

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MARCH 16, 1978.

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The meeting was called to order at 1:00 P.M., by the presiding officer, Mayor Lila Cockrell, with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, ORTIZ, ALDERETE, PYNDUS, HARTMAN, STEEN, COCKRELL; ABSENT: None.

78-13 The invocation was given by Reverend William J. Collins, St. Henry's Catholic Church.

78-13 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

78-13 GOVERNMENT CLASS FROM ST. MARY'S UNIVERSITY

Councilman Alderete introduced and welcomed a government class from St. Mary's University and their instructor, Dr. Bill Crane.

78-13 The Minutes of the Special Meeting of March 6, 1978, and the Regular Meeting of March 9, 1978, were approved.

78-13 DISCUSSION ON THE SETTING OF THE PROPERTY TAX RATE

The Clerk read the following Ordinance:

AN ORDINANCE 49135

LEVYING AN AD VALOREM TAX FOR THE SUPPORT OF THE CITY GOVERNMENT OF THE CITY OF SAN ANTONIO; LEVYING A TAX TO PAY THE INTEREST ON THE FUNDED DEBT OF SAID CITY; AND TO CREATE A SINKING FUND THEREFOR; AND FIXING THE TAX RATE AT \$1.65 PER \$100.00 OF VALUATION, ALL SAID TAXES BEING LEVIED FOR THE TAX YEAR BEGINNING JUNE 1, 1977 AND ENDING MAY 31, 1978.

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The following discussion then took place:

MAYOR LILA COCKRELL: May I ask the staff if there are any comments before we vote on the ordinance?

CITY MANAGER TOM HUEBNER: Just a few, Mayor. I think there are a couple of remarks that I ought to make. I don't want to belabor any points, but let

me submit these remarks.

During last night's "B" Session the City Council tentatively approved a tax rate of \$1.65 per \$100 assessed valuation for the Fiscal Year 1977-78. In addition the Council made a policy decision to utilize \$4,350,000 from the sale of S.A.T.S. assets and transfer \$1,800,000 of S.A.T.S. Subsidy from the General Fund to the G.O. Debt Service Fund during Fiscal Year 1978-79. The purpose of my remarks is to provide an overview of the financial implications for the General Fund and the G.O. Debt Service Fund in the near future.

Approval of the \$1.65 tax rate will result in an ending balance in the General Fund of approximately \$1.3 million, significantly below the recommended level of \$2 million. It should be noted that if the City experiences a substantial unanticipated shortfall in CPS revenue or any other major revenue sources during the remainder of this fiscal year it may be necessary to restrict expenditures or to reduce the General Fund ending balance more than we have projected that is the \$1.3 million. The G.O. Debt Service Fund will end the 1977-78 Fiscal Year with a balance of approximately \$10.6 million. In accordance with the Council's actions taken last night, \$6,150,000, which is the sale of the assets and part of the S.A.T.S. Subsidy, will be transferred to the G.O. Debt Service Fund from the sale and the transfer in an amount equal to the subsidy of the Fiscal Year 1978-79. Based on Councilman Eureste's assumptions, \$9,738,466 from property tax revenue will be transferred to the G.O. Debt Service Fund, resulting in an ending balance for 1978-79 of approximately \$1.6 million in excess of the succeeding year's reserve requirements.

The only other comment I'd like to make, Madam Mayor and Members of the Council, is I commented last night that this money could be utilized to leverage other funds. I didn't elaborate on that. I think I ought to point out that under the Urban Systems money, that is, street projects money we can leverage for each local dollar anywhere from \$4 to \$6 from the State or Federal Government. That is the most favorable ratio we have. Under Bureau of Outdoor Recreation we can get sometimes as much as a dollar for a dollar or for every 2 local dollars, 1 federal dollar and that's all I have to say, Madam Mayor.

MAYOR COCKRELL: All right, we have one citizen who is registered to speak on this item. Mr. Guenther Krellwitz.

MR. GUENTHER KRELLWITZ: Good afternoon, I'm Guenther Krellwitz. I live at 5518 Chancellor, City of San Antonio. Normally I don't come to City Council, or I very seldom come to City Council to ask for something and to speak on certain items. But today I think is the day. I came here, Madam Mayor and City Council, to first of all thank Councilman Eureste personally for his involvement in keeping the tax rate at a manageable level, and it shows that a \$20 a man Council person, \$20 a week Council person can come up with a tax rate and with a suggestion which apparently the administration with their high-powered young administrative assistants which they're paying \$36,000 and more cannot come up with.

Back in 1973, I suggested to the Council and to the people that they change the tax year so that we are able to forecast expenditures more realistically with our income. This suggestion was placed on two charter revision elections the first one in 1974, the second one in 1976. In the 1976 one it was finally approved by the voters. Why we have never gone to changing the tax year, although it was approved last year in January up to this date - I do not know. I know this much, that every time I questioned this particular situation I get an answer that it is too costly. It costs

approximately \$38 million of a bond issue to advance the tax year. I have stated in the past, and I state it again, there's no reason for the bond issue, there's no reason to get additional money in order to advance the tax year. But I'll be damned if I'm going to tell anybody, especially the ones which always seem to be so smart and come up with the suggestion on how to do it. I know how to do it, and I know it can be done. We don't always have to spend, spend, spend money in order to get where we're going. It can be done in a cheaper way and I know it can be done. I have said so in the past. It can be done cheaper. Go and ask the administration to do it cheaper, and they probably will come up with the suggestion. But we need to change the tax year because we're spending about \$6 to \$8 hundred thousand every year on interest. The higher the budget goes, the more interest we're going to pay. These \$800,000 can be used to fix pot holes, can be used to fix drainage ditches and can be used to fix roads. Eventually you will come to it that we're going to have to advance the tax year in order to correspond with the budget year. There's no other way even the tax administration said so. This administration has said so and I know Mr. White, Financial Director, said so and you all know - the ones which know me since 1973 have agreed with me previously. Mr. Hartman especially. Why can't we go ahead and do it. Every year we are trying to scrounge funds from the left pocket to the right pocket, from the hip pocket to the jacket pocket. Let's straighten up and let's advance the tax year so we know how much money we have to spend and then spend accordingly. It doesn't need a \$38 million bond issue to accomplish it. You know very well what I'm talking about, Mr. Hartman. I sincerely and respectfully suggest that eventually you will go and accomplish that feat. Thank you.

MAYOR COCKRELL: Thank you. I would like to call on Mr. Huebner, if he will, to comment on the status of the planning for changing the tax year as the Council has indicated it would like to do.

CITY MANAGER HUEBNER: To make a complete transition from the present situation to one in which the tax year coincides with the fiscal year. Our calculations indicate not \$38 million but \$26 million. The problem that you're faced with is collecting more than one year's revenue in a single year, it's that simple.

MAYOR COCKRELL: All right. There has been a study underway by the Finance Department and a report that is to be finished and come back to Council.

CITY MANAGER HUEBNER: Our problem is we can't identify a solution that we think is a feasible one to make that transition. We think \$26 million is an extremely high price tag to make that change.

MAYOR COCKRELL: Yes, sir. All right, I think those were all of the citizens that were registered on this item. Mrs. Dutmer.

MRS. HELEN DUTMER: Yes, in reply I served on both Charter Revision Commissions and this question did come up. The problem was always that we did not have any reserve money by which we could make this transition, and with the sale of the Transit System was supposed to furnish the money so that we could make this transition. Instead we have before us now, a seven year plan using up all of our expected asset revenues. I agree there are a few mathematical geniuses around here. The only trouble with geniuses - there's a fine line between genius and insanity. For a number of years

MAYOR COCKRELL: Mrs. Dutmer, I don't know just as whom your reference was - we want to avoid personal references.

MRS. DUTMER: I wasn't referring to anyone. At these Charter Revision

Commissions we had both the Finance Director and the City Manager at that time and both agreed that we could not change the tax and the fiscal year until we did have these reserves to fall back on. I, too, have some suggestions as to how we could somehow balance the (inaudible) and get on with the job. But my colleagues did not agree with it and that is democracy. Now, if anyone has a better suggestion, if he has the good of this City at heart it would seem that he could come forth free of will and give us the suggestion publicly so that we can dwell on it. We have not taken the vote yet. If it's a feasible, workable one, perhaps you could get some consensus on this Council.

MAYOR COCKRELL: Thank you. Mr. Eureste.

MR. BERNARDO EURESTE: I just wanted to comment on the remarks that were made by the gentleman a little while ago. I think for \$20.00 a week approximately \$1,000 a year that is paid to the Council the citizens of San Antonio are getting a good product and what I have attempted to do in the two presentations that I've made over the past week and a half is to try to address the fiscal problems that we have in the City and to try and avoid a tax increase. Although back in July I did vote for a tax increase because we had just come on Council and we were not prepared to deal with the analysis that is required of the budget. I think now we are in a better position, I know personally I am. I've learned more about the budget in the past ten days than I've ever known about this budget, and I intend to continue addressing myself to the budget of the City of San Antonio. I am going to continue to espouse a line of no property tax increases as long as I'm on this Council because people don't like tax increases, and sometimes you need them for services but if this is the tendencies and the attitudes in San Antonio that they do now want a tax increase then let's hold the line.

My advice to the City Manager and his staff is that in the preparation of the budget for 1978-79 that they also hold the line, and they come to this Council with a budget that requires no increases in revenues because to require increases in revenues is just putting the Council in a more difficult position. This is an advice that I give to the Council, and I think that for \$1,000 a year there's a saving of \$4 million thereabout in property taxes that do not have to be increased. I think the people of San Antonio are getting a very good deal and I'm just going to hold on to the line as much as I can to keep taxes at the present rate. Not to increase them and to trim the budget wherever we can trim it.

MAYOR COCKRELL: Thank you. Mr. Hartman.

MR. HARTMAN: Thank you, Madam Mayor. I think that during the past two minutes, I think we've highlighted the - perhaps the two most important matters facing the City of San Antonio with regard to its overall fiscal program. I agree completely with Mr. Krellwitz in his statement that one of the greatest priorities is to get on with the matter of getting our tax year and our budget year in sync. As he pointed out the citizens of this community voted that on the 15th of January of 1977, and here it is March of 1978; and we do not yet have a schedule by which that is to be accomplished. The fact is that we have been mandated by the people to get them in sync and whatever it takes and however long it takes I would suggest to the Manager that we decide here and now very soon to establish a schedule by which that is to be accomplished because as it was pointed by Mr. Krellwitz, the present arrangement is very costly in terms of interest that is paid each year by the City. So I would wholeheartedly concur with Mr. Krellwitz' recommendation, and I would like to see the Council give very strong direction to management to consider that to be a program of the highest priority.

Secondly, I think the matter of finally beginning to look at a resource program over a period of years is something that has been learned from this exercise of the past few weeks, and I would like to commend Councilman Eureste for doing outstanding work in that regard and I think this, again, points up a need that we've had for many, many years and which hopefully now will get the proper emphasis and that is to have a resource program where we could look ahead several years and identify income and identify a need for expenditures both capital as well as O & M. So we will not be in that position that we traditionally have every year where we go through a real blood-letting ceremony in trying to put together a budget. I would hope that the resource program that has been promised to us very shortly will be forthcoming very soon and, in effect, incorporate many of the basic concepts and measures that Mr. Eureste used in his analysis. I feel that those are two absolutely essential objectives that we accomplish if we're going to have good sound fiscal management in the City of San Antonio. As far as the tax increase is concerned I, too, have said on number of occasions that I am totally against any kind of a tax increase as long as we have a tax base that is so totally out of balance as one in San Antonio. In a City where a 40% of the real estate is exempt from the tax rolls and a City where there are gross inequities in terms of appraisals which I realize the City and County have been working on together, and I commend Mr. Pyndus for his role in trying to address that problem. But until and unless we get our tax base in the shape as it should be I am totally and unalterably against any increase in the tax rate because in San Antonio, because of the nature of our tax base with very little in the way of industrial investments the burden in a tax increase falls squarely on the backs of the homeowner and the homeowner has more than his share to carry at this time.

Now, one final word with regard to the vote on this particular issue I will vote in favor of the action that is before the Council for the basic reason the fact that we're voting not to increase the tax rate. Now, the deficiencies that I see in what we're doing today are these, I am concerned that we are using capital money, that is money that we're getting from the sale of capital assets to subsidize a single year's budget that is never a good wise practice in my view. It is as though a person were to sell his home and then live off the proceeds of that home for two or three years. After two or three years there's nothing left and the person has lost his capital investment. I would much prefer to - would have preferred to have seen that money used in some way to come to grips with the problem of bringing the tax year and the budget year in balance. That is the negative side of what I see before us in the way of a vote today, and I would vote for the measure today with the very strong direction on the part of this Council to management to treat as the absolute highest priority the two actions - to get our tax year and our budget year together, and secondly, to come forth to this Council with a viable, effective resource programming document that looks over a six or seven year period. If we can do that then I think that this Council will certainly have earned its keep for its entire term. Thank you.

MAYOR COCKRELL: Mr. Ortiz.

MR. RUDY ORTIZ: Thank you, Madam Mayor. Last year we had requested from the City management a five year budgetary projection in order to be able to tell what were going to be the demands in the City budget for the next four or five years as well as we could determine. The last time that we considered these questions I requested whatever information was available in this five year projection and nothing was presented to us last night. In view of the fact that insufficient and inadequate information has been given to this Council in my opinion it's not justified to go ahead and vote in a tax or a service increase of any nature.

I believe that this particular action that we're taking today all the credit must go to Councilman Eureste who did all of the work that was necessary for us to come upon a constraint budget policy that we're adopting today. I think that all of us have to look at this for what it is, it's a broad policy decision that is being made today. I believe that in voting against a property tax increase the City Council majority is adopting a constraint budget policy in an attempt to hold the line on municipal spending and I believe that this action is in keeping with the economic situation in the City of San Antonio where skyrocketing utilities, inflation and the cost of living has caused a great majority of our citizens to adopt tight budgets and, in effect, tighten the belt in all spending other than essentials. The citizens of San Antonio cannot at this time I believe absorb further increases in taxes or service fees, and this section of the Council majority should be locked upon or viewed as a message to the City administration to, in effect, plan the 78-79 and all future budgets following a constraint and modest approach in municipal spending. I believe this is the broad policy decision that's being made today, and we should look at it as such. Thank you.

MAYOR COCKRELL: Thank you. Mr. Pyndus.

MR. PHIL PYNDUS: Thank you, Mayor. I'm going to abstain from voting for this motion, and I think there is a tremendous smoke screen that the citizens are unaware of, and I think it should be brought to their attention and, particularly that young government class. Last July the City Manager gave this Council a budget of \$142 million and this City Council voted to increase that budget \$5 million and now we need money for that increased budget that this Council voted to put into effect. We are responsible for increasing the budget for \$5 to \$6 million and we now have to pay for that increase and as I listen to my colleagues I get the impression that the City Manager wants a tax increase, that he is responsible for the tax increase and, ladies and gentlemen, he is not, we are. I voted against that budget last year. I'm abstaining from this action because our professional, our City Manager says this is not good fiscal policy. You're on a thin line, you don't have sufficient reserve when you pass this. He is warning us. He is advising us. In the past we have ignored his advice. Today we are ignoring his advice and I think the fact should be set straight, and I will abstain from voting for or against this action.

MAYOR COCKRELL: All right. I'd like to add a comment or two at this time. I'm going to be voting for this motion. It is consistent with a position which I took last summer which was to oppose any tax rate increase. Last summer we had some differences of opinion as to how a deficit in the City budget should be met but I'm very pleased to see all members of the Council moving toward the point where we're all articulating this real concern for the citizens for the tax rate, for the problems faced by the consumers, and I think that this is a very healthy attitude on the part of the Council and certainly I want to applaud and commend all the members for it.

I do think we need to make a few comments about the budget. I, respectfully, differ from my colleague, Mr. Pyndus on a couple of remarks that I would like to set these straight. Mr. Pyndus has been a very fine fiscal watchdog, and I commend him for that interest. I think the changes in the budget, however, reflected the necessity that was felt by most of the members of the Council of addressing the salary and compensation increases that were needed by our City staff and I think that with our big municipal family most of us felt that we simply had to address that concern, and not, in effect, have the employees of the City have to subsidize the City through not being able to have an adequate compensation.

We are now at the point of approving the tax rate. I share with

Mr. Hartman a concern that the - what we are, in effect, doing is for the next year or so utilizing some capital income to offset deficits in our operating budget. But in the long run I will have to agree that the citizens will be getting the benefit from it and so for that reason I will join in voting for this change. Mr. Webb.

MR. JOE WEBB: Yes. Thank you, Madam Mayor. Fellow members of the Council and audience, I rarely take the opportunity to spend a lot of time talking about a whole lot of things on this Council. I usually say things only when I think it's very, very necessary. I'd like to point out that one of the things that this City must do, they must take on a master plan and it must be updated annually. One of the things that we don't know is what will be our real growth, what will be our projections. What will be the inflation, what are the real factors that are involved in a business like San Antonio. The City of San Antonio is a business. When we deal in the private sector we deal with things like inflation. I want you to know that inflation rate is about 8% right now. We had thought that it would perhaps be a mere 6% but it's an 8% inflation and when City employees work for the City of San Antonio they expect to be able to pay for their goods and services. Those goods and services require that these fine citizens and these fine employees of the City of San Antonio receive the proper wages. That \$5 million that Mr. Pyndus was talking about, Councilman Pyndus was talking about a few minutes ago was those that should have been, should be updated annually as to what is expected. The fire chief, the police chief, all of these various departments need to let us know what are their requirements through the City Manager. You can do it annually. You have to start out there somewhere, you know, and say what is the size of San Antonio for instance. Where do you go from here and then you work back and you update it every year. Now until we go into that kind of plan then we will be sitting around this Council table every year and deciding what, whether we ought to use - how much the debt service ought to require, how much does the workmen's compensation ought to require. But if you have a long range projection that you put in and you put in until we address - yes, the tax records are from a 1972 bench mark, I think it is the year.

We do have some inequities as far as assessing taxes, and we must address those problems before we can raise the tax but I was willing last year to raise the tax. I voted for the increase in tax and I was willing to do that simply because I had two people in mind. The City Manager had recommended the garbage tax last year to the tune of \$1.75 per household, per light bill. If you pay a light bill then you pay a garbage tax. The young people, young people who are just starting out just got married, just got an apartment, just rented a home or are just buying a home or whatever. Those are the people who would be hurt the most. Needless to say those of us or those who are on a fixed income would be hurt the most and for that reason I was only willing to pay because I own property, and I was willing to pay the tax increase. I will not be voting for a tax increase at this time. Remember though, down the road we will probably be required some kind of tax increase, some kind of garbage increase. The other reason being that I'm not favorable to a tax increase or a garbage increase presently is because of the sewer tax rate, the sewer, we have to update our sewer system. The government requires us to do it and for that reason we will have to collect an additional sewerola, as you know the term was used some years ago. So then people talk about the Council and that they don't know what they're talking about. Let me assure you of one thing, that there are many, many Councilman on this City Council who know a lot about fiscal requirements and fiscal budgets. I'm one of them and I'd like to make that clear and that there are a number of us who know what we're talking about and we need to work toward that end. I just wanted to say that to such a full house this morning and particularly to that government class that's sitting out there that Mr. Pyndus was talking about. So, no

I will not be voting for a tax increase.

MAYOR COCKRELL: Thank you, sir. Mr. Wing.

MR. FRANK WING: Earlier this year or last year, the citizens of San Antonio were asked to vote on whether they wanted a Metropolitan Transit System. Several members of this Council stated that the sale or the proceeds of the Transit Company would go to offset any tax increase and now we hear the position reversed. They talked about capital revenue expenditures. Well, the citizens of San Antonio were promised, they cannot draw a finite line between capital revenue or working capital. All they know or all we know is that we were promised that the sale of the MTA, the money adhered from that was going to go to offset any tax increase, and the rest of it to quote my colleague, "a smokescreen." That's another word that was bandied around a smokescreen and democracy. I guess it depends on what side of the fence or what side of the vote you're on as to whether you use the word smokescreen or democracy. Just a few weeks ago the citizens of San Antonio were threaten with tax increases, utility rate increases as phantom as those increases may have been, and now we have some of those same people telling you not to do certain things because of an omnibus threat of a tax increase, telling you that we are fiscally irresponsible for not wanting a tax increase for the citizens of San Antonio. So then it's up to you to figure out where the smokescreen or where democracy lies. Thank you.

MAYOR COCKRELL: Mr. Steen.

MR. JOHN STEEN: Thank you, Madam Mayor. You know we met last night in the "B" Session for two hours and talked this whole thing through and through, and here we sit for 45 to 50 minutes already today and I hear the same words, the same thoughts, and nothing new comes out of this. I don't understand why we have the "B" Sessions. I really don't. I'm going to speak against "B" Sessions again at this time. I'm going to say this, that I'm going to vote against the motion that's going to appear before us and I'm not going to bore the audience or the City Council people with repeating with all the reasons that I've given over the past seven months. I think we go through so much repetition, and I really don't understand it. I just hate to sit up here and listen to everybody's thoughts when I've heard them before. I really think I could make all the speeches myself. I've never tried that but one of these days I'd like to try that to see if I couldn't say what I think everybody is going to say before they say it. But I wish we could get on with this thing and everybody would forget their personal difference and we could get on with the vote. Thank you, Madam Mayor.

MAYOR COCKRELL: Mr. Alderete.

MR. ALDERETE: John, I'm going to take you up on that and I'm going to move that we consider the ordinance and stabilize the tax rate as was indicated in the audience.

MR. ORTIZ: Second.

MAYOR COCKRELL: There's a motion and second to the ordinance. Mr. Eureste.

MR. EURESTE: I just wanted to give thanks to Councilmen Ortiz, Alderete, Cisneros, Wing, and Webb for their assistance last night in voting for the proposal that is before us today because had we not had that support we wouldn't have brought this package to the Council today. As you know we need six votes in "B" Session to bring an item into "A" Session the following day. I just want to thank them and also thank them for their support in the development of this proposal. Their support, I would say morally if anything

in what is being done here today and how we got here. I want to thank them very much.

MAYOR COCKRELL: Dr. Cisneros.

DR. HENRY CISNEROS: I don't think Councilman Eureste has gotten the full measure of credit that he deserves for the work that he did. Once the discussion was going on that there was a desire not to have a tax increase, and Councilman Eureste went and did some very, very fine analysis. I know that he has spent a better part of last week of days and nights doing nothing but going over not only the budget and the City Manager's analysis of it but going back to past years and looking at audit reports and answers to audit reports, and he has done an extremely fine job in finding a way to responsibly balance the budget and at the same time not increase taxes. The citizens have spoken very loudly over the cause of the last several weeks against anything that even sounds remotely like a tax increase. I think that was a big part on the vote on March 4 was the suggestion that there was going to be some kind of tax increase. Fifty-seven thousand people came out and voted no, and I have to presume that a large number of those were voting against any suggestion of a tax increase.

Some have suggested that not voting for a tax increase now just is a postponement of some sort of an inevitable tax increase. So I would like to reinforce something that Councilman Eureste said earlier about direction of staff and that is that this City Council be presented during this budget preparation cycle which decision will be forthcoming in late summer. We would like a budget presented to us that involves no tax increase in that budget. Now, if that means if we have to use revenue sharing money, what that means that we have to look at Community Development monies intergrate into the central budget, if that means that we have to use the second year of the S.A.T.S. payment, so be it. But I would like to see a budget presented to us that involves no tax increase for next year.

I know two things that I think it means by way of direction to the staff. One of them has been touched on already and, that is, to get that appraisal program into shape now because the longer the appraisal program operates incompletely and inadequately the greater need there will be to deal with a tax rate instead of a growth in the tax rate. Then secondly, San Antonio's top priority is economic development. I've said it before and I've said it a hundred times, we have an opportunity by holding the tax rate to add one more asset, one more advantage to our economic development offering - to sell the fact that San Antonio is going to continue to have one of the lowest tax rates of any major City in the country or in Texas. So let's hope for this period of time while we are able to hold the tax rate down till we're able to market that asset to attract jobs and attract industry here recognizing that we're holding the line on the budget. People will intrepret this action in many ways and many forms. Some will suggest that it's political, others will suggest that it's a postponement, others will suggest that's fiscally irresponsible. They're having a hard time understanding how a Councilman like Councilman Eureste or Council members he cited who voted for this last night, having a hard time understanding how such Councilmen might be able to take what is a conservative, fiscally restrained budget cutting position. But I hope the people of San Antonio see this as a major step for San Antonio when minority Council members who in the past have been associated with what might be called liberal causes or big spending as Mr. Pyndus would like to characterize us as taking the lead in saying let's hold the line on the budget. The people have spoken against a tax increase and we're going to deliver them a City budget without a tax increase.

MAYOR COCKRELL: Thank you. All right, let me say that, I, for one

welcome the move on everybody's part and I think we're ready for the vote.

MR. STEEN: No.

MAYOR COCKRELL: Yes.

DR. CISNEROS: Yes.

MR. WEBB: Yes.

MRS. DUTMER: I'm going to vote yes to the no tax increase. I have never advocated a tax increase, but I think there's a more realistic way to accomplish the same goals.

MR. WING: Yes.

MR. EURESTE: Yes.

MR. ORTIZ: Yes.

MR. ALDERETE: Well done, Benny. Yes.

MR. PYNDUS: Abstain.

MR. HARTMAN: Yes, for the reasons stated.

CITY CLERK: Motion carried.

MAYOR COCKRELL: Mr. Eureste, I expressed appreciation to you last night. I want to renew that. You put in a great deal of work and we all appreciate it.

Mayor Cockrell recognized and welcomed to the meeting a delegation from Boys Club of San Antonio accompanied by Ms. Ann Ross, Adult Chaperone.

The delegation then presented Mayor Cockrell with a plaque in appreciation of the Council's efforts towards the Boys Club of San Antonio.

ZONING HEARINGS

1. CASE 7187 - to rezone Lot 45, NCB 15731, 279 Remount Drive from Temporary "R-1" Single Family Residential District to "B-3" Business District, located southwest of the intersection of Remount Drive and Fratt Road; having 50' on Remount Drive and 150' on Fratt Road.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be denied by the City Council.

Mrs. John L. Jones, the proponent, described the subject property and the commercial uses in the surrounding area. She stated that the property has had non-conforming use status since 1970 and they are requesting a change in zone in order to upgrade the property and construct a new building. She further stated that the parties in opposition do not constitute a majority of the neighborhood. She then presented Council with an on-site land use map of the subject area.

In response to a question by Mr. Pyndus, Mr. Camargo stated that there are numerous non-conforming uses in the area and explained that the staff had recommended approval of the change because of the location of the subject property. He then described the area and the businesses in the area.

Mr. Maynard Clapp, 109 Dinn Drive, then spoke in opposition. He stated that he has lived in the area for 19 years and that the residents are very upset with the many drinking establishments in the area. He asked Council to deny the request and presented a petition with 36 signatures against the proposed change.

Mrs. Harley Wingo, Jr. 271 Remount Road, stated that she lives adjacent to the subject property and spoke about the many incidents that have occurred on the subject property. She asked Council to deny the request for rezoning.

Dr. Cisneros pointed out that the problem will not be alleviated if the rezoning is denied due to the fact that the owner enjoys non-conforming rights and can continue to operate the lounge. He stated that the change in zoning could be granted with certain stipulations.

Mrs. Wingo again expressed her feelings in opposition to the rezoning.

Mr. Camargo then stated that the use of the lounge can be allowed because of the non-conforming rights. He stated that any violations can be reported to the proper authorities.

In response to a question by Councilman Wing, City Attorney Finlay stated that stipulations cannot be imposed without the passage of a zoning ordinance.

Council also discussed the possibility of the granting of a lower zoning.

After discussion of the current parking situation, Mr. Eureste stated that no parking signs could be placed on the street thus eliminating the off-street parking.

Mr. Steen stated he is very familiar with the area and described the condition of the neighborhood. He moved that the granting of the change in zone be approved provided that a fence stipulation be imposed. The motion died for lack of a second.

In response to a question by Mr. Eureste about parking, Mr. Stewart Fischer, Director of Traffic and Transportation, explained the method used to determine the number of parking spaces to be allocated for a building.

In rebuttal, Mrs. Jones then stated that she has heard many conflicting stories about the incidents at the lounge. She stated that she has spoken to the Police Department and has been advised that there has been seven disturbance calls at the lounge since its establishment and these have not been because of any brawls. She said that the improvement and construction of the new building will include a privacy fence and also provide for adequate off street parking. She stated she would not be in favor of a lower zoning classification.

At this point, Mrs. Dutmer moved to uphold the recommendation of the Zoning Commission and deny the rezoning. Mr. Webb seconded the motion.

Mr. Pyndus then made a substitute motion to grant "B-2" zoning in lieu of "B-3". Mr. Hartman seconded the motion.

Mr. John R. Jones then stated that there is a present lease in existence and they could not agree to a classification of "B-2" for the subject property.

Mr. Hartman then withdrew his second.

The motion died for lack of a second.

At this point, Mr. Eureste advised the opponents that if the zoning change would be provided, stipulations could be imposed to deal with the fence, parking regulations, etc.

After discussion of a lower zoning classification, Mr. Ortiz made a substitute motion to grant "B-2" zoning in lieu of "B-3". Mr. Pyndus seconded the motion.

Dr. Cisneros then stated that the business is in operation and the owners have responsibility in terms of the problems which have been cited. He stated that the denial of the zoning will not change the present operation and in his opinion the "B-2" use is not feasible. He suggested that the change in zone be granted to "B-3" with certain conditions such as the erection of an eight foot solid screen fence along the property line, assure provisions for on site head-in parking and sound proofing of the new building.

Mr. Steen stated that the substitute motion should be withdrawn because the applicant does not desire "B-2". He spoke in favor of Dr. Cisneros suggestion.

Mr. Pyndus spoke in favor of the substitute motion.

On roll call, the substitute motion failed by the following vote:
 AYES: Ortiz, Pyndus; NAYS: Cisneros, Webb, Dutmer, Eureste, Alderete, Hartman, Steen, Cockrell; ABSENT: Wing.

Dr. Cisneros then made a substitute motion that the request for rezoning to "B-3" be granted, provided that an eight foot solid screen fence be erected along the south and west property line; on site parking be provided and if necessary, no parking signs be placed on the street and that the sound-proofing of the new building be accomplished. Mr. Steen seconded the motion.

Mr. Pyndus spoke against the substitute motion.

In response to a question by Mr. Hartman, Mr. Maynard Clapp stated that they feel that the present building is already in poor condition and the use will not be in existence much longer. They are very much opposed to the rezoning of the property.

Mrs. Dutmer and Mr. Alderete spoke in opposition to the substitute motion.

On roll call, the substitute motion failed by the following vote: AYES: Cisneros, Eureste, Hartman, Steen; NAYS: Webb, Dutmer, Wing, Ortiz, Alderete, Pyndus, Cockrell; ABSENT: None.

On roll call, the motion to deny the request for rezoning carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Cockrell; NAYS: Steen; ABSENT: None.

Case 7187 was denied.

78-13 The Clerk read the following Resolution:

A RESOLUTION
NO. 78-13-43

SETTING A PUBLIC HEARING FOR JUNE 13, 1978
AT 7:00 P.M. ON THE SOUTH TEXAS NUCLEAR
PROJECT.

* * * *

Mr. Hartman moved to approve the Resolution. Mr. Alderete seconded the motion.

Mr. Lanny Sinkin spoke to the Council requesting that the Resolution be approved.

Ms. Sidney Janek also asked that Council approve the proposed Resolution and to reconsider the City's involvement in the South Texas Nuclear Project.

Mr. Pyndus spoke against the motion stating that the Public Hearing is premature.

Mr. Wing stated that he is not opposed to a Public Hearing but is concerned about the City's monetary involvement in bringing in speakers for the hearing.

The Council then discussed the memorandum presented by Assistant City Manager Louis Fox with regard to the Touche Ross study, the cost involved and the selection of the speakers.

After discussion, Dr. Cisneros moved that the Resolution be approved provided that the Touche Ross study be included thus changing the date of the public hearing to June 13; that the staff be responsible for selection of the speakers with the concurrence of the Council; and that staff work on a joint financial arrangement with CPS to pay for the Touche Ross study, and if this is not possible, then the City bear the cost. Mr. Eureste seconded the motion.

Mr. Steen spoke against the substitute motion because of the cost to the City that would be involved.

Mayor Cockrell spoke in favor of Dr. Cisneros' substitute motion and stated that definitive answers to pertinent questions are needed prior to the public hearing.

Mr. Pyndus suggested that prior to the public hearing, cost figures be given to Council by City Public Service and an identification of the future energy needs of the City. He spoke against the substitute motion.

On roll call, the substitute motion carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Cisneros, Webb, Eureste, Ortiz, Alderete, Hartman, Cockrell; NAYS: Dutmer, Wing, Pyndus, Steen; ABSENT: None.

78-13 The meeting was recessed at 3:40 P.M., and reconvened at 4:00 P.M.

78-13 Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Pyndus presided.

78-13 ZONING HEARINGS (Continued)

2. CASE 7179 - to rezone Lots 5 and 6, Block 3, NCB 12859, In the 4600 Block of Dietrich Road, from Temporary "A" Single Family Residential District to "R-3" Multiple Family Residential District, located on the south side of Dietrich Road, being 400' east of the intersection of Dietrich Road and Branch Road; having 200' on Dietrich Road and a depth of 212'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be denied by the City Council.

No one spoke in opposition.

Dr. Cisneros moved to overrule the recommendation of the Zoning Commission and grant the rezoning. Mr. Eureste seconded the motion.

In response to a question by Mayor Pro-Tem Pyndus, Mr. Camargo stated that the density and height of the subject building will be addressed by another body.

Mr. Arnold Garza, President of LULAC, stated that originally it was planned that the subject building would be a twelve story high rise apartment complex; however, they have now relocated that plan to a present downtown structure and the proposed structure on the subject property will be two stories high for thirty-two units.

On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Ortiz, Cockrell.

AN ORDINANCE 49,136

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 5 AND 6, BLOCK 3 NCB 12859, IN THE 4600 BLOCK OF DIETRICH ROAD, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT.

* * * *

3. CASE 7162 - to rezone Lot 1, Block 1, NCB 12009, 1002 Oblate Drive, from "A" Single Family Residential District to "O-1" Office District, located southeast of the intersection of Oblate Drive and McCullough Avenue; having 125' on Oblate Drive and 146.23' on McCullough Avenue.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo further stated that there is 20 percent opposition, therefore nine affirmative votes will be required to approve the request for rezoning.

Mr. H. Gordon Davis, representing the applicant, Mr. David Romo, asked for a full Council in view of the fact that nine votes will be needed to grant the rezoning.

The opposition did not wish to postpone the Case.

After discussion, Mr. Steen moved to postpone the case for 30 days. Dr. Cisneros seconded the motion.

Mr. Hartman spoke against the motion to postpone because in previous occasion the Council has heard zoning cases with ten members present.

On roll call, the motion to postpone failed to carry by the following vote: AYES: Cisneros, Steen; NAYS: Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman; ABSTAIN: Ortiz; ABSENT: Cockrell.

Mr. David Romo, the applicant, then spoke to the Council. He stated that he is desiring the zoning change in order to establish a business. He stated that he bought the property for this purpose.

Mr. Hartman referred to the report by the Traffic and Transportation Department with regard to the location of the present structure and the parking provisions.

In response to Mr. Alderete, Mr. Camargo stated that the staff had recommended approval of the rezoning because both Oblate Drive and McCullough Avenue are on the major Thoroughfare Plan as arterials for this area. At this intersection to the west of the subject property there is "F" Local Retail and "B-3" Business zonings. To the east and north of the subject property, there is single family dwellings. Considering the business zoning to the west and the type of street intersection, the staff is of the opinion that the requested "O-1" zoning is appropriate.

Mr. Davis stated that the proposed "O-1" zoning is across the street from a "B-3" use and feels that this is a proper use for the subject property. He then described the area and the uses surrounding the subject property. He stated that his client would agree to abide by any stipulations which may be imposed by the Council. He has not yet spoken to the opponents but feels that they are opposed because of the access and that this case could set a precedent.

Mrs. Theresa Dorsa, 203 Barbara, spoke in opposition. She stated that she has collected a petition in opposition to the rezoning and that they want to keep the area residential.

Mrs. Richard L. Bishop, II, 1010 Oblate Drive, also spoke against the intrusion of business in a residential neighborhood.

Mrs. Beatrice Prince, 1014 Oblate Drive, stated that the granting of the zoning would set a precedent.

Mr. Richard L. Bishop, 1010 Oblate, also spoke in opposition.

In response to Mrs. Dutmer's question, Mr. Camargo stated that 23 notices were sent out, 14 of these were returned in opposition and one returned in favor.

Mr. Chester Bishop, 1018 Oblate, also spoke in opposition.

In rebuttal, Mr. Davis stated that it is not feasible that the subject property will be used for residential purposes. He stated that the "O-1" zoning is the highest and best use for the subject property and will be compatible with the neighborhood.

Mr. Ortiz then moved to uphold the recommendation of the Zoning Commission and grant the rezoning. Mr. Eureste seconded the motion.

Mrs. Dutmer made a substitute motion to overrule the recommendation of the Zoning Commission and deny the request for rezoning. Mr. Webb seconded the motion.

On roll call, the substitute motion to deny, carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: Ortiz; ABSENT: Cockrell.

CASE 7162 was denied.

4. CASE 7204 to rezone a 2.79 acre tract of land out of NCB 11602, being further described by field notes filed in the Office of the City Clerk, in the 1600 Block of Babcock Road, from "A" Single Family Residential District to "B-2" Business District, located on the northeast side of Babcock Road being 430' southeast of the intersection of Callaghan Road and Babcock Road; having 295' on Babcock Road and a maximum depth of 460'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

Mr. Sam Jorrie, the applicant, stated that they are proposing to develop a high rise (10-15 stories high) apartment building on the subject property. He stated that the property is no longer feasible for residential purposes. He presented a plan to the Council outlining what they intend to do. The project is estimated to cost about seven million dollars and will be an asset to the City as well as to the community. He stated that he will agree to any stipulation which the Council may impose. He asked Council to favorably consider his request.

Mr. Roxy R. Ruffo, 6718 Lazy Ridge, spoke in opposition. He stated that the high rise apartment unit will invade his privacy.

Dr. Mark Zuazu, 6714 Lazy Ridge, also spoke in opposition for the reasons cited by Mr. Ruffo.

Mrs. Blanche Gonzalez also spoke in opposition.

In rebuttal, Mr. Jorrie stated that the subject property abuts the backyards of the residences and at the present time the subject property is vacant. The proposed development will improve the area. He also stated that the parking of vehicles will be enclosed and not seen from the street.

After discussion, Mr. Steen moved to uphold the recommendation of the Zoning Commission and grant the rezoning. Mr. Alderete seconded the motion.

Mr. Pyndus spoke against the motion because in his opinion the project will invade the privacy of the neighborhood.

On roll call, the motion to approve the rezoning failed by the following vote: AYES: Cisneros, Webb, Alderete, Steen; NAYS: Wing, Eureste Pyndus, Hartman; ABSENT: Dutmer, Ortiz, Cockrell.

CASE 7204 was denied.

5. CASE 7203 - to rezone the east 80' of the west 240' of the south 160' of lot 10 and the south 160' of the east 10' of the west 250' of Lot 10, NCB 10747, 2403 Rigsby, from "A" Single Family Residential District to "B-3" Business District, located on the northside of Rigsby Avenue, being 570' west of the intersection of Grobe Rd. and Rigsby Avenue, having 90' on Rigsby Avenue and a depth of 160' and the north 372.96' of Lot 10-B, NCB 10747 2403 Rigsby Avenue, from "A" Single Family Residential District to "I-1" Light Industry District, located on the north side of Rigsby Avenue being 570' west of the intersection of Grobe Rd. and Rigsby Avenue, being 160' north off of Rigsby Avenue; having a width of approximately 250' and a depth of 372.96'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Dr. Cisneros made a motion that the recommendation of the Zoning Commission be approved. Mr. Eureste seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Dutmer, Ortiz, Cockrell.

AN ORDINANCE 49,137

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 EAST 80' OF THE WEST 240' OF THE SOUTH 160' OF LOT 10 AND THE SOUTH 160' OF THE EAST 10 OF THE WEST 260' OF LOT 10, NCB 10747, 2403 RIGSBY AVENUE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT AND THE NORTH 372.96' OF LOT 10-B, NCB 10747, 2403 RIGSBY AVENUE FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

* * * *

6. CASE 7195 to rezone the west 50' of Lot 2, Block 8, NCB 10943, 1023 Hot Wells Boulevard, from "B" Two Family Residential District to "I-1" Light Industry District, located on the northside of Hot Wells Boulevard, being 310' west of the intersection of Goliad Road and Hot Wells Boulevard; having 50' on Hot Wells Boulevard and a depth of 150'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Dr. Cisneros made a motion that the recommendation of the Zoning Commission be approved; provided that the property be replatted and that a six foot solid screen fence is erected and maintained along the west property line. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Dutmer, Ortiz, Cockrell.

AN ORDINANCE 49,138

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 LOT 2, BLOCK 8, NCB 10943, 1023 HOT WELLS BOULEVARD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT THE PROPERTY BE REPLATTED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE WEST PROPERTY LINE.

* * * *

7. CASE 6971 - to rezone a 3.106 acre tract of land out of NCB 11693, being further described by field notes filed in the Office of the City Clerk, 5148 Blanco Road, from "A" Single Family Residential District to "B-3" Business District, located on the east side of Blanco Road, being 533.11' north of the intersection of Burwood Lane and Blanco Road, having 76.47' on Blanco Road and a depth of 837.2'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Steen made a motion that the recommendation of the Zoning Commission be approved provided that the property is replatted if necessary, and that a six foot solid screen fence is erected and maintained along the north property line. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Dutmer, Ortiz, Cockrell.

AN ORDINANCE 49,139

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 3.106 ACRE TRACT OF LAND OUT OF NCB 11693, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK 5148 BLANCO ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATTED IF NECESSARY; AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTH PROPERTY LINE.

* * * *

8. CASE 7209 - to rezone a 0.893 acre tract of land out of NCB 8416, being further described by field notes filed in the Office of the City Clerk, from "A" Single Family Residential District to "B-2" Business District, located on the northside of Quentin Drive approximately 219.94' northwest of the intersection of Quentin Drive and Fredericksburg Road, having 334.30' on Quentin Drive and a depth of 155.51' and a 1.656 acre tract of land out of NCB 8416, being further described by field notes filed in the Office of the City Clerk, from "A" Single Family Residential District and "F" Local Retail District to "B-3" Business District, located northwest of the intersection of Fredericksburg Road and Quentin Drive, having 424.6' on Fredericksburg Road and 219.94' on Quentin Drive.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council

No one spoke in opposition.

After consideration, Mr. Alderete made a motion that the recommendation of the Zoning Commission be approved; provided that proper platting is accomplished; a six foot solid screen fence is erected and maintained adjacent to the single family residential area on the west line; that a non-access easement is imposed from the west property line on an easterly direction beginning on the south line of the alley (at the end of the residential property) and extend it 100' then return it to Quentin Drive. Mr. Wing seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Dutmer, Ortiz, Cockrell.

AN ORDINANCE 49,140

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.893 ACRE TRACT OF LAND OUT OF NCB 8416, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT AND A 1.656 ACRE TRACT OF LAND OUT OF NCB 8416, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT AND "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED; A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ADJACENT TO THE SINGLE FAMILY RESIDENTIAL AREA ON THE WEST LINE THAT A NON-ACCESS EASEMENT IS IMPOSED FROM THE WEST PROPERTY LINE ON AN EASTERLY DIRECTION BEGINNING ON THE SOUTH LINE OF THE ALLEY (AT THE END OF THE RESIDENTIAL PROPERTY) AND EXTEND IT 100' THEN RETURN IT TO QUENTIN DRIVE.

* * * *

10. CASE 6944 - to rezone Lot 22, Block 5, NCB 6316, 2403-2411 S. Zarzamora Street, for the removal of a six foot solid screen fence along the north and west property lines and a 1' non-access easement along the north property line as required by Ordinance #47393, dated November 18, 1978, located on the north and west property lines of Lot 22, which is located southwest of the intersection of "C" Street and South Zarzamora Street.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Steen made a motion that the recommendation of the Zoning Commission be approved. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Dutmer, Ortiz, Cockrell.

AN ORDINANCE 49,141

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 22, BLOCK 5, NCB 6316, 2403-2411 S. ZARZAMORA STREET FOR THE REMOVAL OF A SIX FOOT SOLID SCREEN FENCE ALONG THE NORTH AND WEST PROPERTY LINES AND A ONE FOOT NON-ACCESS EASEMENT ALONG THE NORTH PROPERTY LINE AS REQUIRED BY ORDINANCE #47393, DATED NOVEMBER 18, 1976.

* * * *

11. CASE 7188 - to rezone Lot 19, NCB 6075, 3819 S. Gevers Street, from "B-1" Business District to "B-2" Business District, located on the west side of S. Gevers Street, being 276.2' north of the intersection of Ada Street and S. Gevers Street; having 174.56' on S. Gevers Street and a depth of 163'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Alderete made a motion that the recommendation of the Zoning Commission be approved. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Dutmer, Ortiz, Cockrell.

AN ORDINANCE 49,142

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 19, NCB 6075, 3819 S. GEVERS STREET, FROM "B-1" BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT.

* * * *

12. CASE 7191 - to rezone the north irregular 400' of Tract C, NCB 8696, 1318 Austin Highway, from "F" Local Retail District to "B-3" Business District, located on the southeast side of Austin Highway, being 415' northeast of the intersection of Austin Highway and North Vandiver Drive; having 190' on Austin Highway and a maximum depth of 400'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

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No one spoke in opposition.

After consideration, Mr. Alderete made a motion that the recommendation of the Zoning Commission be approved. Mr. Wing seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote; AYES: Cisneros, Webb, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Dutmer, Ortiz, Cockrell.

AN ORDINANCE 49,143

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 NORTH IRREGULAR 400' OF TRACT C, NCB 8696, 1318 AUSTIN HIGHWAY, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT.

* * * *

13. CASE 7193 - to rezone a 0.301 acre tract of land out of NCB 15275, being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" Single Family Residential District to "B-2" Business District, located on the southwest side of Five Palms Drive, being 286.56' northwest of the intersection of Five Palms Drive and Lelani Place; having 130' on Five Palms Drive and a maximum depth of 150'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Steen made a motion that the recommendation of the Zoning Commission be approved; provided that proper platting is accomplished. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Ortiz, Cockrell.

AN ORDINANCE 49,144

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.301 ACRE TRACT OF LAND OUT OF NCB 15275, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

14. CASE 7194 - to rezone Tract A, NCB 10845, 4379 S.E. Military Drive, from "B" Two Family Residential District to "B-3" Business District, located west of the cutback between Utopia Avenue and S.E. Military Drive; having 288' on Utopia Avenue, 303' on S.E. Military Drive and 76' on the cutback between Utopia Avenue and S.E. Military Drive.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Alderete made a motion that the recommendation of the Zoning Commission be approved. Mrs. Dutmer seconded the motion.

On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Ortiz, Cockrell.

AN ORDINANCE 49,145

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, NCB 10845, 4379 S.E. MILITARY DRIVE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT.

* * * *

15. CASE 7196 - to rezone Lot 2, Block 6, NCB 11722, 11106 Bel Air Drive, from "A" Single Family Residential District to "R-3" Multiple Family Residential District, located on the southeast side of Bel Air Drive being 115' northeast of the intersection of Bel Air Drive and Anchor Drive; having 120' on Bel Air Drive and a maximum depth of 150'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Alderete made a motion that the recommendation of the Zoning Commission be approved. Mr. Wing seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Ortiz, Cockrell.

AN ORDINANCE 49,146

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 2, BLOCK 6, NCB 11722, 11106 BEL AIR DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT.

* * * *

16. CASE 7205 - to rezone Lot 2, NCB 13837, 14315 Jones Maltsberger Road, from Temporary "A" Single Family Residential District to "R-2" Two Family Residential District, located on the northwest side of Jones Maltsberger Road, being 3393.17' southwest of the intersection of Heimer Road and Jones Maltsberger Road; having 175' on Jones Maltsberger Road and a depth of 411.85'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mrs. Dutmer made a motion that the recommendation of the Zoning Commission be approved. Mr. Alderete seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Ortiz, Cockrell.

AN ORDINANCE 49,147

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 2, NCB 13837, 14315 JONES MALTSBERGER ROAD, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-2" TWO FAMILY RESIDENTIAL DISTRICT.

* * * *

17. CASE 7207 - to rezone Lot 3, NCB 12176, 1802 Austin Highway, from "F" Local Retail District to "I-1" Light Industry District, located southeast of the intersection of Austin Highway and Corinne Road; having 432' on Austin Highway and 354' on Corinne Road.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mrs. Dutmer made a motion that the recommendation of the Zoning Commission be approved. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Ortiz, Cockrell.

AN ORDINANCE 49,148

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 3, NCB 12176, 1802 AUSTIN HIGHWAY, FROM "F" LOCAL RETAIL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

* * * *

18. CASE 7208 - to rezone Lot 28 and the North 50' of Lot 31, Block 5, NCB 11191, 7714 Somerset Road, from "B" Two Family Residential District to "B-2" Business District, located on the southeast side of Somerset Road, being 125.8' northeast of the intersection of Yuma Street and Somerset Road; having 62.9' on Somerset Road and a maximum depth of 223.6'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Wing made a motion that the recommendation of the Zoning Commission be approved. Mr. Alderete seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Ortiz, Cockrell.

AN ORDINANCE 49,149

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 28 AND THE NORTH 50' OF LOT 31, BLOCK 5, NCB 11191, 7714 SOMERSET ROAD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT.

* * * *

19. CASE 7211 - to rezone a 10.00 acre tract of land out of NCB 15024, being further described by field notes filed in the Office of the City Clerk, in the 7800 Block of Vega Drive and in the 7500 Block of I.H. 10 Expressway, from "B-2" Business District to "B-3" Business District, located on the southside of Vega Drive between Magic Drive and I.H. 10 Expressway; having approximately 700' on Vega Drive, 103.25' on Magic Drive and 730' on I.H. 10 Expressway.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Alderete made a motion that the recommendation of the Zoning Commission be approved; provided that the property is properly platted. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Pyndu, Hartman, Steen; NAYS: None; ABSENT: Ortiz, Cockrell.

AN ORDINANCE 49,150

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 10.00 ACRE TRACT OF LAND OUT OF NCB 15024, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 7800 BLOCK OF VEGA DRIVE, IN THE 7500 BLOCK OF I.H. 10 EXPRESSWAY, FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT THE PROPERTY IS PROPERLY PLATTED.

* * * *

9. CASE 7210-to rezone Tract C, Block 18, NCB 7538, 2703 Hicks Avenue, from "C" Apartment District to "R-4" Mobile Home District, located on the northside of Hicks Avenue, being 380' west of the intersection of Amada Street and Hicks Avenue; having 175.8' on Hicks Avenue and a depth of 440.5'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

In response to a question by Mayor Pro-Tem Pyndus, Mr. Camargo stated that the staff had recommended denial of this case because even though the subject property is located in a "C" Apartment District zone, the development is predominately single family dwellings. To the south, there is a new single family subdivision. Considering the established single family development of this area, the staff is of the opinion that the granting of the rezoning would not be appropriate at this location. He further stated that the Zoning Commission had recommended that the rezoning be granted because the applicant will be living on the subject property and there will not be any other mobile homes placed on the subject property.

In response to Mr. Hartman's question, Mr. Camargo stated that thirty-one notices were mailed out, five returned in favor and none returned in opposition.

Mr. Arturo Barrera, representing the applicant, stated that he collected a petition with 26 signatures in favor of the proposed change. He then explained the circumstances of the case. He stated that the applicant had purchased a trailer house under the impression he would have all the necessary utility connections. The applicant has already made many improvements to the subject property and when he attempted to get his services connected he was informed he could not have them connected because the property was not zoned properly.

Mr. Juan Mann, the applicant, also spoke to the Council and asked them to favorably consider his request for rezoning.

Mr. Arthur Poke, 2706 Hicks, a neighbor in the area also spoke in favor of the change and stated that Mr. Mann has already made many improvements to the subject property.

Mrs. Dutmer expressed concern about the fact that the zoning stays with the land.

Mr. Barrera then stated that a permit must be obtained prior to moving in any more trailers and assured the Council that his client only wants to use the subject property as a homestead.

After discussion, Mr. Webb moved to uphold the recommendation of the Zoning Commission and grant the rezoning. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Hartman, Steen; NAYS: Pyndus; ABSENT: Cockrell.

AN ORDINANCE 49,151

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS TRACT C, BLOCK 18, NCB 7538, 2703 HICKS AVENUE, FROM "C" APARTMENT DISTRICT TO "R-4" MOBILE HOME DISTRICT.

* * * *

78-13 The following Ordinance was read by the Clerk and after consideration on motion made by Mr. Hartman and seconded by Mr. Webb was passed and approved by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Cisneros, Cockrell.

AN ORDINANCE 49,152

ACCEPTING THE RESIGNATION OF WALTER E. BROWN FROM THE METROPOLITAN TRANSIT AUTHORITY AND APPOINTING MURRENE GILFORD TO FILL THE UNEXPIRED TERM.

* * * *

78-13

CITIZENS TO BE HEARD

UA-COLUMBIA CABLEVISION, INC.

Mr. Cipriano Guerra, President of Hispano-Technica S.A., Inc., introduced Mr. Bob Rosencrans, UA-Columbia President, to the Council.

Mr. Bob Rosencrans then presented a petition to the City Council requesting a non-exclusive franchise to provide cable television to San Antonio residents. They also presented each Council member a copy of their proposal (A copy of their petition and proposal is on file with the papers of this meeting). He stated that San Antonio is one of the few major cities in the nation that does not have cable television. He further stated that the local system will employ about 100 people with an annual payroll in excess of \$1 million. He also outlined the system which is to include a maximum of 36 channels including an optional Home Box Office first-run movie channel.

The matter was discussed by the Council and the request was referred to the City Manager's office for preparation of a report prior to a "B" Session discussion.

MICHAEL RODRIGUEZ

Mr. Michael Rodriguez, President of E.O.D.C., appeared before the Council to request that one of their Board Members who was appointed by the City Council be removed by the City Council. Mr. Rodriguez then presented copies of documents purporting to prove allegations of wrongdoings by Mrs. Armandina Saldivar.

Mayor Pro-Tem Pyndus ruled that an attack on a citizen would not be permitted.

A question arose as to whether this matter should be heard in public or in Executive Session.

The matter was discussed at length and no decision in the matter was reached. After which, Mayor Pro-Tem Pyndus recessed the meeting for ten minutes at 6:35 P.M.

The meeting was reconvened at 6:45 P.M., but a quorum was not present in the Council Chamber. For lack of a quorum, the meeting was adjourned at 6:45 P.M.

78-13 The Clerk read the following Letter:

March 13, 1978

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

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

March 13, 1978

Petition submitted by Mr. Floyd McGown, requesting the City Council to grant McDonough Brothers a license to construct, maintain, and operate a railroad spur crossing at Quintana Road.

/s/ G.V. JACKSON, JR.
City Clerk

* * * *

78-13 There being no further business to come before the Council, the meeting adjourned at 6:45 P.M.

A P P R O V E D

Lila Cockrell
M A Y O R

ATTEST: *G.V. Jackson, Jr.*
C i t y C l e r k

March 16, 1978

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