

REGULAR MEETING OF THE CITY COUNCIL
- OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MAY 9, 1991.

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The meeting was called to order by the Presiding Officer, Mayor Lila Cockrell, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, VERA, WOLFF, LABATT, HASSLOCHER, COCKRELL. Absent: NONE.

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91-20 Invocation - Reverend James Hill, Valley Hi Church of the Nazarene.

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91-20 Pledge of Allegiance to the flag of the United States.

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91-20 Minutes of the March 14, 1991 Regular City Council meeting were approved.

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91-20 CZECHOSLOVAKIAN AMBASSADOR TO MEXICO

Mayor Cockrell introduced Mr. Radomir Jungbauer, Ambassador to Mexico from Czechoslovakia, and spoke briefly to his background, a copy of which is made a part of the papers of this meeting. She welcomed him to City Hall, and read the formal proclamation designating him an Alcalde de La Villita. She then presented him with the proclamation, an Alamo pin and a copy of "Asi Es San Antonio".

Mr. Hasslocher presented the ambassador's wife with a La Villita plate.

Ambassador Jungbauer thanked the Mayor and City Council for the warm reception and spoke to the differences between San Antonio and Mexico City. He then spoke briefly to reasons for his trip to San Antonio.

Mrs. Dutmer, Chairperson of the Council's International Relations committee, welcomed the ambassador and his wife to San Antonio.

91-20

"AT YOUR SERVICE" AWARD

Mr. Alex Briseno, City Manager, spoke to the background for this award and introduced Mr. Cipriano "Soapy" Rodriguez and spoke to his background as a City of San Antonio employee.

A videotaped presentation addressed his accomplishments and job duties.

Mayor Cockrell and Mr. Briseno jointly presented the Certificate of Award to Mr. Rodriguez and congratulated him.

Mr. Rodriguez thanked the Council and City Manager for this award.

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91-20

DEFENSE LANGUAGE INSTITUTE STUDENTS

Mayor Cockrell introduced a group of students from the Defense Language Institute, Lackland Air Force Base, present in the audience to observe local government, and welcomed them to City Hall.

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91-20

ADAMS ELEMENTARY SCHOOL STUDENTS

Mayor Cockrell recognized the presence in the audience today of a group of 5th grade students from Adams Elementary School, and welcomed them to City Hall.

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91-20

NEW DIRECTOR OF ECONOMIC DEVELOPMENT

Mr. Alex Briseno, City Manager, introduced to the City Council Mr. Clinton Bolden, Jr., newly-named Director of Economic Development for the City of San Antonio, recently employed in a similar capacity for the City of Oakland, California. He spoke briefly to Mr. Bolden's background and record of accomplishment, noting that he was one of some 500 applicants for the position, and will begin work for San Antonio on June 17, 1991.

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91-20

SWEARING-IN OF COUNCILMAN LABATT

City Clerk Norma S. Rodriguez administered the Oath of Office

to Mr. Labatt, newly reelected to another term on the City Council from District 9.

Members of the City Council congratulated Mr. Labatt on his victory.

91-20 CONSENT AGENDA

Mr. Hasslocher made a motion to approve Agenda Items 6 through 26, constituting the Consent Agenda, with Item 25 to be pulled for individual consideration. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Wing, Thompson.

AN ORDINANCE 73,587

ACCEPTING THE PROPOSAL OF INFORMATION ACCESS COMPANY TO RENEW THE MAGAZINE COLLECTION SUBSCRIPTION FOR THE CITY OF SAN ANTONIO PUBLIC LIBRARY FOR A TOTAL OF \$10,700.00.

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AN ORDINANCE 73,588

AUTHORIZING PAYMENT TO LEDERLE LABORATORIES FOR EMERGENCY PURCHASE OF DTP AND OPV VACCINE FOR THE CITY OF SAN ANTONIO HEALTH DEPARTMENT FOR A TOTAL OF \$9,179.70.

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AN ORDINANCE 73,589

APPROVING CHANGE ORDER NO. 4 PROVIDING FOR A DECREASE TO THE CONSTRUCTION CONTRACT WITH VIDEO INDUSTRIAL SERVICES, INC. IN THE AMOUNT OF \$74,781.25 AS IT RELATES TO THE MANHOLE REHABILITATION CONTRACT 1 PROJECT; AND AUTHORIZING THE EXECUTION OF THE CHANGE ORDER.

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AN ORDINANCE 73,590

APPROVING CHANGE ORDER NO. 3 PROVIDING FOR A DECREASE TO THE CONSTRUCTION CONTRACT VIDEO INDUSTRIAL SERVICES, INC. IN THE AMOUNT OF

\$77,868.05 AS IT RELATES TO THE MANHOLE REHABILITATION CONTRACT 3 PHASE A PROJECT; AND AUTHORIZING THE EXECUTION OF THE CHANGE ORDER.

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AN ORDINANCE 73,591

APPROVING CHANGE ORDER NO. 5 PROVIDING FOR A DECREASE TO THE CONSTRUCTION CONTRACT WITH VIDEO INDUSTRIAL SERVICES, INC. IN THE AMOUNT OF \$15,986.00 AS IT RELATES TO THE MANHOLE REHABILITATION CONTRACT 3 PHASE C PROJECT; AND AUTHORIZING THE EXECUTION OF THE CHANGE ORDER.

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AN ORDINANCE 73,592

APPROVING CHANGE ORDER NO. 7 PROVIDING FOR A DECREASE TO THE CONSTRUCTION CONTRACT WITH VIDEO INDUSTRIAL SERVICES, INC. IN THE MAOUNT OF \$54,455.25 AS IT RELATES TO THE MANHOLE REHABILITATION CONTRACT 5; AND AUTHORIZING THE EXECUTION OF THE CHANGE ORDER.

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AN ORDINANCE 73,593

AUTHORIZING PAYMENT IN THE AMOUNT OF \$22,300.91 TO SACC, INC., FOR EMERGENCY CONSTRUCTION SERVICES IN CONNECTION WITH THE SIPHON STABILIZATION AT THE DEELY STREET EMERGENCY SANITARY SEWER PHASE II PROJECT, CONSTRUCTION SITE; AUTHORIZING PAYMENT OF \$3,380.00 TO NORRIS, RONNFELDT, ARANDA, JOINT VENTURE FOR ENGINEERING SERVICES IN CONNECTION WITH THE SAME PROJECT; RATIFYING WORK ALREADY PERFORMED; ACCEPTING PHASE I OF THE PROPOSAL DATED FEBRUARY 25, 1991 AND APPROPRIATING FUNDS.

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AN ORDINANCE 73,594

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH MACINA, BOSE, COPELAND AND ASSOCIATES, INC., IN THE AMOUNT OF \$283,500.00 TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE EAST TERRELL HILLS

SANITARY SEWER REHABILITATION PROJECT; AUTHORIZING \$250.00 FOR BID ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,595

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH HEINEN AND ASSOCIATES, INC. IN THE AMOUNT OF \$39,700.00 TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE RIVER ROAD NEIGHBORHOOD SANITARY SEWER REHABILITATION PROJECT; AUTHORIZING \$250.00 FOR BID ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,596

AUTHORIZING PAYMENT IN THE AMOUNT OF \$107,433.31 TO CEDARS 1182, INC. AS REIMBURSEMENT OF ELIGIBLE COSTS INCURRED IN THE CONSTRUCTION OF THE HUESTA CREEK OFF-SITE SANITARY SEWER OUTFALL PROJECT; AND APPROPRIATING FUNDS.

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AN ORDINANCE 73,597

APPROVING FIELD ALTERATION NO. 1 PROVIDING FOR A DECREASE TO THE CONSTRUCTION CONTRACT WITH CMC ASSOCIATES, INC. IN THE AMOUNT OF \$77,514.00 AS IT RELATES TO THE GUADALUPE LEARNING AND LEADERSHIP DEVELOPMENT CENTER PROJECT.

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AN ORDINANCE 73,598

ACCEPTING THE LOW, QUALIFIED BID OF S.A. WINCO, INC. IN THE AMOUNT OF \$51,822.72 IN CONNECTION WITH THE CALLE SUR (SAN FELIPE TO SAN JOAQUIN) RECONSTRUCTION PROJECT; AUTHORIZING A CONTRACT; AUTHORIZING \$5,182.27 FOR CONSTRUCTION CONTINGENCIES, \$2,176.55 FOR PROJECT OVERSIGHT COSTS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,599

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$157,591.00 OUT OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF ACQUIRING TITLE TO TWO PARCELS IN CONNECTION WITH THE NOGALITOS STREET RECONSTRUCTION PROJECT - BIGFOOT TO FURNISH; ACQUIRING TITLE TO TWO PARCELS IN CONNECTION WITH THE BABCOCK ROAD IMPROVEMENT PROJECT - FREDERICKSBURG TO ST. CLOUD; ACQUIRING TWO PARCELS IN CONNECTION WITH THE BABCOCK ROAD IMPROVEMENT PROJECT - NORTH & SOUTH OF HUEBNER ROAD; ACCEPTING THE DEDICATION OF A TEMPORARY CONSTRUCTION AND GRADING EASEMENT IN CONNECTION WITH THE WETMORE ROAD RECONSTRUCTION PROJECT - THOUSAND OAKS TO CITY LIMITS; AND, ACQUIRING TITLE TO TWO PARCELS IN CONNECTION WITH THE ASHLEY ROAD RECONSTRUCTION PROJECT - BASCUM TO S. FLORES.

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AN ORDINANCE 73,600

CLOSING, VACATING AND ABANDONING A 0.511 OF AN ACRE (22,239 SQUARE-FOOT) UNIMPROVED PORTION OF FERGUSON AVENUE BETWEEN NEW CITY BLOCK 1502 AND NEW CITY BLOCK 1503, SAN ANTONIO, BEXAR COUNTY, TEXAS, WITHIN THE ST. PHILIP'S COLLEGE CAMPUS, AND AUTHORIZING THE CITY MANAGER OR ASSISTANT CITY MANAGER TO EXECUTE A QUITCLAIM TO THE ALAMO COMMUNITY DISTRICT IN CONNECTION THEREWITH.

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AN ORDINANCE 73,601

ACCEPTING AN AGREEMENT WITH THE MISSOURI PACIFIC RAILROAD COMPANY FOR THE PURPOSE OF PROVIDING A TEMPORARY DETOUR ROAD IN CONNECTION WITH THE LA CHAPELLE STREET RECONSTRUCTION PROJECT--NOGALITOS TO S. FLORES; AUTHORIZING THE EXECUTION OF THE AGREEMENT; AUTHORIZING PAYMENT OF AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$500.00 AND APPROPRIATING FUNDS.

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AN ORDINANCE 73,602

AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TOBIN FOUNDATION FOR A \$5,000.00 GRANT TO SUPPORT THE PUBLIC WORKSHOP COMPONENT OF THE "SAN ANTONIO BY DESIGN," A MULTI-COMPONENT, COMMUNITY EDUCATION

URBAN DESIGN PROGRAM TO TAKE PLACE ON MAY 31 AND
JUNE 1, 1991.

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AN ORDINANCE 73,603

AUTHORIZING THE EXECUTION OF A CONTRACT FOR
\$39,852.00 WITH THE TEXAS DEPARTMENT OF HUMAN
SERVICES TO FUND AN INTEGRATED ELIGIBILITY PROJECT
IN THE HEALTH DEPARTMENT; ESTABLISHING A FUND;
ADOPTING A BUDGET; AND AUTHORIZING PERSONNEL
POSITIONS.

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AN ORDINANCE 73,604

CLOSING MARTIN LUTHER KING STREET FROM MARTIN LUTHER
KING PARK TO N. NEW BRAUNFELS STREET ON SATURDAY,
JUNE 29, 1991, FROM 7:00 A.M. UNTIL 11:30 P.M. TO
ALLOW THE ORGANIZATION FOR BLACK UNITY TO HOLD ITS
5-K UNITY RUN.

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91-20 Item 17 being an Ordinance accepting the low bid of
Mannix Construction Company in the amount of \$73,400.00 to provide for
construction services in connection with the Asbestos Abatement of
Vacant Structures Project; authorizing the execution of a construction
contract; authorizing \$185.92 for advertising expenses; and providing
for payment.

Mrs. Dutmer made a motion to approve the proposed Ordinance.
Mr. Martinez seconded the motion.

Mr. Milfred Alexander, A&A Insulation, spoke to his concerns
with the bid on this project and the procedures leading up to the award
for asbestos abatement of vacant structures. He stated his opinion that
what is put into writing must be complied with.

Mr. Joe Aceves, Director of Public Works, stated that staff
must look at the entire bid and noted that simple errors can be
corrected, such as transposing figures from detail-sheets to
bid-response documents. He then spoke to the specifics of this case.

A discussion then ensued concerning the matter of minor errors
in bids and the ramifications of full enforcement of bid specifications.
The discussion also included the legal sufficiency of City actions in
such cases.

Ms. Berriozabal and Mr. Martinez urged that the City's policies on handling and assessment of bid documents be written and made public, because newer bidders may be unfairly affected. A discussion followed concerning "unbalanced" bids.

Mr. Webb spoke to his concerns with transposition of bid numbers and errors made in the recommended bid.

Mr. Webb made a substitute motion to reject all bids and to re-bid this item. Mr. Wing seconded the motion.

After consideration, the substitute motion, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Thompson.

After consideration, the main motion as substituted, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Thompson.

91-20 The Clerk read the following Ordinance:

AN ORDINANCE 73,605

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH GARCIA PROPERTIES, INCORPORATED FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT OF OFFICE 6 AND 7 IN THE CALLAGHAN PLAZA CENTER LOCATED AT 1500 & 1502 CALLAGHAN, AUTHORIZING THE CITY MANAGER OR THE ASSISTANT CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT IN CONNECTION WITH THE WOMEN, INFANTS & CHILDREN'S NUTRITION PROJECT, AND AUTHORIZING AND APPROVING FUNDS IN CONNECTION THEREWITH.

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Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Wing seconded the motion.

Mr. Martinez stated that he would be abstaining from this vote, and briefly explained why.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Thompson; ABSTAIN: Martinez.

91-20 BOY SCOUT TROOP 809

Mayor Pro Tem Wolff recognized the presence in the audience of members of Boy Scout Troop 809, and welcomed them to City Hall.

91-20 ZONING HEARINGS

1A. CASE Z91054 (CC) - to rezone a 0.057 acre tract of land out of Lot 2, Block 1, NCB16668 from "B-2" Business District to "B-3NA" CC Non-Alcoholic Sales Business District with City Council approval for a communication transmission tower, 2385 N.W. Military Highway located southeast of the intersection of N.W. Military and Braesview Drive, being 199.60 feet off of Braesview Drive and 385 feet off of N.W. Military Highway.

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

Mayor Cockrell noted that nine affirmative votes would be required to enact the requested rezoning.

Following discussion, Mr. Wolff moved to postpone action on this rezoning case until June 15, 1991. Mr. Wing seconded the motion. Zoning Case Z91054 CC was postponed until June 15, 1991 by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Thompson, Vera, Hasslocher.

Zoning Case Z91054 CC was postponed until June 15, 1991.

91-20 The Clerk read the following Ordinance:

AN ORDINANCE 73,606

AUTHORIZING PAYMENT IN THE AMOUNT OF \$10,000.00 IN SETTLEMENT OF ALL CLAIMS OF GEORGE SABBAGH AGAINST THE CITY OF SAN ANTONIO.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mr. Labatt seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Thompson, Vera.

91-20 The Clerk read the following Ordinance:

AN ORDINANCE 73,607

AUTHORIZING THE ALLOCATION OF AN ADDITIONAL

\$5,000.00 FOR THE JTPA BLUE RIBBON REVIEW PROJECT AS PAYMENT TO MGT OF AMERICA, INC. FOR ADDITIONAL CONSULTING WORK RELATED TO THE REVIEW AND EVALUATION OF THE JTPA PROGRAM IN THE ALAMO SERVICE DELIVERY AREA.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

Mr. Rolando Bono, Assistant City Manager, explained the request for an additional \$5,000 for consultant's services in the review and evaluation of the Job Training Partnership Act (JTPA) program.

Mrs. Dutmer stated that she would be voting for this, but voiced her concerns with spending more money on this matter.

A discussion then took place concerning the three public forums to be held next week to discuss the three proposed models for adminisatering the JTPA program.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Thompson.

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91-20 The Clerk read the following Ordinance:

AN ORDINANCE 73,608

APPROVING THE REQUEST OF JUAN ALVAREZ TO TRANSFER ONE TAXICAB OPERATING PERMIT ISSUED TO NORMAN POSEY AND TO CHANGE THE TAXICAB COMPANY NAME FROM POSEY CAB CO. TO M.J. CAB CO.

* * * *

Mr. Hasslocher made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Thompson.

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91-20 The Clerk read the following Ordinance:

AN ORDINANCE 73,609

APPROVING THE REQUEST OF ROSALINO C. GARZA TO TRANSFER ONE TAXICAB OPERATING PERMIT ISSUED TO BERTHA VILLANUEVA AND TO CHANGE THE TAXICAB COMPANY NAME FROM J.V. CAB CO. TO ROSSI CAB CO.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Thompson.

91-20 Item 31 being an Ordinance amending Ordinance No. 72881 approved January 3, 1991, by decreasing taxicab flag drop rates from \$1.60 to \$1.45, and by decreasing mileage rates from \$1.10 to \$1.00 was removed from consideration earlier by the City Manager.

91-20 The Clerk read the following Ordinance:

AN ORDINANCE 73,610

APPROPRIATING \$430.00 FROM THE DISTRICT 9 DISCRETIONARY FUND TO HELP THE MONTE VISTA HISTORICAL ASSOCIATION COVER THE COSTS FOR THE REPAIR AND APINTING OF THE BARRICADE AT LULLWOOD AND SAN PEDRO.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mr. Labatt seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Thompson.

91-20 The Clerk read the following Ordinance:

AN ORDINANCE 73,611

AUTHORIZING THE USE OF THE VIETNAM MEMORIAL PLAZA

AND ALAMO PLAZA BY THE SAN ANTONIO POLICE OFFICERS' ASSOCIATION AND THE SAN ANTONIO FIRE FIGHTERS' ASSOCIATION ON FRIDAY, MAY 17, 1991, AUTHORIZING A PARADE PERMIT, AND CLOSING CERTAIN STREETS FOR EVENTS IN ASSOCIATION WITH A WELCOME HOME RALLY FOR DESERT STORM TROOPS AND ALL VETERANS OF MILITARY CONFLICTS.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

Mayor Cockrell spoke of this being the first of several "welcome homes" for Desert Storm troops, as well as honoring all veterans of all the military conflicts of this nation.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Martinez, Thompson.

91-20 The Clerk read the following Ordinance:

AN ORDINANCE 73,612

ACCEPTING \$60,740.00 FROM THE EDWARDS UNDERGROUND WATER DISTRICT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE FUNDING AGREEMENT FOR THESE MONIES TO PROVIDE STAFFING AND NECESSARY EQUIPMENT FOR THE CODE COMPLIANCE DEPARTMENT TO ENFORCE THE PROVISIONS OF ORDINANCE NOS. 72834 AND 73267, LANDSCAPE WATERING, FOR THE PERIOD APRIL 1, 1991 THROUGH SEPTEMBER 30, 1991.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mr. Labatt seconded the motion.

Mr. Martin Rodriguez, Director of Code Compliance, explained the "startup costs" for enforcement of the landscape watering restrictions.

Mr. Labatt thanked the Edwards Underground Water District for the use of their funds in this matter.

Mr. Rodriguez restated the restrictions on the use of watering systems or mechanical devices for watering, and reiterated that the funds involved in this ordinance are coming from the EUWD. He further noted that any fines levied as a result of the landscape watering

restrictions would accrue to the City's general fund.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Martinez, Thompson.

91-20 The Clerk read the following Resolution:

A RESOLUTION NO. 91-20-30

AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH EXCEL COMMUNICATIONS GROUP, INC. REGARDING CONDITIONS FOR GRANTING A FRANCHISE TO OPERATE A CABLE TELEVISION SERVICE WITHIN THE CITY OF SAN ANTONIO.

* * * *

Mr. Hasslocher made a motion to approve the proposed Resolution. Mrs. Dutmer seconded the motion.

Mr. George K. Noe, Director of Management Services, explained the provisions for a Memorandum of Understanding in regard to a cable television franchise. A copy of his memorandum is made a part of the papers of this meeting.

Mr. T.J. Connally, representing Paragon Cable, addressed his concerns for the Council apparently giving Excel Communications an advantage by entering into a Memorandum of Understanding. He stated his opinion that the cable television competition is not achieving its desired results, and he spoke to statistics involved. He stated his opinion that two cable TV operations cannot survive in a single market.

Mr. Navarra Williams, General Manager, Paragon Cable, stated his belief that enacting a Memorandum of Understanding with Excel changes the desired "level playing field" desired by the Council and City staff. He addressed certain aspects of the financial requirements and spoke against rushing into the three public hearings required for a franchise.

In response to a question by Mr. Webb, Mr. Noe addressed the differences in negotiations with Excel and the UA Columbia franchise, and spoke to reasons for those differences, as he sees it.

A discussion then took place concerning "overbuilding" the cable TV system.

In response to a question by Mr. Hasslocher, Mr. Connally discussed rate increases by the existing cable TV franchise since 1978, and noted that rate increases have been less since Paragon Cable

acquired the sytem.

Mr. Hasslocher noted that cable TV rates have risen 140-200 per cent since 1978, and stated his belief that the citizens want the lowest-cost service. He spoke in support for the proposed Resolution.

In response to a request by Mr. Martinez, Mr. Jeff Gangwer, President, Excel Communications, noted that both sides agree to the Memorandum of Understanding involved.

A discussion ensued concerning comparison of data required from UA Columbia and similar data required of Excel Communications.

Mr. Martinez spoke to his concerns with comments made by Paragon, noting that they do not favor competition, in his opinion.

Ms. Berriozabal stated her belief that City staff has been seeking to protect the citizens in this investigation.

Mr. Noe spoke to details of the sequence of events required for a new franchise, culminating with a third and final reading of the franchise ordinance.

Mayor Cockrell spoke of her confidence in the work of the City staff on this matter, and stated her support for the Resolution. She spoke in favor of re-regulation of cable TV franchises at the local level because of the rapid price escalation after de-regulation.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Thompson, Hasslocher.

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91-20 The Clerk read the following Ordinance:

AN ORDINANCE 73,613

AMENDING ORDINANCE NO. 73586 OF MAY 6, 1991 TO CHANGE ONE (1) EXTENDED VOTING POLLING PLACE FOR THE RUN-OFF ELECTION.

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Mr. Wolff made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Thompson Hasslocher.

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City Council recessed the regular meeting to convene in Executive Session at 3:30 P.M., reconvening in regular session at 6:15 P.M.
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91-20 The Clerk read the following Resolution:

A RESOLUTION NO. 91-20-31 .

GIVING DIRECTION TO THE CITY MANAGER, CITY ATTORNEY,
AND OTHER NECESSARY CITY STAFF AND AGENCIES,
INCLUDING THE CITY WATER BOARD, REGARDING THE
APPLEWHITE RESERVOIR PROJECT.

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Ms. Kay Turner, 7535 North New Braunfels Avenue, spoke of the process culminating in the May 4, 1991 vote to stop the Applewhite Reservoir project, and spoke to her interpretation of the law involved, noting that money is being wasted each day that the City Council does not act on this matter. She stated that she feels that the law is already in effect to stop the project.

Mr. John Yammouyannis spoke to a clerical error in the ordinance canvassing the May 4, 1991 special election on the Applewhite Reservoir matter which he feels tells the City Water Board to stop work on the Applewhite Reservoir project. He then stated his intention to file a lawsuit against City Water Board and its trustees, individually and collectively, if the project does not stop, and he asked the Council to instruct the City Attorney to file suit against CWB to do so. He stated his belief that the Water Board is failing to comply with the Council's order to stop the Applewhite Reservoir project, and noted that an ordinance cannot be amended in this case for some six months.

Mr. Guenther Krellwitz stated that he feels that Applewhite is not the answer, and spoke to the waste of tax dollars.

Mr. Tom Culbertson spoke to the reasons for his opposition to the Applewhite Reservoir project.

Mr. Kirk Patterson spoke to the power of an initiative ordinance and stated his feeling that City Council should terminate the Applewhite Reservoir project, not merely suspend the work. He then addressed the language of the City Water Board contract with H.B. Zachry Company for construction of the project. Which allows certain changes by the firm during the suspension. He again urged the Council to terminate the project.

Mr. Frank Monreal urged the Council to stop the Applewhite project, as the people directed in their vote on May 4, 1991.

Mr. Eduardo Morales asked that the Applewhite project be shut down.

Mr. Joe Krier, President, Greater San Antonio Chamber of Commerce, urged the Council not to throw away everything that has been invested in the Applewhite Reservoir project by abandoning it. He stated his belief that the City Council and City Water Board should seek the minimal impact upon tax funds and explore all the options, including completing the reservoir for other than potable water uses.

Mr. Tony R. Garza stated his belief that the people have decided the Applewhite issue at the polls and the City Council should act accordingly.

Mr. Karl Wurz warned of the consequences should the Council not order the Applewhite Reservoir stopped, and he asked that a Resolution be enacted, ordering City Water Board to stop construction of the project.

Mr. Philip Ross spoke to the political, historical and governmental implications of the Applewhite Reservoir project and warned of political consequences against City Hall if the City Council doesn't order the project halted.

Ms. Merry Baker Stough urged the Council not to ignore the will of the voters, and to move forward with new steps for a regional water plan. She asked that a citizens task force be named to recommend what to do with the Applewhite project site.

Mr. Manuel Flores urged cooperation in order to both manage and protect the Edwards Aquifer.

Mr. Frederick P. Atchley asked the Council to obey the will of the people.

Ms. Carol Patterson stated her belief that it would be wrong to subvert the people's will, and urged abandonment of the Applewhite Reservoir project, not just suspension. She stated her opinion that the City can save \$130 million if the Council moves swiftly, and stated her opinion that San Antonio may be losing its right to the Edwards Aquifer by ill-advised proposed legislation in Austin.

Mr. James D. Stewart voiced his concern with the possibility that the City Council might not follow the will of the people, and spoke to several sections of the City Charter and the City Water Board's contract with H.B. Zachry to construct the Applewhite project. He then spoke to termination provisions of that contract and stated his opinion that termination will not affect the City Water Board's bond rating.

Mr. Richard Hammel urged the Council not to circumvent the will of the people.

Ms. Peggy Oppelt stated her opinion that the City Council must abandon its permit for construction of the Applewhite project and stop that project. She addressed the need for a plan for water resources with a concentratin of efforts in lieu of fighting over the Applewhite Reservoir project.

Mr. Jerry Morrisey addressed the need to cut waste and to abandon the Applewhite project. He spoke in favor of having a rational regional water policy.

Mr. Bobby Duncan spoke to the economic and financial ramifications of completely abandoning the Applewhite project, stating his belief that it will cost some \$83 million to abandon the project and \$26 million more in so-called "wind-down" costs. He spoke on behalf of the North San Antonio Chamber of Commerce in asking the Council and City Water Board to develop a proper plan.

Mr. Gabriel Ovalle, 4801 Goldfield #235, stated his belief that the voters have the final word, and spoke of the ability to mount a recall drive, if necessary.

Mr. John Yocum, 717 West French #2, stated his belief that the voters have exercised their power in this regard.

Ms. Monica Lafleur stated her opinion that the wording on the ballot was confusing and spoke in favor of having a "yes or no" option.

Mr. Lloyd Garza, City Attorney, spoke to his briefing of the City Council and its options, then briefly reviewed those four options. A copy of those options is made a part of the papers of this meeting.

Mrs. Dutmer made a motion to abandon the Applewhite Reservoir project and instruct the City Water Board to prepare a plan within 30 days to extricate the City and its citizens with the least cost damage. Ms. Vera seconded the motion.

Ms. Berriozabal stated her opinion that the will of the people became law when the City Council officially canvassed the returns of the Special Election on Monday, and stated her belief that the Council really does not have to take action today. She stated her opinion that the City Water Board now should follow the wishes of the people and the actions of the City Council. She stated her belief that whatever the Council does today will have legal ramifications and urged the Council to obey the will of the people today and vote to abandon the Applewhite Reservoir project.

In response to a question by Mr. Thompson, City Attorney Garza stated his opinion that the initiative ordinance became effective the moment the Council canvassed the vote on the Special Election.

Mr. Thompson stated his belief that no City Council action is needed today.

Mr. Wolff noted that he had supported the Applewhite Reservoir project, and had set up a meeting following the Special Election to seek a middle-ground, but in fact none was found. He stated that the voters now have decided the issue, and he will support that vote. He stated that the city now needs to make a major regional effort for water management.

Ms. Vera stated that she will support the pending motion, though she had supported the Applewhite Reservoir project, as did the voters in District 7 in the election. She stated that now is the time to put this behind us and to move forward.

Mrs. Dutmer spoke against the making of threats directed at City Council members over this issue, and stated that she has always been concerned with the mitigation plan of the Applewhite project, a plan that she feels would have effectively stopped growth of a major portion of the city's south side.

Mr. Wing noted that he represents a district with more than one-half billion dollars in infrastructure needs, and noted that the issue to him is not Applewhite, but rather an issue of whether or not it is legal to overturn by initiative what could not be done through the referendum process. He expressed concern about putting all City projects at risk, and made reference to going against the City Charter if this matter is approved today.

Mr. Martinez noted that the ballot in the Special Election was worded exactly as was the petition that forced that election, and that the City did not and could not alter the petition wording as it was stated on the petition submitted. He also stated that potential legal problems with the petition were raised and there was considerable discussion about the illegality of the petition. He stated that many people were confused about the issue, in his opinion, and he does not consider it a mandate of the people. He stated his belief that the issue ultimately will be settled in court and spoke to his concerns for the legal questions on this issue.

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

Mr. Labatt noted that he was sworn in to a new Council term earlier in this meeting, and that he took an oath to uphold the law. He stated his belief that there is no way that the will of every person can be adhered to, and expressed concern for the legal questions of this issue. He stated his belief that there must be a finality to City projects. He then spoke to his years of service to the community and his concerns with the City Council enacting something which might be illegal. He stated that he, therefore, would be voting against the pending motion.

In response to a question by Ms. Berriozabal, Mr. John Davidson, Attorney for City Water Board, stated his opinion that the

City Water Board will have to be the agency to tell the Applewhite contractor to stop construction, since it was the agency that awarded the contract. He noted that City Water Board trustees meet tomorrow afternoon and will consider the Council's action of today.

In response to a question by Ms. Berriozabal, Ms. Nelda Weatherly, Chairperson, City Water Board, stated that to her knowledge, the opinion of the City Attorney relative to this matter was never given to City Water Board before today, and noted that City Water Board has been waiting for direction from City Council, at the insistence of its attorneys.

Mr. Garza stated that he feels that he and Mr. Davidson would agree that the ordinance either was effective at the time of its passage last Monday or will be effective 10 days after enactment.

In response to a question by Mrs. Dutmer, Mr. Garza stated his opinion that if the Resolution fails to pass today, one of two options will prevail: the ordinance will already be in effect, or it will be in effect 10 days after its passage by the City Council.

Mr. Hasslocher stated his belief that the legal issues will be looked at, whether or not we abandon the Applewhite project.

Mr. Wolff urged Council to take action on this issue tonight.

Mayor Cockrell, who had returned to the meeting to preside, briefly summarized the issue and stated that she will accept the decision of the voters on this matter. She urged that the process begin to solve the water issue.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Berriozabal, Dutmer, Thompson, Vera, Wolff, Cockrell; NAYS: Wing, Labatt, Hasslocher; ABSENT: Webb; ABSTAIN: Martinez.

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91-20

CITIZENS TO BE HEARD

RENA MCCLAE BB

Mrs. McCalebb stated that her two freezers went out because of a power outage. She lost a lot of money due to a spoilage of meat and other food products. She stated she received only \$125.00 for this claim for CPS and feels it is not enough.

Mayor Cockrell asked Mrs. McCalebb to meet with City staff on this issue to see if the claims can be further discussed.

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MRS. JUDY HUMMEL

Mrs. Judy Hummel, 13318 Kiltey, stated tht she is aware of three huge recycling containers at a particular Wal Mart stores and this is evidence of people wanting to recycle. She stated that the city should do more in this effort and not depend totally on private companies. She suggested that recycling operations be set up at public facilities.

Mayor Cockrell spoke to the pilot projects which have been started and how the city is moving in this effort.

Mr. Dan Cardenas, Assistant Solid Water Manager, spoke to the City's pilot program and will be coming back to Council with a full report in June.

MRS. CLAUDETTE VICTORIA

Mrs. Claudette Victoria, 311 W. Gramercy Place, spoke to the Council again asking that her case be re-opened on the particular roof she wants installed and was denied by the Historic Review Board. She asked for six Council members to bring back this issue before the Council.

Mr. Gene Camargo, Director of Building Inspections, gave the background of this case and how it can come back to the Council before the one year stipulation.

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91-20 The City Council recessed its regular meeting at 9:15 P.M. in order to convene in Executive Session to discuss the following: 1) briefing regarding Oilers Training Camp and pre-season game arrangement. 2) briefing regarding the legal issues in connection with Item No. 36.
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91-20 Mayor Cockrell reconvened the "A" Session and announced that the City Council had discussed the Oilers Training Camp and legal issues pertaining to Item No. 36.
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91-20 There being no further business to come before the Council, the meeting was adjourned at 10:15 P.M.

A P P R O V E D

Lila Cockrell

M A Y O R

Attest:

James S. Rodriguez
C i t y C l e r k

May 9, 1991
jd

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