

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, DECEMBER 15, 1983.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Henry Cisneros, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, EURESTE, ALDERETE, HARRINGTON, ARCHER, HASSLOCHER, CISNEROS. Absent: THOMPSON.

83-59 The invocation was given by Reverend Ben Welch, Pastor of Asbury United Methodist Church.

83-59 The Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

83-59 MR. JOHN J. SALDANA

Mayor Cisneros spoke of the leadership of Mr. John J. Saldana, Postmaster of San Antonio, and read the following Citation:

IN RECOGNITION OF HIS SELECTION AS "1983 POSTMASTER OF THE YEAR" FOR THE SOUTHERN REGION OF THE UNITED STATES BY THE DIRECT MARKETING ASSOCIATION, AS WELL AS HIS MANY OTHER CIVIC CONTRIBUTIONS TO SAN ANTONIO. HIS NOMINATION AND ENDORSEMENT BY THE LEADERS OF SAN ANTONIO'S BUSINESS AND MILITARY WORLD, AND BY MAJOR COMMUNITY LEADERS, IS EMBLEMATIC OF HIS DEDICATION TO EXCELLENCE, PROGRESS AND THE COMMUNITY GOOD, EXEMPLIFIED SINCE HIS ASSUMPTION OF THE POST OF SECTIONAL CENTER MANAGER/POSTMASTER IN SAN ANTONIO IN 1974.

THE CITY COUNCIL COMMENDS MR. SALDANA ON HIS MANY ACHIEVEMENTS AND HONORS, AND EXTENDS BEST WISHES FOR CONTINUED SUCCESS.

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Mayor Cisneros spoke of Mr. Saldana as a man of understanding, and expressed his personal respect for him.

Mrs. Dutmer noted that Mr. Saldana is her cousin, and that his hard work sets a benchmark for others to start from. She also asked that all San Antonians pray for Mrs. Virgie Saldana, wife of Mr. Saldana, who is ill and hospitalized.

Mayor Cisneros then presented the Citation to Mr. Saldana.

Members of the City Council offered their individual congratulations to him for the recognition and honor.

Mr. Saldana noted that some 3,700 other postal employees, who he supervises, are primarily responsible for this honor he received today, and he thanked them for their work and support. He then thanked the Mayor and Council for this honor.

Mr. Alderete noted that the City plans to erect a traffic signal soon at the entrance to the Main Post Office on Perrin-Beitel Road, and

asked City staff to provide Mr. Saldana with a date of installation of that light at the earliest opportunity.

Mayor Cisneros asked City Manager Louis J. Fox to make note of this request.

83-59

ALAMO BARRACUDA SCUBA DIVING CLUB

Mayor Cisneros asked representatives of the Alamo Barracuda Scuba Diving Club to come forward, and read the following Citation:

IN RECOGNITION OF THE EFFORTS OF MEMBERS OF THE ALAMO BARRACUDA SCUBA DIVING CLUB IN LOCATING THE BODY OF A CHILD IN SALADO CREEK. ON NOVEMBER 15, 1983, AN ALLEGED DROWNING WAS REPORTED TO THE SAN ANTONIO FIRE DEPARTMENT IN SALADO CREEK. INTENSIVE SEARCH OF THAT SECTION OF SALADO CREEK BY FIRST-LINE SEARCH METHODS FAILED TO DISCOVER THE CHILD'S BODY, AND THE FIRE DEPARTMENT TURNED TO THE ALAMO BARRACUDA SCUBA DIVING CLUB FOR ASSISTANCE. MEMBERS OF THAT CLUB, A NON-PROFIT ORGANIZATION OPERATING UNDER THE AUSPICES OF THE EMERGENCY MANAGEMENT DIVISION OF THE SAN ANTONIO FIRE DEPARTMENT, VOLUNTEERED THEIR OWN TIME, EFFORTS AND EQUIPMENT. ARRIVING ON THE SCENE IN SHORT TIME, MEMBERS OF THE SCUBA DIVING GROUP QUICKLY LOCATED THE CHILD'S BODY AND RECOVERED IT FROM THE CREEK.

THE CITY COUNCIL OFFICIALLY COMMENDS THE ALAMO BARRACUDA SCUBA DIVING CLUB FOR THEIR UNSELFISH ACTIONS AND CIVIC ASSISTANCE TO THE SAN ANTONIO FIRE DEPARTMENT IN A TIME OF NEED.

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Mayor Cisneros thanked the club for its efforts in locating the body of the missing child, and presented the Citation to Mr. Billy Davenport, representative of the club.

Members of the City Council then offered their individual congratulations.

Mr. Billy Davenport, Alamo Barracuda Scuba Diving Club, then introduced two other members of the club, including the diver who actually located the body of the missing boy, noting that the club had served the City of San Antonio in underwater search efforts for some 15 years, and would continue to do so, without compensation.

Mayor Cisneros spoke of the dangers involved in such underwater searches, and noted that the club's efforts merited the Council's gratitude.

83-59

PAGE MIDDLE SCHOOL STUDENTS

Mayor Cisneros noted the presence in Council chambers of members of the 6th, 7th and 8th grade classes of Page Middle School, and welcomed them to City Hall.

Ms. Berriozabal stated that Page Middle School placed first in competition in mathematics within San Antonio Independent School District this year, and congratulated the students on the accomplishment.

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83-59

"PARTNERS FOR LIVEABLE PLACES"

Mayor Cisneros introduced Mr. Robert McNulty and Ms. Consuelo Rical of "Partners for Liveable Places", Washington, D.C., and offered a brief explanation of the background of that organization. He noted that they were in San Antonio to plan for a major conference to be held in May on the bi-cultural aspects of U.S. cities, and spoke of the importance of that conference. He welcomed both to San Antonio and to City Hall.

Mr. McNulty thanked the Mayor and Council, and spoke briefly on the assets of being a bi-cultural city of the future, such as San Antonio.

83-59

CARMELITE DAY CARE CENTER

Mayor Cisneros introduced a group of children from the Carmelite Day Care Center and their adult leaders.

The group came forward and sang several Christmas songs for the City Council and the audience.

83-59

AFFIRMATIVE ACTION PLAN, PLAZA DEL RIO, STREETS BONDS

Mayor Cisneros apprised the City Council that he would have to leave the City late this afternoon for Washington, D.C., and for that reason, he asked for Council concurrence to set times-certain on several matters on today's agenda. He asked that the matter of the Affirmative Action Plan be taken up promptly at 3:00 P.M., and that the meeting be recessed at 3:30 P.M. in order that the "B" Session matter of the proposed streets bond issue might be briefed and discussed at that time. Informal consensus was granted by the Council for those events.

Mayor Cisneros also stated that he had met with Mr. Edward de Bartolo several weeks ago on the matter of development of the Plaza del Rio (Tiendas) Mall Project, next to Joske's, that discussion having taken place in Washington, D.C. He stated further that he is meeting with Housing and Urban Development officials in Washington, D.C. on that matter tomorrow, and has asked Ms. Berriozabal, in whose district the project is located, to accompany him to that meeting.

In that respect, Mayor Cisneros asked that the matter of approval of the Travel Authorization for Ms. Berriozabal, item 32 on today's agenda, be moved up for consideration at this time. Informal voice vote consensus was given by the City Council to take up agenda item 32 at this time.

83-59

TRAVEL AUTHORIZATION - Granted:

Ms. Berriozabal to attend meetings with officials of the Department of Housing and Urban Development in Washington, D.C. December 15-16, 1983 regarding the Tiendas Project.

83-59

CONSENT AGENDA

Mr. Archer moved that items 6-15 constituting the consent agenda be approved. Mr. Wing seconded the motion.

On voice vote, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

AN ORDINANCE 58,008

ACCEPTING THE BID OF SACC, INC. IN THE AMOUNT OF \$251,716.54 FOR THE CONSTRUCTION OF THE WALZEM-HARTLINE SANITARY SEWER REPLACEMENT PROJECT; APPROVING A CONTRACT AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 58,009

AUTHORIZING EXECUTION OF A STANDARD PROFESSIONAL SERVICES CONTRACT WITH LEWIS FISHER, ARCHITECT, INC. FOR SERVICES IN CONNECTION WITH THE RIVERWALK LIGHTING IMPROVEMENTS; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 58,010

AUTHORIZING EXECUTION OF A STANDARD PROFESSIONAL SERVICES CONTRACT WITH MORRIS E. DUDLEY, LANDSCAPE ARCHITECT FOR SERVICES REGARDING THE BARBARA JORDAN COMMUNITY CENTER; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 58,011

AUTHORIZING CONTRACT AMENDMENT #3 FOR PAYMENT TO BERNARD JOHNSON, INC., IN THE AMOUNT OF \$49,700.00 FOR PROFESSIONAL FEES IN CONJUNCTION WITH DESIGN FOR THE EXPANSION OF LEON CREEK AND SALADO CREEK WASTEWATER TREATMENT PLANTS; AUTHORIZING A TRANSFER OF FUNDS AND AUTHORIZING PAYMENT.

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AN ORDINANCE 58,012

ACCEPTING THE LOW BID OF PEERLESS EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH A CENTER PIVOT IRRIGATION SYSTEM FOR A TOTAL COST OF \$61,000.00.

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AN ORDINANCE 58,013

ACCEPTING THE HIGH BIDS RECEIVED IN CONNECTION WITH CITY FUNDS AVAILABLE FOR DEPOSIT IN INTEREST-BEARING CERTIFICATES OF DEPOSIT.

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AN ORDINANCE 58,014

AUTHORIZING THE USE OF ALAMO PLAZA BY THE TEXAS CHAPTER OF THE U.S. MODERN PENTATHLON FOR A BENEFIT ART SALE.

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AN ORDINANCE 58,015

AUTHORIZING A THREE YEAR LICENSE AGREEMENT WITH

ALAMO KIWANIS CLUB FOR PRESENTATION OF FIESTA NOCHE
DEL RIO AT THE ARNESON RIVER THEATER.

230

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AN ORDINANCE 58,016

MAKING AND MANIFESTING AN AGREEMENT BETWEEN THE CITY
OF SAN ANTONIO AND MERCADO AT CAMINO REAL JOINT
VENTURE; AUTHORIZING CONSTRUCTION OF FACILITIES OVER
AND UPON A PORTION OF THE DRAINAGE EASEMENT ON LOT
1, NCB 17054.

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AN ORDINANCE 58,017

AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH
HERITAGE BUILDING, LTD. FOR THE LEASE OF 3,702 SQ.
FT. OF OFFICE SPACE IDENTIFIED AS SUITE 301 THROUGH
310 AND 370 SQ. FT. OF COMMON AREA AT THE HERITAGE
PLAZA BUILDING, 434 S. MAIN AVE.

* * * *

ZONING HEARINGS

16. CASE 8835 P.P. - to rezone the east 42.35' of the south 257.8' of Lot 371, NCB 8524, 837 W. Mayfield Blvd., from "R-1" One Family Residence District to "I-1" Light Industry District, located on the north side of W. Mayfield Blvd., being approximately 1062' east of the intersection of Somerset Road and W. Mayfield Blvd., having 42.35' on W. Mayfield Blvd. and a maximum depth of 258.5'.

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

Mr. Andy Guerrero, Planner II, stated that the City Council had previously postponed consideration of this case until the matter of new special zoning provisions could be adopted.

Dr. Albert, representing the proponent, spoke to the history of this request, noting that the proponent cannot afford to open a commercial shop, but needs a place to do his upholstery work at home.

Mr. Gaspar Cortez, 837 West Mayfield, the proponent, distributed a prepared document, asking for a B-3R zoning in lieu of the I-1 request previously filed, noting that he needs to begin work to support his family.

Mr. Wing stated his willingness to support B-3NA on only that portion of the garage of this property where the actual upholstery work is to be performed.

Mr. Wing moved for B-3NA zoning on the east 40.0' of the north 42' of the south 257' of Lot 371, NCB 8524. Mrs. Dutmer seconded the motion.

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

AN ORDINANCE 58,018

AMENDING CHAPTER 42 OF THE CITY CODE THAT
CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF

December 15, 1983

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THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE EAST 40.0' OF THE NORTH 42' OF THE SOUTH 257' OF LOT 371, NCB 8524, 837 WEST MAYFIELD BLVD. FROM "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES.

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17. CASE Z83403 - to rezone a 0.812 acre tract of land out of P45, Blk. 260, NCB 14697, being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" One Family Residence District to "R-3" Multiple Family Residence District, located on the northwest side of Gus Eckert Lane, being approximately 970' west of the intersection of Gus Eckert Lane and Fredericksburg Road, having 80' on Gus Eckert Lane and an approximate depth of 363.87'.

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

No citizen appeared to speak in opposition.

Mr. Harrington moved for approval of the requested rezoning. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 58,019

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 0.812 ACRE TRACT OF LAND OUT OF P45, BLOCK 260, NCB 14697, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT.

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18. CASE Z83423 - to rezone Lot 25, Block 86, NCB 3253, 1331 W. Mulberry Avenue, from "B" Residence District to "O-1" Office District, located northwest of the intersection of IH 10 Expressway and W. Mulberry Avenue, having 121.4' on IH 10 Expressway and 91' on W. Mulberry Avenue.

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

No citizen appeared to speak in opposition.

Mr. Alderte moved that the requested rezoning be approved. Mr. Webb seconded the motion.

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

Berriozabal, Webb, Dutmer, Wing, Eureste, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

AN ORDINANCE 58,020

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 25, BLOCK 86, NCB 3253, 1331 WEST MULBERRY AVENUE, FROM "B" RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT.

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83-59 Mayor Cisneros asked for informal Council concensus to bypass agenda item 19 at this time in order to act on the remaining non-contested zoning cases on today's agenda. Informal concensus to bypass agenda item 19 was granted.

20. CASE Z83432 - to rezone Lot 6, Block 7, NCB 11723, 1102-1106 Baywood Drive, from "A" Single Family Residence District to "R-3" Multiple Family Residence District, located on the southeast side of Baywood Drive, being 240' southwest of the intersection of Silver Oak Drive and Baywood Drive, having 120' on Baywood Drive and a 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.

Mr. Harrington moved that the recommendation of the Zoning Commission be approved, provided that proper access and off-street parking are provided, and that right-of-way is given in accordance with the subdivision regulations. Mr. Archer seconded the motion.

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

AN ORDINANCE 58,021

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, BLOCK 7, NCB 11723, 1102-1106 BAYWOOD DRIVE, FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT, PROVIDED THAT PROPER ACCESS AND OFF-STREET PARKING ARE PROVIDED, AND THAT RIGHT-OF-WAY IS GIVEN IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS.

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21. CASE Z83430 - to rezone Tracts 127S and 127T, NCB 14865, in the 13900 block of Babcock Road, in the 14000 Block of Babcock Road, from "B-3" E.R.Z.D. Business District, Edwards Recharge Zone District to

"P-1(R-1)" E.R.Z.D., Planned Unit Development-One Family Residence District, Edwards Recharge Zone District, located northwest and southwest of Babcock Road and U.T.S.A. Blvd., having approximately 450' and 600' on Babcock Road, 100' and 1050' on U.T.S.A. Blvd.

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.

Mr. Harrington moved that the recommendation of the Zoning Commission be approved. Mr. Hasslocher seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Andy Guerrero, Planner II, stated that a report on the topic of development on properties containing sinkholes leading to the Edwards Aquifer was being prepared at this time. He then briefly explained this rezoning request.

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

AN ORDINANCE 58,022

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 TRACTS 127S AND 127T, NCB 14865, IN THE 13900 BLOCK OF BABCOCK ROAD, IN THE 14000 BLOCK OF BABCOCK ROAD, FROM "B-3" E.R.Z.D. BUSINESS, EDWARDS RECHARGE ZONE DISTRICT TO "P-1(R-1)" E.R.Z.D., PLANNED UNIT DEVELOPMENT, ONE-FAMILY RESIDENCE DISTRICT, EDWARDS RECHARGE ZONE DISTRICT.

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22. CASE Z83428 - to rezone Lots 1-B and 1-C, NCB 11921, 7925 N. New Braunfels Avenue, from "B" Residence District to "B-2" Business District located between Nacogdoches Road and N. New Braunfels Avenue, being 271.96' south of the intersection of Nacogdoches Road, and North New Braunfels Avenue, having 50' on New Braunfels Avenue and 66.01' on Nacogdoches Road.

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.

Mr. Archer moved that the recommendation of the Zoning Commission be approved. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 58,023

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 1-B AND 1-C, NCB 11921,
7925 NORTH NEW BRAUNFELS AVENUE, FROM "B" RESIDENCE
DISTRICT TO "B-2" BUSINESS DISTRICT.

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19. CASE Z83409 - to rezone Lots 6 thru 10, Blk. 38, NCB 11754, in the 11000 block of Link Drive, from "A" Single Family Residence District to "B-1" Business District, located approximately 120' northwest of the intersection of Larkspur Drive and Link Drive, having 833.5' on Link Drive and a depth of 203.75'.

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

Mr. Ben Henderson, 7870 Broadway, proposed three changes in the original rezoning request; a change to O-1; access from the property only onto West Avenue; and a fence.

Ms. Lenora Allwardt, 121 North Josephine Tobin Drive, asked that the property remain residential.

Ms. Debbie Pratt, 11003 Link, stated her opinion that the residential streets in this area cannot support more traffic than they now receive, noting that the nearby elementary school draws considerable automobile traffic, already. She also spoke of her concerns for drainage problems, and stated that this is not a business area.

Ms. Cindy Riverburgh, 11002 Link, spoke on behalf of several other area residents, in opposition to the request.

Mr. Henderson again stated that he now proposes no ingress or egress to Link Drive from the property, with its only entrance onto West Avenue. He also spoke of plans for construction of office condominiums on the property.

Mr. Harrington noted that this segment of West Avenue has been undergoing much pressure of business usage, and spoke against the proposal. He stated his feeling that this should be developed as residential, and spoke against rezoning to business or O-1 usage.

Mr. Harrington moved to deny the requested rezoning. Mr. Alderete seconded the motion.

The motion to deny prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Eureste, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: Dutmer; ABSENT: Thompson.

CASE Z83409 was denied.

83-59 The Clerk read the following Ordinance:

AN ORDINANCE 58,024

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH TO PROVIDE STATE AID TO THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; AUTHORIZING THE CREATION OF A SPECIAL T.B. OUTREACH PROJECT, ESTABLISHING A FUND, ADOPTING A BUDGET, AUTHORIZING PERSONNEL POSITIONS; AUTHORIZING BUDGET MODIFICATIONS IN THE PUBLIC HEALTH SUPPORT PROJECT ESTABLISHED IN ORDINANCE #57608 PASSED OCTOBER 6, 1983.

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December 15, 1983

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Mrs. Dutmer moved that the Ordinance be approved. Mr. Webb 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, Eureste, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

83-59 The Clerk read the following Ordinance:

AN ORDINANCE 58,025

ORDERING THE CREATION OF A NONPROFIT CORPORATION UNDER SECTION 53.35(b), TEXAS EDUCATION CODE, AS AMENDED; DESIGNATING THE INCORPORATORS THEREOF; APPROVING ARTICLES OF INCORPORATION AND APPOINTING THE INITIAL DIRECTORS THERETO; APPROVING THE BYLAWS OF THE CORPORATION; CONTAINING OTHER PROVISIONS AND MAKING CERTAIN FINDINGS RELATING THERETO.

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Mrs. Dutmer moved that the Ordinance be approved. Mr. Webb 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, Eureste, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

83-59 The Clerk read the following Ordinance:

AN ORDINANCE 58,026

AUTHORIZING THE CITY MANAGER TO SOLICIT PROPOSALS TO PROVIDE THE CITY OF SAN ANTONIO WITH A FLEXIBLE BENEFIT STUDY TO DESIGN AND IMPLEMENT A FLEXIBLE BENEFITS PROGRAM FOR CITY EMPLOYEES EFFECTIVE OCTOBER 1, 1984.

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Mrs. Dutmer moved that the Ordinance be approved. Ms. Berriozabal 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, Eureste, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

83-59 The Clerk read the following Ordinance:

AN ORDINANCE 58,027

APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE EDWARDS UNDERGROUND WATER DISTRICT FOR A REGIONAL WATER STUDY.

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Ms. Berriozabal moved that the Ordinance be approved. 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, Eureste, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

63-59 The Clerk read the following Ordinance:

AN ORDINANCE 58,028

INCREASING THE BRUSH COLLECTION PROGRAM TO FIVE (5) CYCLES FINANCED BY THE TRANSFER OF FUNDS FROM THE CONTINGENCY ACCOUNT.

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Mayor Cisneros recommended the use of monies from the contingency fund of the City for this, some \$234,000 worth, and discussed this recommendation versus taking the funds from previous allocations for the Hispanic Arts Association. He stated that the City's brush collection problems are serious, and spoke in favor of this proposal, stating his belief that this is the only feasible way to fund this, effectively.

Ms. Berriozabal moved to approve the Ordinance using contingency funds. Mr. Wing seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Frank Kiolbassa, Director of Public Works, stated that the City plans to make brush pickups in four cycles per year.

A discussion then took place concerning peaks in brush pickup, and to a staff report to the City Council on trends in brush pickup.

Mrs. Dutmer spoke to other problems in District 3 which, in her opinion, are greater than brush pickup. She noted that it would cost some \$44,000 to construct a new road from Chandler Road to Pecan Valley Elementary School, so that schoolchildren can reach the school from that direction. She noted that such a proposal is not eligible for funding in that area under CDBG funds, and that the City's contingency funds are the only effective solution to the need for a financial source. She spoke against the motion.

Mr. Hasslocher spoke in support of additional brush pickup cycles, and asked the City Manager for a report on the feasibility of City Public Service publishing notice of coming brush pickups in their monthly billing statements, to assist in publicity.

Mr. Kiolbassa stated that he would look into the proposal.

In response to a question by Mr. Harrington, Mr. Kiolbassa stated that the staff has no provision for persons to pay for a special brush pickup service.

Mayor Cisneros stated that brush pickup is a basic City service, and stated his opinion that the Public Works Department needs additional brush pickup staff.

Mr. Archer spoke in support of Mr. Hasslocher's proposal on the CPS bills.

A brief discussion then took place concerning brush pickup cycles and problems associated with those cycles.

In response to a question by Mayor Cisneros, Mr. Kiolbassa discussed the projected \$97,000 cost figure to fund the proposed "hotshot brush pickup" crews.

Ms. Berriozabal spoke to the need to coordinate publicity for brush pickup via the Public Information Office, using cable TV, and to work with various neighborhood organizations and churches to maximize the publicity effort. She spoke in support of the motion.

Mrs. Dutmer voiced her concerns with Council priorities, and questioned the need for more brush pickup versus the needed services for tax-dollar spent. She spoke in support of the alternate plan for citizens to take brush to area pickup stations, established by the City. She spoke against increasing allocations for brush pickup using City contingency funds.

Mr. Hasslocher spoke of the history of the Department of Highways and Public Transportation contracting-out for mowing of state highway rights-of-way, and discussed the possibility of the City of San Antonio doing the same.

Mr. Kiolbassa stated his opinion that this is not feasible, at this time.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Eureste, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: Dutmer; ABSENT: Thompson.

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83-59 The Clerk read the following Ordinance:

AN ORDINANCE 58,029

REAPPOINTING AND APPOINTING MEMBERS TO SERVE ON THE CABLE TELEVISION ADVISORY COMMITTEE FOR A TERM TO EXPIRE DECEMBER 31, 1985.

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Mayor Cisneros spoke of plans for future cable TV negotiations in San Antonio.

Mr. Webb moved that the Ordinance be approved. Mr. Wing 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, Eureste, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

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83-59 The Clerk read the following Ordinance:

AN ORDINANCE 58,030

APPOINTING ALBERT CISNEROS TO SERVE ON THE ELECTRICAL EXAMINING AND SUPERVISORY BOARD, IN PLACE OF GLEN MILLER, WHOSE TERM HAS EXPIRED.

* * * *

Mr. Harrington moved that the Ordinance be approved. Mr. Wing 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, Eureste, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

83-59 The Clerk read the following Ordinance:

AN ORDINANCE 58,031

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APPOINTING CHARLIE PENA TO SERVE ON THE PARKS & RECREATION ADVISORY BOARD IN PLACE OF YOLANDA JENSEN, WHO HAS RESIGNED.

* * * *

Mr. Webb moved that the Ordinance be approved. Mr. Harrington 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, Eureste, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Thompson.

30. Agenda item 30, being a proposed Ordinance authorizing the amendment of Ordinance No. 57787 and providing for appropriation of funds for the Landmark Urban Development Action Grant Project, was withdrawn from consideration.

83-59 DISCUSSION OF FUNDING FOR THE MINORITY CONTRACTORS ASSISTANCE CENTER

Mrs. Dutmer stated that there has been no proof offered relative to alleged criminal acts or malfeasance, and until this is proven by fact, she cannot support any adverse action toward the agency. She then spoke to the bitterness of this issue, and stated her belief that due process has not been given in this case.

Mr. Wing moved to direct City staff to monitor this agency for 90 days, then report back to City Council on the monitoring results. Mr. Alderete seconded the motion.

Mr. Eureste spoke of past actions before City Council on this matter and the funding of the Hispanic Arts Association. He spoke of Ms. Alicia Trevino's recent resignation from United San Antonio and the subsequent disbanding of the Hispanic Arts Association by Ms. Trevino. He then spoke of questions addressed to Ms. Trevino and to HAA board member Mr. Pete Bautista relative to the Westen Agency, and an inquiry into who makes up this agency. He then spoke of newspaper stories on the Westen Agency and possible relation to persons involved with both HAA and Minority Contractors Assistance Center.

Mr. Eureste stated that he is personally convinced of some possible wrongdoing in the Westen Agency/Hispanic Arts Association case with entertainer contracts, and spoke of alleged illegal activity versus faulty management practices. He spoke of allegations that Westen Agency had padded entertainment contract matters, and then spoke to the On Stage agency subsequently taking over the entertainer contracts for the "Stroh-ling Down the River" program. He also spoke of allegations linking the name of Elsie Martinez to HAA contracts, and stated his personal feeling that certain lobbying efforts have taken place that could dampen the investigative process in this matter.

Mr. Eureste then addressed Mr. Bautista's alleged role with HAA and MCAC, and spoke of his personal feeling that an audit will find tens of thousands of dollars have been wrongfully involved. He stated that he is not against MCAC, but only certain leaders of that organization, and further stated his belief that Mr. Bautista should resign from his role

with the organization. He then stated that it is his opinion that, in the best interests of the community, the organization should be brought under City control.

In response to a question by Mr. Archer, Dr. Ken Daly, Acting Director of the Department of Economic and Employment Development, stated that monies have been available to MCAC since the 1970's and that the City staff has recommended against funding of this agency in past years, prior to this year. He spoke of a DEED report which stated that there were continued problems with monitoring of this agency on its delivery of services and the appropriateness of persons being served by that agency. He then spoke of certain alleged administration problems of the agency and whether or not MCAC was achieving its goals. Dr. Daly then stated that there had been reports of alleged rudeness on the part of the agency director; the director's failure to attend board meetings; and reports of program monitors being impeded in their conduct of business at the agency. He further stated that the draft of a proposed contract between the City and MCAC calls for a salary of some \$25,000 for the director of the agency.

Dr. Daly also explained the assistance which MCAC provides to minority contractors.

In response to another question by Mr. Archer, Dr. Daly stated that the City has a "One-Stop Business Service", but no one on the staff has the expertise in preparation of construction bids. He then discussed the program as a 'weaning process' to let an agency gradually stand alone without City financing.

In response to a question by Mr. Archer, Mr. Louis J. Fox, City Manager, explained the Small and Minority Business Enterprise program of the City, and noted that DEED encourages business development thru its "One-Stop Business Service" facility.

Mrs. Dutmer spoke of her concern that comments made involve only hearsay, not proven fact.

In response to another question by Mr. Archer, Mr. Fox stated that this agency has not performed well, and that in most years, City staff has recommended that this agency not be funded, and has been encouraged to seek non-City funding.

Mr. Wing then restated his motion.

The motion prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Alderete, Cisneros; NAYS: Eureste, Harrington, Archer, Hasslocher; ABSENT: Thompson.

83-59 The Clerk read the following Ordinance:

AN ORDINANCE 58,032

APPROVING A REVISED AFFIRMATIVE ACTION PLAN.

* * * *

Ms. Berriozabal stated that the City of San Antonio is responsible for monitoring fair employment practices for many contractors and agencies, and spoke of the City's Affirmative Action Plan as a model for others to follow. She stated that the City would be adopting an interim Affirmative Action Plan because new data has not yet been received, based upon the 1980 census data. A new plan will be prepared after the first of the year based on 1980 census data (EEO-4 Labor Force Statistics). She then spoke of the weaknesses in the pending AAP, the main one being the lack of a monitoring process. The plan has no accountability requirements for department heads, and has no timetables for attainment of goals set. She spoke of the inadequate improvement in the AAP goals between the 1974 and 1982 time-span.

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Mr. Harrington then introduced several members of the Streets Task Force, present in the audience.

Mayor Cisneros asked that Citations be prepared for presentation to members of the Streets Task Force at a later time, during the month of January 1984.

83-59

SOUTHEAST SIDE SIDEWALKS

In response to a question by Mrs. Dutmer, Mr. Frank Kiolbassa, Director of Public Works, stated that many District 3 sidewalk projects are now in the design stage, for later construction.

83-59

PEDESTRIAN ACCESS PROGRAM

In response to a question by Ms. Berriozabal, Mr. Frank Kiolbassa, Director of Public Works, discussed the Pedestrian Access Program of the City and the list of both completed and scheduled projects.

83-59

CITY COUNCIL WORK/DECISION PROGRAM

Mayor Cisneros distributed copies of a paper on "Major Issues Coming Before City Council This Fall", dated September 22, 1983 and annotated to reflect current status of the listed items. A copy of the paper is made a part of the papers of this meeting. He briefly discussed each item and noted several pending for January action by the City Council.

Mr. Alexander E. Briseno, Assistant City Manager, stated that a discussion of a possible sewer rate increase also is set for January, 1984.

Mayor Cisneros asked Mr. Archer and his Plans and Policy Committee to work with City staff to set the necessary items from this list on agendas of the City Council for January, 1984 consideration as needed.

Mr. Louis J. Fox, City Manager, briefly explained procedures to be followed on expansion work on the Convention Center, noting that reconstruction is scheduled to start during 1984.

83-59

HOT-SHOT BRUSH CLEANUP

Mr. Wing spoke of the need for some \$96,000 in order to fund this project, and asked that council members consider pledging any excess monies they might have from their portions of the Pedestrian Access Program.

Mayor Cisneros recommended that Mr. Wing talk to individual Council members about the matter.

83-59 The regular meeting was recessed at 4:35 P.M. so that a posted Special Meeting could be held for the purpose of discussion and possible action on the future monitoring of art-related agencies. See minutes of Special Meeting of December 15, 1983. The regular meeting was reconvened at 4:44 P.M. for a continuation of the informal "B" Session dealing with Wastewater Program and Policies and Citizens To Be Heard following immediately after.

(At this point, Mayor Cisneros was obliged to leave the meeting and Councilman Joe Webb presided.)

83-59

CITIZENS TO BE HEARD

MR. C. A. STUBBS

Mr. C. A. Stubbs, President of the Homeowners Taxpayers Association, stated that there has been a tremendous property tax increase in Bexar County. He thanked the Mayor for supporting the tax breaks for the elderly. He also thanked Councilmembers Eureste and Archer for their efforts in protecting the City's taxpayers' money in their pursuit of the mismanagement in the Hispanic Arts Program.

Mr. Stubbs also spoke about their concerns with the Bexar Appraisal District. He asked the City Council to join Judge Bustamante in his efforts to put pressure on the Bexar Appraisal District. He stated there are major errors and inequities with the District.

Mr. W. C. Nations of the Homeowners Taxpayers Association also commended Mr. Eureste and Mr. Archer for their efforts which resulted in the defunding of the Hispanic Arts Association and their attempt to bring MCAC into the City's control.

Mr. Nations stated that there was an editorial in one of the daily newspapers which the City Council should pay heed to. He stated that the public has a right to know City funds are being misappropriated.

Mrs. Dutmer stated that she documented facts about a certain agency and no action was taken. There is nothing that can be done about this now.

Mr. Archer made a motion that the City Manager investigate the allegations that were made about three sets of books kept by a certain organization. Mr. Eureste seconded the motion.

Mr. Eureste thanked Mr. Stubbs and Mr. Nations for their comments. Mr. Eureste stated that there are council members interfering with the investigation that is being conducted.

No action was taken on the motion.

* * * *

REV. R. A. CALLIES

Reverend R. A. Callies read a prepared statement to the Council expressing his concern for the many automobile wrecks at the intersection of Houston and New Braunfels Avenue. He stated that the wrecks are caused due to the lack of protected turning signals at the Martin Luther King Plaza.

Mr. Webb stated that there is a signalization less than 6 months old. He stated that it is impossible to have protected turns for all four corners.

Mr. Briseno stated that it depends on the configuration of the intersection.

Mr. Webb stated that the pine poles at the median of the Plaza will be removed. Mr. Webb further stated that the new turning concerns recently completed are not sufficient.

Reverend Callies asked the City Council to consider revamping this intersection.

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MRS. MARIA DOMINGUEZ

Mrs. Maria Dominguez stated that Mrs. Dutmer has always done for the City and not for her own self. She stated that she has changed from a once shy person to some one who speaks her mind. She expressed concern about hotels being built on City property. She also complained about the Police Chief being selected from out of town.

* * * *

MR. EDWARD M. PENA

Mr. Edward M. Pena, 802 W. Theo Avenue, spoke to the City Council regarding a complaint against the VIA Transit Company. He took a test at the VIA office for a job and complained about the questions which appeared on the test. He felt that the questions were not relevant to the job of bus driver.

Mr. Eureste stated that the City does not have authority over VIA. He stated that through the staff an inquiry could be made as to the nature of the test.

In response to Mr. Eureste, Mr. Briseno stated that an inquiry could be made and would be willing to report to Mr. Pena the results of the inquiry.

* * * *

DR. FORREST M. SMITH, JR.

Dr. Forrest M. Smith, Jr., 4118 McCullough Avenue, read a prepared statement filed with the papers of this meeting requesting that the newly refurbished Municipal Auditorium be named Tobin Auditorium. He also requested that a future stadium be called "The Hispanamerican Memorial Stadium" or "The Stadium of the Two Cultures."

Mr. Wing asked if the staff would report on the manner of honoring the work of Mayor Tobin.

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MS. SYLVIA GARZA

Ms. Sylvia Garza, spoke on behalf of her parents, Mr. and Mrs. Sylvester Campos, about the flood damage incurred by her parents in June, 1981. She stated that they failed to submit a claim in a timely manner and her parents were not able to be helped.

Mr. Eureste asked the City staff to investigate the claim of Mr. and Mrs. Campos and report to the City Council in mid January about their recommendations.

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MR. JERRY HENCKEL

Mr. Jerry Henckel, Legislative Liaison, reported to the City Council about HB 490. He stated that it was a good bill and the Texas Municipal League had supported it. He then explained the purpose of the bill and the only concern he has is the overlapping of jurisdiction in the City's Extra Territorial Jurisdiction. He further stated that this could be taken care of in a future amendment to the law. The law took effect September 1, 1983.

* * * *

There being no further business to come before the Council, the meeting was adjourned at 6:20 P.M.

A P P R O V E D

Henry Cisneros
M A Y O R

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