

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBERS, MUNICIPAL
PLAZA BUILDING, THURSDAY, JULY 25,
1996.

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96-29 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building, "B" Room, to consider the following item(s). The Council members present were: FLORES, McCLENDON, BILLA BURKE, AVILA, SOLIS, ROSS, PEAK, WEBSTER, THORNTON. Absent: HERRERA, MARBUT.

(A) Boards and Commissions Work Session -

1. MUNICIPAL CIVIL SERVICE COMMISSION - Council concurred to move the only nominee, Mr. Gil Tobias, forward to the "A" Session for formal consideration.

2. MARKET SQUARE COMMISSION - Council concurred to move all 13 nominations forward to the "A" Session for formal consideration.

3. DISCUSSION OF THE APPOINTMENT NEEDED TO REPRESENT SAN ANTONIO ON THE SOUTH CENTRAL TEXAS WATER ADVISORY COMMITTEE - Council concurred that the necessity and urgency of this appointment is such that the appointment of Gregory Hudspeth be acted upon today at a Special City Council meeting (see Special City Council meeting folder).

(B) Presentation and Report on the Alamo Workforce Development - Council concurred that this item be placed on a future "A" Session for formal consideration. The appointments will follow in the near future.

"B" Session adjourned at 11:25 A.M.

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96-29 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor William E. Thornton, with the following members present: FLORES, McCLENDON, BILLA BURKE, AVILA, SOLIS, HERRERA, ROSS, PEAK, WEBSTER, THORNTON. Absent: MARBUT.

96-29 Invocation - Father James Henke, St. Francis of Assisi Catholic Church.

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96-29 Pledge of Allegiance to the flag of the United States.
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96-29 Minutes of the June 13, 1996 Regular City Council Meeting were approved.
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96-29 NATIONAL NIGHT OUT

Mayor Thornton stated that each year, the City of San Antonio joins the rest of the nation in observing a crime prevention event known as "National Night Out". He noted that this year's event will be held on August 6th, and he spoke to this as an example of neighborhood coordination to make a statement against crime. He thanked the San Antonio Police Department for its initiation of this annual event in San Antonio.

Police Chief Al A. Philippus spoke of the department's partnership with neighborhoods against crime as the number-one priority of this City Council, and spoke to the crime prevention organization of the department.

Each officer of the Crime Prevention Office then came forward to introduce themselves to City Council.

Sgt. Billy Holbert, the commander, noted that this event grows larger each year, with some 300 events taking place during "National Night Out".

Mayor Thornton thanked Ms. McClendon for her work installing Cellular On Patrol in San Antonio neighborhoods, and Mr. Avila for his leadership of the San Antonio Crime Commission.

Sgt. Holbert noted that San Antonio's "National Night Out" observance is the nation's third-largest, currently.

Mayor Thornton read a formal proclamation and presented it to the police delegation, recognizing "National Night Out" in San Antonio.

Members of City Council then individually spoke to their support for the program and their congratulations to the Police Department and San Antonio's neighborhoods for their participation.

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96-29 BOY SCOUT TROOP 307
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Mayor Thornton recognized the presence in the audience of members of Boy Scout Troop 307 from Holy Name Catholic Church.

Members of the troop came forward to introduce themselves to the City Council, and stated that they are present today to fulfill requirements for their Communications Merit Badge.

96-29

MS. NANCY WARREN

Mayor Thornton recognized Nancy Warren, Plans & Scheduling Secretary in the Office of the Mayor. He stated that Ms. Warren and her husband are moving to Arlington, and lauded her for her good work during her tenure in his office.

Mayor Thornton then read a Certificate of Appreciation to Ms. Warren and presented it to her, noting that she will be working with the City of Arlington.

The Mayor and members of City Council wished her well in her future endeavors.

96-29

CONSENT AGENDA

Ms. Billa Burke made a motion to approve Agenda Items 9 through 25, constituting the Consent Agenda, with Item 23 having earlier been removed from consideration by the City Manager. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Flores, Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster, Thornton. NAYS: None. ABSENT: McClendon, Marbut.

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AN ORDINANCE 84,439

ACCEPTING THE LOW BID OF TEXAS EQUIPMENT CO TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS AND PARKS & RECREATION DEPARTMENTS WITH WATER DISTRIBUTORS FOR A TOTAL OF \$46,650.00.

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AN ORDINANCE 84,440

SELECTING OVERBY DESCAMPS ENGINEERS, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE ALAMODOME/CHERRY STREET NEIGHBORHOOD REVITALIZATION COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING THE NEGOTIATION OF A CONTRACT IN AN AMOUNT NOT TO EXCEED \$170,000.00; REVISING THE

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PROJECT BUDGET; AUTHORIZING \$17,000.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; AND PROVIDING FOR PAYMENT. (MBE)

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AN ORDINANCE 84,441

ACCEPTING THE LOW, QUALIFIED BASE BID, AND ADDITIVE ALTERNATE ONE, OF LVA CONSTRUCTION CO. IN THE TOTAL AMOUNT OF \$49,389.00 FOR THE REPLACEMENT OF THE BASKETBALL COURT AT BUCKEYE PARK; AUTHORIZING A CONSTRUCTION CONTRACT; CREATING THE BUCKEYE PARK BASKETBALL COURT REPLACEMENT PROJECT FUNDED FROM 1994 GENERAL OBLIGATION BOND PROJECT IN THE DEPARTMENT OF PARKS AND RECREATION; AUTHORIZING THE TRANSFER OF FUNDS AND ESTABLISHING OF A PROJECT BUDGET; AUTHORIZING \$2,470.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; ENCUMBERING FUNDS FOR THE CONSTRUCTION CONTRACT, CONSTRUCTION CONTINGENCY EXPENSES, BID ADVERTISING AND ENGINEERING SERVICES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,442

APPROVING FIELD ALTERATION NO. IN THE AMOUNT OF \$23,150.00 TO THE CONTRACT WITH RESOURCE ENGINEERING AND MANAGEMENT, INC.; INCREASING THE CONSTRUCTION CONTINGENCY SUM IN THE AMOUNT OF \$22,989.00; AUTHORIZING AN ADDITIONAL \$2,400.00 PAYABLE TO NOBE & ASSOCIATES, INC., FOR PROFESSIONAL SERVICES; ALL IN CONNECTION WITH THE UPGRADE OF THE FLEET REFUELING FACILITY-UNDERGROUND STORAGE TANKS AT SOUTHEAST SERVICE CENTER; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT. (AMENDS ORD. NO. 80684 DATED SEPT. 1, 1994 AND ORD. NO. 82474 DATED JULY 13, 1995)

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AN ORDINANCE 84,443

ACCEPTING THE PROPOSAL FROM KEI CONSULTANTS, INC., TO PROVIDE PROFESSIONAL ENVIRONMENTAL REMEDIATION SERVICES ASSOCIATED WITH THE HI-LIONS DRAINAGE PROJECT, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT IN THE AMOUNT OF \$114,976.00, PLUS \$11,496.00 IN CONTINGENCY EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,444

DESIGNATING SCHUCHART & ASSOCIATES PROFESSIONAL ENGINEERS, INC. TO PROVIDE MECHANICAL ENGINEERING SERVICES IN CONNECTION WITH THE LOWER LEVEL TERMINAL 1 VENTALATION SYSTEM AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING NEGOTIATION OF A CONTRACT IN AN AMOUNT NOT TO EXCEED \$21,500.00; AUTHORIZING \$2,150.00 FOR ENGINEERING CONTINGENCIES; AUTHORIZING \$500.00 FOR ADMINISTRATIVE EXPENSES; APPROPRIATE FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,445

AUTHORIZING PAYMENT TO DAVIDSON & TROILO, P.C. IN THE AMOUNT OF \$16,738.43 FOR LEGAL SERVICES, TO ECKMANN, GROLL, RUNYAN & WATERS IN THE AMOUNT OF \$5,640.00 FOR APPRAISAL SERVICES, TO STEWART TITLE COMPANY IN THE AMOUNT OF \$374.00 FOR TITLE SERVICES AND TO GERRY RICKHOFF, BEXAR COUNTY CLERK, IN THE AMOUNT OF \$1,726.00 FOR COURT COSTS, FOR A TOTAL SUM OF \$24,478.43 IN CONNECTION WITH THE WURZBACH PARKWAY PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,446

AUTHORIZING PAYMENT TO FIRST AMERICAN TITLE COMPANY \$643.00 FOR TITLE SERVICES, TO DAVIDSON & TROILO, P.C. \$12,649.50 FOR LEGAL SERVICES AND TO MATHEWS & BRANSCOMB \$7,399.25 FOR LEGAL SERVICES IN CONNECTION WITH THE CHERRY STREET DRAINAGE PROJECT \$15B, PHASE II; FOR THE SUM OF \$20,691.75 APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,447

AMENDING THE FARMERS MARKET PLAZA LEASE AGREEMENT WITH LOUIS RAMIREZ, SR. AND DEANNA M. RAMIREZ, D/B/A, THE MARKET GENERAL STORE AUTHORIZED BY ORDINANCE NO. 79223, PASSED AND APPROVED ON NOVEMBER 23, 1993, TO INCLUDE YVETTE E. RAMIREZ AS TENANT AND CO-OWNER UNDER THIS AGREEMENT. (AMENDS ORDINANCE NO. 79223 DATED NOV. 23, 1995)

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AN ORDINANCE 84,448

AUTHORIZING PAYMENT OF \$2,384.00 TO STEWART TITLE COMPANY FOR TITLE SERVICES IN CONNECTION WITH THE EISENHAUER ROAD - I.H. 35 TO MIDCROWN, A METROPOLITAN PLANNING ORGANIZATION PROJECT; AND \$6,161.00 TO STEWART TITLE COMPANY FOR TITLE SERVICES IN CONNECTION WITH THE DREAMLAND OAKS AREA PROPERTY ACQUISITION PROJECT IN THE TOTAL SUM OF \$8,535.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,449

AUTHORIZING PAYMENT, IN THE AMOUNT OF \$10,261.59 PAYABLE TO DAVIDSON & TROILO, P.C. FOR LEGAL SERVICES FOR THE HI-LIONS DRAINAGE PROJECT #80; AND APPROPRIATING FUNDS.

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AN ORDINANCE 84,450

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,550.00 FOR APPRAISAL SERVICES ON THE OCTAVIA PLACE DRAINAGE PROJECT #63 OUT OF THE 1987 GENERAL OBLIGATION DRAINAGE BONDS (SOLD IN 1991); AND APPROPRIATING FUNDS.

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AN ORDINANCE 84,451

AMENDING ORDINANCE NO. 82160, PASSED AND APPROVED ON MAY 4, 1995, TO REFLECT A PERFORMANCE AWARD OF \$8,686.00 AND TO EXTEND THE CONTRACT PERIOD FOR THE STEWART B. MCKINNEY EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS. (AMENDS ORDINANCE NO. 82160 DATED MAY 4, 1995)

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AN ORDINANCE 84,452

AUTHORIZING THE EXECUTION OF A CONTRACT WITH PEAT MARWICK, LLP IN THE TOTAL AMOUNT OF \$30,467.00 FOR THE DEVELOPMENT AND IMPLEMENTATION OF A FULL COST ALLOCATION PLAN FOR THE FISCAL YEAR WHICH ENDED SEPTEMBER 30, 1995 AND THE BUDGET YEAR ENDING SEPTEMBER 30, 1996 AND A CENTRAL SERVICES COST

ALLOCATION PLAN IN ACCORDANCE WITH THE GUIDELINES SET FORTH IN ACCORDANCE WITH THE GUIDELINES SET FORTH IN OFFICE OF MANAGEMENT AND BUDGET (OMB) CIRCULAR A-87 FOR THE FISCAL YEAR WHICH ENDED SEPTEMBER 30, 1995.

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AN ORDINANCE 84,453

AUTHORIZING THE TEMPORARY CLOSURE OF PRESA STREETS BETWEEN MARKET STREET AND LA VILLITA, THE CURB LANE ON THE NORTHSIDE OF NUEVA STREET BETWEEN PRESA AND NAVARRO STREETS AND THE CURB LANE ON THE EASTSIDE OF NAVARRO STREET BETWEEN NUEVA AND VILLITA STREETS FROM 6:00 A.M. UNTIL 2:00 P.M., SATURDAY, AUGUST 10, 1996 IN CONNECTION WITH THE 5TH ANNUAL FERIA ESCOLAR, SPONSORED BY KVDA-TV CHANNEL 60.

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AN ORDINANCE 84,454

AMENDING ORDINANCE 83597, PASSED AND APPROVED ON FEBRUARY 15, 1996, TO ADD AUGUST 29, 1996 TO THE LIST OF DATES FOR THE TEMPORARY CLOSURE OF SAN SABA STREET FOR MARKET SQUARE SPECIAL EVENTS IN 1996. (AMENDS ORD. NO. 83597 DATED FEB. 15, 1996)

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96-29 The Clerk read the following Ordinance:

AN ORDINANCE 84,455

ACCEPTING THE LOW, QUALIFIED BID OF CLARK CONSTRUCTION COMPANY IN THE AMOUNT OF \$691,300.00 IN CONNECTION WITH THE BASE AND PAVEMENT FAILURE REPAIR - 1996 PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING \$172,825.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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

Mr. Clarence Daugherty, Assistant Director of Public Works, narrated a video presentation on the package of three ordinances

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involving major street repair projects, including base and pavement failure repair, seal coat program, and street overlay program. A copy of his presentation is made a part of the papers of this meeting.

Mayor Thornton stated that this street repair work is important to the citizens, city-wide, and especially noted the benefits of the competitive bidding process in this matter.

Mr. Ross noted that the low bidder, which is the same firm on all three of the projects, is cumulatively some \$800,000 under the next lowest bidder, and he spoke to the much-needed work to be performed on Woodlawn Avenue.

Mr. Solis noted that this work responds to the needs of the entire community, and that street maintenance is a top priority item for the Council.

Mr. Avila addressed some of the infrastructure needs in District 4.

Ms. McClendon, Chairperson of the Streets Committee, spoke to the need to find the funds to increase the streets maintenance budget.

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

Discussion took place concerning the consolidated streets maintenance program, which determines what type of treatment required by certain streets requires.

Mr. Webster spoke to his desire to see some sort of 'set-aside' for this work.

Mr. Peak stated that this is an example of stretching funds to provide more coverage.

In response to a question by Mr. Herrera, Mr. Daugherty spoke to the time-frame for completion of work on Hunt Lane, and for certain work near to a private drive in District 6.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Solis, Marbut, Thornton.

96-29 The Clerk read the following Ordinance:

AN ORDINANCE 84,456

ACCEPTING THE LOW, QUALIFIED BID OF CLARK CONSTRUCTION COMPANY IN THE AMOUNT OF \$888,973.75 IN

CONNECTION WITH THE SEAL COAT - 1996 PROJECT;
AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING
\$222,243.00 FOR MISCELLANEOUS CONSTRUCTION
CONTINGENCY EXPENSES; AUTHORIZING \$800.00 FOR
ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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

Mr. Clarence Daugherty, Assistant Director of Public Works, narrated a brief video presentation on this second Ordinance in the three-Ordinance streets maintenance package, and spoke to the rationale for the distribution of the projects involved.

Mr. Avila asked that the City consider coordinating its planned annexations with scheduled maintenance projects on the part of Bexar County, so that certain planned work is not cancelled by the county when it becomes known that annexation of that area is near.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Solis, Marbut, Thornton.

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96-29 The Clerk read the following Ordinance:

AN ORDINANCE 84,457

ACCEPTING THE LOW, QUALIFIED BID OF CLARK CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$1,899,004.94 IN CONNECTION WITH THE STREET OVERLAY-1996 PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING \$474,751.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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

Mr. Clarence Daugherty, Assistant Director of Public Works, narrated a brief video presentation on this third Ordinance in the three-Ordinance package of streets maintenance work, noting that in this case, the City concentrated this work on older streets.

Mr. Ross spoke to his desire that the successful firm being awarded all three of these contracts insure that all three types of work

are done concurrently.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Solis, Marbut, Thornton.

96-29

ZONING HEARINGS

4A. CASE #Z96100 - to rezone and reclassify the south 137 feet of lots 9 and 10 and the north 50 feet of the east 24 feet of lot 9, Block 3, NCB 1267, 901 Mason Street, from to designate as a (HSD) Historic Significant District. Property is located on the east side of Spofford Avenue, between Colita Street and Mason Street, having 137 feet on Spofford Avenue 24 feet on Colita Street and 124 feet on Mason Street.

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

Mr. Flores made a motion to approve the recommendation of the Zoning Commission. Mr. Peak seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Solis, Marbut, Thornton.

AN ORDINANCE 84,458

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 137 FEET OF LOTS 9 AND 10 AND THE NORTH 50 FEET OF THE EAST 24 FEET OF LOT 9, BLOCK 3, NCB 1267, 901 MASON STREET, FROM TO DESIGNATE AS A (HSD) HISTORIC SIGNIFICANT DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4B. CASE #Z96101 (CC) - to rezone and reclassify 0.0107 acre tract of land out of Lot 53, Block 1, NCB 15716, O'Connor Road and Nacogdoches Road, from "B-2" Business District to "B-3" CC Business District with special City Council approval for a wireless communication system. Property is located west of the intersection of O'Connor Road and Nacogdoches Road, having a width of 10 feet and depth of 12 feet.

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

In response to a question by Mr. Webster, Mr. Harry Jewett, 2611 North Main Avenue, spoke to the unique nature of the equipment to be located on this site.

Mr. Webster made a motion to approve the recommendation of the Zoning Commission. Mr. Avila seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Solis, Marbut, Thornton.

AN ORDINANCE 84,459

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 0.0107 ACRE TRACT OF LAND OUT OF LOT 53, BLOCK 1, NCB 15716, O'CONNOR ROAD AND NACOGDOCHES ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-3" CC BUSINESS DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A WIRELESS COMMUNICATION SYSTEM. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4C. CASE #Z96105 - to rezone and reclassify 3.326 acres out of NCB 12107, save and except the southeast and northwest 100' feet, from "B-3" Business District, "J" Commercial District and Temporary "A" Single Family Residence District to "I-1" Light Industry District; and the southeast and northwest 100 feet of a 3.326 acres out of NCB 12107, Nacogdoches Road, from "B-3" Business District, "J" Commercial District and Temporary "A" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District. Property is located between Nacogdoches Road and Salado Creek Drive 267.22 feet northeast of the intersection of Nacogdoches Road and Salado Parkway, having 220.20 feet on Nacogdoches Road, 197.20 feet on Salado Creek Drive and 686.04 feet between these two streets.

Mr. Webster made a motion to continue this rezoning case until the Council meeting of August 8, 1996. Mr. Avila seconded the motion.

After consideration, the motion prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Herrera, Ross, peak, Webster. NAYS: None. ABSENT: Solis, Marbut, Thornton.

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Zoning Case Z96105 was continued to August 8, 1996.

4D. CASE #Z96107 - to rezone and reclassify Lots 3, Block 25, NCB 15676, 2555 Thousand Oaks Drive, from "B-2" Business District to "B-3NA" Non-Alcoholic Sales District. Property is located on the northeast side of Thousand Oaks Drive, 756.63 feet southeast of the intersection of Henderson Pass Thousand Oaks Drive, having 90 feet on Thousand Oaks Drive and a depth of 243 feet. Property is located on the northeast side of Thousand Oaks Drive, 756.63 feet southeast of the intersection of Henderson Pass Thousand Oaks Drive, having 90 feet on Thousand Oaks Drive and a depth of 243 feet.

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

Mr. Sam Galindo, engineer representing the applicant, stated that the rezoning is needed to expand an auto repair business.

Mr. Webster made a motion to approve the recommendation of the Zoning Commission. Mr. Avila seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Ross, Peak, Webster; NAYS: None; ABSENT: Solis, Herrera, Marbut, Thornton.

AN ORDINANCE 84,460

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 3, BLOCK 25, NCB 15676, 2555 THOUSAND OAKS DRIVE, FROM "B-2" BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4E. CASE #Z96071 - to rezone and reclassify Lot 16 and the east 35 feet of Lot 1 and the east 35 feet of the north 21.67 feet of Lot 2, Block 1, NCB 7420, 401 Cupples Road, from "B-2NA" Non Alcoholic Sales District and "R-5" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District. Properties are located southwest of the intersection of Cupples Road and Morelia Street, having 75 feet on Cupples Road and 185 feet on Morelia Street.

Mr. Andy Guerrero, Land Development Services, noted that because opposition to this rezoning case constitutes more than 20 per cent of the property owners within 200 feet, nine affirmative votes on City Council would be necessary to approve the request.

Ms. Yolanda Paiz, representing the applicant, spoke to the reasons for the request, to provide for a small auto sales lot. She noted that business is slowing down at their present location, and they need to expand in order to stay in business. She then submitted a petition containing some 37 names in favor of the request.

Mr. David Casas, 1801 Buena Vista, noted that Mr. Antonio Paiz uses the profits from his auto sales business to fund much of his Christian ministry work, and he spoke in favor of the request.

Mr. Paiz spoke to the use of his auto sales business in support of Christian ministries, and provided several letters in support of that work. He noted that this property is located across the street from the San Fernando Cemetary

Mr. Herrera made a motion to continue this rezoning case until August 22, 1996 in order to check on the petition names and signatures. Mr. Avila seconded the motion.

After consideration, the motion prevailed by the following vote: AYES: Flores, McClendon, Avila, Solis, Herrera, Ross, Peak, Webster. NAYS: None. ABSENT: Billa Burke, Marbut, Thornton.

Zoning Case Z96071 was continued until August 22, 1996.

4F. CASE #Z96123 - to rezone and reclassify the north 250 feet of the west 80 feet of Lot 6, NCB 8241, 5522 W. Commerce Street, from "R-1" Single Family Residence District to "B-3NA" Non-Alcoholic Sales District. Property is located on the south side of W. Commerce Street, 653.5 feet northwest of the intersection of W. Commerce Street and 34th Street, having 80 feet on W. Commerce Street and a depth of 250 feet.

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

Mr. Webster made a motion to approve the recommendation of the Zoning Commission. Mr. Avila seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Avila, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Billa Burke, Solis, Marbut, Thornton.

AN ORDINANCE 84,461

AMENDING CHAPTER 35 OF THE CITY CODE THAT

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CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTH 250 FEET OF THE WEST 80 FEET OF LOT 6, NCB 8241, 5522 W. COMMERCE STREET, FROM "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4G. CASE #Z96130 - to rezone and reclassify 3.433 acres out of Lots 1 and 2, Block A, NCB 14653, 5830-48 Babcock Road, from "B-3R" Restrictive Business District to "I-1" Light Industry District. Property is located on the southeast side of Babcock Road, 555 feet northwest of the intersection of Babcock Road and Whitby Road, having 65 feet on Babcock Road and a depth of 638.55 feet.

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

In response to a question by Mr. Ross, Mr. Ted Fellows, representing United Western Development Corporation, the applicant, stated that the rezoning is needed to accommodate mini-warehouses and to facilitate financing of the project. He stated that his firm agrees to deed-restrict this property to use for mini-warehouses only, and, when the zoning regulations on mini-warehouses is changed in the future, his firm will agree to rezone the property to B-3.

Mr. Don McGregor, 104 Ricardo, stated that a relative's property abuts this property in question, and he stated his desire to hear plans for the use of the property's northwest portion.

Mr. Fellows stated that his firm agrees to a minimum 20-foot building setback from the property line there, and will restrict the construction to a single story in height, with a fence around the perimeter for security.

Mr. Ross noted that the Alamo Farmsteads Neighborhood Association has no objection with this rezoning request.

Mr. Ross made a motion to approve the recommendation of the Zoning commission, subject to the agreed-to provisions recited by Mr. Fellows in regard to the usage of this property. Ms. Billa Burke seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Solis, Ross, Peak, Webster, Thornton; NAYS: None; ABSENT: Flores, Herrera, Marbut.

AN ORDINANCE 84,462

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 3.433 ACRES OUT OF LOTS 1 AND 2, BLOCK A, NCB 14653, 5830-48 BABCOCK ROAD, FROM "B-3R" RESTRICTIVE BUSINESS DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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96-29 (At this point, Mayor Thornton returned to the meeting to preside.)

4H. CASE #Z96127 - to rezone and reclassify the southwest irregular 127.8 feet by 402.5 feet of Lot 81, and the southwest irregular 18 feet by 55 feet of Lot 91, save and except the west 50' feet of the southwest irregular 127.8 feet of Lot 81, NCB 9483, from "C" Apartment District to "I-1" Light Industry District; The west 50' feet of the southwest irregular 127.8 feet of Lot 81, NCB 9483, 6915 South Flores, from "C" Apartment District to "B-2" Business District. Property is located 13 feet west and 254.68 feet southeast of the intersection of Harding Boulevard and South Flores Street, having 125.23 feet on Harding Boulevard and 279.62 feet on South Flores.

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

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Solis, Herrera, Peak, Thornton; NAYS: None; ABSENT: Flores, Ross, Marbut, Webster.

AN ORDINANCE 84,463

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTHWEST IRREGULAR 127.8 FEET BY 402.5 FEET OF LOT 81, AND THE SOUTHWEST IRREGULAR 18 FEET BY 55 FEET OF LOT 91, SAVE AND

EXCEPT THE WEST 50' FEET OF THE SOUTHWEST IRREGULAR 127.8 FEET OF LOT 81, NCB 9483, FROM "C" APARTMENT DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT; THE WEST 50' FEET OF THE SOUTHWEST IRREGULAR 127.8 FEET OF LOT 81, NCB 9483, 6915 SOUTH FLORES, FROM "C" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4I. CASE #Z96128 - to rezone and reclassify Lot 3, Block NCB 6227, 2143 E. Hildebrand, from "B" Residence District to "B-1" Business District. Property is located on the north side of E. Hildebrand, 100 feet west of the intersection of New Braunfels Avenue and E. Hildebrand, having 50 feet on E. Hildebrand and a depth of 140 feet.

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

Mr. Peak made a motion to approve the recommendation of the Zoning Commission. Mr. McClendon seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Solis, Herrera, Peak, Thornton; NAYS: None; ABSENT: Flores, Ross, Marbut, Webster.

AN ORDINANCE 84,464

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 3, BLOCK NCB 6227, 2143 E. HILDEBRAND, FROM "B" RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4J. CASE #Z96134 - to rezone and reclassify P-51, NCB 15678, 12625 Wetmore Road, from Temporary "R-1" Single Family Residence District to "B-3NA" Non-Alcoholic Sales District. Property is located on the northwest side of Wetmore Road, 610 feet southwest of the intersection of Metro Parkway and Wetmore Road, having 454.11 feet on Wetmore Road and a depth of 210.2 feet.

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

Mr. Peak made a motion to approve the recommendation of the Zoning Commission. Mr. Avila seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster, Thornton; NAYS: None; ABSENT: Flores, Marbut.

AN ORDINANCE 84,465

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS P-51, NCB 15678, 12625 WETMORE ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4K. CASE #Z96110 - to rezone and reclassify P-32A, NCB 15680, from Temporary "R-1" Single Family Residence District to "P-1(R-1)" Planned Unit Development Single Family Residence. Property is located 163.46 feet southwest of the intersection of Briarlake and Briar Valley, having a width of 440 feet and a depth of 1,062.00 feet.

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

Mr. Webster made a motion to approve the recommendation of the Zoning Commission. Mr. Avila seconded the motion.

In response to a question by Mr. Webster, Mr. Bill Jackson, the property owner, stated the reasons for the rezoning request to provide for 13 single-family homes in a gated community.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster, Thornton; NAYS: None; ABSENT: Flores, Marbut.

AN ORDINANCE 84,466

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE

CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS P-32A, NCB 15680, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "P-1(R-1)" PLANNED UNIT DEVELOPMENT SINGLE FAMILY RESIDENCE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

- - -
96-29 City Council recessed its regular meeting at 3:45 P.M. and convened as the Board of Directors of the City of San Antonio Health Facilities Development Corporation, enacting a Resolution authorizing action regarding a request by Warm Springs Rehabilitation Foundation, Inc. that the CSAHFDC waive the Foundation's failure to give timely notice relating to the Foundation's affiliations with business entities and authorizing execution of certain documents relating thereto. City Council, acting as the CSAHFDC Board of Directors, adjourned that meeting and reconvened the regular City Council meeting at 2:47 P.M.

- - -
96-29 The Clerk read the following Ordinance:

AN ORDINANCE 84,467

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR \$50,000.00 IN TEXAS RECREATIONAL TRAIL FUNDS TO PROVIDE FOR LAND ACQUISITION IN THE LEON CREEK OPEN SPACE DEVELOPMENT PROJECT.

* * * *

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

Mr. Ron Darner, Director of Parks & Recreation, explained plans for the use of grant funds, if approved.

In response to a question by Mr. Ross, Mr. Darner outlined the greenbelt development in a linear parkway project along Leon Creek, noting that the neighborhood associations in the area were involved in the parkway's planning.

Mr. Peak congratulated all involved in improving this floodplain area.

Mr. Ross then spoke to the possibility of donation of land for use as a wildlife refuge.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Ross, Peak, Webster, Thornton; NAYS: None; ABSENT: Solis, Herrera, Marbut.

96-29

BOY SCOUTS

Mr. Avila welcomed a group of Boy Scouts from District 4, led by Mr. Leo Rodriguez, to the Council meeting.

96-29 The Clerk read the following Ordinance:

AN ORDINANCE 84,468

APPROVING THE DESIGNATING OF THE GREATER KELLY DEVELOPMENT CORPORATION (GKDC) AS THE GRANT RECIPIENT OF DEFENSE OFFICE OF ECONOMIC ADJUSTMENT (DOD-OEA) GRANT PROGRAM; DISSOLVING THE CITY'S OFFICE OF DEFENSE TRANSITION (ODT); ABOLISHING ALL POSITIONS OF THE ODT; AUTHORIZING THE CLOSE OUT OF THE CITY'S DOD-OEA GRANT PROGRAM; APPROVING THE TRANSFER AND CONVEYANCE OF TITLE AND LICENSE OF DESIGNATED EQUIPMENT AND SOFTWARE PROGRAMS TO THE GKDC; AUTHORIZING OTHER APPLICABLE ADMINISTRATIVE ACTIONS DEEMED BY THE CITY MANAGER NECESSARY TO EFFECTUATE THE TRANSFER AND CLOSE OUT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON EIGHT (8) AFFIRMATIVE VOTES. (AMENDS ORD. NO. 82529 DATED JULY 20, 1995 AND RESOLUTION NO. 95-50-63 DATED DEC. 7, 1995)

* * * *

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

Mr. Octavio Pena, Director of Internal Review, explained the plan to abolish the Office of Defense Transition and transfer its functions and responsibilities to the Greater Kelly Development Corporation.

Mr. Solis noted that this is the completion of one portion of the plan developed by the IBASC, and spoke to the work of the corporation to date and the advantages of this move.

In response to a question by Mr. Solis, Mr. Rolando Bono, Assistant City manager, spoke to the options for funding of future missions.

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In response to a question by Mr. Solis, Mr. Paul Roberson, Director of the Office of Defense Transition, spoke to the current status of the selection process for project manager for the Kelly Air Force Base re-use plan, and addressed projected future plans.

Mr. Herrera addressed his concerns with a lack of communication perceived about the Kelly Air Force Base closure and employment matters, and spoke to expenditures for operations through grant funds. He questioned the timeliness of this transfer of responsibilities outlined in this Ordinance, and stated that he lacks enough details to vote on the matter at this time; therefore, he plans to abstain from the vote. He also noted that questions remain about the proposed repeal of the "60-40 Rule".

Mr. Roberson discussed the status of the "60-40 Rule".

Mr. Herrera stated his opinion that Kelly Air Force Base employees are not being kept informed.

Mr. Ross noted that today's projected action only authorizes moving the Kelly redevelopment effort from one location to another, and spoke to the issue of the base closure by the year 2001. He also asked for an update on environmental cleanup plans at Kelly Air Force Base.

Mr. Roberson spoke to the Air Force's "Environmental Baseline Study" and timeframe for adequate cleanup of certain base areas.

Ms. McClendon noted that Kelly is due to close in five years, and spoke to the need to transition to new employers in order to retain current jobs.

Mr. Solis spoke to the uncertainty and fear of some Kelly employees and the impact of today's action by City Council. He defended the Greater Kelly Development Corporation and its mission of retaining Kelly jobs.

Mr. Herrera spoke to the \$14.5 million grant which funds job retraining for Kelly workers, and stated his opinion that only 3,696 current Kelly workers...out of some 19,000...have gone through the training orientation, to date. He further stated his belief that only 33 have been placed in new jobs, to date, and he spoke to other statistics on job training.

Ms. Billa Burke spoke to her perception that timeliness of this matter is not an issue in the Kelly closure.

Ms. McClendon differentiated between the responsibilities of the City of San Antonio and the Department of Defense as far as keeping people informed is concerned.

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

McClendon, Billa Burke, Avila, Solis, Ross, Peak, Webster, Thornton;
NAYS: None; ABSENT: Herrera, Marbut.

96-29 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE DESIGNATING
RICHTER'S BAKERY OF SAN ANTONIO REINVESTMENT ZONE

Mayor Thornton declared the Public Hearing to be open.

Mr. Dominic Pisano, representing the Business Retention and Expansion Center of the Greater San Antonio Chamber of Commerce, spoke in support of the proposed ordinance, citing its \$26 million capital improvements and the saving of some 174 San Antonio jobs, as a result. He noted that Richter's Bakery is owned by an out-of-state firm which now has decided to remain in San Antonio.

Mr. Mike Harris, President, San Antonio Manufacturers Association, spoke in support for the proposed ordinance, noting that much of the financing will provide a new Richter's plant on Loop 410. He noted that the bakery industry currently is going through some rough times and equipment needs updating. He then addressed the advantages of the tax phase-in, in order to retain the jobs already located in San Antonio.

Mr. Clint Bolden, Director of Economic Development, narrated a video presentation on the proposed Reinvestment Zone designation and Tax Phase-In Agreement, providing details of the plan and the firm's history. He noted that San Antonio is competing with surrounding cities and communities for new and upgraded facilities.

Mr. David Brown, President, Richter's Bakery, spoke to details of the firm's diversity. He noted the reasons that bakery firms are undergoing restructuring actions.

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

The Clerk read the following Ordinance:

AN ORDINANCE 84,469

DESIGNATING THE RICHTER'S BAKERY OF SAN ANTONIO, INC. REIVESTMENT ZONE LEGALLY DESCRIBED AS A TRACT OR PARCEL OF LAND (6000 N.E. LOOP 410) CONTAINING 13.06 ACRES OUT OF TRACT 5, NEW CITY BLOCK 12192, IN SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 3700, PAGE 80 OF THE PLAT RECORDS OF BEXAR COUNTY, TEXAS.

* * * *

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

Ms. Billa Burke spoke to her ties with Richter's Bakery, and spoke of the proposed tax phase-in as an investment in San Antonio and a move to save local jobs.

Mr. Webster noted that a tax phase-in is a business development, but spoke to his concern with the request for waiver of the requirement to create new jobs, in this case.

Mr. Bolden stressed that the recommendations are merely 'guidelines' and not requirements for new jobs creation. He spoke to the realities of the current business climate and the justification for waiving certain recommendations in this case. He further noted that surrounding communities are targeting San Antonio businesses, seeking their relocation to their areas and out of San Antonio.

Mr. Webster spoke to the need to have the subject of 'business retention' studied by an appropriate City Council committee in order to help counter the threat of business moves out of San Antonio.

Mr. Avila spoke in support for the proposed ordinance.

Mr. Peak spoke in support for more local business retention activities, and addressed the benefits to San Antonio, in this case.

Ms. McClendon spoke of the tax abatement offer to Richter's by the City of New Braunfels, and the need to retain San Antonio's jobs.

Mr. Ross noted that the current Broadway location of Richter's Bakery will continue in use and paying full taxes, while the tax phase-in applies to the new Loop 410 facility. He asked the firm to commit to a plan that will cover those current Richter's employees for whom new jobs will not be available.

Mr. Brown stated that his firm would do so.

Mr. Flores stressed the advantages of this tax phase-in.

Mr. Brown addressed statistics of his firm's distribution areas within Texas, noting that some 65 per cent of its revenues come from out-of-state distributors.

Mr. Alexander E. Briseno, City Manager, stated that modification of certain policies are sometimes advantageous, and stated that he would meet with Mr. Webster's Small Business Committee to discuss the matter of 'business retention'.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Herrera, Ross, Peak, Webster, Thornton; NAYS: None; ABSENT: Solis, Marbut.

- - -
96-29 The Clerk read the following Ordinance:

AN ORDINANCE 84,470

APPROVING A TAX PHASE-IN AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH RICHTER'S BAKERY OF SAN ANTONIO, INC. TO EXEMPT FROM AD VALOREM TAXATION SPECIFIED NEW REAL AND PERSONAL PROPERTY IMPROVEMENTS.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Avila, Herrera, Ross, Peak, Webster, Thornton; NAYS: None; ABSENT: Solis, Marbut.

- - -
96-29 METROPOLITAN PLANNING ORGANIZATION

Mayor Thornton noted that Mr. Solis has resigned as a City representative on the Metropolitan Planning Organization, and asked City staff to have prepared for next week an ordinance appointing Mr. Flores to the MPO in place of Mr. Solis.

- - -
96-29 City Council recessed its regular meeting at 4:25 P.M. in order to convene a Special City Council meeting to consider an appointment of Dr. Gregory Hudspeth to the South Central Texas Water Advisory Committee. See Minutes of Special City Council Meeting, attached. (Ordinance 84,471 was approved at that meeting.)

The Special City Council meeting was adjourned at 4:33 P.M., and City Council reconvened its Regular City Council Meeting at 4:36 P.M.

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96-29 The Clerk read the following Ordinance:

AN ORDINANCE 84,472

SETTING SEPTEMBER 12, 1996 AT 4:00 P.M. IN THE CITY COUNCIL CHAMBERS AS THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE LAND USE ASSUMPTION PLAN

REVISIONS UNDER CHAPTER 395 OF THE LOCAL GOVERNMENT
CODE.

* * * *

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

Mr. Raul B. Fernandez, Chairman, Capital Improvements Advisory Committee, narrated a video presentation to City Council on the Land Use Assumption. A copy of his presentation is made a part of the papers of this meeting.

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

Ms. Rebecca Q. Cedillo, Vice President, San Antonio Water System, narrated a video presentation on the Land Use Assumption Plan as required by state law, and spoke to its water and wastewater specifics.

Mr. Fernandez then spoke to the next six steps to be taken in the Impact Fee Process involved.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Avila, Marbut, Thornton.

96-29 The Clerk read the following Ordinance:

AN ORDINANCE 84,473

GRANTING METRO ACCESS, NETWORKS, INC. (MAN), A FRANCHISE TO ERECT, CONSTRUCT, MAINTAIN AND OPERATE A FIBER OPTIC TELECOMMUNICATIONS SYSTEM THAT UTILIZES THE CITY'S PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THREE READINGS AND A PUBLIC HEARING; SETTING THE EFFECTIVE DATE SIXTY (60) DAYS AFTER THE THIRD AND FINAL READING OF THIS ORDINANCE; AND TERMINATING MAN'S CURRENT LICENSE AGREEMENT TO ERECT AND CONSTRUCT A FIBER OPTIC SYSTEM UPON THE EFFECTIVE DATE OF THIS FRANCHISE.

* * * *

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

Mr. Octavio Pena, Department of Internal Review, narrated a video presentation of the franchise request from Metro Access networks, Inc. (MAN), and outlined the steps to be taken in consideration of a

franchise request. He then spoke to a history of the background information on Metro Access Network's current License Agreement with the City.

In response to a question by Mr. Webster, Mr. Pena stated that there are no City direct costs involved.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Solis, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Billa Burke, Avila, Marbut, Thornton.

96-29 TRAVEL AUTHORIZATION - Granted:

Councilman Jeff S. Webster to travel to Odessa, Texas from July 26, 1996 to July 26, 1996, to attend the 1996-1997 Attorney General Municipal Advisory Committee.

* * * *

96-29 TRAVEL AUTHORIZATION - Granted:

Councilwoman Ruth Jones McClendon to travel to Portland Oregon, from July 22, 1996 to July 23, 1996, to attend Department of Housing and Urban Development Homeownership Summit.

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96-29 Agenda Item 34, being a proposed ordinance removing Sam Panchevre as the District 1 representative on the Historic Design and Review Commission, as requested by Councilman Roger Flores, was earlier removed from consideration by the City Manager.

96-29 The Clerk read the following Ordinance:

AN ORDINANCE 84,474

ESTABLISHING THE AD HOC NEIGHBORHOOD HISTORIC DISTRICT TOUR BUS COMMITTEE AND APPOINTING MEMBERS OF SAID COMMITTEE, AS REQUESTED BY COUNCILMAN ROGER FLORES, II.

* * * *

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

Ms. Rebecca Waldman, Assistant to the City Manager, briefly explained the purpose of the committee and the reasons for its creation, noting that it will serve for a period of 120 days and produce a report to the City Council. She spoke to the committee's charge and areas to be studied for the report, and noted that the Downtown Strategic Plan, due before City Council next week, also will address some of the traffic issues to be considered by this committee.

Ms. Roselyn Cogburn, 528 King William, Chairperson of the King William Association's Tourism Management Committee, narrated a video presentation of the existing traffic congestion problems in the King William area, and spoke to the noise and odor concerns, as well, from that increased traffic. She stated that more than 30 tour buses come through the King William area daily, and that tour bus firms have agreed to stay off the King William residential streets if the City of San Antonio also will keep out-of-town tour buses off those same residential streets.

Mr. Peak spoke to the need for a positive solution to this problem.

Mr. John M. Hogg, 122 King William, spoke to the adverse impact of the heavy diesel tour buses on the level of his house, and spoke to the need to stop this damaging traffic from using the area streets.

Mr. Flores spoke to the need for the City to do something for all of San Antonio's historic districts, and brought forward a revised list of recommended committee members, for inclusion in the enabling Ordinance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Ross, Peak, Webster; NAYS: None; ABSENT: Avila, Herrera, Marbut, Thornton.

96-29 The Clerk read the following Ordinance:

AN ORDINANCE 84,475

AUTHORIZING THE TRANSFER OF \$1,000.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT FUND TO THE DISTRICT 5 TRAVEL ACCOUNT FUND FOR TRAVEL EXPENSES INCURRED FOR THE REMAINDER OF FY 1995/1996, AS REQUESTED BY COUNCILMAN JUAN F. SOLIS, III.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Solis, Herrera, Peak, Webster; NAYS: None; ABSENT: Flores, Avila, Ross, Marbut, Thornton.

- - -
96-29 It was the consensus of City Council members present to temporarily bypass consideration of Agenda Item 37 at this time, for later consideration during this meeting.

- - -
96-29 The Clerk read the following Ordinance:

AN ORDINANCE 84,476

AUTHORIZING THE REJECTION OF ALL BIDS ASSOCIATED WITH THE INTERNATIONAL CENTER PROJECT ENVIRONMENTAL ABATEMENT AND PARTIAL DEMOLITION BID PACKAGE; AND AUTHORIZING CITY STAFF TO REBID THE ENVIRONMENTAL ABATEMENT AND PARTIAL DEMOLITION PACKAGE.

* * * *

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

Ms. Jelynn Burley, Director of the Convention Center Expansion Office, spoke to the bids for environmental abatement and partial demolition at the International Center as being some 15 per cent over budget, and she spoke to plans to restructure the bid specifications by reducing the demolition package and modifying a section dealing with handling of re-use brick on the project.

Mr. Solis briefly reviewed the bid process for the International Center.

In response to a question by Mr. Solis, Mr. Lloyd Garza, City Attorney, stated that the City Charter and state law both allow the City Council to reject all bids on such a project, and noted that City staff now is reconfiguring the process for the re-bid.

Mr. Ross spoke to the need to have 'alternates' in such bids in order to eliminate these problems and the added expense of re-bidding the project. He noted that no Request For Proposal or Request For Qualifications were involved, and that rejecting these bids does not set any precedent.

In response to a question by Mr. Webster, Ms. Burley stated that the re-bid will not change the scope of work, thus making it a modified bid package. She noted that only the cost was a problem in the original bids.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Avila, Marbut, Thornton.

96-29 The Clerk read the following Ordinance:

AN ORDINANCE 84,477

ACCEPTING THE LOW QUALIFIED BASE BID, AND ADDITIVE ALTERNATES ONE AND TWO OF WINTERS CONSTRUCTION, INC. IN THE TOTAL AMOUNT OF \$234,357.00 FOR AMERICANS WITH THE DISABILITY ACT (ADA) IMPROVEMENTS TO THE SAN ANTONIO RIVER WALK; AUTHORIZING A CONSTRUCTION CONTRACT; CREATING THE RIVER WALK ADA MODIFICATIONS PROJECT IN THE DEPARTMENT OF PARKS AND RECREATION; AUTHORIZING THE TRANSFER OF FUNDS AND ESTABLISHMENT OF A PROJECT BUDGET; AUTHORIZING \$58,580.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; ENCUMBERING FUNDS FOR THE CONSTRUCTION CONTINGENCY EXPENSE; ENCUMBERING FUNDS FOR THE CONSTRUCTION CONTRACT, CONSTRUCTION CONTINGENCY EXPENSES; BID ADVERTISING, AND ARCHITECT CONTINGENCY EXPENSES AND PROVIDING FOR PAYMENT; AUTHORIZING AN ADDITIONAL \$24,607.50 PAYMENT TO BEATY SAUNDERS ARCHITECTS, INC., PROJECT ARCHITECTS FOR PROJECT SERVICES; AUTHORIZING A \$17,500.00 PAYMENT TO BEATY SAUNDERS ARCHITECTS, INC. FOR SIGNAGE DESIGN STANDARDS SERVICES IN CONNECTION WITH THIS PROJECT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT (8) AFFIRMATIVE VOTES. (AMENDS ORDINANCE NO. 82026 DATED APRIL 13, 1995)

* * * *

Mr. Herrera made a motion to approve the proposed Ordinance. Mr. Flores seconded the motion.

Mr. Ron Darner, Director of Parks & Recreation, narrated a brief video presentation explaining the project to be funded by Certificates of Obligation. He then spoke to the three separate areas of the RiverWalk to be modified by this work.

Mr. Flores spoke to the need for the modifications to the areas to improve access to all, including the disabled.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, McClendon, Billa Burke, Solis, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Avila, Marbut, Thornton.

96-29

CITIZENS TO BE HEARD

"CITIZENS CONCERNED ABOUT THE SIERRA BLANCA RADIOACTIVE WASTE DUMP LICENSING"

A group of citizens made a presentation to the Council requesting that the City Council approve a Resolution opposing the licensing of a proposed nuclear waste disposal facility in Sierra Blanca, Hudspeth County, Texas.

The following citizens spoke:

Ms. Freda Hur; Mr. Jeff Davis; Ms. Margaret Day.

A copy of their presentation is on file with the papers of this meeting.

MRS. RITA BEHRENDT

Mrs. Rita Behrendt spoke to the City Council reiterating the statements she made at last week's Council meeting on the damages to her home caused by a tornado.

MR. KARL WURZ

Mr. Karl Wurz read a prepared statement he made to the SAWS Board on July 2, 1996. The statement is entitled, "73RD Legislature Confiscated Tax Monies and Real Property for the operation of Edwards Aquifer Authority", is on file with the papers of this meeting.

96-30 MEMBERS OF THE SAN ANTONIO AREA DISABILITY ADVOCATES (S.A.A.D.A.)

Ms. Christine Pocetti, President of the S.A.A.D.A. made a presentation to the City Council with reference to the sixth anniversary of the signing into law of the Americans with Disability Act. They spoke to the Proclamation issued by the Mayor earlier this morning proclaiming July 20, 1996 as Americans with Disability Day. A copy of the proclamation is on file with the papers of this meeting. She then introduced other members present in the audience.

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Ms. Jackie Kries, Public Relations Representative, read a prepared statement to the City Council, a copy of which is on file with the papers of this meeting.

Ms. Velia Limon, stated that she is very concerned that such accommodation as bathrooms are still not accessible for disabled citizens in San Antonio.

Mayor Pro-Tem McClendon thanked the group for their presentation.

- - -
96-29 City Council recessed its regular meeting at 5:55 P.M. in order to convene in Executive Session for a Staff Briefing and update on the status of pending Fair Labor Standards Act issues and compliance by the San Antonio Police Department. City Council adjourned the Executive Session and reconvened the regular session at 6:07 P.M., at which time Mayor Thornton stated that Council had been briefed on the above topic, had given staff direction, but had taken no official action.

- - -
96-29 There being no further business to come before the Council, the meeting was adjourned at 6:08 P.M.

A P P R O V E D


M A Y O R

Attest:


C I T Y C L E R K