MR. EURESTE: Okay. What the staff is recommending is that we reject, right?

MR. KIOLBASSA: Yes, sir.

MAYOR COCKRELL: And readvertise. :

MR. WEBB: For a higher price.

MR. EURESTE: And the project be readvertised for bids. And in the readvertisement, will we have money?

MR. KIOLBASSA: We'll have the same money that we have now, which will, in the long run, will probably still be insufficient, we'll probably still have to get to a borrowing plan. Again, it's not. . . we don't have to make the decision, we can do this work it out in a "B" Session, but yes, I would suspect that we'll have to borrow some money.

MR. CANAVAN: Point of information, Mayor.

MAYOR COCKRELL: State your point.

MR. CANAVAN: The Ordinance as I understand it provides for funding of the project and I don't want the Council members to think that we're just looking at 9.6 million dollars. If I understand the way it's read, it does provide for funding.

MAYOR COCKRELL: What we're doing though, is rejecting the bid and authorizing staff to prepare to readvertise.

MS. MACON: If I can clarify the situation for the Council; we're rejecting the bids, we're authorizing the advertising, and then the funding will have to be found at some point in time when you award that contract, so in order to do that, when it comes back to award the contract, just like we're doing today, you'll come back and handle that, but that's why Mr. Kiolbassa says that you don't have to deal with the specifics of it, at this point.

MAYOR COCKRELL: Okay, fine. Mr. Eureste.

MR. EURESTE: Why don't we just vote to reject and then come back with another ordinance to go ahead and readvertise the bid until we can settle this matter of dollars? How can we go out and readvertise and someone is going to come in with something that is grossly out of line with what is even available. How much do we have in the till right now?

MR. KIOLBASSA: Basically, combined, the sewer revenue fund and the bond fund is 11.46. Eleven million and four hundred sixty thousand dollars.

MR. EURESTE: And how much do we need?

MR. KIOLBASSA: If we are talking about this particular bid that we're dealing with, about 850 thousand dollars.

MR. EURESTE: We're short . . .

MR. KIOLBASSA: if we were going to award Farrell's low bid, I would suspect we are probably talking in the category of possibly a million and a half, and we have readvertised at least . . . that's just my, based upon inflation and the other elements of concern.

MR. EURESTE: Maybe I don't follow, don't listen good enough, I'm totally confused; I'm confused, you see, because all, unless there's something else, is there something else in our packet on this?

MR. KIOLBASSA: Well, this was given out this morning. Basically, the report that you received which was the large report, had recommended that we award the low bid.

MR. EURESTE: This here?

MR. KIOLBASSA: Yes, sir, that recommended that we award the low bid as submitted and since that was prepared and distributed, we had received the notification from Mr. Farrell, which again, that's why the supplemental, the short memo was sent out to advise you of that. It was a correct recommendation.

MR. EURESTE: Okay, would there be a problem if we were to just go ahead and reject the bid and get that out of the way and then come back for the "B" Session discussion where we are going to talk about all the cost over-runs that we've got? And then give direction from there?

MR. KIOLBASSA: Yes, as far as the readvertisement is concerned, I don't think we need a direction as part of the ordinance, we definitely need a rejection . . . in other words an Ordinance to reject and that's key, whether we need that for readvertisement, I don't . . .

MS. MACON: The Ordinance's draft authorizes the readvertisement and in order to save time, basically what you're doing is turning it down and readvertising and the Council will deal with the mechanisms that you are going to handle, not only this project but all the other projects. So, today, you're just handling that in substance.

MR. EURESTE: Okay, thank you.

MAYOR COCKRELL: Mr. Wing.

MR. WING: Just to clear the rebidding process, during the rebidding process, you're going to be working, try to work within X number of dollars, and then use a phase approach on the bidding process, like the basic bids, plus alternatives, A, B, and C, which is nothing new as far as . . .

MR. KIOLBASSA: Nothing new, my feeling right now is that even with 11.4 million dollars, we will still need more than that to do the base bid. I think that's a fair statement.

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MAYOR COCKRELL: The Chair would like to ask, I keep going back the bid that you say is the second low bid, \$13 million what?

MR. KIOLBASSA: \$13,800,000.00

MAYOR COCKRELL: Eight? Then it's nearly 14 million.

MR. KIOLBASSA: Fourteen million, yes madam. And you would have your construction contingencies, necessary engineering fees, and what not . . .

MAYOR COCKRELL: The question that was in my mind was whether, I don't know if it's legally possible, whether it was legally possible to accept that bid but under the condition that we could delete certain portions of it that you would have not have put in your base bid, you know, for the next round. And I guess that wouldn't be possible legally, would it?

MR. KIOLBASSA: Well, yes, we could do that, we could award this to the second low bidder and we could, through series of deletions, through change orders, reduce the base bid, but however, it would not match the funding that we do have.

MAYOR COCKRELL: Thank you, Mr. Canavan.

MR. CANAVAN: I'll pass at this point.

MRS. HELEN DUTMER: Yes, I don't believe that legally could we accept that second bid and delete because that changes the whole character of the bidding process. If you would delete X number of things you could come down to the other bid. Correct me if I am wrong, Madam District Attorney.

MS. MACON: You promoted me, Mrs. Dutmer. I think we would need to be very careful if we followed that mechanism. The bidding process is very specific, it says that you bid what is before you; however, what Mr. Kiolbassa is dealing with is what happens after a contract is let. It's a matter of semantics in that regard, but I think your first analysis is correct.

MR. KIOLBASSA: We have certain limitations in which we can alter a project, there's a certain percentage and we can, for example, change things, or add or delete or correct, in other words, in sidewalks. And there's a legal limitation.

MRS. DUTMER: What I am getting about, getting to is that the contractor that submitted this low bid would say, "Well, had you done those things for me, it would have come within my . . ."

MR. KIOLBASSA: Yes, and that's why I say that we're very particular about what we doing in this area.

MAYOR COCKRELL: All right, well, at this time, we will call on the citizens who have now heard the proposed process. The first is Mr. Dennis McCoy.

MR. DENNIS MCCOY: My name is Dennis McCoy, and what I was interested in, I understand about the bidding process, how we lost the first bid, but when we go advertising for another bid, what would happen or apparently, we are going to put in some alternates, in there, and who elects what is going to be an alternate and what isn't going to be an alternate?

MAYOR COCKRELL: That would be the responsibility of the Public Works Department and what I understood Mr. Kiolbassa to say, is that the basic flood control work is the base bid, in other words, there is no question that that has to be done. And I would presume that the only alternates would be any thing over and above the basic flood control channel work that might be, that could possibly be let at a later time. For example, the possibility that one bridge or something like that might be a later addition.

MR. MCCOY: Would you say, always with a drainage project, you start at the mouth and work up, I would assume.

MAYOR COCKRELL: The total drainage part would have to be included.

MR. MCCOY: You come up two-thirds of the channel or what . . .

MAYOR COCKRELL: Let me let Mr. Kiolbassa identify how he would determine the base.

MR. KIOLBASSA: The bid was from San Pedro to Montview to include the Montview Bridge, the base bid would be from San Pedro to Montview; the alternates that we would propose is deletion of the Allena Street Bridge, which would be a brand new bridge; it's not essential for the flood control aspects of the project. Another alternate would be the deletion of the pilot channel, it's not desirable from the maintenance standpoint, but it's not essential to the flood control aspects of the project. There are certain sub-systems which drain the, some of the adjoining streets into the channel. They're desirable and needed, but again, if it came to the point of not doing the basic channel, I think that there's no question, this is something that we could pick up at a later date, but these are the three things that we would propose to add as additive alternates. They are not essential, they are not key to getting the waters from out of the houses.

MAYOR COCKRELL: Yes sir. Did that answer your question?

MR. MCCOY: I believe it did. The one thing that I was interested in, is the Rocky Creek area. Is that considered the major . . . In addition to that, it would take us at least two years to get to that Rocky Creek area, anyway, so basically, we could award the contract and we have basically two years before we can even move ahead, north of Montview.

MR. KIOLBASSA: No.

MAYOR COCKRELL: Thank you, the next person is Larry Johnson. No, I'm sorry he was on a different subject. Mr. Bob Barrett, on the item 40. (He did not respond) Mr. Eddie Palacios.

MR. EDDIE PALACIOS: Madam Mayor, Councilmen, Councilwoman, I was here two years ago, when we were flooded and the response that I got from each and every one of the Council people, was tremendous because of the fact that I had never seen the unity, when Mr. Eureste is proposing street projects in his district and Mr. Wing, Mr. Webb, Mrs. Dutmer, Mr. Thompson, all of the Council people, willing to do their job for their district, I appreciate when District 9, which I belong to, Mr. Van Archer, came and everybody rose to the occasion, because we were hurt in a flood, we were seriously hurt, and the response of each and everyone of you, I appreciate. The reason I am here is because I realize exactly what's going on, rejecting the bid and all that, but in the meantime when it comes up for consideration, I want the same unity, I would appreciate the same unity, Mr. Van Archer to each and everyone of these people so that we would be able to carry the project that is so desperately needed in District 9. And when you propose to go to Blanco, just to pick up monies to throw on Blanco Street and Jones Maltsberger, here I was flooded, I lost \$10,000.00 and Blanco, I drive it up and down, it's in good condition. Jones Maltsberger, is in good condition, I'm wondering how much research is done in the districts, like Mr. Eureste and all of the other fellows that put in. I appreciate Mr. Pyndus and Mr. Canavan coming to the occasion. And when you are talking that you have good streets where the Mayor lives, I appreciate that too, but I also don't drown where the Mayor lives, and this is what I want to leave with you, that Kroeger Grocery Store was awarded right above my property and it elevated the property so now, all that water is going to be draining into my area. So, I'm asking that we get the bulldozers over there, the City bulldozers and start making that channel just wider, just moving the dirt, temporarily because somebody awarded and they promised that no commercial property would be awarded at the time and now it's right above the situation, right where we got flooded, so we can get flooded more. Now, who awarded that?

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MAYOR COCKRELL: I'm sorry, we're going to hold that for the zoning. I think there's a reason for that.

MR. PALACIOS: Okay, whether the reason is there, the property is there, okay, so what I'm saying is that if we continue to work in the beautiful unity that these people rose to the occasion when we were hurt in District 9, and Mr. Canavan's District, at that time, it was Mr. Pyndus. When you show that type of unity, then we can all get help Thank you.

MAYOR COCKRELL: Thank you, sir. Don Kelly.

MR. DON KELLY: Madam Mayor and City Council. My name is Don Kelly, and I live in one of those houses that water runs through on occasion. I try to control my own destiny as much as possible. I'm a pilot by trade, and that's a pretty good idea in that occupation. But I have a lot of trouble controlling the destiny of the water coming through my doors, every once in a while. It's also very hard for me to believe that I'm standing here in 1980, and we're talking about a bond issue that was funded in 1974. Well, that's all water over the bridge. Well, in this case, it's water under the bridge, around the bridge and over the bridge. Okay? Now, there's been many delays on this project, as most of you know. Some of them, unavoidable, some of them, I feel were certainly voidable. That's also not, well, if we can't avoid them, that's the way it is. If we're at this point now, where I certainly would like something be done about this project. Luckily, at this point, all there has been is property damage. There's been some pretty close calls with some people and in fact, I know of one young man, I just heard about him that had to grab onto my wooden fence, or he would have been downstream in the water. I personally have collected about well, I think a little over \$30,000. from insurance damages, since I have owned that property. The insurance company has not renewed my personal property insurance and at this time, I do not have any. It's becoming economically, not just economically, but mostly mentally impossible for me to live in that house anymore. And as you can see, I have emotion on my face at this time and you see how I feel about this project. I don't want to talk about promises that have been made, I want the work pressed forward at this time. I don't want an answer from you at this time, but I want to leave the question in your mind, "What are you people going to do for us?" Thank you.

MAYOR COCKRELL: Thank you. Pat Kelly.

MS. PAT KELLY: I am Pat Kelly, Madam Mayor and Council people. First, of all, I can't believe I am standing here again. We were assured a year and a half ago, that the money was available for our contract. All we needed was the right-of-way. After being assigned the contract, we followed the project closely, meeting with the City Engineers and often getting a report on acquired property, going over the plans to assure us that everything was in order. I did not realize at the time that I was getting a little 'OJT' in drainage engineering. We always believed that the funds were there because we were told that when we had our meeting at Robert E. Lee High School and right here at the Council. We were told "the money is there." After the property was acquired, that was possible it was referred to the Legal Department for condemnation suits that we feel were handled too slowly. Some had been referred in April of 1979 and when we made our first contact, our first appointment with them in September of 1979, not one had been touched. I feel like this project has been put on the shelf, one too many times. On the schedule we received on September 21st, it states that there are \$7,200,000.00 in this fund for our project, and I have a little note written that someone made mention, "with interest, this should cover your project." We also were told that the project would start August, September, 1979. And this was padded with four months so that we would not be disappointed, if it went longer. We are now seven months over that "padded" period. Disappointed, is not descriptive enough, as to how we feel. If the difference is of funding from another source, I feel like you wasted a year and a half of my time, coming in and checking up on this for our community, plus you paid salaries to all of these employees from our taxes, to acquire the right-of-way. Referring again, to this report that I received, number 1, Oh, I was going to ask Mr.

Kiolbassa if he would proceed to clear again. But he's already answered that question. We're dealing most importantly with lives. We have three schools in our major area; Jackson-Keller, Nimitz, and Robert E. Lee High School. The water was swift enough, it washed a bus off the road, fortunately, no one was hurt. The water rose on the bridge at 7:15 A.M., fortunately, it was not 8:00 A.M. when the streets and Montview Bridge are covered with school children, going to school. The streets become literally a raging river, as you saw in the News, at the time of our flood. I can describe this to you and you will have a mental picture as I am saying it. But I would never be able to describe the fear and the anxiety of those living in the homes, or parents who have sent their children off to school, only to learn that the Olmos Creek flooded again. And they have no accessible route to that school in any direction to find that their children are safe. Once they are at school this makes no difference, they're not any safer because now the schools are on an island. Nothing has changed in a year and a half. I can now only repeat my statements that I made a year and a half ago. When I was a child, my home was a place to feel safe in the storm; our children feel safe when they've left their home. And may I direct a question to Mr. Kiolbassa, please?

MAYOR COCKRELL: You may ask and then the Council will direct the question.

MS. KELLY: All right, thank you. He stated that this rebidding would be advertised in a period of a week to ten days and then the period of rebidding would take three weeks. I understand that, but we are looking at about 30 days, after that period, what time span are we looking at before the project actually starts from the time the contract is awarded until we see equipment.

MAYOR COCKRELL: All right. Will Mr. Kiolbassa . . .

MR. KIOLBASSA: Basically, what the contract has authorized, we offer to the contractor, he signs the contract and normally we issue a work order which is, we hold a pre-construction conference, we can compress as much as possible. It takes two weeks before that happens and then he has, once the work order is issued, he has seven days in which to mobilize on the job, must start work within seven days. Now, how fast he actually excavates the channel, that'll be the situation at the time. If he can get in there right away, he can start work. But that's basically, how it works.

MS. KELLY: So we're looking at August, September 1980.

MR. KIOLBASSA: No mam, probably in June, work will start, at the latest.

MS. KELLY: Thank you.

MAYOR COCKRELL: And then the Council's task between now and when the bids come in, we'll be meeting tonight, for example, to review how we reallocate or consider reallocation by borrowing of funds, not just for this project, but for several others. We have all been hit by this tremendous impact of inflation; the very high rise in construction cost. And it has affected, not just this project, but some others also. And so, we have to determine just how we will address setting priorities because there are not enough dollars in the budget for the projects scheduled to be handled. This one, for example, we're going to make every effort, and so far as I am concerned, it has my total commitment to get it handled, but it does mean, as Mr. Webb pointed out that there were two other projects that were funded in the 1974 Bond proposal that will slip out entirely of funds in that proposal because the 1974 bond package money will be all spent. That means for the two projects that Mr. Webb mentioned, we are going to have to identify again, alternative funding and it's a very difficult thing when we've had the kind of inflation running now at 18% or whatever, that we've had in recent years. I think the projections were made on what was the best estimate at the time but they've not held true. It is true that this project has had delays, I wish very much that it hadn't, as far as the

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Council is concerned, we've done everything we know how, but in the process, there have been some things that the staff has encountered that I'm sure has taken them longer and I know they're very hard-working and try very hard, but it just has been a matter of unanticipated delays, but we will rebid, assuming the vote, and between now and then, have to identify additional funds as needed for the base bid and hopefully, to take care of the other contingencies.

MS. KELLY: Thank you.

MAYOR COCKRELL: Yes mam. The next person is Ron Brunner. Oh yes, we had a couple of questions, I'm sorry. Ms. Kelly, I believe there was a question for you. Dr. Cisneros.

DR. CISNEROS: I just have a question for you, well actually, two questions for you, back when you all came here in September of 1978, some interim measures were promised that would serve to hold off the situation where it was repeated immediately because there was another storm promise of cleaning of the channel and some of those sorts of things; an interim situation and they were done at that time. Where does that stand, now. Is there any cleaning of the channel that would help the short-run.

MS. KELLY: Any cleaning of the channel always helps us. And that's . . .

DR. CISNEROS: What's the status of it right now.

MS. KELLY: It needs to be cleaned, as soon as springs arrives and the growth starts, naturally it starts growing up and it cluts around the bridges. Our bridges are not large enough to handle the water and the Mountview Bridge acts as a dam as that water backs up.

DR. CISNEROS: With spring coming, and the heavy rains that come in the spring, often in April, in order to avoid another September type situation now, even before construction gets underway while all this is happening. That maybe we ought to, Mayor, take a look at whatever

MAYOR COCKRELL: Mr. Kiolbassa said that he would that.

MS. KELLY: Yes, I had talked to him earlier.

DR. CISNEROS: And the second question is that, it's raining the last couple of days, it's been raining all day today, and I don't know if it's amounted to very much, in terms of the inches that are falling, but what, just to give me a feel for it, what is the status of the situation out there like, today. Is there a lot of water in the channel.

MS. KELLY: Well, I have not been home all day, today, so I really can't answer that question. If we have a rain such as we have had where it just waters our garden nicely, then it's all right, but if we have rain where we get an inch an hour, first our street is flooded and you cannot get out of the driveway, there is no way out of the home. When it first happened, I took my children out across the front yard in the car because there was no way to go out any other way. So, once we start having an inch an hour, then that water builds up.

DR. CISNEROS: Okay, thank you very much.

MAYOR COCKRELL: All right, Mr. Webb.

MR. WEBB: Not to her, I'll wait.

MAYOR COCKRELL: All right, Mr. Steen.

MR. STEEN: I just want to say to Ms. Kelly and the other people up here representing her neighborhood, that I was on the City Council, of course, when they appeared before. I think eight of eleven members of the Council were here and I think we have three people on the Council that were not here at that time. I just want her to know, I'm still 100% for her project and I think it's a most needed project in that part of town, as far as drainage is concerned and whatever I can do personally, to help

speed up the process, I certainly will because I know that area very well and I know they do need help and I'm 100% for them and I do apologize for the great delay that you had. I think the only reason that you've been safe these last few months is the fact that we are in here in a kind of a drought period. We just haven't had any rain. And that's what saved you.

MS. KELLY: But now, we start getting nervous again.

MAYOR COCKRELL: We will ask Mr. Kiolbassa to move very quickly on his plans to go into another clean-up and improvement, even though temporary in nature, will help in the interim period. Ron Brunner. Is he here? All right, well, we now have the motion to reject the bids and to readvertise, Mr. Webb.

MR. WEBB: That does end the citizens to be heard?

MAYOR COCKRELL: On this issue, yes.

MR. WEBB: I just want to point out once again, I'm having a little difficulty with the figures. We do not have the money for the Olmos Project. Is that correct? The money out of the bond issue is not sufficient to cover the project, is that correct?

MR. KIOLBASSA: That's right.

MR. WEBB: Along with two other projects that were funded in the 1974 bond issue, which is the Pine and Cherry Street Drainage Projects.

MR. KIOLBASSA: That's correct.

MR. WEBB: And if we would do those, I want to know how much money approximately do we need, twenty million?

MR. KIOLBASSA: Approximately.

MR. WEBB: That's all I wanted to say.

MAYOR COCKRELL: All right, Mr. Canavan.

MR. CANAVAN: I was just going to mention, I am not familiar with the project, but Lone Star Drainage, which was a project in the 1970 Bond Issue. The money is presently under construction, the money was used for the 1974 Bond Issue, as well as the Sierra Drainage Project, which there was no allocation at all, for that. It was just brought in and I'm not opposed to that, I just want you all to be aware that not all the money from the 1974 Bond Issue has gone to projects from the 1974 Bond Issue. One was from 1970 and I think there were one or two that were added later.

MAYOR COCKRELL: Well, let me ask for a clarification from the staff on that issue.

MR. KIOLBASSA: If you'll turn to the second page on the report that we have a listing of all projects that we have that were funded using 1974 Bond funds, basically, you have the bond funds itself, plus of course, there was a bond sale, there's the administrative cost of bond sale and whatnot. There are three projects, Sierra which was \$1,627.00

MR. CANAVAN: No, one million sixty.

MR. KIOLBASSA: Oh, excuse me, okay. Actually, it should be, it's only \$1,627.00. We missed that typographical error. The Lone Star Drainage Project was 2.2 million dollars taken from the 1974 bond issue, and finally, \$875,000.00 was used for Olmos Dam Construction, the City's participation in that project.

MAYOR COCKRELL: Thank you. If there's no further discussion, we have the motion pending, those in favor say, "Aye", any opposed, "No," the motion carried and then we will have the "B" Session discussion.

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AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

80-16 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Wing, seconded by Mrs. Dutmer, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

AN ORDINANCE 52,021

ESTABLISHING AN ENERGY CONSERVATION TASK FORCE SPECIFYING ITS DUTIES AND APPOINTMENT MEMBERS THERETO.

* * * *

The following persons are hereby appointed to the task force for two year terms:

Herbert Hoffman
Barbara Banker
Danny Deffenbaugh
Felix Yruegas
Howard Rogers
Vincent J. Chacon III
Carl Henry
Alex Viera
Eugene Ames Jr.
H.B. Johnson
John T. Manzi

80-16 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Alderete.

AN ORDINANCE 52,022

SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY, AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO PUBLISH NOTICE OF SUCH PUBLIC HEARING.

* * * *

AN ORDINANCE 52,023

SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING OF THE PROPOSED ANNEXATION OF CERTAIN PROPERTY, AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO PUBLIC NOTICE OF SUCH PUBLIC HEARING.

* * * *

MS. GLORIA HINOJOSA

Ms. Hinojosa, 107 E. Carson, spoke in support of Archbishop Flores' stand in the matter of the selection of the Police Chief. She stated that she was disappointed in that selection. She presented the Council with petitions bearing 500 signatures also in support of Archbishop Flores.

Mr. Eureste stated that many persons that he represents have spoken in support of the Archbishop's stand.

REVEREND S. CLIFTON BYRD

Reverend Byrd, Director-General of the Texas Emancipation Day Commission, read from a prepared statement, (which is on file with the minutes of this meeting). He stated that June 19, 1980 will be the first "Emancipation Day in Texas", an official State holiday. He asked that the City of San Antonio proclaim the week of June 15-22 as "Freedom Week" in San Antonio, and asked that a proclamation be issued to the Texas Emancipation Day Commission. He also urged the citizens to focus their attention and efforts on freedom for all. In addition, he requested that each Council member and the Mayor provide both a photo and message to be published in The Emancipation Historical Journal for the Texas Black Heritage Juneteenth Festival to be held June 19-22, 1980.

The Mayor asked the City Clerk's Office to be in touch with Reverend Byrd, concerning the proclamation requested.

Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Dutmer presided.

MR. LARRY JOHNSON

Mr. Johnson, Chairperson of the Handicapped Access Advisory Committee, read to the Council a report of the Committee's major activities since its last report in November, 1978. (A copy of this report is on file with the minutes of this meeting). A portion of the report was printed in braille.

Dr. Cisneros then asked about programs for the deaf and how they handled emergency services.

Mr. Roy Montez, Director of Citizen Action and Public Information responded that a special teletype unit called a TTY will be set up in the Citizen Action Office to handle complaints from hearing-impaired citizens.

In response to a question by Dr. Cisneros, Mr. Johnson stated that the Committee was working to make parks accessible to everyone and does not want separate facilities for handicapped in all parks.

Mr. Johnson then complimented the cooperation by the Handicapped Access Office with the Committee in helping make for a successful overall handicapped access program.

Mr. Louis Fox, Assistant City Manager, commended Mr. Montez, Ms. Judy Babbitt, and the Handicapped Access Office in securing and generating positive publicity for San Antonio through its efforts to work with the handicapped.

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In response to a question by Mr. Thompson, Ms. Judy Babbitt, Coordinator of the Handicapped Access Office, explained that regular public information to the handicapped community carries this information.

In response to a question by Mr. Alderete, Mr. Johnson responded that the Handicapped Access Advisory Committee is now forming a transition plan report for Washington.

At this time, Mr. Alderete made a motion asking the City Manager to identify sources of possible funding to supplement programmed Community Development Block Grant funds to finance the Handicapped Barrier Modification Program, noting that the Program is some \$230,000 short. Mr. Thompson seconded the motion.

Mr. Canavan expressed his concern about finding more monies for programs, when the City is facing a \$5 million budget deficit this summer.

Mr. Steen concurred with Mr. Canavan's remarks.

After discussion, the motion made by Mr. Alderete, carried by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen; NAYS: None; ABSENT: Cisneros, Cockrell.

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MR. DAVID GILDART

Mr. Gildart, 3702 Trailway Park, spoke in support of a volunteer fire department from Green Springs Valley. He expressed his appreciation that the City of San Antonio wants to provide fire protection to the area, but stated that 85% of the residents have now pledged support for volunteer fire department. He stated that Hollywood Park has agreed to a 60-day extension of a current fire protection contract with Green Springs Valley, and asked that the City Council halt the current annexation move.

Mr. Fernando Cuellar, Principal Planner with the Planning Department, reported on the current status of annexation, stating that the Council will receive a memorandum shortly on a recommended public hearing date of April 17. He provided a brief history of the annexation efforts, pro and con.

Mr. Canavan stated that he doesn't favor annexation. He stated that the City cannot provide effective fire protection at this time.

Mr. Steen stated that it was his understanding that a public hearing date would be set in order to hear from both sides at the same hearing.

Mr. Wing stated that the Council can stop the annexation hearings at anytime it wishes.

Assistant City Manager, Louis Fox, stated that survey cards have been mailed to all homeowners of Green Springs Valley for their comments on annexation, pro and con. He stated that the report to Council would be forthcoming when the cards are validated and compiled.

Mr. Eureste stated that he favors postcard poll.

Mrs. Dutmer commented that the Council should wait for the postcard returns, meanwhile, have the item put on Council's next "A" Session.

MS. MARIA DOMINGUEZ

Ms. Dominguez spoke against the rule restricting speakers to five minutes. She also asked about the Hildebrand Drainage Project.

Mr. Rolando Bono, Assistant to the City Manager, stated the project is still on-line for construction.

MR. DAVID C. GARCIA

Mr. Garcia stated that the Mexican-American Cultural Center has received a grant from the National Endowment for the Humanities. (The letter submitted by Mr. Garcia, is on file with the minutes of this meeting.) Mr. Garcia asked the Council to waive fees for renting facilities in the Market Square for presentation of a program there.

Mr. Rolando Bono, Assistant to the City Manager, stated that a report would be forthcoming to the Council in a week on the subject, and a copy would be forwarded to the Mexican-American Cultural Center.

80-16 The Clerk read the following Letter:

March 21, 1980

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

The following petitions were received in my office and forwarded to the City Manager for investigation and report to the City Council.

March 13, 1980	Petition submitted by Mrs. Susan Wallace, requesting that certain names be removed from the Green Springs Valley petition for annexation.
March 13, 1980	Petition submitted by Ms. Nancy Johnson, requesting that certain names be removed from the Green Springs Valley petition for annexation.
March 17, 1980	Petition submitted by Mrs. Susan Wallace, requesting that certain names be removed from the Green Springs Valley petition for annexation.
March 19, 1980	Petition submitted by Mr. Sam V. Snell, requesting that eleven additional households be added to the Green Springs Valley petition for annexation.
March 19, 1980	Petition submitted by Mrs. Susan Wallace, requesting that certain names be removed from the Green Springs Valley petition for annexation.
March 20, 1980	Petition submitted by Ward T. Blacklock, Jr., requesting annexation for Churchill Forest Subdivision.
March 21, 1980	Petition submitted by Mrs. Susan Wallace, in opposition to annexation of Green Springs Valley. /s/ NORMA S. RODRIGUEZ City Clerk

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There being no further business to come before the Council,
the meeting was adjourned at 6:55 P.M.

A P P R O V E D

Lila Cockell

M A Y O R

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