

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
TUESDAY, OCTOBER 30, 1984.

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The meeting was called to order at 1:00 P.M. by the Mayor Pro Tem Bernardo Eureste, in the absence of the Mayor, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, EURESTE, ALDERETE, HARRINGTON, ARCHER, HASSLOCHER. Absent: THOMPSON, CISNEROS.

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84-50 The invocation was given by Mr. John Lowry, Northside Church of Christ.

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84-50 The City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

34-50 CONSENT AGENDA

Mr. Webb moved that Items 3 - 26, constituting the Consent Agenda, be approved with Items 5 and 10 to be pulled for individual consideration. 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, Eureste, Alderete, Harrington, Archer, Hasslöcher; NAYS: None; ABSENT: Wing, Thompson, Cisneros.

AN ORDINANCE 59,653

ACCEPTING THE PROPOSAL OF ADDISON-WESLEY PUBLISHING COMPANY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH ADULT BASIC BOOKS AND CASSETTES FOR A TOTAL OF \$4,085.08.

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AN ORDINANCE 59,654

ACCEPTING THE LOW BID OF POLYMER IND., INC. TO FURNISH THE CITY OF SAN ANTONIO WITH AN ANNUAL CONTRACT FOR SEWER INSPECTION EQUIPMENT PARTS AND SERVICE.

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AN ORDINANCE 59,655

APPROVING A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$30,975.00 WITH TRI-TECH ENGINEERING FOR ENGINEERING DESIGN ON THE S.W. 25TH STREET RECONSTRUCTION PROJECT, AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 59,656

APPROVING A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$85,325.00 WITH GARCIA & WRIGHT CONSULTING ENGINEERS, A MINORITY OWNED FIRM, FOR ENGINEERING DESIGN FOR THE ENGLEWOOD AREA STREETS DRAINAGE PROJECT, AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 59,657

APPROVING A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$39,620.00 WITH MILLIGAN & JOHNS, INC. FOR ENGINEERING DESIGN ON THE NEW JEFFERSON HEIGHTS STREETS PROJECT AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 59,658

APPROVING A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$67,530.00 WITH POZNECKI-CAMARILLO AND ASSOCIATES, INC., A MINORITY OWNED FIRM, FOR ENGINEERING DESIGN ON THE RUIZ STREET RECONSTRUCTION PROJECT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 59,659

AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$51,190.00 WITH SOMERVILLE-GONZALES AND ASSOCIATES, A MINORITY OWNED FIRM, FOR ENGINEERING DESIGN ON THE S.W. 34TH/BARNEY/WESCOTT RECONSTRUCTION PROJECT, AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 59,660

ACCEPTING THE BID OF T. L. UTILITY COMPANY, A MINORITY OWNED FIRM, IN THE AMOUNT OF \$317,828.00 FOR CONSTRUCTION OF THE DENVER BOULEVARD AREA SANITARY SEWER PHASE I, APPROVING A CONTRACT, PROVIDING FOR A CONTINGENCY ACCOUNT, AND PROVIDING FOR PAYMENT OF THE CONTRACT AND ADDITIONAL ENGINEERING FEES.

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AN ORDINANCE 59,661

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$13,945.00 OUT OF VARIOUS FUNDS FOR THE PURPOSE OF ACQUIRING TITLE AND/OR EASEMENTS TO CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

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AN ORDINANCE 59,662

GRANTING A LICENSE TO THE UNITED STATES OF AMERICA (LACKLAND AIR FORCE BASE) TO CONSTRUCT A COMMUNICATION CABLE AND DOUBLE CONCRETE DUCT SYSTEM (WITH MANHOLES) TO CARRY SUCH CABLE UNDER AND BENEATH SPRINGVALE DRIVE, ALDRICH DRIVE, ACCESS ROAD (PARALLEL DRIVE), LOOP 410, RANCH VALLEY DRIVE, OLD VALLEY HI DRIVE AND RAY ELLISON DRIVE (FORMERLY DWYER ROAD) ADJACENT TO NEW CITY BLOCKS 15148 (P-24), 15150 THROUGH 15153, 15156 (P-24), 15195 THROUGH 15197, AND 15206, TO CONNECT LACKLAND AIR FORCE BASE TO LACKLAND AIR FORCE BASE ANNEX; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE SAME.

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AN ORDINANCE 59,663

MANIFESTING AN AGREEMENT WITH REUBEN E. WEISS TO EXTEND A LEASE OF SPACE AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A ONE YEAR TERM.

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AN ORDINANCE 59,664 .

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH AIRCRAFT SERVICE INTERNATIONAL, INC. FOR LEASE OF SPACE IN TERMINAL 2 AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

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AN ORDINANCE 59,665 .

AMENDING LEASE NOS. 122075 AND 122126 WITH ALLIED AVIATION SERVICES OF SAN ANTONIO FOR SPACE AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

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AN ORDINANCE 59,666 .

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 59,667 .

AUTHORIZING PAYMENT OF REFUNDS TO PERSONS MAKING OVERPAYMENTS OR DOUBLEPAYMENTS ON 48 TAX ACCOUNTS.

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AN ORDINANCE 59,668 .

ACCEPTING THE GIFT OF A XEROX 2350 COPIER FROM GILBERT M. DENMAN, JR. FOR USE AT THE SAN ANTONIO BOTANICAL CENTER.

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AN ORDINANCE 59,669 .

AUTHORIZING PAYMENT OF THE SUM OF \$5,144.00 TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO SATISFY THE CITY'S CONTRACTURAL OBLIGATION UNDER GRANTS RECEIVED FOR AIR POLLUTION CONTROL PROJECTS IN 1981-83.

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AN ORDINANCE 59,670

AUTHORIZING PAYMENT OF \$10,500.00 TO CATERING BY ROSEMARY FOR A RECEPTION AND DINNER FOR ASSOCIATION REPRESENTATIVES FROM THE COUNCIL OF ENGINEERING AND SCIENTIFIC SOCIETY EXECUTIVES SPONSORED BY THE CONVENTION & VISITORS BUREAU.

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AN ORDINANCE 59,671

AUTHORIZING A PAYMENT TO MEXICANA AIRLINES, IN THE AMOUNT OF \$11,466.90, FOR EXPENSES INCURRED BY THE CONVENTION AND VISITORS BUREAU FOR THE INTERNATIONAL CITY MANAGEMENT ASSOCIATION CONFERENCE.

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AN ORDINANCE 59,672

ACCEPTING A GRANT OF \$18,351.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION IN SUPPORT OF THE OPERATION OF THE LIBRARY SYSTEM SERVICES - MURL GRANT PROJECT 1984/85; AUTHORIZING EXECUTION OF A GRANT AGREEMENT; ESTABLISHING A FUND AND APPROPRIATING FUNDS.

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A RESOLUTION NO. 84-50-55

EXPRESSING THE CITY COUNCIL'S SUPPORT OF THE RONALD MCDONALD HOUSE PROJECT AND REQUESTING THAT THE CITY PUBLIC SERVICE OF SAN ANTONIO, TEXAS MAKE A CONTRIBUTION TO THE RONALD MCDONALD HOUSE PROJECT IN AN AMOUNT EQUAL TO THE COST OF INSTALLING GAS AND ELECTRIC SERVICES TO THE HOUSE.

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AN ORDINANCE 59,673

AUTHORIZING SETTLEMENT OF CAUSE NO. 83-CI-16742, STYLED SANTOS CAMPOS VS. CITY OF SAN ANTONIO AND JACINTO M. HERRERA; IN THE 57TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS.

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84-50 The Clerk read the following Ordinance:

AN ORDINANCE 59,674

APPROVING CHANGE ORDER NUMBER 1 IN THE AMOUNT OF \$50,401.37 TO THE CONTRACT FOR RECONSTRUCTION OF THE SECOND FLOOR OF CITY HALL TO PROVIDE FOR EXPANSION OF THE MEZZANINE FLOOR AT THE CITY CLERK'S OFFICE.

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In response to a question by Mrs. Dutmer, Mr. Frank Kiolbassa, Director of Public Works, explained the Ordinance, which involves work being performed on the second floor of City Hall, most of which is to provide additional needed space for the City Clerk for storage of documents.

In response to a question by Mr. Alderete, Mr. Kiolbassa stated that, in his opinion, this would provide the City Clerk with sufficient room.

Mr. Alderete voiced his concern that the City Clerk's office might be cramped, having to share space on the second floor with the Public Information Office.

Mr. Hasslocher 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, Eureste, Alderete, Harrington, Archer, Hasslocher; NAYS: None; ABSENT: Wing, Thompson, Cisneros.

84-50 The Clerk read the following Ordinance:

AN ORDINANCE 59,675

ACCEPTING THE BID OF MISSION CONTRACTORS, INC., A MINORITY OWNED FIRM, IN THE AMOUNT OF \$3,435,037.20 FOR CONSTRUCTION OF WURZBACH ROAD FROM BABCOCK TO EVERS; APPROVING A CONTRACT; PROVIDING FOR CONTINGENCY AND PROVIDING FOR PAYMENT OF THE CONTRACT AND OF ENGINEERING FEES.

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Mr. Harrington moved that the Ordinance be approved. Mr. Hasslocher seconded the motion.

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Mr. Harrington briefly explained the Ordinance as an important action for citizens of this area of the city.

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

ZONING HEARINGS

27. CASE Z84067(P.P.) - to rezone a 68.972 acre tract of land out of NCB 14670, being further described by field notes filed in the Office of the City Clerk, in the 8600 Block of Rochelle Road, from Temporary "R-1" One Family Residence District and "B-3" Business District to "R-5" One Family Residence District, located on the east side of Rochelle Road, being southeast of the intersection of Kitchener Road and Rochelle Road, having 1430' on Rochelle Road, and a depth of 1850'; and a 77.241 acre tract of land out of NCB 14664, being further described by field notes filed in the Office of the City Clerk, from "P-1(R-3)" Planned Unit Development Multiple Family Residence District to "R-5" One Family Residence District, located between Rochelle Road and Lincoln Road and also between Oxford Road and Kitchener Road, having 1550' on Rochelle Road, 1420' on Lincoln Road, 2790' on Kitchener Road, and 2160' on Oxford Road.

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

Mr. Alvin Frieden, 4343 McCullough, representing the applicant, stated that his proposal for rezoning had received the support of the Alamo Farmsteads/Babcock Road Homeowners Association following a series of meetings to discuss the proposal with them. He spoke of agreements made with the group, and of having the support of most of the area property owners, noting that the rezoning actually down-zones a portion of the property.

Ms. Kathy Harding, representing the homeowners association, distributed copies of a map of the area, and spoke of the organization giving early approval to the idea for changing an existing R-3 zoning to R-5, as well as other amenities, including park land. She voiced her concern that the proponent did not keep the association fully informed of his full plans for development of the entire tract, and stated that now, many people in the area are against the high-density development planned. She spoke in favor of retaining the 70-acre tract in the rear of the property zoned R-1.

Ms. Vicki Wade, 6836 Stonykirk, stated her belief that some sort of wall or other perimeter zoning protection is needed on the 67 acres

nearest to the single-family residences. She spoke of heavy traffic in the area, and addition of more being an increased hazard. She also spoke of the construction of very expensive homes in this area, but supported the rezoning of the 77-acre tract in front of the property.

Ms. Mary Ann Currie, 9444 Abe Lincoln, spoke against development of the 77-acre tract, and also spoke of increased traffic problems as a result.

Mr. Carlos de la Garza, Jr., 9621 Rochelle, noted that the area is an attractive one, and apparently is targeted. He stated his opinion that the proponent did not keep the neighbors fully informed of development plans, and spoke against development of the 67-acre tract for anything but R-1.

Ms. Lee Lea, 6866 Stonykirck, spoke of her concern for the heavy traffic in the area.

Mr. Frieden noted that he could place some 2,500 apartment units on the 67 acres in front of this tract, but instead agreed with the homeowners association on development of the entire tract into R-5. He again spoke of meetings held with the homeowners association and its past president. He stated that he has affidavits from 79 per cent of the homeowners within 200 feet of the property, in support of his proposals, and spoke to the planned amenities.

Mr. Harrington noted that this is a difficult case. He stated that he had met with Mr. Frieden and the homeowners association on this matter, and stated that he was told that all those present at the meeting agreed to the proposed development. He stated that as a result, he agreed to support the R-5 request. He further noted that the homeowners association also supported the proposal when it came before the Zoning Commission, as well. He stated that he cannot impose large, single-family homes on an area in lieu of less-costly ones, and noted that R-5 was much preferable to R-3 zoning on this property, in his opinion. He spoke in support of the original commitment.

Mr. Harrington moved that the recommendation of the Zoning Commission be approved provided that proper access and off-street parking are provided, and that street dedication is given. Mr. Hasslocher seconded the motion.

In response to a question by Mr. Alderete, Ms. Harding spoke to the time when the homeowners association began to oppose the development because of lack of information on the development plan, plus possible increased traffic. She stated that she felt it was to have been a development similar to a Planned Unit Development.

In response to a question by Mr. Alderete, Mr. Frieden noted that he has voluntarily lowered the proposed density of the property.

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Mrs. Dutmer noted that Mr. Frieden has kept his word on promises made in connection with a commercial development near her own home, and she spoke in support of the rezoning request.

In response to a question by Ms. Berriozabal, Mr. Frieden discussed the results of meetings held with the opposition after a June 7, 1984 City Council postponement of consideration of this case. He noted that he had met with three members of the opposition and had made deals with each of the three, in writing, based upon those meetings. In response to a question by Ms. Berriozabal, Ms. Harding stated that she feels that no final meeting was held with Mr. Frieden because she was informed that he already was fully committed to two developers on the land, and plans for the projects were 'locked in'. She spoke of attorneys for both sides having met, as a last resort.

A discussion then took place concerning events of those meetings.

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; NAYS: None; ABSENT: Thompson, Cisneros.

AN ORDINANCE 59,676

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 68.972 ACRE TRACT OF LAND OUT OF NCB 14670, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 8600 BLOCK OF ROCHELLE ROAD, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT AND "B-3" BUSINESS DISTRICT TO "R-5" ONE-FAMILY RESIDENCE DISTRICT AND A 77.241 ACRE TRACT OF LAND OUT OF NCB 14664, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "P-1(R-3) PLANNED UNIT DEVELOPMENT TO "R-5" ONE-FAMILY RESIDENCE DISTRICT, PROVIDED THAT PROPER ACCESS AND OFF-STREET PARKING ARE PROVIDED, AND THAT STREET DEDICATION IS GIVEN.

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28. CASE 284406 - to rezone a 0.97 acre tract of land out of Lot 2, Block 1, NCB 14968, being further described by field notes filed in the Office of the City Clerk, in the 11800 Block of Starcrest Drive, from "B-2" Business District to "B-3R" Restrictive Business District, located

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north of the intersection of Starcrest Drive and Budding Boulevard, having 60' on Starcrest Drive, and 80' on Budding Boulevard.

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

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

Mr. Hasslocher explained the proposal, and voiced his support for it.

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; NAYS: None; ABSENT: Thompson, Cisneros.

AN ORDINANCE 59,677

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 0.97 ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 1, NCB 14968, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 11800 BLOCK OF STARCREST DRIVE, FROM "B-2" BUSINESS DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT.

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29. CASE Z84402 - to rezone a 3.1 acre tract of land out of Lots 22, 23, 24, and 25, N.C.B. 15687, being further described by field notes filed in the Office of the City Clerk, in the 4500 Block of Jung Road, from Temporary "R-1" One Family Residence District to "B-2" Business District, located on the southwest side of Jung Road, being 182' north of the intersection of Stahl Road and Jung Road, having 244.6' on Jung Road, 121.64' on Missouri Pacific Railroad R.O.W. and a depth of 560'.

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

In response to a question by Mr. Hasslocher, Mr. Fernando Cuellar, representing the proponent, explained the plans for development.

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Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved. 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; NAYS: None; ABSENT: Thompson, Cisneros.

AN ORDINANCE 59,678

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 3.1 ACRE TRACT OF LAND OUT OF LOTS 22, 23, 24 AND 25, NCB 15687, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 4500 BLOCK OF JUNG ROAD FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT.

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30. CASE Z84407 - to rezone Tract C, NCB 13706, in the rear of 9506 Perrin Beitel Road, from Temporary "R-1" One Family Residence District to "O-1" Office District, located 212' east of Perrin Beitel Road, being 217' north of the intersection of Sun Gate Drive and Perrin Beitel Road, having a width of 209.62' and a depth of 402'.

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

Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved provided that parking and driveways are provided and submitted for approval by the Traffic Engineering Division. Mrs. Dutmer seconded the motion.

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

AN ORDINANCE 59,679

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS TRACT C, NCB 13706, IN THE REAR OF 9506 PERRIN-BEITEL ROAD, FROM TEMPORARY "R-1"

ONE-FAMILY RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT, PROVIDED THAT PARKING AND DRIVEWAYS ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

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31. CASE Z84410 - to rezone Lot 149, NCB 8237, 550 Old Highway 90 West, from "F" Local Retail to "B-3" Business District, located on the southeast side of Highway 90 West, being 350' northeast of the intersection of 36th Street and Old Highway 90 West, having 48.2' on Old Highway 90 West and a depth of 162.09'.

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

Mr. Archer moved that the recommendation of the Zoning Commission be approved provided that off-street parking is provided and submitted for approval by the Traffic Engineering Division. Mr. Harrington seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Robert Guerrero, 550 Old Highway 90 West, spoke to the reason for his rezoning request, noting that the property was used for a tavern for some 15 years, and he plans to use it for a used appliance store sales and service center.

A discussion then took place concerning the proponent's acceptance of a B-3NA zoning, at which time he agreed to such a zoning designation.

Mrs. Dutmer proposed a substitute motion for "B-3NA" zoning instead of the requested "B-3" zoning. Mr. Webb seconded the motion.

The substitute motion was approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Alderete, Harrington, Archer, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

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

AN ORDINANCE 59,680

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 149, NCB 8237, 550 OLD

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HIGHWAY 90 WEST, FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, PROVIDED THAT OFF-STREET PARKING IS PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

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32. CASE Z84384 - to rezone Lot 40, Block 2, NCB 14702, in the 5600 Block of Oakland Road, from "R-3" Multiple Family Residence District to "B-2" Business District, located on the northeast side of Oakland Road, being 685' northwest of the intersection of Huebner Road and Oakland Road, having 228.6' on Oakland Road and a depth of 400'.

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

In response to a question by Mr. Harrington, Mr. Dan O'Banion, the proponent, discussed a privacy fence to be located behind a 25-foot landscaped area, during which he stated his opinion that having both was too much, and would force him to give up too much of his available property for development. He further stated that either stipulation, alone, would be sufficient.

A discussion then took place concerning differing requirements for stipulations on this property, as opposed to property across the street.

Mr. Harrington moved that the recommendation of the Zoning Commission be approved provided that off-street parking and driveways are provided and submitted for approval by the Traffic Engineering Division; that a 25-foot landscaped area, a 6-foot masonry fence and a one-foot non-access easement are provided along Oakland Road; and that a 6-foot solid screen fence is erected and maintained along the northwest property line until such time as the adjacent property transitions to a non-residential use. Mr. Alderete seconded the motion.

In response to a question by Mr. Harrington, Mr. A. F. Hasbrook, 9590 Oakland Road, spoke to the design of traffic patterns that would keep heavy traffic off of Oakland Road.

Mr. Harrington stated his opinion that it was 'overkill' to require the proponent to provide a 25-foot landscaped setback, in addition to the masonry fence inside of the landscaped area, and all this in addition to a one-foot non-access easement also imposed on that property line.

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Mr. Harrington proposed a substitute motion to approved the requested rezoning with stipulations but omitting the requirement for a 6-foot masonry fence. Mrs. Dutmer seconded the motion.

The substitute motion prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Alderete, Harrington, Archer, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

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

AN ORDINANCE 59,681

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 40, BLOCK 2, NCB 14702, IN THE 5600 BLOCK OF OAKLAND ROAD, FROM "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT OFF-STREET PARKING AND DRIVEWAYS ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION; THAT A 25-FOOT LANDSCAPED AREA, AND A ONE-FOOT NON-ACCESS EASEMENT ARE PROVIDED ALONG OAKLAND ROAD; AND THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTHWEST PROPERTY LINE UNTIL SUCH TIME AS THE ADJACENT PROPERTY TRANSITIONS TO A NON-RESIDENTIAL USE.

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33. CASE Z84394 - to rezone Lots 2 and 3, Block 1, NCB 15691, in the 11500 Block of Nacogdoches Road, from Temporary "R-1" One Family Residence District to "B-2" Business District, located southwest of the intersection of Roland Drive and Nacogdoches Road, having 179' on Nacogdoches Road and 91' on Roland Drive.

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

Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division,

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and that a 6-foot solid screen fence is erected and maintained along the northwest property line abutting the "R-1" residential area. 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, Eureste, Alderete, Harrington, Archer, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

AN ORDINANCE 59,682

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 2 AND 3, BLOCK 1, NCB 15691, IN THE 11500 BLOCK OF NACOGDOCHES ROAD, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION, AND THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTHWEST PROPERTY LINE ABUTTING THE "R-1" RESIDENTIAL AREA.

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34. CASE Z84102 P.P. - to rezone a 14.44 acre tract of land out of NCB 15675, being further described by field notes filed in the Office of the City Clerk, 17117 Redland Road, from Temporary "R-1" ERZD One Family Residence Edwards Recharge Zone District to "B-2" ERZD Business Edwards Recharge Zone District and a 10.47 acre tract of land out of NCB 15675, being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" ERZD One Family Residence Edwards Recharge Zone District to "R-3" ERZD Multiple Family Residence Edwards Recharge Zone District, located on the southwest side of Redland Road, being approximately 488' northwest of the intersection of Jones Maltsberger Road and Redland Road, having 1672.94' on Redland Road and a depth of 1056.88'.

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

Mr. Randy Dym, 17117 Redland Road, the proponent, stated that he has met with the Aquifer Protection Officer and has hired an engineer to work out the drainage problems on the property concerned, in order to

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alleviate the concerns over runoff into the Edwards Aquifer. He stated that he is in full agreement with the Aquifer Protection Officer's pollution abatement plan recommendations.

Mrs. Fay Sinkin, 125 St. Dennis, spoke of her concern with the lack of legislation to protect the Edwards Aquifer, and the lack of City Council action to prevent pollution of the aquifer. She spoke to the need for careful development over the aquifer.

Mr. Dym praised the Aquifer Protection Office for its work in protecting the aquifer.

Mrs. Dutmer noted that she speaks frequently in Austin on the matter of protection of the Edwards Aquifer, and also spoke of her concern for having pollution-free water. She spoke in favor of a water treatment plant to handle aquifer water, and voiced concern that Mr. Skip Francis, compliance officer, Texas Water Quality Board, has been told to keep hands-off the aquifer recharge matters.

Ms. Berriozabal spoke of pollution of water sources in several places, and voiced her opinion that protection of San Antonio's water supply should be a part of the current surface water study. She quoted from the Aquifer Protection Office report on this property and discussed its points on the possibility of contamination reaching the aquifer. She voiced her concern with the ability of the City to enforce its regulations, and noted that she would vote against this request, citing lack of sufficient protection in-place at this time.

In response to a question by Mr. Webb, Mr. Dym discussed altering the drainage flow away from Mud Creek, and installation of a sand-filtration area to aid in diluting any pollutants flowing over it. He stated that he plans to provide the necessary engineering to effect a change in the runoff flow.

Mr. Daniel Cardenas, Aquifer Protection Officer, stated that he would be working with Mr. Dym to insure that all this is done to protect the aquifer, and spoke to the possibility of surface monitoring of recharge flow.

Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved provided that the applicant work with the Aquifer Protection Officer and the San Antonio River Authority; that right-of-way dedication is given; and that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Harrington seconded the motion.

In response to a question by Mr. Alderete, Mr. Cardenas noted that his pollution abatement plan is tailored after the Board Order from the state of Texas. He noted that this is a sensitive area, and must have a monitoring system on the property. He further stated that if pollution does occur, he could ask the Texas Water Quality Board and Edwards Underground Water District to take appropriate action.

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In response to another question by Mr. Alderete, Mr. Cardenas stated that if he were the owner of this property, he would not develop it.

Mr. Alderete spoke against the request.

Mr. Harrington spoke of his concern with denying development of a property, even after the proponent has met all requirements of government to do so.

Mrs. Dutmer proposed an amendment to make the "pollution abatement plan" part of this motion. Mr. Hasslocher seconded the motion.

A discussion took place concerning past actions that resulted in sealing off access to recharge-zones of the aquifer, to prevent pollutants from flowing into the underground aquifer.

Mr. Alderete voiced his concern with denying recharge to the aquifer, and thanked the Aquifer Protection Officer for his stand on the issue of land development, in this case.

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

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

AN ORDINANCE 59,683

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 14.44 ACRE TRACT OF LAND OUT OF NCB 15675, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 17117 REDLAND ROAD, FROM TEMPORARY "R-1" ERZD ONE-FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT AND A 10.47 ACRE TRACT OF LAND OUT OF NCB 15675, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" ERZD ONE-FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "R-3" ERZD MULTIPLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT, PROVIDED THAT THE APPLICANT WORK WITH THE AQUIFER PROTECTION OFFICER AND THE SAN ANTONIO RIVER AUTHORITY; THAT RIGHT-OF-WAY DEDICATION IS GIVEN;

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AND THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION. FURTHER PROVIDED THAT THE AQUIFER PROTECTION OFFICER'S POLLUTANTS ABATEMENT PLAN IS IMPLEMENTED.

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84-50 The Clerk read the following Ordinance:

AN ORDINANCE 59,684

AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A QUITCLAIM DEED, RELEASING A CERTAIN TRACT OF LAND, BEING PART OF LOT 21, TRACT A, OR P-106, NEW CITY BLOCK 12050, TO SAN PEDRO LOOP PROPERTIES, INC., FEE OWNER, WHICH TRACT HAS BEEN RESERVED FOR FUTURE ACQUISITION BY THE TEXAS HIGHWAY DEPARTMENT.

* * * *

Mr. Archer 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; NAYS: None; ABSENT: Thompson, Hasslocher, Cisneros.

84-50 The Clerk read a proposed ordinance prohibiting with specific exceptions, the sale, possession, consumption, or distribution of alcoholic beverages in certain city parks, amending the policy established in Ordinance #59172, authorizing waiver of said prohibitions upon certain conditions and providing a penalty for violation hereof of a fine of not less than \$1.00 nor more than \$200.00.

Mr. Hasslocher moved that the Ordinance be approved. Mr. Archer seconded the motion.

Mr. Ron Darner, Director of Parks, briefly explained the Ordinance, noting that it also would relax several provisions of an earlier Ordinance on prohibiting alcohol in certain parks around the city.

Mrs. Dutmer voiced her concern with enforcement of the Ordinance.

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Mr. Darner briefly explained the "exception" procedures of the Ordinance, noting that state parks use the "permit" system for use of alcohol in them.

Mr. Archer spoke against allowing City parks to be taken over by those who, through their behavior, would make use of those City parks untenable to families and others who want to use them.

Mr. Harrington spoke against the total prohibition of alcohol in all City parks.

In response to a question by Mr. Alderete, Mr. Darner stated that the prohibition of alcoholic beverages in City parks could be handled on a case-by-case basis, but it would bring about an extremely heavy administrative burden upon the City to do so.

Mr. Alderete spoke against the total ban on alcohol in City parks, and spoke in support of the "case-by-case" basis.

Mr. Alderete proposed an amendment to ban alcoholic beverages in City parks on "case-by-case" basis, as requested by neighborhood residents. Ms. Berriozabal seconded the motion.

Mr. Wing spoke against the proposed amendment, stating his belief that undesirable elements are making parks untenable to many.

Mrs. Dutmer spoke in support of the amendment.

Mr. Hasslocher spoke in support of the main motion.

A discussion was held on which City parks already have a ban on use of alcohol.

Mr. Darner noted that this proposed Ordinance provided the Park Rangers with an enforcement tool to use in effectively policing City parks. He explained how the enforcement would work, if enacted by the City Council.

Ms. Berriozabal stated her opinion that an all-parks liquor ban would force the drinkers to find other places, such as vacant lots. She spoke in support of the amendment.

Mr. Harrington also spoke in support of the amendment.

Mr. Louis J. Fox, City Manager, spoke in support of the ban on use of liquor in City parks, noting that less crime is found in parks where the liquor ban is in effect now, and, in addition, parks usage in those parks also is up.

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

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

84-50 The Clerk read the following Ordinance:

AN ORDINANCE 59,685

PROHIBITING THE POSSESSION OF ANY BEVERAGE IN OTHER THAN A PLASTIC OR PAPER CONTAINER IN THE MARKET SQUARE COMPLEX AND PROVIDING A PENALTY OF NOT LESS THAN \$5.00 NOR MORE THAN \$200.00 FOR VIOLATION THEREOF.

* * * *

Mr. Alderete 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; NAYS: None; ABSENT: Thompson, Cisneros.

84-50 The Clerk read the following Ordinance:

AN ORDINANCE 59,686

AMENDING THE PROVISIONS OF CHAPTER 28 OF THE CITY CODE RELATING TO PEDDLERS, HAWKERS, CANVASSERS, AND SOLICITORS; PROVIDING FOR THE ISSUANCE OF PERMITS BY THE CITY SOLICITATION COMMISSION UPON REVIEW OF THE REASONABLENESS OF SOLICITATION COSTS; CHANGING THE COMPOSITION OF SAID COMMISSION; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

* * * *

Mr. Harrington moved that the Ordinance be approved. Mrs. Dutmer seconded the motion.

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In response to a question by Mrs. Dutmer, Mr. Lowell Denton, City Attorney, briefly explained the Ordinance provisions dealing with a solicitor having to reveal to the person being solicited the exact costs of that solicitation.

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; NAYS: None; ABSENT: Thompson, Hasslocher, Cisneros.

84-50 The Clerk read the following Ordinance:

AN ORDINANCE 59,687

APPROPRIATING \$60,000.00 IN SETTLEMENT OF CAUSE NO. 83-CI-16245, STYLED DAVID ROCHA ET AL. VS. CITY OF SAN ANTONIO ET AL. IN THE 57TH JUDICIAL DISTRICT COURT.

* * * *

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; NAYS: None; ABSENT: Thompson, Hasslocher, Cisneros.

The City Council recessed at 4:37 P.M. to convene an Executive Session, reconvening the regular session at 5:00 P.M. for Citizens to be Heard.

84-50

CITIZENS TO BE HEARD

MR. CARLOS A. GONZALEZ

Mr. Carlos A. Gonzalez, Executive Director of Centro Cultural Aztlan, thanked the City Council for their vote of confidence at last week's Council meeting which resulted in their organization being funded at the current level. He did express concern about other hispanic art agencies being defunded, with particular emphasis on the Ballet Folklorico de San Antonio. He stated that monies spent for the arts should not be

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considered as wasted money. He then presented Mr. Moises Espino del Castillo, Editor of the "Calaveras", a humorous annual Spanish publication in verse.

MR. MOISES ESPINO DEL CASTILLO

Mr. Castillo, then spoke to the Council and distributed copies of this publication to each of the Council members. He stated that the publication of "Las Calaveras" dates back to over a century. The poetry revolves around noted personalities in the community. He stated that the writers seek to portray either real or imaginary traits through the use of satirical and sometimes cutting verses, yet without intent to hurt or injure the object of their verses.

Mayor Pro Tem Eureste thanked Mr. Castillo for his presentation to the Council.

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BALLET FOLKLORICO DE SAN ANTONIO

Mrs. Emma D. Ramos, Executive Director of the Ballet Folklorico de San Antonio, stated that the Arts Subcommittee had recommended defunding their agency and one of the reasons cited had been their lack of community involvement. She stated that they have been involved in the community for over 20 years and have performed in many public arenas, however they do not perform at political functions nor just for the tourist trade. She spoke about the many places where they perform during the year.

Mayor Pro Tem Eureste stated that the group should return to the City Council meeting next week and reiterate their concerns.

Mr. Gerald Flores, Chairman of the Ballet Folklorico de San Antonio, also spoke to the City Council about the agency being defunded. He stated that their agency does not duplicate other services, and they specialize in Mexican and Folkloric Dance. They have performed for over 20 years in San Antonio. He also spoke about their community involvement. He asked the City Council to reconsider their actions of last week and to re-fund those groups which were defunded.

In response to Mayor Pro Tem Eureste, Mr. Flores stated that their company has an academy but unlike other agencies their's is a non-profit academy.

Mayor Pro Tem Eureste stated that his concern lies with the fact that there is a very minimal number of hispanic businesses and/or companies which can contribute to the support of hispanic art agencies.

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MR. DAVID GARCIA

Mr. David Garcia, 148 E. Huisache, Director of Arte-Arts, spoke about the reasons cited for defunding his agency. He spoke about their development of a strong broad based corporate board based on the fact that city monies were involved as well as the committment of a five year contract. He expressed concern that the Arts Subcommittee did not allow them an opportunity to work with them. He also spoke about their concerns with the public's perception of those agencies which were defunded.

* * * *

84-50 The Clerk read the following Letter:

October 24, 1984

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

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

October 23, 1984

Petition submitted by Rollins Outdoor Advertising requesting permission to erect a billboard on the corner of Hildebrand and Broadway.

* * * *

/s/Norma S. Rodriguez
City Clerk

There being no further business to come before the City Council, the meeting was adjourned at 5:30 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

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