

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO, HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, MAY 13, 1993.

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The meeting was called to order by the Presiding Officer, Mayor Nelson W. Wolff, with the following members present: PEREZ, PIERCE, BILLA BURKE, NIETO, SOLIS, AYALA, VERA, THORNTON, LABATT, LARSON, WOLFF. Absent: NONE.

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93-21 Invocation - Mrs. Cleo Edmunds, Little Church of La Villita.

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93-21 Pledge of Allegiance to the flag of the United States.

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93-21 Minutes of the April 15, 1993 Regular City Council meeting were approved.

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93-21 EMISSARY OF THE MUSES: TINA RAMIREZ

Mayor Wolff introduced Ms. Tina Ramirez, founder and director of Ballet Hispanico of New York, present in the audience, and noted that her dance company performed yesterday at the Avenida Guadalupe Cultural Arts Center and is scheduled to perform tomorrow at the Lila Cockrell Theater. He further noted that the dance company is appearing in San Antonio at the request of Arts San Antonio.

Mayor Wolff then presented her with an official Proclamation, declaring her as an "Emissary of the Muses", in addition to a special book on San Antonio.

Ms. Ramirez thanked the Mayor and Council for the honor, and the citizens of San Antonio for the reception given her dance company.

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93-21

DISTINGUISHED BUDGET PRESENTATION AWARD

Mayor Wolff stated that the Government Finance Officers Association recently presented the City of San Antonio with its "Distinguished Budget presentation" award for the fiscal year beginning October 1, 1992, and introduced Mr. George K. Noe, Director of Management Services.

Mr. Noe introduced members of the Management Services staff, present in the audience, and thanked the Mayor and Council for the recognition. He then explained how the award was earned.

Mr. Alex Briseno, City Manager, thanked the Management Services staff for its hard work on the City budget, and noted that GFOA often cites the City of San Antonio for its exemplary budget process.

Mr. Larson spoke to the City Council's impact upon the City budget and its priorities, then thanked the Management Services staff for its hard work.

Mr. Thornton spoke to examples of this staff's willingness to work after-hours on the City budget, and thanked them for their work.

Mr. Labatt spoke to the competence of the entire City staff, and especially Management Services.

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93-21

CONSENT AGENDA

Ms. Billa Burke made a motion to approve Agenda Items 9 through 30, constituting the Consent Agenda, with Item 25 earlier removed from the agenda by the City Manager and Item 29 pulled for individual consideration. Mr. Perez seconded the motion.

After discussion, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Ayala, Vera, Thornton, Labatt, Larson, Wolff. NAYS: None.

## AN ORDINANCE 77,907

ACCEPTING THE PROPOSAL OF T. R. BOOKS TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH ENCYCLOPAEDIA HERALDIC FOR A TOTAL OF \$12,119.96.

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May 13, 1993  
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AN ORDINANCE 77,908

ACCEPTING THE PROPOSAL OF UPJOHN COMPANY TO FURNISH THE CITY OF SAN ANTONIO HEALTH DEPARTMENT WITH DEPO-PROVERA CONTRACEPTIVE INJECTABLES FOR A TOTAL OF \$4,484.00.

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AN ORDINANCE 77,909

ACCEPTING THE LOW QUALIFIED BID OF VULCAN SIGNS TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS TRAFFIC OPERATIONS WITH TRAFFIC SIGN POSTS FOR A TOTAL OF \$28,469.65.

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AN ORDINANCE 77,910

ACCEPTING THE PROPOSAL OF NCR TO RENEW A MAINTENANCE AGREEMENT FOR NCR COMPUTER HARDWARE AND SOFTWARE FOR THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT FOR A TOTAL OF APPROXIMATELY \$300,500.00 ANNUALLY.

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AN ORDINANCE 77,911

ACCEPTING THE LOW QUALIFIED BID OF WASHING EQUIPMENT OF TEXAS TO FURNISH THE CITY OF SAN ANTONIO WITH HIGH PRESSURE CLEANERS FOR A TOTAL OF \$7,464.08.

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AN ORDINANCE 77,912

RATIFYING PAYMENT TO WATSON DISTRIBUTING COMPANY FOR TWO THREE-WHEEL UTILITY VEHICLES FOR THE PUBLIC WORKS DEPARTMENT FOR A TOTAL OF \$18,970.00.

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AN ORDINANCE 77,913

CONSENTING TO THE ASSIGNMENT OF THE CONTRACT FOR AN FMC & JOHNSTON SWEEPER, GRADALL, P & H CRANE AND GROVE PARTS AND SERVICE FROM WEHRING-GOSS EQUIPMENT CORPORATION TO ATHERTON MACHINERY COMPANY, LTD.

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AN ORDINANCE 77,914

ACCEPTING THE LOW BID OF MORLANDT ELECTRIC TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH A WATER QUALITY MONITORING SYSTEM FOR A TOTAL OF \$91,116.00, AND CANCELLING THE PREVIOUS CONTRACT WITH THE SAN ANTONIO WATER SYSTEM FOR A WATER QUALITY MONITORING SYSTEM.

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AN ORDINANCE 77,915

ACCEPTING THE LOW QUALIFIED BIDS OF CANNON SPORTS, INC. COMPANY, RCK SALES, INC., WOLVERINE SPORTS, BSN SPORTS AND MASTER FITNESS TO FURNISH THE CITY OF SAN ANTONIO WITH SPORTING-GOOD SUPPLIES FOR A TOTAL OF \$15,287.33.

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AN ORDINANCE 77,916

ACCEPTING THE LOW BIDS OF FREEDOM SECURITY, TODAY'S SENTURION GROUP AND NATIONAL GUARDIAN TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH SECURITY SYSTEMS FOR A TOTAL OF APPROXIMATELY \$20,748.58 OVER A FIVE YEAR PERIOD.

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AN ORDINANCE 77,917

ACCEPTING THE LOW QUALIFIED BID OF SELRICO SERVICES COMPANY TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH A SUMMER FOOD SERVICE PROGRAM FOR A TOTAL OF \$489,972.21.

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AN ORDINANCE 77,918

AUTHORIZING FIELD ALTERATION NO. 5 IN THE AMOUNT OF \$43,764.00 PAYABLE TO R. L. JONES CO., INC. IN CONNECTION WITH THE PENTAGON STREETS, PHASE III PROJECT; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 77,919

AUTHORIZING AN ADDITIONAL \$24,479.31 FOR FINAL ENGINEERING DESIGN PHASE SERVICES PAYABLE TO SINCLAIR ENGINEERING CO. IN CONNECTION WITH THE FENFIELD FROM LAREDO HIGHWAY TO SOMERSET ROAD RECONSTRUCTION PROJECT; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 77,920

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 3 IN THE AMOUNT OF \$60,538.95 TO THE CONTRACT WITH R. L. JONES CO. INC. IN CONNECTION WITH THE DOLLARHIDE OUTFALL PROJECT #81; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 77,921

AMENDING ORDINANCE NO. 77691 TO PROVIDE THAT AN ADDITIONAL \$108,508.17 BE PAID TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TDOT) FOR CITY-OF-SAN-ANTONIO-REQUESTED ITEMS IN CONNECTION WITH THE TDOT'S RECONSTRUCTION OF FREDERICKSBURG ROAD, FROM HAMILTON-WOLFE RD. TO IH 10.

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AN ORDINANCE 77,922

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$24,110.00 OUT OF GENERAL OBLIGATION BONDS; ACCEPTING A LICENSE IN CONNECTION WITH THE SOUTH FLORES DRAINAGE PROJECT #70-70A, PHASE II; ACQUIRING TITLE TO ONE PARCEL IN CONNECTION WITH THE CASTROVILLE ROAD RECONSTRUCTION PROJECT - GENERAL MCMULLEN TO ACME ROAD; AND ACQUIRING ONE PARCEL IN CONNECTION WITH THE F.M. 1517 (ECKHERT ROAD) PROJECT - S.H. 16 TO HUEBNER ROAD.

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AN ORDINANCE 77,923

AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,562.00 FOR TITLE CHANGES ON THE HI-LIONS DRAINAGE PROJECT #80, THE BABCOCK ROAD IMPROVEMENT PROJECT - HUEBNER ROAD

TO HAMILTON WOLFE ROAD, THE BABCOCK ROAD IMPROVEMENT PROJECT - FREDERICKSBURG ROAD TO ST. CLOUD, AND THE GUADALUPE GARDENS DRAINAGE PROJECT; APPRAISAL SERVICES ON THE BABCOCK ROAD PROJECT - FREDERICKSBURG TO ST. CLOUD; AND A PROCESSING FEE ON THE F.M. 1517 (ECKHERT ROAD) PROJECT - S.H. 16 TO HUEBNER ROAD; AND APPROPRIATING FUNDS.

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AN ORDINANCE 77,924

APPROVING A FIVE-YEAR LEASE AGREEMENT WITH THE REPUBLIC OF MEXICO FOR SAID GOVERNMENT'S USE OF BUILDING NO. 336, KNOWN AS THE KUSCH HOUSE IN HEMISPHERE PARK, FOR THE PURPOSE OF ESTABLISHING A CHILDREN'S ART WORKSHOP AND ART GIFT SHOP FOR A TOTAL OF FIVE YEAR RENTAL OF \$32,610.60.

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AN ORDINANCE 77,925

AUTHORIZING A ONE-YEAR LICENSE AGREEMENT WITH ALAMO KIWANIS CHARITIES, INC., FOR USE OF THE ARNESON RIVER THEATER FOR THREE NIGHTS EACH WEEK DURING JUNE, JULY, AND AUGUST, 1993 FOR PRESENTATION OF "FIESTA NOCHE DEL RIO", FOR A REVENUE TO THE CITY IN AN APPROXIMATE AMOUNT OF \$7,000.00.

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AN ORDINANCE 77,926

AUTHORIZING THE ACCEPTANCE OF \$7,000.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) FOR THE INNER-CITY SCHOOL IMMUNIZATION PROJECT OPERATED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD); AUTHORIZING THE EXECUTION OF CONTRACT CHANGE NOTICE NO. 20; REVISING THE BUDGET FOR PUBLIC HEALTH STATE SUPPORT PROJECT 1992/93 ESTABLISHED IN ORDINANCE NO. 75075 PASSED AND APPROVED JANUARY 16, 1992; AND APPROPRIATING FUNDS.

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93-21 CITY COUNCIL POLICY ON ITEMS PULLED FROM CONSENT AGENDA

City Council briefly discussed its established policy that items pulled from the Consent Agenda for individual consideration are taken under consideration at the conclusion of all other agenda material for the Council day.

After discussion, it was the consensus of the City Council to allow "pulled" items to be discussed immediately after approval of the remainder of the Consent Agenda, if a citizen is present and signed up to speak to that agenda item, or if a Council member only wishes to comment on the agenda item, without City staff explanation.

93-21 At the request of Councilman Pierce, agenda item 31 was temporarily bypassed until 4:00 P.M. so that interested citizens could appear at that time to speak to the matter of the Alamodome Neighborhood Plan. A motion by Mr. Pierce, seconded by Mr. Solis, to postpone consideration of agenda item 31 until 4:00 P.M. was approved by unanimous voice vote of Council members present.

93-21 The Clerk read the following Ordinance:

AN ORDINANCE 77,927

BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS AUTHORIZING CITY STAFF TO SOLICIT AN ESCROW OPTIMIZATION PLAN TO COORDINATE THE RESTRUCTURING OF THE CITY OF SAN ANTONIO, TEXAS, GENERAL IMPROVEMENTS REFUNDING BONDS, SERIES 1992 ESCROW ACCOUNT FROM A TEAM OF SECURITIES PROVIDERS, AND AUTHORIZING CITY STAFF TO SOLICIT COMPETITIVE BIDS FOR THE SERVICES OF A FORWARD SUPPLY PROVIDER IN CONFORMANCE WITH THE LEGAL REQUIREMENTS SPECIFIC TO THIS RESTRUCTURING.

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

Ms. Nora Chavez, Director of Finance, explained the two separate portions of the proposed ordinance, and the need for coordination of the restructuring of the 1992 City of San Antonio General Improvements Refunding Bonds, Series 1992 Escrow Account. She then briefly explained what a "Forward Supply Provider" would do.

In response to a question by Mr. Solis, Ms. Chavez addressed the matter of minority participation and an estimate of how much of the money being spend on this project will actually remain in San Antonio. She stated that City staff would do everything possible to comply with provisions of the SMWBA ordinance, as the law allows, and she spoke to the makeup of the "provider".

Mr. Labatt spoke to the significant contributions made by minority members of national financial firms involved in the City's last refunding issue.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Ayala, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: None.

93-21                    BRIEFING ON ALAMODOME OPENING CEREMONIES

Ms. Vera briefed the City Council on the events of the Alamodome grand opening ceremonies scheduled for Saturday, and spoke to the requirements of Council members at those ceremonies.

93-21                    The Clerk read the following Ordinance:

AN ORDINANCE 77,928

AUTHORIZING AGREEMENTS WITH 13 COMMUNITY AGENCIES TO OPERATE 23 SUMMER RECREATION SITES IN CONNECTION WITH THE CITY OF SAN ANTONIO'S SUMMER RECREATION PROGRAM FOR A TOTAL OF \$100,000.00.

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

Mr. Ron Darner, Director of Parks & Recreation, explained the list of some 23 summer recreation sites to be operated by 13 community agencies, and noted that United Way has allocated some \$50,000.00 to those agencies for summer recreation purposes.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Ayala, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: None.



93-21 The Clerk read the following Ordinance:

AN ORDINANCE 77,929

AMENDING CHAPTER 28 OF THE CITY CODE TO PROVIDE FOR A DEFINITION OF AN ABANDONED SIGN; TO PROVIDE FOR THE REMOVAL OF ABANDONED SIGNS; TO PROVIDE FOR A MAINTAINANCE STANDARD FOR ALL SIGNS; TO PROVIDE FOR A REMEDY TO ENFORCE VIOLATIONS HEREOF; AND A PENALTY NOT EXCEED A FINE OF \$500.00.

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

Ms. Ayala stated her desire to delay consideration of this matter for two weeks in order to allow time for certain clarifications.

Mr. Gene Camargo, Director of Building Inspections, explained details of the ordinance as requested by the City Council, relating to the large number of abandoned signs and the need for their removal.

In response to a question by Mr. Thornton, Mr. Camargo spoke to the voluntary removal of such signs by the sign industry itself, and addressed the procedure for a sign's removal.

Mr. Thornton thanked the sign industry for agreeing to take part in removal of abandoned signs around the city, and spoke to the need to act now on this matter to help solve an eyesore problem. He then questioned the need for certain advertising signs.

Ms. Ayala stated her belief that the proposed ordinance needs refining as to the responsibility for sign removal, and as to the liability factor.

Mr. Camargo spoke once again to the procedure to be followed in removal of abandoned signs, and noted that the City Attorney feels that such removal cannot be charged back to the property owner because the City's ordinance is based upon aesthetics, not safety.

Mr. Solis spoke to the matter of abandoned signs along Commerce Street from downtown westward to General McMullen Drive.

Discussion then took place concerning disposal plans for signs removed as "abandoned signs".

Mr. Camargo stated that enforcement will be based upon complaints of abandoned signs, and will not be pro-active.

Ms. Vera spoke to the need to take advantage of this opportunity to remove abandoned signs, and spoke to proper notice given to sign owners and property owners.

Mr. Edwin Matias, Assistant City Attorney, explained the 'notice' provisions of the proposed ordinance and the flexibility it provides for City staff. He stated that the proposed ordinance was written to give a long notice provision and plenty of room for voluntary removal of those signs.

Ms. Vera urged the City Council to move forward with the proposed ordinance, citing the generosity of the notice provisions and the need to begin removing abandoned signs around San Antonio.

In response to a question by Mr. Larson, Mr. Camargo addressed the matter of locating bus-benches in Tri-Party and other areas of the city, and plans to control their proliferation.

Mr. Alex Briseno, City Manager, stated that he would look into this matter and report back to the Councilman on his findings.

Mr. Camargo noted that his department may well receive many requests to remove abandoned signs from properties.

Mr. Labatt noted that, should the sign industry at a later date decide to end their offer of free removal of abandoned signs, the City may need to implement a fee schedule to cover the costs of this work.

Mr. Larry de Martino, President, San Antonio Coalition of Neighborhoods, addressed the background of negotiations between neighborhood activists and representatives of the sign industry, noting that his group supports the proposed ordinance.

In response to a question by Ms. Ayala, Mr. Camargo discussed notification that was made to the sign industry that this matter was to be on the Council's agenda today. He also noted that the City is short of sign inspectors on his staff.

Mayor Wolff stated his belief that this is a good ordinance, and urged its passage today, noting that any necessary "fine-tuning" of the ordinance can take place later.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Vera, Thornton, Labatt, Larson, Wolff; NAYS: Ayala; ABSENT: None.

93-21 SOUTH SAN ANTONIO HIGH SCHOOL GOVERNMENT HONORS CLASS

Mr. Nieto recognized the presence in the audience of a group of students from South San Antonio High School, members of a government honors class, accompanied by their instructor, Ms. Tracy Alaniz.

Class members came forward to introduce themselves. Senior class members identified their college choices.

Members of the City Council congratulated the class members on their accomplishments.

93-21 ZONING HEARINGS

It was the concensus of City Council members present to hear agenda item 4G first, inasmuch as the representative of the proponent of this rezoning request must shortly leave for a scheduled court appearance.

4G. CASE Z93053 - to rezone THE NORTH 137 FEET OF THE EAST 10 FEET OF LOT 41 AND THE NORTH 137 FEET OF LOTS 42 THRU 45, BLOCK 4, NCB 6552 FROM "F" LOCAL RETAIL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, LOCATED SOUTHWEST OF THE INTERSECTION OF NORWOOD COURT AND McCULLOUGH AVENUE, HAVING 114.2 FEET ON NORWOOD COURT AND 137 FEET ON McCULLOUGH AVENUE.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

In response to a question by Mr. Labatt, Mr. Andy Guerrero, Land Development Services, spoke to the history of this property.

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

Mr. Allen Polunsky, attorney representing the proponent, stated that his client would accept a B-3NA zoning on the property in question.

Mr. Labatt made an amendment to approve the proposed Ordinance as "B-3NA" Non-Alcoholic Sales Business District. Ms. Vera seconded the motion.

After consideration, the amendment to approve the proposed Ordinance as "B-3NA" Non-Alcoholic Sales Business District, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Ayala.

Mr. Solis made a motion to approve the proposed Ordinance as amended. Ms. Billa Burke seconded the motion.

After consideration, the motion as amended, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Ayala, Wolff.

AN ORDINANCE 77,930

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTH 137 FEET OF THE EAST 10 FEET OF LOT 41 AND THE NORTH 137 FEET OF LOTS 42 THRU 45, BLOCK 4, NCB 6552 FROM "F" LOCAL RETAIL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, LOCATED SOUTHWEST OF THE INTERSECTION OF NORWOOD COURT AND McCULLOUGH AVENUE, HAVING 114.2 FEET ON NORWOOD COURT AND 137 FEET ON McCULLOUGH AVENUE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4A. CASE Z93046 - to rezone 25.0024 ACRES OUT OF NCB 18343 AND 26.6097 ACRES OUT OF NCB 17857 2000 BLOCK OF BITTERS ROAD FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT AND "B-3" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT TO "P-1(R-1)" ERZD PLANNED UNIT DEVELOPMENT SINGLE FAMILY RESIDENCE EDWARDS REHCARGE ZONE DISTRICT, LOCATED 160 FEET NORTHWEST OF THE INTERSECTION OF BITTERS ROAD AND HUEBNER ROAD, HAVING 582.09 FEET ON BITTERS ROAD AND HAVING A DEPTH OF 1127.82 FEET, THE 26.6097 ACRE TRACT IS LOCATED 260 FEET NORTHWEST AND 840 FEET SOUTHWEST OF THE INTERSECTION OF BITTERS ROAD AND HUEBNER ROAD, HAVING 728.14 FEET ON BITTERS ROAD AND 908.15 FEET ON HUEBNER ROAD.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council provided the Environmental Protection Officer's recommendations are met.

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

Mr. Thornton made a motion to approve the recommendation of the Zoning Commission. Mr. Pierce seconded the motion.

Mr. Larson voiced his concern that all potential residents of this Planned Unit Development may not be aware that the City will not be maintaining their streets, noting that many who purchase homes within a PUD are not aware of this.

Mr. Andy Guerrero, Land Development Services, noted that home purchasers in PUDs must sign maintenance agreements when buying their homes there.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Nieto, Solis, Thornton, Labatt, Larson; NAYS: None; ABSENT: Billa Burke, Ayala, Vera, Wolff.

AN ORDINANCE 77,931

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 25.0024 ACRES OUT OF NCB 18343 AND 26.6097 ACRES OUT OF NCB 17857 2000 BLOCK OF BITTERS ROAD FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT AND "B-3" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT TO "P-1(R-1)" ERZD PLANNED UNIT DEVELOPMENT SINGLE FAMILY RESIDENCE EDWARDS REHCARGE ZONE DISTRICT, LOCATED 160 FEET NORTHWEST OF THE INTERSECTION OF BITTERS ROAD AND HUEBNER ROAD, HAVING 582.09 FEET ON BITTERS ROAD AND HAVING A DEPTH OF 1127.82 FEET, THE 26.6097 ACRE TRACT IS LOCATED 260 FEET NORTHWEST AND 840 FEET SOUTHWEST OF THE INTERSECTION OF BITTERS ROAD AND HUEBNER ROAD, HAVING 728.14 FEET ON BITTERS ROAD AND 908.15 FEET ON HUEBNER ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4B. CASE Z93066 - to rezone A 0.0977 ACRE TRACT OF LAND OUT OF NCB 17858 HUEBNER ROAD, FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "R-1" ERZD CC SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A UTILITY INFRASTRUCTURE, LOCATED ON THE SOUTHEAST SIDE OF

HUEBNER ROAD, 1,196 FEET SOUTHWEST OF THE INTERSECTION OF BITTERS ROAD AND HUEBNER ROAD, HAVING 30.89 FEET ON HUEBNER ROAD AND A DEPTH OF 207.64 FEET.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council, provided the Environmental Protection Officer's recommendations are adhered to.

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

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

In response to a question by Mr. Thornton, Mr. Phil Garay, representing the proponent, spoke to the nature of the structure to be constructed in order to improve telephone service in the neighborhood.

Mr. Thornton spoke against the usage of overhead utility lines where property owners have underground utilities already in-place.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Thornton, Labatt, Larson; NAYS: None; ABSENT: Ayala, Vera, Wolff.

AN ORDINANCE 77,932

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.0977 ACRE TRACT OF LAND OUT OF NCB 17858 HUEBNER ROAD, FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "R-1" ERZD CC SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A UTILITY INFRASTRUCTURE, LOCATED ON THE SOUTHEAST SIDE OF HUEBNER ROAD, 1,196 FEET SOUTHWEST OF THE INTERSECTION OF BITTERS ROAD AND HUEBNER ROAD, HAVING 30.89 FEET ON HUEBNER ROAD AND A DEPTH OF 207.64 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4C. CASE Z93033 - to rezone LOT 1, BLOCK 8, NCB 2229, 1226 MORALES STREET, FROM "C" APARTMENT DISTRICT TO "B-3NA" NON-ALCOHOLIC

SALES DISTRICT, LOCATED SOUTHEAST OF THE INTERSECTION OF MORALES AND N. LOS MORAS STREET, HAVING 44 FEET ON MORALES AND 162.9 FEET ON N. LOS MORAS STREET.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

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

Mr. Rudy Hettler, representing the proponent, explained plans for a funeral home parking lot.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Thornton, Labatt, Larson; NAYS: None; ABSENT: Ayala, Vera, Wolff.

AN ORDINANCE 77,933

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 8, NCB 2229, 1226 MORALES STREET, FROM "C" APARTMENT DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES DISTRICT, LOCATED SOUTHEAST OF THE INTERSECTION OF MORALES AND N. LOS MORAS STREET, HAVING 44 FEET ON MORALES AND 162.9 FEET ON N. LOS MORAS STREET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4D. CASE Z93045 - to rezone LOTS 1-21, BLOCK 17, NCB 17567; LOTS 6-12, BLOCK 18, NCB 17568; LOTS 64-67, 54 AND 93, BLOCK 1 NCB 17551, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-2A" THREE AND FOUR FAMILY RESIDENCE DISTRICT, LOCATED NORTHWEST OF RIDGE COUNTRY, ON AND BETWEEN STONEY CROSSING, STONEY SPUR AND RIDGE RANCH.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

339

Mr. Larson made a motion to approve the recommendation of the Zoning Commission. Mr. Labatt seconded the motion.

A discussion took place concerning the planned usage of solely duplexes on the subject property by the proponent, not three and four-family residential housing.

In response to a question by Mr. Larson, Mr. Randy Merkin, the proponent, noted that the size of the lot allows only duplexes. He stated that he would correspond with the applicable neighborhood association to the effect that he will be erecting only duplexes.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pierce, Billa Burke, Nieto, Solis, Thornton, Labatt, Larson; NAYS: None; ABSENT: Perez, Ayala, Vera, Wolff.

AN ORDINANCE 77,934

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1-21, BLOCK 17, NCB 17567; LOTS 6-12, BLOCK 18, NCB 17568; LOTS 64-67, 54 AND 93, BLOCK 1 NCB 17551, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-2A" THREE AND FOUR FAMILY RESIDENCE DISTRICT, LOCATED NORTHWEST OF RIDGE COUNTRY, ON AND BETWEEN STONEY CROSSING, STONEY SPUR AND RIDGE RANCH. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4E. CASE Z93047 - to rezone LOT 20, BLOCK 11, NCB 10027, 331 SUSSEX STREET, FROM "C" APARTMENT DISTRICT TO "O-1" SUP OFFICE DISTRICT WITH A SPECIAL USE PERMIT FOR AN AUTO UPHOLSTERY SHOP, LOCATED ON THE NORTH SIDE OF SUSSEX STREET, 381 FEET EAST OF THE INTERSECTION OF NORMA STREET AND SUSSEX STREET, HAVING 54 FEET ON SUSSEX STREET AND A DEPTH OF 128.73 FEET.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

Mr. Billa Burke made a motion to approve the recommendation of the Zoning Commission. Mr. Labatt seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pierce, Billa Burke, Nieto, Solis, Thornton, Labatt; NAYS: None; ABSENT: Perez, Ayala, Vera, Larson, Wolff.

AN ORDINANCE 77,935

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 20, BLOCK 11, NCB 10027, 331 SUSSEX STREET, FROM "C" APARTMENT DISTRICT TO "O-1" SUP OFFICE DISTRICT WITH A SPECIAL USE PERMIT FOR AN AUTO UPHOLSTERY SHOP, LOCATED ON THE NORTH SIDE OF SUSSEX STREET, 381 FEET EAST OF THE INTERSECTION OF NORMA STREET AND SUSSEX STREET, HAVING 54 FEET ON SUSSEX STREET AND A DEPTH OF 128.73 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4F. CASE Z93049 - to rezone THE WEST 60 FEET OF THE NORTH 60 FEET OF LOT 15, BLOCK 3, NCB 8988. 1011 OLD HIGHWAY 90 WEST, FROM "B-3R" RESTRICTIVE BUSINESS DISTRICT TO "B-3R" CC RESTRICTIVE BUSINESS DISTRICT WITH CITY COUNCIL APPROVAL FOR A COMMUNICATIONS TRANSMISSION TOWER, LOCATED IN AN AREA OF NON-RESIDENTIAL USES.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

Mr. Thornton made a motion to approve the recommendation of the Zoning Commission. Mr. Pierce seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Thornton, Labatt, Larson; NAYS: None; ABSENT: Ayala, Vera, Wolff.

AN ORDINANCE 77,936

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE WEST 60 FEET OF THE NORTH 60 FEET OF LOT 15, BLOCK 3, NCB 8988, 1011 OLD HIGHWAY

90 WEST, FROM "B-3R" RESTRICTIVE BUSINESS DISTRICT TO "B-3R" CC RESTRICTIVE BUSINESS DISTRICT WITH CITY COUNCIL APPROVAL FOR A COMMUNICATIONS TRANSMISSION TOWER, LOCATED IN AN AREA OF NON-RESIDENTIAL USES. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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312

4H. CASE Z93054 - to rezone LOT 1, NCB 17971, 7743-7747 ECKHERT ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA" SUP NON-ALCOHOLIC SALES DISTRICT WITH A SPECIAL USE PERMIT FOR A MINI-STORAGE FACILITY, LOCATED ON THE NORTHWEST SIDE OF ECKHERT ROAD, 200 FEET SOUTHWEST OF THE INTERSECTION OF JOHN MARSHALL DRIVE AND ECKHERT ROAD, HAVING 317.45 FEET ON ECKHERT ROAD AND A DEPTH OF 486.75 FEET.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

Mr. Thornton made a motion to approve the recommendation of the Zoning Commission. Mr. Pierce seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Nieto, Solis, Thornton, Labatt, Larson; NAYS: None; ABSENT: Billa Burke, Ayala, Vera, Wolff.

AN ORDINANCE 77,937

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, NCB 17971, 7743-7747 ECKHERT ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA" SUP NON-ALCOHOLIC SALES DISTRICT WITH A SPECIAL USE PERMIT FOR A MINI-STORAGE FACILITY, LOCATED ON THE NORTHWEST SIDE OF ECKHERT ROAD, 200 FEET SOUTHWEST OF THE INTERSECTION OF JOHN MARSHALL DRIVE AND ECKHERT ROAD, HAVING 317.45 FEET ON ECKHERT ROAD AND A DEPTH OF 486.75 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4I. CASE Z93053 - the Clerk read the proposed Ordinance to rezone 13.504 acres out of NCB 17859, Blanco Road and Bitters Road, from "B-3" Business District to "B-2" Business District, located southwest of the intersection of Blanco Road and Bitters Road, 469 feet northwest and 715 feet southeast of the intersection of Blanco Road and Bitters Road, having 395.22 feet on Bitters Road, 622.17 feet on Blanco Road and 1828.96 feet between these two streets.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

Mr. Mark Denyer, Austin, partner representing the proponents, spoke to plans for B-3 usage of the subject property, and spoke to meetings held with concerned neighbors over the conceptual site plan. He noted that certain concessions were sought that can only be accomplished by deed restrictions.

Mr. Thomas P. May, representing Churchill Forest Neighborhood Association and also Churchill Estates, spoke to his group's concerns with the impact that 300 new apartment units will have on inferior roads in the area. He then addressed certain Minnesota ordinances with which he is familiar, which require that a fee be paid in cases such as this to finance needed upgrading of utilities and streets.

Mr. Richard Wheeler, 14635 Blanco Road, spoke to a survey which revealed some 33 other major apartment projects within a two-mile radius of this property. He spoke against overgrowth of apartments in any one area.

Mr. Robert Duffett, President, Riverbend Homeowners Association, spoke to the traffic congestion already prevalent in the area of this property.

Mr. Eric Weissgarber, representing the Cadillac Drive Homeowners Association, spoke to area opposition to the requested rezoning of this property and the concessions being sought via deed restrictions. He stated that he feels that his group would support the development if certain deed restrictions were filed for record.

Ms. Vivian Rudisill, 14696 Cadillac Drive, noted that a majority of area property owners are against this planned development, and addressed the already-present traffic congestion. She stated her belief that this apartment project will damage area property values, and spoke to the large number of traffic accidents recorded in this segment of Blanco Road.

Mr. Denyer spoke to the significant sewer and water impact fees paid by the developers of this tract, and stated his belief that area apartment projects are under-utilized at present. He then spoke to the nature of his planned development.

Mr. Thornton noted that he is always concerned with any development that has major opposition in the neighborhood, and also noted that commercial zoning already exists in the middle of this site, speaking to the possible uses that could be made of that portion of the property, without any rezoning.

In response to a question by Mr. Thornton, Mr. Andy Guerrero, Land Development Services, addressed the uses that could be made of this commercial portion of the property, without rezoning.

In response to a question by Mr. Thornton, Mr. May stated that his group is most concerned about traffic in the area during peak traffic periods.

Mr. Thornton spoke to his concern that this particular commercial portion of the subject property might well be developed for commercial uses, if this rezoning request is denied.

Mr. Weissgarber asked that the Council consider postponing action on this matter in order to allow time for all concerned to meet with the developers to seek a solution.

Mr. Denyer noted that this property must be developed, one way or another.

Mr. Thornton made a motion to postpone this case until June 10, 1993 in order to allow sufficient time for all concerned to meet to discuss this matter. Mr. Labatt seconded the motion.

Mr. Labatt addressed the major objections to the development by neighborhood property owners.

After consideration, the motion to postpone this case until June 10, 1993, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Thornton, Labatt, Larson; NAYS: None; ABSENT: Ayala, Vera, Wolff.

Zoning Case Z93059 was postponed until June 10, 1993.

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93-21 It was the concensus of City Council members present to temporarily bypass agenda item 4J, Zoning Case Z93062 CC, because nine affirmative votes are required to grant approval of the rezoning request, and a delay will allow sufficient time for more Council members to return to the meeting.  
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4K. CASE Z93067 - to rezone LOT A-1, BLOCK 2, NCB 1043 AND THE EAST 30 FEET OF LOT 2 AND THE WEST 25 FEET OF LOT 3, BLOCK 7, NCB 6095 FROM "D" AND "B-1" TO "O-1" AND "B-2NA", LOCATED ON WEST SIDE OF ALBERTA, BETWEEN ELMHURST AND QUEEN ANNE, HAVING 120 FEET ON ALBERTA AND 45.7 FEET ON ELMHURST.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

Mr. Labatt made a motion to approve the recommendation of the Zoning Commission. Mr. Pierce seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Solis, Thornton, Labatt, Larson; NAYS: None; ABSENT: Nieto, Ayala, Vera, Wolff.

AN ORDINANCE 77,938

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT A-1, BLOCK 2, NCB 1043 AND THE EAST 30 FEET OF LOT 2 AND THE WEST 25 FEET OF LOT 3, BLOCK 7, NCB 6095 FROM "D" AND "B-1" TO "O-1" AND "B-2NA", LOCATED ON WEST SIDE OF ALBERTA, BETWEEN ELMHURST AND QUEEN ANNE, HAVING 120 FEET ON ALBERTA AND 45.7 FEET ON ELMHURST. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4L. CASE Z93060 - to rezone TRACT A, SAVE AND EXCEPT THE SOUTHEAST IRREGULAR 230 FEET, NCB 15690 UHR LANE, FROM "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT TO "R-1" SINGLE FAMILY RESIDENCE DISTRICT, LOCATED ON THE SOUTHEAST SIDE OF UHR LANE, BEING 800 FEET NORTHEAST OF THE INTERSECTION OF UHR LANE AND BELL DRIVE, HAVING 585 FEET ON UHR LANE AND A DEPTH OF 1,237.21 FEET.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

Mr. Larson made a motion to approve the <sup>245</sup> recommendation of the Zoning Commission. Mr. Pierce seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Solis, Thornton, Labatt, Larson; NAYS: None; ABSENT: Nieto, Ayala, Vera, Wolff.

AN ORDINANCE 77,939

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS TRACT A, SAVE AND EXCEPT THE SOUTHEAST IRREGULAR 230 FEET, NCB 15690 UHR LANE, FROM "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT TO "R-1" SINGLE FAMILY RESIDENCE DISTRICT, LOCATED ON THE SOUTHEAST SIDE OF UHR LANE, BEING 800 FEET NORTHEAST OF THE INTERSECTION OF UHR LANE AND BELL DRIVE, HAVING 585 FEET ON UHR LANE AND A DEPTH OF 1,237.21 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4M. CASE Z93048 - to rezone LOT 11, BLOCK 1, NCB 11998, 4212 CULEBRA ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES DISTRICT, LOCATED ON THE SOUTH SIDE OF CULEBRA ROAD, BEING 248.5 FEET WEST OF THE INTERSECTION OF CULEBRA ROAD AND RENA DRIVE, HAVING 50 FEET ON CULEBRA ROAD AND A DEPTH OF 150 FEET.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

Mr. Labatt made a motion to approve the recommendation of the Zoning Commission. Mr. Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Solis, Labatt, Larson; NAYS: None; ABSENT: Nieto, Ayala, Vera, Thornton, Wolff.

AN ORDINANCE 77,940

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 11, BLOCK 1, NCB 11998, 4212 CULEBRA ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES DISTRICT, LOCATED ON THE SOUTH SIDE OF CULEBRA ROAD, BEING 248.5 FEET WEST OF THE INTERSECTION OF CULEBRA ROAD AND RENA DRIVE, HAVING 50 FEET ON CULEBRA ROAD AND A DEPTH OF 150 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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93-21 (At this point, Mayor Wolff returned to the meeting to  
preside.)  
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4J. CASE Z93062 (CC) - to rezone LOT 10, BLOCK 4, NCB 13011, 7026 BAYWATER, FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "R-1" CC SINGLE FAMILY RESIDENCE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A DAY CARE CENTER, LOCATED SOUTH OF THE INTERSECTION OF BAYWATER DRIVE AND BABCOCK ROAD, HAVING 75 FEET ON BAYWATER DRIVE AND 114.07 FEET ON BABCOCK ROAD.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

Mr. Andy Guerrero, Land Development Services, stated that nine affirmative votes of City Council would be required in order to approve the proponent's requested rezoning.

In response to a question by Mr. Thornton, Ms. Sandra Morales, wife of proponent Raul Morales, spoke to plans to convert her own home to a group care center, caring for up to 12 children. She stated that the children are only allowed outside for a 45-minute period following lunch, and spoke to privacy fencing agreements made with neighbors.

Mr. Thornton asked that the Morales' be sensitive to the concerns of their neighbors.

Mr. Thornton made a motion for approval for a group day care center, granted for a five-year period. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Ayala, Vera.

AN ORDINANCE 77,941

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 10, BLOCK 4, NCB 13011, 7026 BAYWATER, FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "R-1" CC SINGLE FAMILY RESIDENCE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A DAY CARE CENTER, LOCATED SOUTH OF THE INTERSECTION OF BAYWATER DRIVE AND BABCOCK ROAD, HAVING 75 FEET ON BAYWATER DRIVE AND 114.07 FEET ON BABCOCK ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

93-21

PUBLIC HEARING AND CONSIDERATION OF ORDINANCE  
EXCEPTION TO ALAMODOME MORATORIUM: MR. WILLIAM MARTIN

Mayor Wolff declared the Public Hearing to be open.

No citizen appeared to speak to this matter.

Mayor Wolff declared the Public Hearing to be closed.

The Clerk read a proposed ordinance: granting an exception to the moratorium on the issuance of sign permits, certificates of occupancy, and zoning changes in the Alamodome impact area in order to allow Mr. William Martin to apply for a certificate of occupancy to open a lounge at 702-706 Center Street.

\* \* \* \*

Mr. Gene Camargo, Director of Building Inspections, explained the request for an exception to the Alamodome Impact Area moratorium to allow opening of a lounge at 702-706 Center Street. He stated that City staff recommends denial of the request.

In response to a question by Mr. Pierce, Mr. William Martin, the proponent, spoke to a history of this location and his plans to locate a lounge there.

May 13, 1993

24

CR

Mr. Pierce made a motion to postpone this matter for 30 days. Mr. Solis seconded the motion.

After consideration, the motion to postpone this matter for 30 days, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Ayala, Thornton, Labatt, Wolff; NAYS: None; ABSENT: Vera, Larson.

The request of Mr. William Martin for an exception to the Alamodome Impact Area moratorium was postponed for 30 days.

93-21      PUBLIC HEARING AND CONSIDERATION OF ORDINANCE  
EXCEPTION TO ALAMODOME MORATORIUM: HEALY MURPHY

Mayor Wolff declared the Public Hearing to be open.

No citizen appeared to speak to this matter.

Mayor Wolff declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 77,942

GRANTING AN EXCEPTION TO THE MORATORIUM ON THE  
ISSUANCE OF DEVELOPMENT-RELATED PERMITS,  
CERTIFICATES OF OCCUPANCY, AND ZONING CHANGES IN THE  
ALAMODOME IMPACT AREA IN ORDER TO ALLOW SISTER  
BONIFACE O'NEILL TO APPLY FOR A CONSTRUCTION PERMIT  
FOR INTERIOR MODIFICATIONS TO THE HEALY-MURPHY CHILD  
DEVELOPMENT CENTER LOCATED AT 122 NOLAN STREET.

\* \* \* \*

Mr. Gene Camargo, Director of Building Inspections, explained plans for modifications to the Healy Murphy Child Development Center at 122 Nolan Street. He noted that City staff recommends approval.

In response to a question by Mr. Thornton, Sister Boniface O'Neill stated that she has worked with troubled youth in San Antonio for more than 58 years.

Mr. Labatt thanked her for her years of service to the community.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Pierce, Billa Burke, Nieto, Solis, Thornton, Labatt, Wolff; NAYS: None; ABSENT: Perez, Ayala, Vera, Larson.

93-21 The Clerk read the following Ordinance:

AN ORDINANCE 77,943

APPROVING A RELEASE OF RIVERCENTER ASSOCIATES, A TEXAS LIMITED PARTNERSHIP, AND ITS GENERAL PARTNER, THE EDWARD J. DEBARTOLO CORPORATION, FROM ANY AND ALL LIABILITIES, DUTIES, AND OBLIGATIONS UNDER THAT CERTAIN MEMORANDUM OF UNDERSTANDING ("M.O.U.") EXECUTED MAY 23, 1984 BETWEEN THE CITY OF SAN ANTONIO AND LA PLAZA DEL RIO ASSOCIATES, A TEXAS LIMITED PARTNERSHIP "PREDECESSOR TO RIVERCENTER ASSOCIATES"; CONSENTING TO AN ASSIGNMENT AND ASSUMPTION OF ALL SAID LIABILITIES, DUTIES, AND OBLIGATIONS UNDER SAID M.O.U. BY KEYSTONE-TEXAS PROPERTY HOLDING CORP., A TEXAS CORPORATION, ("KEYSTONE"), AS PURCHASER OF THE RIVERCENTER MALL; AND TERMINATING A CERTAIN LICENSE AGREEMENT WITH LA PLAZA DEL RIO ASSOCIATES, AS "LICENSEE", ORIGINALLY APPROVED AND MANIFESTED BY ORDINANCE NO. 62819 ON MAY 1, 1986 CONCERNING ENCROACHMENT OF TIE-BACKS INTO CITY OF SAN ANTONIO PUBLIC RIGHT-OF-WAY ADJACENT TO THE RIVERCENTER MALL, IN CONNECTION WITH THE SALE OF THE RIVERCENTER MALL; AND DECLARING AN EMERGENCY.

\* \* \* \*

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

Mr. Warner Fassnidge, Assistant City Attorney, explained the sale of Rivercenter Mall, and the various agreements and other documents involved. He addressed the financial considerations accruing to the City, as part of the transaction.

In response to a question by Mr. Perez, Mr. Oscar Perez, Special Projects, Department of Economic Development, explained the incentive to use some \$975,000.00 in Urban Renewal Development Grant funds.

Mr. John Gurdes, incoming General Manager of Rivercenter Mall, spoke to his plans for the mall.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Ayala, Vera.

93-21 The Clerk read the following Ordinance:

AN ORDINANCE 77,944

APPROVING (1) AN ASSIGNMENT, ASSUMPTION, AND AMENDMENT OF CERTAIN MAY 23, 1984 MEMORANDUM OF UNDERSTANDING ("M.O.U.") AGREEMENT ("AGREEMENT") WITH KEYSTONE-TEXAS PROPERTY HOLDING CORP. (KEYSTONE), FOR THE CITY OF SAN ANTONIO ("CITY") TO RECEIVE \$1,026,000.00, TO BE PAID \$750,000.00 IN CASH UPON CITY'S EXECUTION OF THE AGREEMENT, WITH THE \$276,000.00 BALANCE PAYABLE IN A PROMISSORY NOTE, IF THE USE OF REMAINING UDAG GRANT FUNDS UNDER THE UDAG GRANT AGREEMENT, AS AMENDED AND REVISED, FOR THE TIENDAS DEL RIO PROJECT, (NOW KNOWN AS THE RIVERCENTER MALL PROJECT) ARE NOT TIMELY IDENTIFIED AND A COMMITMENT FOR NON-GRANT PRIVATE SECTOR MATCHING FUNDS MADE BY KEYSTONE; (2) TERMINATION OF THE AMENDED M.O.U. AT A FUTURE DATE, WHEN THE UDAG GRANT AGREEMENT IS CLOSED OUT; (3) FOUR NEW 25-YEAR LICENSE AGREEMENTS WITH KEYSTONE, AS "LICENSEE", IN REFERENCE TO PUBLIC RIGHTS OF WAY; (4) ANY AND ALL OTHER INSTRUMENTS, AS FIRST REVIEWED AND APPROVED BY THE CITY ATTORNEY, IN ORDER TO EFFECTUATE THE SALE OF THE RIVERCENTER MALL AND SECURE ANY NECESSARY APPROVAL BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR USE OF SAID REMAINING UDAG FUNDS; AND (5) AUTHORIZING PAYMENT NOT TO EXCEED \$5,600.00 TO GARZA-GONZALES AND ASSOCIATES FOR FINANCIAL ANALYSIS PROFESSIONAL SERVICES, IN CONNECTION WITH THE SALE OF THE RIVERCENTER MALL; AND DECLARING AN EMERGENCY.

\* \* \* \*

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Ayala, Vera.

93-21 The Clerk read the following Ordinance:

AN ORDINANCE 77,945

AUTHORIZING THE USE OF DISTRICT 4 DISCRETIONARY FUNDS IN THE AMOUNT OF \$300.00 TO ASSIST DWIGHT MIDDLE SCHOOL WITH THE PURCHASE OF T-SHIRTS AND SHORTS FOR THEIR SPECIAL OLYMPIC PROGRAM.

\* \* \* \*

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Ayala, Vera.

93-21 The Clerk read the following Ordinance:

AN ORDINANCE 77,946

AUTHORIZING THE USE OF DISTRICT 4 DISCRETIONARY FUNDS IN THE AMOUNT OF \$250.00 FOR THE INSTALLATION OF SIGNS FOR THE SUN FOREST SUBDIVISION NEIGHBORHOOD CRIME WATCH PROGRAM, AS REQUESTED BY COUNCILMAN REYNALDO NIETO.

\* \* \* \*

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Ayala, Vera.

93-21 TRAVEL AUTHORIZATION - Granted:

Mayor Nelson W. Wolff to travel to Orlando, Florida, departing Friday, May 21, 1993 and returning Monday, May 24, 1993, to attend International Institute of Municipal Clerks Annual Conference.

93-21 Agenda Item 39, being a travel authorization for Mayor Nelson W. Wolff to attend a meeting with bond rating officials in New York,

New York, June 21-23, 1993, was earlier removed from consideration by the City Manager.

The following proposed Ordinances were earlier removed from consideration at this time by the City Manager:

Agenda Item 40, being a proposed ordinance approving Field Alteration No. 39 in the amount of \$28,272.00 for the construction contract with Ermco/Martin Wright for work on the Alamodome: Package 7A - Electrical Systems, funded by the 1/2 percent sales tax.

Agenda Item 41, being a proposed ordinance approving Field Alteration No. 40 in the amount of \$61,483.00 for the construction contract with Ermco/Martin Wright for work on the Alamodome: Package 7A - Electrical Systems, funded by the 1/2 percent sales tax.

Agenda Item 42, being a proposed ordinance approving Field Alteration No. 2 in the amount of \$35,000.00 for the construction contract with Proshow U.S.A. for work on the Alamodome: Package 7B - Sound System, funded by the 1/2 percent sales tax.

Agenda Item 43, being a proposed ordinance ratifying professional services and appropriating an amount not to exceed \$67,718.31 for payment to the law firms of Groce, Locke & Hebdon and Cox & Smith for legal assistance related to sports franchise, suites, and catering negotiations for the Alamodome facility, and providing payment from the 1/2 percent sales tax.

Agenda Item 44, being a proposed ordinance appropriating an amount not to exceed \$75,000.00 for the professional services contract with Lloyd, Gosselink, Fowler, Blevins and Matthews, P.C. for legal services with construction contract analysis associated with the Alamodome project, and providing payment from the 1/2 percent sales tax.

Agenda Item 45, being a proposed ordinance approving amendments to the Stadium Election and Contingent Construction and Operation Agreement, and the Cooperative Intergovernmental Funding Agreement for Montana Street Improvements between the City of San Antonio and VIA Metropolitan Transit Authority related to the development and construction of the Alamodome facility project.

Agenda Item 46, being a proposed ordinance accepting the proposals of Catering by Don Strange, Catering by Nick, Catering by Pedrotti's, and Plaza San Antonio to perform catering and banquet services in the Alamodome for a primary term of five (5) years and payment to the City of 15 1/2 % of gross receipts from catered meal functions and the sales of non-alcoholic beverages, and 29% of gross receipts from the sale of alcoholic beverages; and approving the terms and conditions and authorizing the award and execution of Alamodome Catering License Agreements with said caterers.

93-21 The Clerk read the following Ordinance:

AN ORDINANCE 77,947

ORDERING THE RUN-OFF MUNICIPAL ELECTION FOR DISTRICT 7 TO BE HELD ON THE 5TH DAY OF JUNE, 1993, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR THE PURPOSE OF ELECTING THE MEMBER OF THE COUNCIL OF THE CITY OF SAN ANTONIO FOR DISTRICT 7; PROVIDING THAT SUCH ELECTION SHALL BE A JOINT ELECTION WITH BEXAR COUNTY AS PROVIDED FOR IN CHAPTER 271 OF THE TEXAS ELECTION CODE; ESTABLISHING THE POLLING PLACES FOR SAID RUN-OFF ELECTION TO BE HELD ON JUNE 5, 1993; ESTABLISHING THE EARLY VOTING SITES, DATES, AND TIMES IN CONNECTION WITH EARLY VOTING FOR THIS RUN-OFF ELECTION; AND DECLARING AN EMERGENCY.

\* \* \* \*

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

In response to a question by Mr. Labatt, Mayor Wolff noted that City Council plans to postpone the scheduled June 3, 1993 City Council meeting until June 10, 1993, so that the new District 7 City council member can be present at the formal swearing-in ceremonies to be held on that day.

Mr. Labatt briefly explained the reasons why the City of San Antonio's runoff election for the District 7 City Council seat is being held in conjunction with the runoff election for the U.S. Senate race, called by Gov. Richards for June 5, 1993.

In response to a question by Mr. Solis, City Clerk Norma S. Rodriguez noted that 22 early voting sites would be utilized in this election.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Ayala, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Vera.

93-21 The Clerk read the following Resolution:

A RESOLUTION 93-21-42

ADOPTING THE ALAMODOME NEIGHBORHOOD PLAN AS A COMPONENT OF THE CITY'S MASTER PLAN.

\* \* \* \*

Ms. Pierce made a motion to approve the proposed Resolution.  
Mr. Billa Burke seconded the motion.

Mr. David Pasley, Director of Planning, briefly explained the Alamodome Neighborhood Plan, as a component of the City's Master Plan.

The following citizens appeared to speak:

Ms. Marcia Welch, representing Metro Alliance, spoke in support for the plan and its inclusion as part of the City's Master Plan, and expressed her organization's belief that the area should be zoned residential.

Reverend Claude Black, representing Mt. Zion First Baptist Church, spoke of attempts to rehabilitate this area for the past 40 years.

Ms. Pamela Walls, Principal, Herff Elementary School, asked that the community have a voice in the commercial development that takes place in this area, and she addressed the Alamodome's impact upon nearby residents, churches and schools.

Ms. Rosemary Davila, President, Herff Elementary School Parent-Teachers Association, spoke in support for the plan for residential zoning in the Alamodome area.

Ms. Lorraine Adams, representing Friendship Baptist Church, spoke in support for residential zoning in this area, stating her belief that commercial development will destroy the character of the neighborhood.

Ms. Elsie Correa, representing Metro Alliance, stated that her group wants positive growth in this area, and a chance to determine what commercial zoning takes place there.

Mr. Walter Brown stated his belief that property values will drop along Cherry Street in this area, if the plan is enacted. He urged property owners in the area not to sell their properties, and further urged that adoption of the proposed plan be delayed until the new District 2 City Council representative takes office.

Ms. Jessie Lewis, 119 Marmok, expressed her opinion that she was not properly informed about the Alamodome Neighborhood Plan, but urged its adoption.

\* \* \* \*

Mr. Pierce noted that only the City Council can legally change the zoning on property within the city, and refuted contentions that area property values will be devalued as a result of adoption of the plan. He spoke in support for the plan, as drafted, and spoke to the extensive series of hearings and meetings held on this plan. He asked City Council to adopt the plan, as drafted.

Mr. Perez spoke in support for the plan, stating that he foresees new residential development in this area, as a result.

Ms. Ayala spoke in support for the plan, and addressed its protection of the neighborhood.

Mayor Wolff thanked Mr. Pierce and Metro Alliance for their hard work on this plan's development, and stressed that commercial development can take place, if the neighborhood wants it. He spoke of the overall need to protect the neighborhood.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Ayala, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Vera.

93-21 The Clerk read the following Ordinance:

AN ORDINANCE 77,948

AUTHORIZING THE ACCEPTANCE OF ADDITIONAL JTPA MANAGEMENT DEVELOPMENT FUNDS FROM THE TEXAS DEPARTMENT OF COMMERCE IN THE AMOUNT OF \$10,000.00 TO BE USED FOR STAFF AND BOARD DEVELOPMENT.

\* \* \* \*

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

In response to a question by Mr. Solis, Assistant City Manager Rolando Bono explained how the \$10,000.00 funding is to be spent for conference and staff training.

Mr. Solis spoke to his concerns with spending more funds for 'board development', and addressed the current transition of the Job Training Partnership Act (JTPA) board to its new status. He noted that some \$92,000.00 already has been invested in staff and board development.

Mr. Bono noted that these state funds can only be used for this specific purpose.

In response to a question by Mayor Wolff, Mr. Bono spoke briefly to JTPA plans.

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

Pierce, Billa Burke, Nieto, Solis, Ayala, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Vera.

93-21 The Clerk read the following Resolution:

A RESOLUTION 93-21-43

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS APPROVING THE ISSUANCE OF REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$26,600,000 DESIGNATED AS "CITY OF SAN ANTONIO, TEXAS, HIGHER EDUCATION AUTHORITY, INC. ADJUSTABLE TENDER REFUNDING REVENUE BONDS (TRINITY UNIVERSITY PROJECT), SERIES 1993" BY THE CITY OF SAN ANTONIO, TEXAS HIGHER EDUCATION AUTHORITY, INC.; AND OTHER MATTERS IN CONNECTION THEREWITH.

\* \* \* \*

Ms. Billa Burke made a motion to approve the proposed Resolution. Mr. Solis seconded the motion.

Mr. Clint Bolden, Director of Economic Development, explained the use of bonds to refinance earlier bonds for a Trinity University building project, in order to take advantage of lower interest rates.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Solis, Ayala, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Vera.

93-21 (At this point, Mayor Wolff was obliged to leave the meeting. Mr. Larson presided.)

The Clerk read the following Ordinance:

AN ORDINANCE 77,949

APPROVING AND ADOPTING A SCHEDULE OF RATES TO BE CHARGED FOR STORMWATER DRAINAGE, SERVICES, AND PROGRAMS; PRESCRIBING BILLING AND COLLECTION PROCEDURES; IDENTIFYING EXEMPT PROPERTIES; ESTABLISHING INITIAL RESPONSIBILITIES FOR THE STORMWATER PROGRAM; PROVIDING FOR REPAYMENT OF FUNDS ADVANCED THE STORMWATER PROGRAM BY THE WASTEWATER SYSTEM; PROVIDING A SEVERABILITY CLAUSE;

STATING THAT THIS ORDINANCE WAS ADOPTED AT A PUBLIC MEETING; AND PROVIDING AN EFFECTIVE DATE.

\* \* \* \*

Mr. Larson, presiding in the absence of the Mayor and Mayor Pro Tem, declared the Public Hearing to be open.

Mr. Ralph Huber, Vice President, San Antonio Water System, distributed an information packet to members of City Council, a copy of which is made a part of the papers of this meeting. He then addressed the stormwater program history in San Antonio, which now is the responsibility of SAWS.

(At this point, Mayor Wolff returned to the meeting to preside.)

Mr. Huber noted that some \$5 million already has been spent in San Antonio on the stormwater program, from wastewater funds which now have been exhausted. He noted that SAWS must now seek a new funding source in order to control this federally-mandated program. He addressed various revenue source alternatives and legislation affecting this matter.

He then addressed two possible options involving a user fee, and spoke to the costs of the program, noting that 46 per cent of the property involved in the user fees is residential in nature; 44 per cent is commercial; and eight per cent is public property. He then spoke to the proposed four-tier system for Residential Stormwater Rates, and the two alternatives: a flat rate, or a two-tiered system.

Mr. Huber then spoke to the four-tiered multi-family residential rate; the five-tiered commercial rate; and the four-tiered public property rate. He then spoke to the appeals process available, and compared the proposed rates with those of other Texas cities.

Mr. George K. Noe, Director of Management Services, then addressed the City staff's own recommendations, a copy of which is made a part of the papers of this meeting.

Mr. Larry DeMartino, San Antonio Coalition of Neighborhood Associations, thanked Mr. Joe Aceves and the SAWS staff for working closely with neighborhood groups on the matter of proposed stormwater rates. He stated his opinion that these rates should be broadly-applied, regardless of how a particular property is used. He spoke in disagreement with the differences between proposed residential and commercial rates, urging that commercial properties pay their fair share. He also expressed concern with transfer from the City's general fund for costs paid to the Corps of Engineers to keep channels free, and also expressed concern with the possible cutoff of water to customers, if the stormwater fee is not paid.

Mr. Larson noted that there are no other options to paying for this federally-mandated program.

Mr. Tom Chandler, representing the Real Estate Council of San Antonio, read from a letter sent earlier to City Council members, acknowledging that the program must be paid for and asking for an equitable ordinance that does not burden one user-group at the expense of another such group.

Mr. Scott Bleck, representing the San Antonio Apartment Association, expressed his group's concern that another tier might be added to the commercial rate program from the residential rate program, a move which he believes would unfairly burden the commercial side. He asked that, after expiration of one year trial period under these proposed rates, an equity plan be created to set out either a credit or rebate to multiple-family users that might have been paying a disproportionate share of the costs.

(At this point, Mayor Wolff was obliged to leave the meeting. Mr. Larson presided in the absence of the Mayor Pro Tem.)

Ms. June Philip, homeowner, asked that the stormwater charges be equitable, and stated her belief that this proposed system would be fairer to the poverty-level homeowner. She stated her opinion that small homes would be overpaying on a tiered system or on a flat-rate basis. She then offered suggestions on creating a more equitable system.

There being no further citizens to speak to this issue, Mr. Larson declared the Public Hearing to be closed.

Mr. Solis stated his belief that the project has been exploited because more items have been added-on than are mandated in the federal program, which was to gather data.

Mr. Aceves then clarified and detailed what the federal mandates entail.

Mr. Solis spoke in favor of the four-tiered system rather than the two-tiered system, which he feels is unfair.

Mr. Labatt spoke in favor of Option 2, stating that it is critical to all involved.

(At this point, Mayor Pro Tem Solis took the presiding officer's chair.)

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

In response to a question by Mr. Larson, Mr. Aceves stated that SAWS is in agreement with the City staff recommendation, and spoke

to the environmental lawsuits that forced the Environmental Protection Agency to mandate this stormwater program.

(At this point, Mayor Wolff returned to the meeting to preside.)

Mr. Huber noted that some 20 persons would be responsible for administration of this program at SAWS, and spoke to the increasing number of monitoring sites.

Mr. Jay Aldean, SAWS, addressed the current monitoring sites and plan for additional sites around the city. He also noted that SAWS plans to monitor discharge from so-called "enclave cities" into the city's sewage treatment system.

A discussion then took place concerning the problems associated with unfunded federal mandates such as this.

Discussion was held concerning possible alternative sources of income for this stormwater program, including the possibility of some form of vehicle tax or gasoline tax.

Mr. Larson stated his opinion that Texas cities should seek a mutual solution to this problem.

Mr. Aceves spoke to the need to address this through the Texas Municipal League, and he also spoke to a possible \$5.00 increase in the Road and Bridge fee on sale of vehicle license plates as one possible funding source, down the line.

Mr. Thornton noted that this proposed action being taken today only funds the first year of this program, and that SAWS would be coming back to City Council to fund the program's out-years, as well. He then spoke in support of the motion currently on the floor.

Mr. Perez and Mr. Nieto both spoke in support for the two-tiered system.

In response to a question by Mr. Nieto, Mr. Aceves noted that military bases in and around San Antonio will have to handle their own compliance with these federally-mandated stormwater discharges, according to EPA guidelines.

Mr. Solis spoke to his concern with the impact of these fees on persons living on fixed incomes.

Mayor Wolff spoke in support for the City staff recommendation, noting that City Council will look again into this program after a one year's time.

Ms. Ayala spoke of the City general fund dollars that will be freed-up as a result of the implementation of this program, and stated her opinion that those freed-up funds should be dedicated to streets.



After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Nieto, Ayala, Thornton, Labatt, Larson, Wolff; NAYS: Solis; ABSENT: Vera.

92-21

CITY MANAGER'S REPORT

STATUS OF 1987 BOND PROGRAM PROJECTS

Mr. John German, Director of Public Works, distributed copies of a staff memorandum on this topic, and explained the status of programs approved and funded as part of the 1987 bond issue.

Mayor Wolff spoke to the lack of progress in acquiring property to construct the street and bridge work on Huebner Road and the creek, noting that San Antonio Development Agency has been trying to acquire that property for the past six years.

Mr. Joe Rodriguez, Assistant Director of Public Works, spoke to the current status of the Huebner project as well as the Babcock Road project.

In response to a question by Mr. Thornton, Mr. German noted that all the District 8 projects called for in the 1987 bond issue have been completed.

93-21

CITIZENS TO BE HEARD

MRS. SHAREN RUPP

Mrs. Sharen Rupp, Director of the San Antonio Aids Foundation, spoke to the City Council about the dire financial situation they are presently in due to the increase in case loads while funds are diminishing. She also spoke to the much lower patient treatment costs versus treatment costs at the Bexar County Hospital.

Mr. Labatt commended Mrs. Rupp and the work of the San Antonio Aids Foundation.

Mayor Wolff stated that he would be contacting Judge Cyndi Krier to discuss what can be done to assist the San Antonio Aids Foundation.

361

MRS. EVELYN SIEVERS

Mrs. Evelyn Sievers, 4119 Willow Green, speaking on behalf of other property owners in the LaVaca-Hemisphere area, asked the City Council to amend the Dome Events Decal Program in order to provide them the opportunity to park their vehicles on their properties. (A copy of her statement is on file with the papers of this meeting.)

In response to a question by Mayor Wolff, Mr. Joe Rodriguez, Assistant Director of Public Works, stated that he had spoken with Mrs. Sievers and advised her of the procedure to be utilized if she wanted decal parking permits for the property in question.

Mrs. Sievers then made reference to a letter from Mr. Walter F. Rudeloff relative to the same issue, and asked that it be made a part of the official record of the City.

MR. JOSE L. GARCIA

While Mr. Jose L. Garcia was not present at the time he was called to speak, he left a prepared statement for the record, a copy of which is on file with the papers of this meeting. Mr. Garcia's statement referred to the issue of the City Public Service application which is now a mandatory requirement for housing project residents.

MS. MARY JANE ALVARADO

Ms. Mary Jane Alvarado, 120 Camargo, spoke to her concerns with the actions of the LaVaca Neighborhood Association. She asked if the City Council could do anything about this Association and the use of the LaVaca name. She then made reference to the LaVaca Neighborhood Development Corporation Board of Directors' Bylaws and provided each member of the City Council with a copy. (A copy of which is on file with the papers of this meeting.)

ANIMAL CONTROL ORDINANCE DISCUSSION

There was a large group of individuals present to speak on a proposed Animal Control Ordinance. Mrs. Mary Beth Durler introduced Ms. Kathleen Marquardt to be the spokesperson for the group.

Ms. Kathleen Marquardt, Chairman of Putting People First, stated that she represents this non-profit organization which supports animal welfare and opposes the excess of "Animal Rights" extremism. She then read a prepared statement opposing any revisions to the City Animal Code known as the Responsible Breeding Ordinance. (A copy of her statement is on file with the papers of this meeting.) She further stated that there is no need to pass any more ordinances which will be too costly to enforce by the City.

A discussion ensued with reference to the large number of stray animals in the City which eventually are killed by automobiles or die of starvation.

Mr. John Hollaran, VOICE for Animals, took issue with remarks made by Ms. Mary Beth Duerler and Ms. Marquardt and stated that there is a need for a Spray/Neuter ordinance.

Ms. Cynthia McKee, Animal Control Advisory Board Chairman, stated that there are misconceptions about what the proposed ordinance will entail.

Mayor Wolff asked that this matter be brought up for discussion by the City Council in the near future.

In response to the Mayor's Comments, Mr. Juan Solis, Chairman of the Planning and Policy Committee, stated that this item is scheduled for discussion at a future "B" Session as soon as the new Council is in place.

Mayor Wolff stated that this item will be given due consideration by the City Council and interested parties.

Mr. John D. Buchanan spoke of the importance of having the ordinance available for public inspection in order to properly give their input.

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93-21 City Council recessed its regular meeting for dinner at 7:10 P.M., reconvening at 8:10 P.M., then immediately recessing into "B" Session for a Discussion on the Procedural Requirements to Incorporate the San Antonio Development Agency Functions Within the City of San Antonio.  
- - -

93-21 There being no further business to come before the Council, the meeting was adjourned at 9:03 P.M.

A P P R O V E D

*[Handwritten signature]*  
M A Y O R

Attest: *[Handwritten signature]*  
C I T Y C L E R K

