

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, AUGUST 11, 1983.

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

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83-37 The invocation was given by Reverend Hector J. Grant, St. Paul United Methodist Church.

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83-37 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

83-37 SWEARING-IN OF PART-TIME MUNICIPAL JUDGE

City Clerk Norma S. Rodriguez administered the Oath of Office and Loyalty Oath to Mr. Ronald B. Prince, new part-time Judge of Municipal Court, and the Acting Mayor and members of the City Council offered their congratulations.

Judge Prince then introduced members of his family, present in the audience, and thanked the Council.

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83-37 The minutes of the meeting of July 21, 1983 were approved.

83-37 CONSENT AGENDA

Mrs. Dutmer moved that items 5 - 26 constituting the consent agenda be approved with the exception of item 10, to be pulled for individual consideration. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 57,399

ACCEPTING THE LOW BIDS OF DOUGLAS W. KING COMPANY AND WATSON DISTRIBUTING COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH GRASS SEED FOR A TOTAL OF \$33,265.00.

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AN ORDINANCE 57,400

ACCEPTING THE PROPOSAL OF HAL LEONARD PUBLISHING CORPORATION TO FURNISH THE CITY OF SAN ANTONIO WITH MUSIC SCORES FOR A TOTAL OF \$4,086.50.

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AN ORDINANCE 57,401

ACCEPTING THE PROPOSAL OF MUMFORD LIBRARY BOOK SALES, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH LIBRARY BOOKS FOR A TOTAL OF \$25,156.78 PLUS FREIGHT.

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AN ORDINANCE 57,402

ACCEPTING THE LOW QUALIFIED BID OF E. J. WARD, INCORPORATED TO FURNISH THE CITY OF SAN ANTONIO WITH A REPLACEMENT FUEL DISPENSING AND ACCOUNTING SYSTEM FOR A TOTAL OF \$249,225.00.

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AN ORDINANCE 57,403

ACCEPTING THE BID OF HOGAN MECHANICAL, INC. IN THE AMOUNT OF \$258,469.90 FOR REHABILITATION OF SLUDGE BEDS AT THE LEON AND SALADO CREEK WASTEWATER TREATMENT PLANTS; APPROVING PURCHASE OF AGGREGATE FOR A TOTAL OF \$319,731.79; ESTABLISHING CONTINGENCY ACCOUNTS; APPROVING A CONTRACT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 57,404

ACCEPTING THE BID OF BAYTOWN CONSTRUCTION CO., INC. IN THE AMOUNT OF \$216,800.00 FOR CLEANING, REPAIRING AND CONSTRUCTION OF THE OLD SALADO CREEK SANITARY SEWER OUTFALL; APPROVING A CONTRACT AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 57,405

APPROVING PAYMENT OF \$143,000 IN ADDITIONAL ARCHITECTURAL FEES TO JOHNSON-DEMPSEY & ASSOCIATES, ARCHITECTS, ON THE CONTRACT FOR DESIGN AND SPECIFICATIONS FOR A MAINTENANCE WAREHOUSE BUILDING AS A PART OF THE NEW WASTEWATER OFFICE COMPLEX.

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AN ORDINANCE 57,406

APPROVING A CONTRACT WITH CUTLER-GALLAWAY SERVICES, INC. TO PROVIDE ENGINEERING DESIGN FOR THE RILLING ROAD DIGESTER ROOFS REHABILITATION AND APPROVING \$122,400 IN ENGINEERING FEES.

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AN ORDINANCE 57,407

ACCEPTING THE BID OF E-Z BEL CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$72,746.40 FOR CONSTRUCTION OF SIDEWALKS AT VARIOUS LOCATIONS; APPROVING A CONTRACT AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 57,408 .

ACCEPTING THE BID OF TINAJERO CONSTRUCTION COMPANY AND BASS LATH AND PLASTER, JOINT VENTURE, IN THE AMOUNT OF \$21,500.00 FOR THE STUCCO PLASTER WALL AT THE HOUSTON STREET WALKWAY; APPROVING A CONTRACT AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 57,409 .

ACCEPTING THE PROPOSAL OF FORD, POWELL AND CARSON FOR DESIGN SERVICES ON THE PEDESTRIAN LINKAGE AND PLAZA BETWEEN HOUSTON STREET AND THE PASEO DEL ALAMO, FOR A FEE NOT TO EXCEED \$18,190.00 AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 57,410 .

AUTHORIZING EXECUTION OF FILED ALTERATION NO. 22 IN THE AMOUNT OF \$18,176.00 TO CONTRACT FOR THE INTERNATIONAL AIRPORT TERMINAL CONSTRUCTION (MODIFICATIONS TO THE STRUCTURAL STEEL ROOF FRAMING TO ACCOMMODATE A FIRE SPRINKLER SYSTEM).

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AN ORDINANCE 57,411 .

ACCEPTING TWO AIRPORT IMPROVEMENT GRANTS IN THE TOTAL AMOUNT OF \$1,202,684.00 FROM THE FEDERAL AVIATION ADMINISTRATION FOR VARIOUS IMPROVEMENTS AT INTERNATIONAL AND STINSON MUNICIPAL AIRPORTS.

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AN ORDINANCE 57,412 .

ACCEPTING THE BID OF BEXAR BUILDERS, INC. IN THE AMOUNT OF \$355,140.00 TO REHABILITATE TRAVIS PARK; APPROVING A CONTRACT AND PROVIDING FOR PAYMENT OF THE CONTRACT, ADDITIONAL ARCHITECT FEES AND A CONTINGENCY ACCOUNT; AND ACCEPTING A \$24,574.18 CONTRIBUTION FROM THE SAN ANTONIO PARKS FOUNDATION.

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AN ORDINANCE 57,413 .

APPROVING AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A RELEASE OF A SEWER EASEMENT LOCATED IN NEW CITY BLOCK 13832.

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AN ORDINANCE 57,414 .

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$6,805.00 OUT OF COMMUNITY DEVELOPMENT FUNDS FOR THE PURPOSE OF ACQUIRING TITLE AND/OR EASEMENTS TO CERTAIN LANDS IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

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AN ORDINANCE 57,415

ACCEPTING THE BID OF MIDAS ENERGY, INC., FOR AN OIL AND GAS LEASE FROM THE CITY ON A TRACT OF LAND IN WILSON COUNTY.

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AN ORDINANCE 57,416

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 57,417

AUTHORIZING EXTENDING THE ADMINISTRATIVE SERVICES CONTRACT WITH G.I.C. INSURANCE COMPANY IN CONNECTION WITH THE CITY EMPLOYEE HEALTH INSURANCE PROGRAM TO DECEMBER 31, 1983, AT THE SAME PER EMPLOYEE COST.

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AN ORDINANCE 57,418

AUTHORIZING PAYMENT OF \$4,250.00 TO THE AIRPORT OPERATORS COUNCIL INTERNATIONAL AS THE 1983-84 MEMBERSHIP DUES.

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AN ORDINANCE 57,419

APPROVING THE ASSIGNMENT OF THE CONTRACT FOR THE USE OF BRACKENRIDGE GOLF COURSE CLUBHOUSE IN CONJUNCTION WITH A FOOD AND BEVERAGE CONCESSION OPERATION, FROM FRED STRUCHTRUP, A CORPORATION D/B/A FRED STRUCHTRUP, INC., TO F.O.S. INC.

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83-37 The Clerk read a proposed ordinance accepting the bid of Meader Construction Company in the amount of \$3,141,188.77 to construct the Castillo Street Drainage Project; approving a contract and providing for payment of the contract, engineering fees and contingencies.

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

Mrs. Patricia Ozuna, representing Communities Organized for Public Service (COPS), spoke briefly of problems encountered with the firm in other projects in the City.

Mr. Estanislado Contreras, also representing COPS, stated that the Meader firm used certain church property for office and equipment storage purposes for more than one year.

Mrs. Ozuna stated that representatives of the firm have refused to meet with COPS representatives to discuss this matter, and asked that action on the proposed Ordinance today be postponed until after such a meeting is held.

Mr. Eureste asked that the matter today be postponed, providing in this manner a message to the Meader firm that it must deal with the community on its projects. He stated that the firm used certain church

property with the understanding that it would be only a temporary measure, yet that usage had extended for more than a year past the initial agreed-upon termination date for such usage. He further noted that the firm refuses to discuss the matter with the church or COPS, and stated that a tentative meeting with the firm has been set for tomorrow night, subject to confirmation.

Mr. Thompson spoke of his concern that a much-needed drainage project might be held up in the process.

Mrs. Ozuna briefly explained the initial verbal agreement between the Meader firm and the church involved, calling for a temporary three-month usage of church property as storage for the firm's equipment. She noted that the Meader firm moved onto the church property in April of 1982 and moved out only one week ago, stating that the firm made its facility on church property into a semi-permanent facility. She stated further that the church was unsuccessful in getting in touch with the company officials on the matter for a lengthy period of time, and now negotiations are underway on payment to the church for the use of its property.

In response to a question by Mr. Thompson, Mr. Frank Kiolbassa, Director of Public Works, discussed elements of timing in relation to this contract and the ramifications of delay. He also spoke of certain details of the firm's dispute with the church.

Mr. Wing stated his belief that the Meader firm is not responsive to the community.

Ms. Berriozabal spoke of her belief that the firm is insensitive to the problems of the community, and spoke specifically of actions taken in regard to the Saunders Street Project. She stated that there is a pattern to this insensitivity, and spoke in favor of postponing the ordinance.

Mrs. Dutmer spoke against the postponement, noting that this is an important drainage project. She also spoke to Meader's good work in relation to the Drexel Street Project.

Mr. Alderete made a substitute motion that action on this proposed ordinance be delayed one week. Mr. Eureste seconded the motion.

Mr. Eureste spoke of his concern with the City staff's role in relation to enforcing contracts with the City, and cited one case of a citizen's problems with a contractor on a damaged fence from work on a project in Columbia Heights, and the City's disclaimers of responsibility for damages. He stated his belief that the City is not aggressive enough in pursuing solutions to community problems.

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

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

A brief discussion followed, concerning possible options available now that the proposed Ordinance has failed to carry.

Mr. Eureste moved to reconsider the matter. Mr. Archer seconded the motion.

Mrs. Dutmer spoke of her concern with delays on this project and a possible lawsuit.

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

Mr. Eureste then moved tat consideration of this proposed Ordinance be postponed for one week. Ms. Berriozabal seconded the motion.

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

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83-37

SUBCONTRACTORS

Mr. Wing stated that he had been told that the subcontractors involved in Agenda Item 19 are being quoted as saying that Bexar Builders, Inc. is seeking to have the prices for subcontracting work on that project cut back by the subcontractors involved.

Mr. Frank Kiolbassa, Director of Public Works, stated that he would investigate the matter.

In response to a question by Mr. Eureste, Mr. Kiolbassa discussed the current status of the renovation contract for portions of City Hall with Seguin Ventures, noting that his office is dealing firmly with the contractors involved.

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ZONING HEARINGS

27. CASE 283127 P.P. - to rezone Lots 37 thru 42, Block 6, NCB 6554, in the 300 Block of Ridgewood Court, from "B" Residence District and "E" Office District to "B-2" Business District, located on the northside of Ridgewood Street, being 50' east of the intersection of San Pedro Avenue and Ridgewood Court having 150' on Ridgewood Court and 143' in depth.

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

No citizen appeared to speak in opposition.

In response to a question by Mr. Archer, Mr. Andy Guerrero, Planner II, stated that a number of changes to the proposed zoning case have been worked out between the proponent and those opposing the request, and briefly outlined those alterations. He noted that the applicant had amended his application to exclude a request for rezoning of Lots 37 and 38 and the north 20' of Lots 39 through 42.

Mr. Arthur Troilo, attorney for the proponent, spoke of the changes being proposed and the discussions that resulted in certain alterations to the original rezoning request.

Mr. Archer moved that the recommendation of the Zoning Commission be overruled and that the requested rezoning be approved provided that a 5' street dedication be given along Ridgewood Court with a 5' property line return. Mr. Harrington seconded the motion.

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

AN ORDINANCE 57,420

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

0606
DESCRIBED HEREIN AS LOTS 39 THRU 42, SAVE AND EXCEPT THE NORTH 20', BLOCK 6, NCB 6554, IN THE 300 BLOCK OF RIDGEWOOD COURT, FROM "E" OFFICE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT A 5-FOOT STREET DEDICATION IS GIVEN ALONG RIDGEWOOD COURT WITH A 5-FOOT PROPERTY LINE RETURN.

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28. CASE 283248 - to rezone a 13.226 acre tract of land out of NCB 17019, being further described by field notes filed in the Office of the City Clerk, in the rear of 13900 and 14000 Rocky Pine Woods Drive, from Temporary "R-1" E.R.Z.D., One Family Residence, Edwards Recharge Zone District to "P-1(R-1)" E.R.Z.D. Planned Unit Development, One Family Residence Zone, Edwards Recharge Zone District, located between the Southern Pacific Railroad R.O.W. and the Woods of Shavano Unit 4, Subdivision, having a maximum depth of 662.27' and a maximum width of 1552.63'.

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

No citizen appeared to speak in opposition.

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

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

AN ORDINANCE 57,421

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 13.226 ACRE TRACT OF LAND OUT OF NCB 17019, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE REAR OF THE 13900 AND 14000 BLOCKS OF ROCKY PINE WOODS DRIVE, FROM TEMPORARY "R-1" ERZD ONE-FAMILY RESIDENCE, EDWARDS RECHARGE ZONE DISTRICT TO "P-1(R-1)" ERZD PLANNED UNIT DEVELOPMENT, ONE-FAMILY RESIDENCE, EDWARDS RECHARGE ZONE DISTRICT.

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29. CASE 283240 - to rezone a 1.533 acre tract of land out of Lot 17, Block 6, NCB 16249, being further described by field notes filed in the Office of the City Clerk, in the 11700 Block of West Avenue, from "B-2" Business District to "B-3NA Business District, Non-Alcoholic Sales, located on the northwest side of West Avenue, being 300' southeast of the intersection of Silversands Drive and West Avenue having 20' on West Avenue, a maximum width of 188.68' and a maximum depth of 534.59'.

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

No citizen appeared to speak in opposition.

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

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

AN ORDINANCE 57,422

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 1.533 ACRE TRACT OF LAND OUT OF LOT 17, BLOCK 6, NCB 16249, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 11700 BLOCK OF WEST AVENUE FROM "B-2" BUSINESS DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES.

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30. CASE 283243 - to rezone Lot 129, Block 2, NCB 15730, 144 Dinn Drive, from Temporary "R-1" One Family Residence District to "B-3NA" Business District, Non-Alcoholic Sales, located on the south side of Dinn Drive, being approximately 850' west of the intersection of Fratt Road and Dinn Drive having 75' on Dinn Drive and a depth of 150'.

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

No citizen appeared to speak in opposition.

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

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

AN ORDINANCE 57,423

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 129, BLOCK 2, NCB 15730, 144 DINN DRIVE, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, PROVIDED THAT PROPER COMMERCIAL ACCESS AND OFF-STREET PARKING ARE PROVIDED.

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31. CASE 283235 - to rezone a 1.654 acre tract of land out of NCB 12059, being further described by field notes filed in the Office of the City Clerk, in the 12600 Block of West Avenue, from Temporary "R-1" One Family Residence District to "B-3" Business District and a 10.447 acre tract of land out of NCB 12059, being further described by field notes filed in the Office of the City Clerk, in the 200 Block of North Loop Road, the proposed "B-3" tract being located on West Avenue approximately 800' northeast of the intersection of North Loop Road and West Avenue, having 376.17' on West Avenue and a depth of 244.36', the proposed "I-1" tract being located on North Loop Road, approximately 1400' east of the

intersection of West Avenue and North Loop Road, having 282.77' on North Loop Road with a maximum depth of 863.22'.

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

No citizen appeared to speak in opposition.

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

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

AN ORDINANCE 57,424

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 1.654 ACRE TRACT OF LAND OUT OF NCB 12059, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 12600 BLOCK OF WEST AVENUE, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT AND A 10.447 ACRE TRACT OF LAND OUT OF NCB 12059, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 200 BLOCK OF NORTH LOOP ROAD, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER ACCESS AND OFF-STREET PARKING ARE PROVIDED.

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32. CASE Z83232 - to rezone northwest 105' of the northeast line of Lot 12, NCB 16115, in the 7900 block of Northwest Loop 410 Expressway, for the removal of a portion of a requirement imposed by Ordinance No. 55799, dated September 9, 1982, which required that a 6' solid screen fence be erected and maintained along the northeast and southeast property lines, located on the northeast side of Northwest Loop 410 Expressway, being 258.91' northeast of the intersection of Culebra Road and Northeast Loop 410 Expressway, having 294.91' on Northwest Loop 410 Expressway and a maximum depth of 599.67'.

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

No citizen appeared to speak in opposition.

Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved provided that a greenbelt buffer is erected and maintained on the northwest 105-feet of the northeast property line of Lot 12. Mr. Alderete seconded the motion.

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

AN ORDINANCE 57,425

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE

CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTHWEST 105' OF THE NORTHEAST PROPERTY LINE OF LOT 12, NCB 16115, IN THE 7900 BLOCK OF NORTHWEST LOOP 410 EXPRESSWAY, REQUESTING THE REMOVAL OF A PORTION OF A REQUIREMENT IMPOSED BY ORDINANCE NO. 55799, DATED SEPTEMBER 9, 1982, WHICH REQUIRED THAT A 6' SOLID SCREEN FENCE BE ERECTED AND MAINTAINED ALONG THE NORTHEAST AND SOUTHEAST PROPERTY LINES, PROVIDED THAT A GREENBELT BUFFER IS ERECTED AND MAINTAINED ON THE NORTHWEST 105-FEET OF THE NORTHEAST PROPERTY LINE OF LOT 12.

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33. CASE Z83202 - to rezone the southwest 24' of Lots 1 and P-36F; and the Southwest 24' of the northwest irregular 200' of P-36G, NCB 15324, from "I-1" Light Industry District to "R-4" Mobile Home District, located on the northwest side of Pearsall Road, being 1163.80' northeast of the cutback of the intersection of Holm Road and Pearsall Road, having 24' on Pearsall Road and a depth of 313'.

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

No citizen appeared to speak in opposition.

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

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

AN ORDINANCE 57,426

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTHWEST 24' OF LOT 1 AND P-36F, AND THE SOUTHWEST 24' OF THE NORTHWEST IRREGULAR 200' OF LOT P-36G, NCB 15324, FROM "I-1" LIGHT DISTRICT TO "R-4" MOBILE HOME DISTRICT.

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34. CASE Z83249 - to rezone a 12.13 acre tract of land out of NCB 15678, being further described by field notes filed in the Office of the City Clerk, in the 12800 block of Wetmore Road, from Temporary "R-1" One Family Residence District and "I-1" Light Industry District to "P-1(I-1)" Planned Unit Development, Light Industry District, located on the northwest side of Wetmore Road, being approximately 1135' southwest of the intersection of Thousand Oaks Drive and Wetmore Road having 1056.41' on Wetmore Road and a depth of 502.11'.

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

No citizen appeared to speak in opposition.

Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished if necessary Mr. Harrington seconded the motion.

After consideration, the motion, carrying with it the passage of

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

AN ORDINANCE 57,427

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 12.13 ACRE TRACT OF LAND OUT OF NCB 15678, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 12800 BLOCK OF WETMORE ROAD, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT AND "I-1" LIGHT INDUSTRY DISTRICT TO "P-1(I-1)" PLANNED UNIT DEVELOPMENT, LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED IF NECESSARY.

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35. CASE 283242 - to rezone Parcel 18, NCB 15180, 421 Valley Hi Drive, from Temporary "R-1" One Family Residence District to "B-3R" Restrictive Business District, located northeast of the intersection of S.W. Loop 410 Expressway and Valley High Drive, having approximately 300' on Valley Hi Drive and 212' on S.W. Loop 410 Expressway.

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

No citizen appeared to speak in opposition.

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

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

AN ORDINANCE 57,428

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 PARCEL 18, NCB 15180, 421 VALLEY HI DRIVE, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT.

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83-37 The Clerk read the following Ordinance:

AN ORDINANCE 57,429

APPROVING PAYMENT OF \$28,150.00 TO BILL SHANNON, INC. AS A FINAL SETTLEMENT OF A CLAIM BY THE CONTRACTOR AGAINST THE CITY ON THE SABINAS STREET BRIDGE OVER MARTINEZ CREEK PROJECT.

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

83-37 The Clerk read the following Ordinance:

AN ORDINANCE 57,430

AUTHORIZING AN EXCEPTION TO THE "NO ALCOHOL BEVERAGE" PROVISION OF SUNKEN GARDEN THEATER POLICY ORDINANCE #48169 FOR SPECIAL EVENTS SCHEDULED AT SAID FACILITY. (FIRST ANNUAL CHICANO MUSIC FESTIVAL - SEPTEMBER 3, 4, and 5, 1983; KXZL RADIO BENEFIT CONCERT - SEPTEMBER 18, 1983; KAJA 97 RADIO BENEFIT CONCERT - OCTOBER 16, 1983)

* * * *

Ms. Berriozabal moved that the Ordinance be approved. Mr. Hasslocher seconded the motion.

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

83-37 Agenda item 38, being a proposed Ordinance authorizing the expenditure of grant funds of \$15,000 from the Urban Consortium Energy Task Force Project, Landfill Gas Recovery: A Planning Methodology for Site Selection for professional services, was withdrawn from consideration.

83-37 The Clerk read the following Ordinance:

AN ORDINANCE 57,431

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT CONSENTING TO THE CONDOMINIUM DECLARATIONS FOR THE RIVERSIDE HOTEL CONDOMINIUMS ON WHICH THE CITY OF SAN ANTONIO IS THE OWNER AND HOLDER OF EXISTING MORTGAGE LIENS AGAINST CERTAIN UNITS.

* * * *

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

In response to a question by Ms. Berriozabal, Mr. Tom Finlay, Assistant City Attorney, explained the Ordinance, stating that the City must approve any changes to the condominium declarations since the City is the mortgage-holder on the low-interest loans involved.

In response to a question by Mr. Alderete, Mr. J. Christopher Varley, Assistant City Attorney, stated that the site involved is at College Street and Presa, and briefly explained the City's interest in the case involving air rights above the third floor.

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

00611

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

83-37 Agenda item 40, being a proposed Ordinance approving a revised Affirmative Action Plan, was withdrawn from consideration.

83-37 The Clerk read the following Ordinance:

AN ORDINANCE 57,432

WAIVING THE RENTAL FEE FOR BEETHOVEN HALL FOR A BENEFIT CONCERT ON TUESDAY EVENING SEPTEMBER 13, 1983 SPONSORED BY THE BEXAR COUNTY DETENTION MINISTRIES, INC. IN COOPERATION WITH THE CHAPLAINCY IN THE JAIL AND JUVENILE CENTERS.

* * * *

Ms. Berriozabal moved that the Ordinance be approved. Mr. Eureste seconded the motion.

Mrs. Dutmer spoke of her concern with waiving City fees in light of the City's budgetary problems, noting that such fees are not high.

Mr. Archer stated that the action, in this case, is for a good cause.

Ms. Berriozabal spoke in support of the proposed Ordinance, noting that the City Council had voted not to charge normal City fees for non-profit groups to use Beethoven Hall, provided that no admission is charged to the event. She asked City staff to report on how much lost revenues have been waived thus far this year for Beethoven Hall.

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

83-37

CITY BUDGET

Mr. Louis J. Fox, City Manager, recommended to the City Council that he present the budget to the Council at next Thursday's regular Council meeting as an informational matter. He also asked for guidance from the Council as to the scheduling of budget work sessions.

Mr. Thompson spoke against holding the work sessions following Council meetings on Thursday nights.

Mr. Eureste spoke in favor of holding such sessions following the regular Thursday Council meetings.

Mr. Eureste moved that informal Council work sessions on the City budget be held at 7:00 P.M. on Thursdays, beginning August 25, 1983. Ms. Berriozabal seconded the motion.

A discussion then took place concerning what matters would take precedence, should other Council meeting items require consideration after the 7:00 P.M. time-certain of the budget work sessions.

After consideration, the motion prevailed by informal Council consensus.

CITIZENS TO BE HEARDMISS ADELA NAVARRO

Miss Navarro provided the Council members with a handout exhibit of a Special City Council meeting of January 8, 1884, a copy of which is made a part of the papers of this meeting, in which the name of Milam Square is changed to Maverick Square and the square known as Old Catholic Cemetery is changed to Milam Square or Park.

Miss Navarro asked for passage of a new Ordinance that would change the name of the current Milam Square to El Campo Santo.

Mr. Alderete noted that Miss Navarro and her brother often seek to correct historical errors or injustices in the naming of parklands in San Antonio, and noted that the old Ordinance of 1884 shows what we know as Maverick Square at Broadway and Jones Avenue once was known as Milam Square.

In response to a question by Mrs. Dutmer, Miss Navarro spoke to the background of the issue.

Mr. Eureste spoke to the details of a recent City Ordinance which authorized settlement of a lawsuit brought by Miss Navarro against the City in this matter.

Mr. Louis J. Fox, City Manager, stated that under that settlement, the City agreed to put a sign in Milam Square with the names of those buried in the old Campo Santo there.

Mr. Ron Darner, Director of Parks and Recreation, spoke to details of that settlement, and to the redesign of the park involved. He stated that the City presently is working on a proper sign market for the park, which will be ready in two to three months.

Miss Navarro stated that history tells us that the graves in the Old Campo Santo are under some 8 to 12 feet of earth in the park, and she asked for a better marker than the one presently in place, and also asked that the statue of Milam also be removed from the park.

Mr. Archer spoke to the City Council's record of righting certain wrongs.

In response to a question by Ms. Berriozabal, Mr. Darner stated that it would cost an estimated \$45,000 to tear down the present concrete walls in the park.

Mr. Eureste asked that the concrete walls be taken down and the area returned to a park-like atmosphere.

PERRIN-BEITEL ROAD BRIDGE

Mr. Hasslocher asked that something be done about an unidentified man currently living underneath Loop 410 at Perrin-Beitel Road.

83-37 The City Council recessed the regular meeting at 4:00 P.M. in order to hear an informal "B" Session presentation on a proposed water study for San Antonio.

CITIZENS TO BE HEARD
(CONTINUED)

WOMENS' EMPLOYMENT PROGRAM OF THE WESTSIDE PARISH COALITION

Ms. Carla Williams, representing the Womens' Employment Program of the Westside Parish Coalition, asked the City Council to continue its funding for their program. She stated that last year the City had provided their agency with 60 percent of their budget, and stated that they are requesting that the City funding be in the amount of \$120,000. She then asked members of the program to address the City Council.

Ms. Rincon, Belen Gonzales, Vangie Ibarra, Debbie Romero and Debra Ann Voight then spoke about their personal experiences with the Womens' Employment Program and the assistance provided them which enabled them to train for jobs and get off the welfare rolls. Most of the women who spoke are single heads of households.

Mr. Eureste stated that the Westside Parish Coalition received funding from the City in the amount of \$69,000. He stated that this program has been very successful in the west side of San Antonio and spoke in favor of continued funding for these type of programs. He stated that the funding recommended by the staff for this year is at the same level as last year, and he had asked the individuals to return to the City Council to garner support for increasing the allocation.

Ms. Berriozabal reiterated her support of this program. She recognized Mrs. Lupe Ochoa, Executive Director, and commended her for her efforts in bringing this program to the City Council's attention.

In response to some questions by Mr. Harrington, Mrs. Ochoa stated that 116 women were assisted to date. She described the program in detail and spoke about the function of the program which mainstreams women into the job market. She stated that the Westside Parish Coalition is made up of six westside churches.

Mrs. Dutmer stated that she will be contacting Mrs. Pat Turner of the Texas A&M Extension School to see about the possibility of working with this group.

* * * *

MR. MIKE SMITH

Mr. Mike Smith, President of the Taxpayers' League, spoke to the Council about the recent news stories about the possible tax increase by the City. They are strongly opposed to any tax increase at this time. He spoke to the reappraisal study and the effect on homeowners' and also spoke on the different entities in the area raising taxes. He also spoke about user fees in all phases of government being increased. He stated that an increase in property taxes will stifle growth. He recommended that the present level of taxation be frozen and that other cost effective cuts be made such as Council travel.

Mrs. Dutmer stated that she too is a member of the Taxpayers' League, however, the exemptions to senior citizens and handicapped citizens have really put a burden on the City and spoke to the fact that the City of San Antonio has not raised taxes for over 15 years. A tax increase will also improve City services.

In response to Mr. Smith, Mr. Eureste stated that the City Public Service shortfall is one of the reasons necessary for the property tax increase. He stated that if 1983-84 City Public Service revenues exceed the estimated revenue, he would be willing to rebate these monies to the taxpayers.

* * * *

00615

MR. JAKE FLORES

Mr. Jake Flores, El Mercado Merchants Association, read a prepared statement to the Council regarding their concerns on the collection of utility fees from the tenants. A copy of Mr. Flores' statement is on file with the papers of this meeting.

After discussion, Mr. Alderete asked that staff be directed to work with El Mercado Merchants Association, to work out a method of collecting the utility fees and report back to the City Council in 30 days. Mr. Thompson seconded the motion.

Mr. Bill Donahue, Assistant City Manager, stated that the City staff has been working on this issue with the merchants and spoke about the need to work out a formula that will be equitable to all merchants. He stated that the staff will be back to report to Council in 30 days.

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

* * * *

MR. ISARIAS L. DIAZ

Mr. Isarias L. Diaz, President of El Mercado Merchants Association, spoke to the City Council about their concerns with a recent annexation approved by the City Council on July 21, 1983. He stated that at that meeting, the City Council and the El Mercado Merchants Association, had been assured that the Mercado Square name of the new mall would be changed. To date, conversations with the attorneys for the Mall have not resulted in anything concrete being done to effect the name change. He stated that they intend to begin legal proceedings to resolve this issue. He asked for the Council's support in this issue.

Ms. Berriozabal referred to a memorandum she had written the City Manager dated August 10, 1983, on this very issue. (A copy of the memorandum is on file with the papers of this meeting.) She asked that the City Attorney's office work with the owners of the new mall to find out the status of the agreement which had been discussed at the July 21, 1983 Council meeting.

Mrs. Dutmer also expressed concern about the statements made at the July 21, 1983 Council meeting.

Mrs. Dutmer also expressed concern about the statements made at the July 21 Council meeting and that documents were shown which assured the Council of the name change procedure being initiated.

A discussion then took place on the responsibility of the City and the possible litigation involved.

Mr. Thompson stated that the City needs to involve itself and move forward since the tenants are the merchants and the landlord in this case is the City.

Mr. Eureste stated that the City Council can consider deannexation and this may cause the mall owners to reconsider their inaction on this request.

Ms. Abbey Antuna, Attorney representing El Mercado Merchants Association, referred to a memorandum written by the City Attorney's office dated July 25, 1983 (a copy of which is on file with the papers of this meeting). She spoke about the concerns of the merchants at El Mercado and the possible litigation involved.

After discussion, Ms. Berriozabal moved to direct the City Manager to look into this matter and investigate whether litigation may be warranted. Mr. Eureste seconded the motion.

Mr. Bill Donahue, Assistant City Manager, stated that there are several legal issues involved. He stated that Mrs. Kit Cahill of the City Attorney's Office has been working on this matter and will have a report ready in two to three days.

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

* * * *

MRS. MARIA DOMINGUEZ

Mrs. Maria Dominguez commended the speakers for the Womens' Employment Program of the Westside Parish Coalition. She stated that these women are really struggling to provide for their families.

Mrs. Dominguez spoke of the need of continuing to bring money-making conventions to San Antonio, and commented on the problems of the City not being able to attract such conventions.

* * * *

MR. AL NOTZON

Mr. Notzon, Executive Director of the Alamo Area Council of governments and President of the Monte Vista Neighborhood Association, asked what actions the City plans to take concerning the matter of Alamo Stadium and its proposed usage for the United States Football League entry from San Antonio, and also what actions would have to be taken by South Texas Sports, Inc. in order to bring on any City action against it. He stated his belief that construction on a proposed artificial surface on the football field would seem to indicate a violation of the 1939 City ordinance prohibiting use of Alamo Stadium for a profit-making venture. He also volunteered his neighborhood organization's help in seeking a better location for a pro football stadium.

* * * *

MRS. EDITH MOLNAR

Mrs. Molnar, representing Alamo Carriage Service, asked for the Council's assistance in allowing horse-drawn carriages to operate past the present midnight shutdown time, noting that on occasion, a loaded carriage is forced to stop and off-load its passengers in mid-tour, at midnight.

Mr. Thompson stated his belief that the midnight cutoff time is not meant to be rigidly enforced to the point of forcing a carriage to halt in mid-tour and off-load its passengers. He stated that as Chairman of the Council's Transportation Committee, he would meet with Mr. Roger Ibarra, Supervisor of Public Utilities, and seek a possible solution.

Mr. Eureste questioned the need for the midnight curfew.

Ms. Berriozabal spoke to the need of the carriage firm to more closely monitor the matter of hygiene relative to its horses.

Mr. Wing spoke of complaints having been received of certain odors emanating from horse-drawn carriages located in front of the Alamo, and spoke of the need to do something about this situation.

Mrs. Molnar stated that what is needed there is access to a water source so that drivers can hose down any odor-producing matter.

Mr. Alexander E. Briseno, Assistant City Manager, stated that City staff would check into the matters.

3-37 The Clerk read the following Letter:

August 4, 1983

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.

July 29, 1983

Petition submitted by Mr. Jose E. Aguire, D.M.D. requesting that a stop sign be installed at the corner of Wayside and Barbet to control the traffic on Wayside Drive.

/s/Norma S. Rodriguez
City Clerk

There being no further business to come before the City Council, the meeting was adjourned at 6:59 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