

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, JUNE 20, 1985.

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The Regular Meeting of the City Council was called to order by the presiding officer, Mayor Henry Cisneros, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, VERA, HARRINGTON, ARCHER, HASSLOCHER, CISNEROS. Absent: NONE.

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85-37 The invocation was given by Reverend Paul A. Sicilia, Holy Family Catholic Church.

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85-37 The City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

85-37 LIBRARY FOUNDATION

Mayor Cisneros briefly explained the purpose of the Library Foundation, noting that it had raised more than \$200,000 to date for the San Antonio Public Library System. He then asked Dean Truett Chance to come forward and also introduced Ray Carvajal, President of the Library Foundation.

Mr. Ray Carvajal stated that some \$50,000 had been received in mail solicitations through a recent City Public Service mailout and he thanked Mrs. Albert Berler for providing the initial idea for this fund-raising event for the Library Foundation.

Mayor Cisneros spoke of the amount of books that this will purchase for the Library system.

Mr. Carvajal, and other board members, then presented checks in bank bags to Dr. Chance on behalf of the Library Foundation.

Dr. Chance thanked all of those who contributed to the fund and to the members of the foundation for their efforts. He thanked the City Public Service Board for allowing the insertion of the library solicitation campaign mailouts in City Public Service Board bills.

Mayor Cisneros then thanked Mr. John Heard, the first president of the Library Foundation, for his efforts on that behalf.

85-37

VOLLEYBALL

Mayor Cisneros briefly explained the proclamation designating the members of the Alamo Volleyball Association as Ambassadors of Good Will. They will soon be competing in the nationals in St. Joseph, Missouri and the AAU Junior Olympics to be held in Chicago, Illinois. He asked the members of the group present in the audience to stand and be recognized.

Mrs. Gool Castleberry then introduced the coaches and presented two special T-shirts to the Mayor for his two daughters.

Mayor Cisneros read the Proclamation designating the members of the group as Ambassadors of Good Will and presented the Proclamation to Mrs. Castleberry.

The coaches then shook hands with City Council members who offered their congratulations.

85-37

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES

Mayor Cisneros stated that he often is proud of members of the City family who excel in their individual professional organizations. He then spoke of Mr. Michael J. Kutchins' election as the new president of the American Association of Airport Executives at the group's recent 57th Annual Conference in Baltimore. Mayor Cisneros then read a special certificate on behalf of Mr. Kutchins and introduced his wife also present in the audience for the occasion.

Members of the City Council then individually offered their congratulations to Mr. Kutchins on his election.

Mr. Kutchins thanked the Council for the great honor and thanked City Manager Louis J. Fox, and the staff for their assistance. He explained the various election events that took place and the plans for the upcoming year for his group representing AAAE. He stated that he will work on proposed new treasury regulations that now envision taxing airport bonds in order to attempt to get those bonds exempted from future taxation.

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SALE OF \$41,740,000 CITY OF SAN ANTONIO, TEXAS  
GENERAL IMPROVEMENT BONDS, SERIES 1985

Mayor Cisneros noted that San Antonio has scored a major breakthrough with an excellent interest rate on the bonds to be sold today. The bonds brought an interest rate below 8%, which is the lowest received in San Antonio in a number of years. He stated this low interest rate will save substantial amounts of money for the City and its taxpayers and noted that it was much better than Houston's 8.21% on similar bonds that were opened just yesterday. He added that this just underscores the confidence in the financial management of San Antonio. Mayor Cisneros stated that the firm of Smith Barney posted the best bid in today's bonds and also noted that this firm has announced that it will be opening an office in San Antonio for public finance with Mr. Jim Williams as its local manager. Mayor Cisneros termed this a significant move in the financial market for San Antonio.

Mr. Jim Williams, the new manager of the San Antonio office of Smith Barney, stated that his firm was the first Wall Street firm to locate a regional office in San Antonio.

The bids received for this sale were as follows:

CITICORP INVESTMENT BANK

Gross Interest Cost	\$ 35,304,651.00
Less Premium	-0-
Net Interest Cost	35,304,651.00

Effective Interest Rate 8.0103%

SALOMON BROTHERS, INC.

Gross Interest Cost	\$ 35,211,200.00
Less Premium	940.20
Net Interest Cost	35,210,259.80

Effective Interest Rate 7.9888%

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THE NORTHERN TRUST COMPANY

Gross Interest Cost	\$ 35,445,350.00
Less Premium	4,456.80
Net Interest Cost	35,440,893.20
Effective Interest Rate	8.041225%

SMITH BARNEY

Gross Interest Cost	\$ 35,202,800.00
Less Premium	2,494.40
Net Interest Cost	35,200,305.60
Effective Interest Rate	7.986637%

CHASE MANHATTAN CAPITAL MARKETS CORPORATION

Gross Interest Cost	\$ 35,456,900.00
Less Premium	125.00
Net Interest Cost	35,456,775.00
Effective Interest Rate	8.04483%

HARRIS BANK

Gross Interest Cost	\$ 35,450,600.00
Less Premium	18.00
Net Interest Cost	35,450,582.00
Effective Interest Rate	8.0434%

MERRILL LYNCH CAPITAL MARKETS

Gross Interest Cost	\$ 35,521,075.00
Less Premium	11,157.40
Net Interest Cost	35,509,917.60
Effective Interest Rate	8.0568%

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The Clerk read the following Ordinance:

AN ORDINANCE 60,876

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF SAN ANTONIO, TEXAS, GENERAL IMPROVEMENT BONDS, SERIES 1985", LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AND DECLARING AN EMERGENCY. (SMITH BARNEY) \*

\* \* \* \*

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

Mr. Louis J. Fox, City Manager, spoke to the favorable interest rate involved, noting that other cities with better bond ratings, some with Triple A ratings, still have posted higher interest rates in recent bond sales. He stated that he plans a complete reevaluation of San Antonio's bond portfolio in the near future in order to possibly consolidate bonds.

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

85-37 The Clerk read the following Ordinance:

AN ORDINANCE 60,877

ESTABLISHING A MORATORIUM ON MULTI FAMILY CONSTRUCTION IN THE AREA BOUNDED BY HIGHWAY 90 WEST, CUPPLES ROAD, THOMPSON, AND GENERAL HUDNELL.

\* \* \* \*

Mr. Martinez made a motion to approve the proposed Ordinance. Ms. Berriozabal seconded the motion.

Ms. Helen Ayala, President of Communities Organized for Public Service (COPS), then introduced Ms. Evelyn Garcia, of COPS, who lives near the apartment project in this particular area.

Ms. Garcia stated that she has been a thirty-five year resident in the St. John's Berchmann's area and asked that the delegation with her present in the audience to stand and be recognized. She spoke of her interest in the quality of life of the westside of San Antonio and in maintaining that quality of life. She stated further that she now finds that the area for some time has been zoned "C" Apartment, apparently since 1940. She described what is allowed in the "C" Apartment zoning and then contrasted it to the 1965 R-3 zonings of the City and the better restrictions under the R-3 zoning. She then provided details of the apartment development now underway in the area by McClure and Associates. She stated her opinion that the developers are not required to observe the 1965 regulations because of the previous "C" Apartment zoning in the area and she asked that the Council impose a moratorium on the construction of apartments of any type within certain boundaries as outlined in the proposed ordinance. She then distributed photographs of the apartment development now under construction in this particular area.

Mr. Alfredo Montez, a resident of the area, stated that he lives next door to the apartment project and that streets and sewers in the area are not adequate to handle the additional load from the apartment development. He spoke in support of the moratorium.

Mr. Ralph Rodriguez objected to the McClure apartment project and spoke in favor of the moratorium.

Ms. Matilde Stevens, 1606 Barclay Street, stated that the apartments, in her opinion, are a disgrace to the neighborhood.

Mr. Al Van de Walle, a neighbor who lives in the same area, also spoke in support of the moratorium.

Father Bart Flaar, St. John's Berchmann's Catholic Church, spoke against so-called 'slum apartments' and stated that neighbors have been lied to by the developer and possibly by a City inspector about the number and the quality of apartments being planned. He spoke in support of the moratorium.

Ms. Ayala stated that she fears many violations in apartment development involved in this area and spoke against any more apartments being allowed in this particular area for the time being.

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Mayor Cisneros discussed the questions on the duration of the moratorium and stated that there was a legal question concerning a fixed period of time for that moratorium. He noted that the City Attorney has said that the ordinance must specify a definite period of time and not be left open-ended. He stated that the proposed ordinance reads six months.

Mr. Martinez spoke in favor of a broader time period than the six months in the proposed ordinance.

Mr. Martinez proposed an amendment to the motion that the ordinance will read "until such time as the rezoning of the area is completed." Mr. Wing seconded the motion.

Mr. Tom Finlay, Assistant City Attorney, stated that no one is certain that this amendment is illegal as stated. He stated that it is perhaps more likely to be successful if the ordinance carries a fixed period of time rather than an open-ended period of time.

In response to a question by Mr. Martinez, Mr. Roland Lozano, Director of Planning, stated that rezoning of this entire area will take perhaps an additional eighteen months. He spoke to City Council direction to the staff on other priority work that is expected to take precedence over this.

Mr. Martinez stated that the subject apartment development at Barclay and Darby is unfortunate in his opinion since this is in a single family residential area. He noted the very small apartment units that are planned and asked that the developers be put on notice that this type of project is not acceptable in this area. He spoke to the need for more area protection until the rezoning is completed.

Mr. Thompson spoke in support of the moratorium and against the 1948 zoning. He spoke against certain things that were allowed in the more lax "C" Apartment zoning of 1940.

Mr. Lozano discussed the City Council setting of rezoning priorities and noted that this would be No. 5 on the staff's current planning priority list. He spoke of the some 270 square miles of rezoning that is under study in the City of San Antonio city-wide at this moment and stated that he must follow state law in the complete rezoning process.

Mr. Thompson voiced his concern with the lack of progress in the Planning Department on this particular matter, stating his feeling that he supports moratoriums in other areas as well as this.

Mr. Louis J. Fox, City Manager, stated that this is simply an issue of priorities and he and the staff need the resources in order to accomplish this in an accelerated time period.

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Mr. Thompson spoke against development through outdated zoning categories.

Ms. Ayala noted that she had heard that certain housing public funds had allegedly been used to finance such apartment projects and developments as this.

Mr. Harrington spoke against the support for a moratorium in this case.

Mrs. Dutmer stated that she can support a time-certain moratorium and defended the zoning staff on the progress it had made on the priority projects as set by the City Council.

In response to a question by Mrs. Dutmer, Mr. Finlay stated that the City Council could amend the zoning ordinances to change what is allowed in certain zoning classifications.

In response to a question by Mr. Wing, Mr. Finlay stated that the City will accept zoning regulations in the area even though a moratorium is put into effect.

Mr. Wing defended Mr. Lozano's department stating that perhaps this Council needs to change its priorities in certain planning matters.

Mr. Fox spoke of a need to bring "C" apartment uses up to the current "R-3" restrictions in order to temporarily solve the problem while the land use study is underway throughout the City.

Ms. Berriozabal defended the City staff in this matter and spoke of it as a matter of budget concern. She stated that local universities can assist in supplementing the staff with interns in order to provide additional help to the Planning Department. She asked staff to pursue this with the various universities perhaps as school-funded projects. She then noted that the Bexar County Housing Finance Corporation has provided funds for such apartment projects as this.

The amendment offered by Mr. Martinez prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Martinez, Thompson, Vera, Archer, Cisneros; NAYS: Dutmer, Harrington; ABSENT: Hasslocher.

The main motion, as amended, prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Martinez, Thompson, Vera, Archer, Cisneros; NAYS: Dutmer, Harrington; ABSENT: Hasslocher.

Mr. Dutmer made a motion that the present zoning code be amended so that the older zonings would have to come under the new building code with regard to such things as restrictions as to density, etc. This is a

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move to require that the older 1940 zoning classifications would have to observe the newer restrictions under the 1965 and later zoning classifications. Mr. Archer seconded the motion.

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

85-37      CONSENT AGENDA

Mr. Thompson made a motion to approve Agenda Items 8 - 39, constituting the Consent Agenda, with Items 33, 34, and 39 to be pulled for individual consideration. Mr. Archer seconded the motion.

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

AN ORDINANCE 60,878

ACCEPTING THE LOW BID OF ALEX ACOSTA SPORTING GOODS TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH UNIFORM SHIRTS FOR A TOTAL OF \$10,319.66.

\* \* \* \*

AN ORDINANCE 60,879

ACCEPTING THE LOW BID OF RUIZ CONSTRUCTION CO. TO PAINT SIX FIRE STATIONS FOR A TOTAL OF \$25,297.

\* \* \* \*

AN ORDINANCE 60,880

ACCEPTING THE LOW BID OF SOUTHWEST PRINTING INK COMPANY TO FURNISH THE CITY OF SAN ANTONIO CENTRAL STORES DIVISION WITH A CAMERA PLATE SYSTEM FOR A TOTAL OF \$14,190.

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AN ORDINANCE 60,881

ACCEPTING THE LOW BID OF CLAUDE WRIGHT & ASSOCIATES, INC. TO FURNISH HE CITY OF SAN ANTONIO AVIATION

DEPARTMENT WITH PROTECTIVE ALUMINIZED CLOTHING FOR  
FIREFIGHTING FOR A TOTAL OF \$4,004.

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AN ORDINANCE 60,882 .

ACCEPTING THE LOW BID OF VALLEN SAFETY SUPPLY  
COMPANY TO FURNISH THE CITY OF SAN ANTONIO AVIATION  
DEPARTMENT WITH AQUEOUS FILM FORMING FOAM FOR A  
TOTAL OF \$7,750.

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AN ORDINANCE 60,883 .

ACCEPTING THE BID OF BI-TRANS SYSTEMS, INC. TO  
FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS TRAFFIC  
DEPARTMENT WITH A MASTER TRAFFIC CONTROL SYSTEM FOR  
A TOTAL OF \$120,887.

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AN ORDINANCE 60,884 .

ACCEPTING THE LOW BID OF JOE HARRISON MOTORS, INC.,  
DBA JOE HARRISON HONDA TO FURNISH THE CITY OF SAN  
ANTONIO POLICE DEPARTMENT WITH MOTORCYCLES ON A  
LEASE BASIS FOR A TOTAL OF \$142,128.

\* \* \* \*

AN ORDINANCE 60,885 .

ACCEPTING THE LOW QUALIFIED BID OF MONO GROUP, INC.  
TO FURNISH THE CITY OF SAN ANTONIO WITH A ROTARY  
LOBE PUMP FOR A TOTAL OF \$20,731.

\* \* \* \*

AN ORDINANCE 60,886 .

ACCEPTING THE LOW BID OF LEBCO GRAPHICS TO FURNISH  
THE CITY OF SAN ANTONIO WASTEWATER MANAGEMENT  
DEPARTMENT WITH SEWER RATE NOTICES FOR A TOTAL OF  
\$6,784.00.

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AN ORDINANCE 60,887

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$404,000.00 WITH PFENNIG, WEYMAN & ASSOCIATES, INC., TO PROVIDE ENGINEERING DESIGN AND CONSTRUCTION SUPERVISION ON THE HI-LIONS DRAINAGE PROJECT #80.

\* \* \* \*

AN ORDINANCE 60,888

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$67,951.00 WITH OZUNA AND ASSOCIATES, INC., TO UPDATE AND REVISE THE FINAL PLANS AND PROVIDE SUPERVISION FOR THE CONSTRUCTION PHASE OF THE GOLDEN DRAINAGE PROJECT PHASE III.

\* \* \* \*

AN ORDINANCE 60,889

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$450,000.00 WITH MACINA, BOSE, COPELAND AND ASSOCIATES, INC., TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE TILLIE DRIVE LATERALS #114A PROJECT.

\* \* \* \*

AN ORDINANCE 60,890

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$48,750.00 WITH FEIGENSPAN & PINNEL CONSULTING ENGINEERS, TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE SAN ANTONIO RIVER BRIDGES @ DOWNTOWN PROJECT.

\* \* \* \*

AN ORDINANCE 60,891

AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$110,000.00 WITH D.R. FRAZOR & ASSOCIATES, INC., TO UPDATE AND PROVIDE ENGINEERING DESIGN AND CONSTRUCTION SUPERVISION ON THE LULLWOOD DRAINAGE #36 PROJECT.

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## AN ORDINANCE 60,892

AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$450,000.00 WITH MACINA, BOSE, COPELAND & ASSOCIATES, INC., TO UPDATE AND PROVIDE ENGINEERING DESIGN AND CONSTRUCTION SUPERVISION ON THE SOUTH FLORES DRAINAGE #70-70A PROJECT.

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## AN ORDINANCE 60,893

AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$236,250.00 WITH VICKREY & ASSOCIATES, INC., TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE NACOGDOCHES ROAD BRIDGES - SALADO CREEK, AND CARVER AND NORTH OF WAYWARD DRIVE PROJECTS.

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## AN ORDINANCE 60,894

AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$370,000.00 WITH W.E. SIMPSON CO., INC., TO UPDATE AND PROVIDE ENGINEERING DESIGN AND CONSTRUCTION SUPERVISION ON THE DRIFTWOOD DRAINAGE #39 B-F PROJECT.

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## AN ORDINANCE 60,895

AUTHORIZING AN ADDITIONAL \$78,784.12 FOR ENGINEERING FEES PAYABLE TO SOMERVILLE-GONZALES & ASSOCIATES, IN CONNECTION WITH THE DESIGN OF THE MITCHELL/WELLINGTON/NOGALITOS/MARGIL/RIPFORD RECONSTRUCTION PROJECT.

\* \* \* \*

## AN ORDINANCE 60,896

ACCEPTING THE BID OF FISK ELECTRIC COMPANY AND AWARDING A CONSTRUCTION CONTRACT FOR THE INSTALLATION OF A COMPLETE UNINTERRUPTIBLE POWER SOURCE SYSTEM FOR THE COMPUTER ROOM FOR THE DEPARTMENT OF INFORMATION RESOURCES IN THE AMOUNT OF \$256,830.00, AND AUTHORIZING A MISCELLANEOUS

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CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$4,000.00,  
AND AUTHORIZING PAYMENT OF \$8,840.00 TO BARRY F.  
JOHNSON FOR INSPECTION SERVICES.

\* \* \* \*

AN ORDINANCE 60,897

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH  
TOUDOUZE INVESTMENTS FOR THE USE OF CERTAIN REAL  
PROPERTY IN COUNTY BLOCK 4005, IN CONNECTION WITH  
THE WASTE DISPOSAL OPERATIONS AND AUTHORIZING  
PAYMENT.

\* \* \* \*

AN ORDINANCE 60,898

AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO  
EXECUTE A RELEASE OF EASEMENT, RELEASING AN EXISTING  
SANITARY SEWER EASEMENT IN LOT 88, NEW CITY BLOCK  
11630 TO B. J. MCCOMBS; AND ACCEPTING THE DEDICATION  
OF AN EASEMENT TO CERTAIN LAND.

\* \* \* \*

AN ORDINANCE 60,899

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$2,370.00  
OUT OF BOND FUNDS FOR THE PURPOSE OF ACQUIRING AN  
EASEMENT TO CERTAIN LANDS; ACCEPTING THE DEDICATION  
OF TITLE AND/OR EASEMENTS TO CERTAIN LANDS; ALL IN  
CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.  
(WHEATLEY DRAINAGE PROJECT NO. 200: PAYABLE TO  
CYNTHIA G. WILLIAMS (ALSO KNOWN AS CYNTHIA LEE) FOR  
A CONSTRUCTION EASEMENT BEING OUT OF LOT 31, BLOCK  
18, N.C.B. 10336 - PARCEL 10068; OAKLAND ESTATES  
OUTFALL PROJECT - UNSEWERED AREA #66 II "C" AN  
EASEMENT FROM FAWN MEADOW, LTD.; ZONING CASE NO.  
Z85077 ON AMHURST STREET DEDICATION DEED FROM BEXAR  
METROPOLITAN WATER DISTRICT.)

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AN ORDINANCE 60,900

APPROVING PRICE AND CONDITIONS OF SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF CERTAIN SINGLE-FAMILY RESIDENTIAL LOTS IN SELECT HOUSING TARGET AREA #26 COMMUNITY DEVELOPMENT PROJECT LOCATED WITHIN THE BOUNDARIES OF THE EASTSIDE NEIGHBORHOOD DEVELOPMENT PROJECT.

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AN ORDINANCE 60,901

AUTHORIZING THE EXECUTION OF A LEASE WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION (FAA) FOR A VISUAL APPROACH SLOPE INDICATOR SITE AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

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AN ORDINANCE 60,902

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

\* \* \* \*

AN ORDINANCE 60,903

AUTHORIZING THE SAN ANTONIO CONVENTION & VISITORS BUREAU TO SPEND UP TO \$21,000.00 FOR A PRESENTATION RECEPTION AND DINNER.

\* \* \* \*

AN ORDINANCE 60,904

ACCEPTING THE PROPOSAL OF ABIGAE H. PACHECO, DBA INTERNATIONAL AIRPORT HAIRSTYLING, AND DIRECTING THE EXECUTION OF AN AGREEMENT PURSUANT THERETO FOR THE HAIRSTYLING CONCESSION AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

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AN ORDINANCE 60,905

GRANTING PERMISSION TO ST. ANN'S CHURCH TO CLOSE THE 1300 BLOCK OF W. ASHBY FROM FREDERICKSBURG ROAD TO ST. ANN STREET FROM THE HOURS OF 12:00 NOON SATURDAY, JULY 13, 1985 TO 11:30 P.M. SUNDAY, JULY 14, 1985.

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AN ORDINANCE 60,906

AUTHORIZING AN APPLICATION FOR AND ACCEPTANCE OF A GRANT FROM THE NATIONAL COUNCIL ON THE AGING, INC., FOR CONTINUATION OF THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM FROM JULY 1, 1985 THROUGH JUNE 30, 1986; AUTHORIZING A CONTRIBUTION FROM THE GENERAL FUND AND ESTABLISHING A BUDGET AND PERSONNEL COMPLEMENT.

\* \* \* \*

85-37 The Clerk read the following Ordinance:

AN ORDINANCE 60,907

AUTHORIZING THE WRITE-OFF OF 47,847 UNCOLLECTABLE MEDICAL SERVICE ACCOUNTS TOTALING \$2,102,143.57.

\* \* \* \*

Mr. Webb made a motion to approve the proposed Ordinance. Mr. Thompson seconded the motion.

Mr. Archer questioned the amount of uncollected accounts from the Emergency Medical Service function.

Mr. Carl White, Director of Finance, explained that this involves all kinds of EMS accounts and reminded the Council that EMS accounts are now being filled by the Bexar County Hospital District under contract to the City and stated that the City now is collecting only some 32 per cent of its billings for EMS.

Mr. Louis J. Fox, City Manager, spoke to the history of billings for the EMS accounts, stating that the City now finds that the collection rate has dropped from about 52 per cent when it was doing the billing to about 32 per cent now that the Hospital District is doing the billing. He

stated that part of the blame is due to higher EMS rates and costs and then addressed some of the abuses of the EMS system as it currently stands.

In response to a question by Mrs. Dutmer, Mr. Fox noted that a large part of the delinquent accounts involved are from outside the City of San Antonio corporate limits.

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

Mr. Archer made a motion directing the City Manager to undertake a study to possibly retake EMS billings from under the contract with the Bexar County Hospital District and allowing the City to perform those functions for itself once again. Mr. Webb seconded the motion.

The Council by general concensus approved this action. No official vote was taken.

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85-37 The Clerk read the following Ordinance:

AN ORDINANCE 60,908

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EMPLOYMENT SERVICES PROVIDER AGREEMENT WITH THE TEXAS DEPARTMENT OF HUMAN RESOURCES TO CONTINUE THE FAMILY RESOURCES DIVISION'S EMPLOYMENT SERVICES PROGRAM FOR AFDC RECIPIENTS FOR THE PERIOD JULY 1, 1985 TO JULY 31, 1986.

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

Ms. Berriozabal spoke in support of the program but noted that very few AFDC recipients are actually placed in jobs. She stated that the main reason is lack of child care. She suggested that City staff work with various women's groups on training and day care matters in this regard.

Mr. Kevin Moriarty, Director of Human Resources and Services, agreed to do so noting that the City only receives funds for placement of persons in jobs under this category.

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

85-37 The Clerk read the following Ordinance:

AN ORDINANCE 60,909

AUTHORIZING CONTINUATION OF THE FAMILY PLANNING PROJECT BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; ESTABLISHING A FUND; ADOPTING A BUDGET AND AUTHORIZING PERSONNEL POSITIONS; AND AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE STATE DEPARTMENT OF HUMAN RESOURCES FOR A GRANT TO SUPPORT PROGRAM COST UP TO \$118,365.00.

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Mr. Webb made a motion to approve the proposed Ordinance. Mr. Thompson seconded the motion.

Mrs. Dutmer voiced her concern with the question of the dispensing of birth control pills under this particular program.

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

ZONING HEARINGS

40. CASE Z85108 - to rezone the west 50' of Lots 9 and 10, NCB 489, 1603 Pan Am Expressway, from "C" Apartment District to "B-2NA" Business District, Non-Alcoholic Sales, located on the northeast corner of N. Olive Street and N. Pan Am Expressway, having 50' on N. Pan Am Expressway and 78' on N. Olive Street.

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

Mr. Webb made a motion to approve the proposed rezoning. Mr. Wing seconded the motion.

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

AN ORDINANCE 60,910

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 WEST 50' OF LOTS 9 AND 10, NCB 489, 1603 PAN AM EXPRESSWAY, FROM "C" APARTMENT DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT.

\* \* \* \*

85-37 At this point, Mr. Wing asked that Agenda Item No. 50 be brought up for consideration because of the large number of persons who were awaiting disposition of this case.

The Council concurred that this item be taken up at this time.

50. CASE Z85043 P.P. - to rezone Lots 21 and 21, Block 2, NCB 11314, 3707 and 3709 Weir Avenue, from "B" Residence District to "R-3" Multiple Family Residence District, located on the northside of Weir Avenue, being 556.2' east of the intersection of Weir Avenue and Dahlgreen Avenue, having 342.8' on Weir Avenue and a depth of 762.5'.

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

Mr. Robert Diaz DeLeon, 5400 Callaghan Road, spoke to the history of this case and of his contact with the neighborhood organization relative to the case. He spoke then of a series of postponements in its consideration and displayed an architect's sketch of the proposed apartment projects noting that it requires 29 units per acre. He stated further that he had tried unsuccessfully for the past nine weeks to speak with neighborhood representatives about this case.

Mr. Thompson voiced his opinion that the neighborhood is concerned about the apartment project and is somewhat sensitive to the possible new apartments and spoke against further addition of apartments into this area.

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Ms. Helen Ayala, Communities Organized for Public Service (COPS), stated that ten new single family homes had recently been built in this area and that other single family construction is planned. She spoke against apartments in this area.

Mr. Thompson made a motion to deny the requested rezoning. Ms. Berriozabal seconded the motion.

Mr. DeLeon stated his opinion that there is a market for apartments here and provided details of the proposed apartment project.

The motion to deny prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

Case Z85043 P.P. was denied.

41. CASE Z85083 - to rezone Lot 1, Block 82, NCB 3678, 118 N.W. 24th Street, from "B-1" Business District to "B-3NA" Business District, Non-Alcoholic Sales, located southeast of the intersection of W. Houston Street and a depth of 125.72'.

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

Mr. Francis A. Miller, the proponent, briefly explained the request for rezoning.

Mr. Contreras, speaking in favor of the rezoning, addressed the need to use this property for a permanent use.

Ms. Emilia Ramos, COPS, stated that she does not want business zoning on this property in a residential area.

Ms. Dominga Garcia, 3907 W. Houston, spoke against business zoning in this area.

Mr. Miller distributed photographs of the area surrounding this lot, stating that he wants to locate a used car lot on the property.

Ms. Berriozabal noted that the neighborhood apparently does not want business zoning located on this property.

Ms. Berriozabal moved that the rezoning request be denied. Mr. Webb seconded the motion.

Ms. Berriozabal stated that she would help the proponent perhaps to plan for residential uses for this property.

Mrs. Dutmer asked that the matter be postponed in order to perhaps work out a better use for the property and noted that there already were other businesses in this area.

The motion to deny was approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

Case Z85083 was denied.

- - -  
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VISITORS FROM MONTERREY, MEXICO

At this point Mr. Martinez recognized the presence of two businessmen from Monterrey, Mexico who were in San Antonio in connection with the opening of a new tourism agency involving San Antonio and Mexico.

Mayor Cisneros welcomed the men to San Antonio and stated that the appropriate City offices here would be happy to assist them in their efforts in locating their agency.

- - -  
ZONING HEARINGS (CONTINUED)

42. CASE Z85159 - to rezone Lot 20, Block 9, NCB 15699, in the 2000 Block of Nacogdoches Road, from "B-2" Business District to "B-3" Business District, located on the northwest side of Nacogdoches Road, having approximately 80' of frontage on Nacogdoches Road with a maximum depth of 140'.

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

Mr. Hasslocher made a motion for "B-3R" zoning provided that driveways and off-street parking are provided and submitted to the Traffic Section for approval. Mr. Archer seconded the motion.

Mr. John Juarez, 12719 Nacogdoches Road, stated that he will accept the B-3R recommended zoning; however, he feels that there is much B-3 zoning around his property and he will be at a disadvantage in competing with his neighbors in future sales of their property to other users.

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Mr. Martinez and Mr. Archer noted that if the City Council were to award a B-3 to others in this area, perhaps they should have given it to him also.

The motion for "B-3R" was approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

AN ORDINANCE 60,911

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 20, BLOCK 9, NCB 15699, IN THE 2000 BLOCK OF NACOGDOCHES ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED TO THE TRAFFIC SECTION FOR APPROVAL.

\* \* \* \*

43. CASE Z85125 - to rezone the west 210' of the north 414.85' of Lot 329, Block 33, NCB 11132, from "B" Residence District to "R-3" Multiple Family Residence District, located on the southside of Mally Blvd., being 137' east of the intersection of S. Zarzamora Street and Mally Blvd., having 210' on Mally Blvd. and a depth of 414.85'.

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

Mr. Phil Garay, Zoning Administration, stated that a set of deed restrictions on this property has been initiated by both parties concerned.

Mr. Wing then commended COPS and the developer of the project for their joint agreement on providing good apartments for this area.

Ms. Josefina Villarreal, representing St. Bonaventure's COPS, then spoke to details of the agreement reached with the developer (a copy of which is on file with the papers of this meeting).

Mr. Wing moved that the recommendation of the Zoning Commission be approved provided that driveways and off-street parking are provided

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and submitted to the Traffic Section for approval. Further provided that the restrictions be included as agreed to by both parties. Mr. Thompson seconded the motion.

Mayor Cisneros thanked the developer, Mr. Charles Garza, for working with the community on this matter.

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

AN ORDINANCE 60,912

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 WEST 210' OF THE NORTH 414.85' OF LOT 329', BLOCK 33, NCB 11132, FROM "B" RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED TO THE TRAFFIC SECTION FOR APPROVAL.

\* \* \* \*

44. CASE Z85127 - to rezone Lot 8, Block 4, NCB 2072, 1131 Culebra Road, from "B" Residence District to "B-3NA" Business District, Non-Alcoholic Sales, located on the northside of Culebra Road, being 254.30' east of the intersection of Culebra Road and N. Elemendorf Street, having 51.28' on Culebra Road and a depth of 157.66'.

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

Mr. Joe Barron, 127 Harvard Terrace, distributed a diagram showing the community development in this area and noted that the request for rezoning involves construction of a contractor's office.

Ms. Berriozabal spoke to business uses in this area but noted that owners of residences located next to the property have voiced opposition to the rezoning.

Ms. Berriozabal made a motion to deny the requested rezoning. Mr. Thompson seconded the motion.

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Mr. Perez, owner of a lot across the street, spoke to an earlier verbal agreement concerning changing the lots on the north side of Culebra to business. He stated that he feels that the area is going commercial in nature.

The motion to deny was approved by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Cisneros; NAYS: None; ABSENT: Webb, Archer Hasslocher.

Case Z85127 was denied.

(At this time Mayor Cisneros was obliged to leave the meeting. Mayor Pro Tem Martinez presided.)

45. CASE Z85111 - to rezone Lots 1, 2, 4, and 19, Block 1, NCB 8593, in the 100 Block of Garner Street, 183 Jasmine Lane, from "B" Residence District to "B-3NA" Business District, Non-Alcoholic Sales, located on the northeast side of Garner Street and Mateo Lane and on the northwest side of Jasmine Lane and Mateo Lane, having 110' on Garner Street, 296.9' on Mateo Lane and 64.7' on Jasmine Lane. Lot 4 is located southeast of the intersection of Garner Street and New Highway 90 West, having 176' on New Highway 90 West and 39.48' on Garner Lane.

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

Mr. Dave Benavidez, 179 Garner, stated that the property is near the Westside Expressway and no longer in a choice residential area. He noted that the Edgewood Independent School District is in favor of the rezoning request.

Air Force Captain Kathy Montgomery, representing Kelly Air Force Base, stated that the property is located in the highest noise level zone from aircraft off the Kelly runway and stated her opinion that the property is too near the runway for safe usage. She noted that the safe usage level for noise intervention as far as the Air Force is concerned is 80 decibels. She voiced her concern for other possible commercial uses on this property that might interfere with flight operations at Kelly Air Force Base and noted that the Air Force is against any ad hoc zoning changes near the borders of any of its Air Force bases.

Mr. Benavidez stated that he has lived on this property for some time, that it has sustained the same noise level for some twenty-seven years to his knowledge.

In response to a question by Mr. Thompson, Captain Montgomery

discussed possible noise continuation construction that the Air Force would consider desirable on such property.

Mr. Thompson stated that he feels the Air Force may need to compensate the land owner if restrictions are placed on the use of this land.

Captain Montgomery stated her opinion that the Air Force may feel a need to perhaps consider closing the north runway at Kelly if this rezoning is granted. She voiced her concern with possible apartment usage for the land or other industrial uses where a large number of people are present. She stated that she felt the City Council could require noise continuation construction restrictions placed on this area.

Mr. Phil Garay, Zoning Administration, spoke to the differences involved in B-2NA and B-3NA zonings.

Mr. Thompson made a motion to rezone the subject property "B-2NA", provided that 5' dedication is given along Mateo Land and 7.5' of dedication is given along Garner. Also that driveways and off-street parking are provided and submitted to the Traffic Section for approval. Mrs. Dutmer seconded the motion.

Mrs. Dutmer spoke to the noise problems involved in this property.

Mr. Wing noted that the property is actually outside the so-called 'clear zone' around Kelly Air Force Base.

Captain Montgomery spoke of the existence of an Air Force book dated 1981 which speaks to noise sensitive concerns in areas around Air Force bases.

(Mayor Cisneros returned to the meeting and presided.)

The motion for B-2NA zoning was approved by the following vote:  
 AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Cisneros; NAYS: None; ABSENT: Archer, Hasslocher.

At this point Mayor Cisneros spoke to the matter of rezoning properties of this nature but stated his opinion that the City does support Kelly Air Force and the Air Force's concern for noise problems in general.

AN ORDINANCE 60,913

AMENDING CHAPTER 42 OF THE CITY CODE THAT  
 CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF  
 THE CITY OF SAN ANTONIO BY CHANGING THE  
 CLASSIFICATION AND REZONING OF CERTAIN PROPERTY  
 DESCRIBED HEREIN AS LOTS 1, 2, 4 AND 19, BLOCK 1,

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NCB 8593, IN THE 100 BLOCK OF GARNER STREET, 183 JASMINE LANE, FROM "B" RESIDENCE DISTRICT TO "B-2NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, PROVIDED THAT 5' DEDICATION IS GIVEN ALONG MATEO LANE AND 7.5' OF DEDICATION IS GIVEN ALONG GARNER. ALSO THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED TO THE TRAFFIC SECTION FOR APPROVAL.

\* \* \* \*

46. CASE Z84453 - to rezone Tract A, Block 2, NCB 8594, 118 Jasmine Lane, from "B" Residence District to "B-3NA" Business District, Non-Alcoholic Sales, located on the eastside of Jasmine Lane, being 200' south of the intersection of Castroville Road and Jasmine Lane, having 193' on Jasmine Lane and a depth of 210'.

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

Mr. Thompson moved that the recommendation of the Zoning Commission be approved provided that 10' of street dedication is given along Jasmine Lane and that off-street parking and driveways are provided and submitted to the Traffic Section for approval. 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, Martinez, Thompson, Vera, Harrington, Cisneros; NAYS: None; ABSENT: Hasslocher, Cisneros.

AN ORDINANCE 60,914

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 A, BLOCK 2, NCB 8594, 118 JASMINE LANE, FROM "B" RESIDENCE DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, PROVIDED THAT 10' OF STREET DEDICATION IS GIVEN ALONG JASMINE LANE AND THAT OFF-STREET PARKING AND DRIVEWAYS ARE PROVIDED AND SUBMITTED TO THE TRAFFIC SECTION FOR APPROVAL.

\* \* \* \*

47. CASE Z85195 - to rezone a 1.515 acre tract out of NCB 10353, being further described by field notes filed in the Office of the City Clerk, in the 4900 Block of Blanco Road, from "B" Residence District to "B-3R" Restrictive Business District, located on the westside of Blanco Road, approximately 337.2' north of the intersection of Blanco Road and Weizman Drive, having approximately 130' frontage on Blanco Road with a maximum depth of 279.90' along the southwest drainage R.O.W. of Olmos Creek.

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

Mr. Harrington moved that the recommendation of the Zoning Commission be approved provided that driveways and off-street parking are provided and submitted to the Traffic Section for approval. Mr. Webb seconded the motion.

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

AN ORDINANCE 60,915

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 1.515 ACRE TRACT OUT OF NCB 10353, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 4900 BLOCK OF BLANCO ROAD, FROM "B" RESIDENCE DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED TO THE TRAFFIC SECTION FOR APPROVAL.

\* \* \* \*

48. CASE Z85192 - to rezone Lot 5, Block 1, NCB 14795, in the 8900 Block of Wurzbach Road, from "B-2" Business District to "B-3NA" Business District, Non-Alcoholic Sales, located on the westside of Wurzbach Road, approximately 500' northeast of the intersection of Wurzbach Road and Gardendale Drive with an approximate 30' frontage on Wurzbach Road and a maximum depth of 300'.

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

Mr. Harrington moved that the recommendation of the Zoning Commission be approved provided that driveways and off-street parking are provided and submitted to the Traffic Section for approval. Mr. Martinez 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, Martinez, Thompson, Vera, Harrington, Cisneros; NAYS: None; ABSENT: Archer, Hasslocher.

AN ORDINANCE 60,916

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 5, BLOCK 1, NCB 14795, IN THE 8900 BLOCK OF WURZBACH ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED TO THE TRAFFIC SECTION FOR APPROVAL.

\* \* \* \*

49. CASE Z85169P.P. - to rezone an 8.021 acre tract of land out of CB 4767, 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 "B-2" ERZD Business Edwards Recharge Zone District and a 21.579 acre tract of land out of CB 4767 and CB 4782, 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 "B-3R" ERZD Restrictive Business Edwards Recharge Zone District, located on the northwest side of Huebner Road, being 457.50' southwest of the intersection of Huebner Road and Lockhill Selma, having 1165.85' on Huebner and a depth of 1300'.

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

Mr. Gus Linthicum, 11051 Garden Road, the proponent, spoke to the background of the property involved stating that the area had been recently annexed by the City of San Antonio. He noted that his group

planned to develop the area into a business park in the rear section of the property with a retail center in front.

Mr. Glenn Westrom, Land Planner, displayed a land plan for the project and also spoke to certain restrictions that had been agreed to for the so-called Huebner Oaks Project. He then distributed copies of the covenants and restrictions that had been agreed to as well as a plan of development for the property. He proposed that construction of the project be all brick with other certain on-site amenities. It was to be heavily treed with a setback from Huebner Road and significant landscaping and attractive lighting as well as certain prohibitions on certain areas of the property.

Mr. Dan Bump, representing the residents of the area, spoke with regard to the history of this zoning case and the actions of the Zoning Commission in that regard. He stated that the developer of the case had spoken to the neighbors, however, they were misinformed as to the date of this particular hearing. They had not been briefed on the plan according to Mr. Bump and are said to be concerned about the restrictions being changed after the zoning is approved. He then presented some petitions containing 859 signatures in opposition to the zoning change. Copies of those petitions are on file with the papers of this meeting.

Mr. Jesse Torres, 4302 Apple Tree, described the location of the subject property and its proximity to the nearby residential area.

Mr. Ken Minter, 13011 Park Corner, spoke against commercial development of this area stating that he favors O-1 and B-2 zoning with certain restrictions as to transition zoning involved.

Ms. Sarah Burrell, 13003 Park Corner, stated that this is not a major traffic intersection and that Huebner Road has no zoning buffer between the residential on one side and the proposed commercial on the other.

Ms. Celia Salomons, 12938 Park Forest, asked that the rezoning request be denied.

Mr. Gene Karam, 12939 Park Forest, noted that the originally proposed deed restrictions are not sufficient to protect the residential neighborhood.

Ms. Gretchen Newman, 3911 Forest Creek, spoke to a series of colored slides of the area showing the proximity of Park Forest to the subject property. She noted that the residential home owners have proposed O-1 and B-2 development on the project but the developers have rejected this contention. She asked for denial of the rezoning request.

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Mr. Mike Nelly, co-developer of the project, refuted certain charges made against the developers of the property.

Mr. Harrington noted that he had met with both sides on this matter and stated that he feels the development of the project would effectively halt expansion of the nearby rock quarry. He further stated that he did not know that this particular area was to be annexed along with the rock quarry area. Mr. Harrington stated that he would ask the developers to agree to a 70' setback from Huebner Road, a 10' height sign restriction along Huebner Road plus certain other covenants from the developer as well as an agreement that any ingress to the B-2 property would not line up with the entry drive to Park Forest Subdivision.

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

Mr. Archer voiced his concern with the problem of the lack of occupancy of commercial developments around the City and spoke in favor of maintaining the residential character of this neighborhood.

Mrs. Dutmer offered a substitute motion for "O-1" and "B-2" zoning along with the stipulations required in the neighborhood compromise plan as proposed by the residents. Mr. Archer seconded the motion.

Mrs. Dutmer stated she feels the need for compromise in this area since some 870 persons are listed on the petitions in opposition to the rezoning request.

Ms. Berriozabal stated that the area is sensitive to pollution. She spoke to a letter attached to the zoning papers from the City's environmental protection officer and voiced her opposition to the rezoning case.

In response to a question from Mr. Hasslocher, Mr. Westrom briefly outlined plans for the development.

Mr. Hasslocher stated that he understands fully the neighbors' concerns in this matter.

In response to a question from Mr. Hasslocher, Mr. Linthicum spoke to the plan of development for the land but stated that it is possible he could sell off a portion of that land prior to its development. He then spoke to the need for B-3R in the rear of the property.

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

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

Case Z85169 P.P. was denied.

85-37

PROPOSED CITY WATER BOARD WATER SERVICE REGULATIONS

Mr. Roland Lozano, Director of Planning, spoke to the history of the proposed City Water Board regulations (a copy of which, summary and recommendation, is on file with the papers of this meeting). Briefly, Mr. Lozano outlined the summary and recommendations noting that today the City Council is holding a public hearing of proposed City Water Board regulations. These proposed regulations are those which have been promulgated by the Board of Trustees of the Board and have been adopted by the City Planning Commission which implements the water extension policies approved by the Council in February, 1984. The City staff thus recommends that the City Council take comments at this public hearing today and that at its meeting of June 27th consider and adopt these regulations to make them a part of Chapter 36 of the City Code.

Mayor Cisneros declared the Public Hearing to be open.

Ms. Angelita Garza, First Vice President of Communities Organized for Public Service (COPS), spoke against the use of any funds that might underwrite development that could pay its own way as far as water board regulations are concerned. She stated that she wants to adjust the language in Section 5 of the proposed regulations to read "accounting procedure." She stated that the City staff feels that this change to Section 5 can be accomplished without any major difficulty.

Mr. Albert De La Torre, COPS' Water Chairman, voiced similar concerns as Ms. Garza and spoke also to the change in Section 5 as recommended by the COPS' Water Committee.

Those being the only two persons wishing to be heard, the Mayor declared the Public Hearing to be closed.

Mr. Wing made a motion to move this item to the "A" Session with the recommended change in Section 5 as proposed by the COPS' Water Committee. Ms. Berriozabal seconded the motion.

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

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85-37 The Clerk read the following Ordinance:

AN ORDINANCE 60,917

CLOSING AND ABANDONING A PORTION OF SENTINEL DRIVE, ADJACENT TO NEW CITY BLOCK 13752, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A QUITCLAIM DEED TO THE ADJACENT OWNER, VAUGHAN REALTY COMPANY, FOR A CONSIDERATION OF \$11,360.00.

\* \* \* \*

In response to a question by Mr. Hasslocher, Mr. Frank Kiolbassa, Director of Public Works, briefly explained the matter concerned.

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

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

85-37 The Clerk read the following Ordinance:

AN ORDINANCE 60,918

REPEALING ORDINANCE NO. 60599 PASSED ON APRIL 25, 1985, THAT PROVIDED FOR THE RECONSTRUCTION OF SIDEWALKS ON SHADWELL, SO THAT OTHER AREAS MAY BE REPAIRED.

\* \* \* \*

Mrs. Dutmer made a motion to approve the proposed Ordinance. 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, Martinez, Vera, Harrington, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb, Thompson, Archer.

85-37 The Clerk read the following Ordinance:

AN ORDINANCE 60,919

CLOSING AND ABANDONING PORTIONS OF SERVICE CENTER DRIVE CUL-DE-SAC (UNIMPROVED), ADJACENT TO NEW CITY BLOCK 16336 AND 16340, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A QUITCLAIM DEED TO THE ADJACENT OWNER, QUINCY LEE INDUSTRIAL, JOINT VENTURE #4, FOR A CONSIDERATION OF \$1.00.

\* \* \* \*

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

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

85-37 The Clerk read the following Ordinance:

AN ORDINANCE 60,920

ESTABLISHING A COMMISSION WHICH WILL DEAL SPECIFICALLY WITH ISSUES OF CONCERN TO THE WELL-BEING OF CHILDREN AND FAMILIES; THE COMMISSION SHALL BE KNOWN AS THE COMMISSION FOR CHILDREN AND FAMILIES.

\* \* \* \*

Mayor Cisneros thanked those persons involved in working on this matter and bringing it to this point in its existence. He asked that the City Council broaden its perspective as far as this group is concerned to include not only children but families as well. He spoke of the need to have this legislation to support San Antonio's families. He spoke in favor of an eleven member commission so that each City Council member would then have one appointment from their particular district.

Mr. Wing made a motion to approve the proposed Ordinance with the inclusion of the word 'families' to the commission name, the deletion of the reference to 15 members of the commission at this time and the consideration of a new ordinance at next week's meeting on new membership

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breakdowns and several options to be presented by City staff to the Council. Mrs. Dutmer seconded the motion.

Mayor Cisneros spoke to family problem areas in San Antonio and the need to have these areas addressed by this group of the City Council appointees.

Ms. Vangie Aguilera spoke to the background of the work on this matter by the Mayor's Commission on the Status of Women and to her personal perception on the need for fifteen members of the commission although she stated that an eleven member commission is perhaps a good idea as far as there being one appointee for each council member.

Mayor Cisneros then spoke to statistics showing that some two million women and three million children are abused each year around the country and also spoke to specifics of other statistics that he had at hand, speaking in support of this ordinance. He then reiterated the direction as specified in the motion itself by Mr. Wing and seconded by Mrs. Dutmer that not only approved the concept and the change in the wording of the ordinance but also provided direction to staff to put on the "A" session next week an ordinance with options for size of the commission as well as its makeup. He stated that Mr. Kevin Moriarty would be handling this before the Council.

Ms. Berriozabal spoke to problems of children being linked to problems of families. She spoke in favor of including the families and adolescent teens in this revision as well.

Mrs. Dutmer noted that concern for family is valid in today's time.

Mayor Cisneros stated that he personally would be appointing his wife to the commission noting that this was part of his election campaigning pledge to have his wife more directly involved in matters of the family as far as the Council is concerned. He also addressed some specifics and observations he had gained from his recent trip to the Orient on economic development, stating that certain persons in Asia believe that Americans have slipped into a form of decadence because of the great prevalence of crime, drugs, etc., that are plaguing the families of America at this time. He noted that 20% of Texans are believed to be functionally illiterate and he addressed other specific matters of concern in this regard.

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

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The Mayor, at this time, then suggested some possible appointees by name to this commission.

85-37 The Clerk read the following Ordinance:

AN ORDINANCE 60,921

AUTHORIZING THE CREATION OF AN ACTIVITY WITHIN THE CHILD ABUSE PREVENTION PROGRAM TO OVERSEE THE VOLUNTARY ACCREDITATION OF THE 1500 REGISTERED DAY HOMES WITHIN THE CITY.

\* \* \* \*

Ms. Berriozabal made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

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

85-37 The Clerk read the following Ordinance:

AN ORDINANCE 60,922

APPOINTING JOSE VILLARREAL TO THE ZONING COMMISSION TO SERVE THE REMAINDER OF THE UNEXPIRED TERM OF JOHN ALVARADO; AND DECLARING AN EMERGENCY.

\* \* \* \*

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

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

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85-37 The Clerk read the following Ordinance:

AN ORDINANCE 60,923

APPOINTING INDIVIDUALS TO SERVE ON THE AIRPORT ADVISORY COMMITTEE, THE METROPOLITAN TRANSIT AUTHORITY BOARD (VIA) AND THE HANDICAPPED ACCESS ADVISORY COMMITTEE SETTING THEIR TERMS OF OFFICE AND DECLARING AN EMERGENCY. (AIRPORT ADVISORY COMMITTEE: ELAINE DAGEN-BELA, COL. RON SHAMBLIN, DOUG CROSS, DIANE M. HUNKELOR & REV. C. J. FOSTER; METROPOLITAN TRANSIT AUTHORITY BOARD (VIA): WARREN WILKINSON & DOUG YOUNG; HANDICAPPED ACCESS ADVISORY COMMITTEE: MARY ESTHER CASTILLO, WILLIE MAY CLAY, BOB BLASE, JACQUELINE ALEXANDER, COL. WALTER HILL, BERNIE CANTU, DONNA MCBEE, CHRISTINA RODRIGUEZ, RONALD GOTHBERG, SONYA MASINTER, & COL. GEORGE CISNEROS.)

\* \* \* \*

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

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

85-37 The Clerk read the following Ordinance:

AN ORDINANCE 60,924

APPOINTING REV. L. C. GRIFFIN TO THE BOARD OF ADJUSTMENT TO FILL THE UNEXPIRED TERM OF REV. O. L. MCNARY.

\* \* \* \*

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

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

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85-37 The Clerk read the following Ordinance:

AN ORDINANCE 60,925

EXTENDING PERMITS TO OPERATE A HORSE-DRAWN CARRIAGE SERVICE FOR HIRE ON CITY STREETS TO AND UNTIL JUNE 27, 1985; PROVIDING FOR TERMS AND CONDITIONS; DECLARING AN EMERGENCY; AND PROVIDING FOR AN EFFECTIVE DATE.

\* \* \* \*

Mr. Wing made a motion to approve the proposed Ordinance. 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, Martinez, Vera, Harrington, Cisneros; NAYS: None; ABSENT: Webb, Thompson, Archer, Hasslocher.

85-37

CITIZENS TO BE HEARD

C. A. STUBBS

Mr. C. A. Stubbs, President of the Homeowners-Taxpayers Association, spoke to the City Council regarding his position on fluoride and stated his concern that the citizens should have the right to participate in the democratic process as provided for in the City Charter. He stated that there have been many roadblocks and attempts to impede the referendum process. He cited specific examples and also took exception to a letter that he attributed to Mr. Ed Harrington and Dr. Louis Tomaino. He stated that the City Charter provides for citizens to participate in the referendum process and that City Council should not interfere in this process.

\* \* \* \*

WADE E. FIRMIN

Mr. Wade E. Firmin stated that he had attended the National League of Cities Conference last year and had visited with other local officials. He has concluded that the "ward-type" government is not the best type of government and in actuality serves special interest groups. He then stated that the population is trying to express its desire in the current petition process.

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Mayor Cisneros stated that there is no conspiracy to impede the petition process as alluded to by the previous speakers.

Ms. Berriozabal spoke of the benefits of the districting system to the City as a whole.

\* \* \* \*

REV. R. A. CALLIES, SR.

Reverend R. A. Callies, Youth Leadership Conference, introduced a number of young people in the audience who had participated in the clean-up of several city cemeteries in the east side of San Antonio.

He then presented a petition to the City Council (a copy of which is on file with the papers of this meeting) requesting that a section of North New Braunfels Avenue (Blocks 200-500) be renamed Martin Luther King Plaza.

Mayor Cisneros commended the persons in the audience for their clean-up efforts. He then advised Reverend Callies that his petition would be taken under advisement and brought to the City Council for their formal consideration at a future time.

\* \* \* \*

HENRY G. FRANCHO

Mr. Henry G. Francho spoke of the City ordinance which deals with the 2:00 A.M. closing of billiard halls. He asked that the ordinance be amended so as to exempt the billiard halls from the ordinance.

Mr. Francho was advised of the state law. The staff was then asked to investigate the state law and report back to City Council.

\* \* \* \*

JANUARIO TREVINO

Mr. Januario Trevino spoke in Spanish to the City Council about his experiences in San Antonio since he came here from Mexico twenty years ago. He related the circumstances of his arrest last week by San Antonio police and the treatment he received by deputy sheriffs at Bexar County Jail.

Mayor Cisneros asked Mr. Trevino to meet with Ralph Lopez, the City's Operations Security Officer.

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MARIA DOMINGUEZ

Mrs. Maria Dominguez expressed concern that the fluoride issue had not been placed on the April ballot election. She then spoke of their efforts in trying to obtain signatures to force a referendum on the issue of fluoride.

Mrs. Dominguez then spoke about the high sewer rates being paid by the citizens of San Antonio.

\* \* \* \*

85-37 The Clerk read the following Letter:

June 14, 1985

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

The following petitions were received in my office and forwarded to the City Manager for investigation and report to the City Council:

June 10, 1985

Petition submitted by Mr. Allan B. Polunsky requesting annexation of 108.996 acres out of the Domingo Losoya Survey No. 354 1/2 and 97.81 acres of land of the Domingo Losoya Survey No. 354 1/2.

\* \* \* \*

June 14, 1985

Petition submitted by Ms. Le Eidelbach requesting the City to investigate the situation and damage caused by the trenching of Salado Creek and drainage canal behind her property.

\* \* \* \*

/s/Norma S. Rodriguez  
City Clerk

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There being no further business to come before the City Council,  
the meeting was adjourned at 7:10 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