

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, FEBRUARY 19, 1976.

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The meeting was called to order at 8:30 A. M., by the presiding officer, Mayor Lila Cockrell, with the following members present: PYNDUS, BILLA, CISNEROS, HARTMAN, ROHDE, TENIENTE, NIELSEN, COCKRELL; Absent: BLACK.

76-8 The invocation was given by Mr. Richard Seymour, Church of Christ.

76-8 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

76-8 The minutes of the meeting of February 12, 1976 were approved.

76-8 Councilman Bob Billa introduced and read the following Resolution:

RESOLUTION OF RESPECT
NO. 76-8-8

WHEREAS, life came to a close for James Gaines on February 17, 1976, and

WHEREAS, Jim was one of the individuals who foresaw the possibility of a World Fair being held in San Antonio and provided a driving force that brought HemisFair '68 into reality, and

WHEREAS, he served as the World's Fair Executive Vice President from September 1, 1965 to September 15, 1966 and as Chief Executive Officer from March 1, 1967 to May 6, 1968, and

WHEREAS, from June 1, 1970 until his retirement on July 31, 1975, Mr. Gaines served as HemisFair Plaza Director, and

WHEREAS, Mr. Gaines was very active in civic affairs of this community and gave unselfishly of his time and talents in the tasks he undertook; NOW,
THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. That this Council, on behalf of City officials and employees as well as the citizens of this great City, does hereby express profound regret on the occasion of the death of Mr. James Gaines and tenders to his family our heartfelt sympathy.

SECTION 2. That this Resolution be spread upon the minutes of this meeting and a copy thereof delivered to the bereaved family.

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After consideration, on motion of Mr. Billa, seconded by Mr. Hartman, the Resolution was passed and approved by the following vote: AYES: Pyndus, Billa, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Black.

76-8

CITATION

Mayor Cockrell read the following Citation:

CITY OF SAN ANTOINO

STATE OF TEXAS

HEREBY PRESENTS THIS

C I T A T I O N

TO

LONE STAR BREWING COMPANY

* * * *

In recognition of this Company's generosity and patriotic spirit in making a site available for the display of the American Freedom Train. This gesture made it possible for citizens of San Antonio and local school children to view the Train in maximum safety and comfort.

A grateful citizenry expresses its sincere appreciation.

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Mayor Cockrell then presented the citation to Mr. Floyd Schneider, representative of the Lone Star Brewing Company, and thanked him for the company's cooperation.

Mr. Schneider accepted the citation and thanked Mayor Cockrell and the Council for their recognition. He said that it was a great pleasure for his company and commented on the wonderful turnout of San Antonio citizens to view the train.

76-8

CITY PUBLIC SERVICE BOARD
WATER CONTRACT

The following conversation took place:

MAYOR PRO-TEM RICHARD TENIENTE: Madam Mayor, may I just have a half a minute to catch up for not having any time last week to at least read a statement that I have because it seems important before the day goes on.

I would like to request the City Manager immediately to assign a member of the City Legal Department to work with the Texas Water Rights Commission, Dorsey Hardeman, and the Texas Attorney General, John Hill, to see if the unconscionable contract signed by the City Public Service Board on December 18, can be nullified since it apparently forfeits the right of the San Antonio citizens to water which they could obtain much more cheaply. I'd also like the legal staff to find out from CPS Board meeting minutes if and when the contract approved by the trustees was signed. Apparently, the trustees know very little about it, since Board Chairman Tom Berg and you, yourself, Mayor Cockrell request that the contract be explained. If it was not approved in the Board meeting, I would like to know why. If contracts costing potentially \$50 million do not have to be approved by board members, maybe a board isn't really necessary at all except as a blind rubber stamp which I know is not the case in your position.

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The secrecy and deception surrounding CPS operations have become so standard, it puzzles me why the citizens of the City of San Antonio continue to put up with it. I would like once and for all for this City Council to get a handle on CPS operations and attempt to represent the consumer. It is obvious that the CPS staff and trustees at times represent CPS bondholders and only the CPS bondholders. I'd just like to ask the Manager and I've given him a copy of this statement so that we could at least begin our dialogue with something that has surfaced here recently and I think it is of utmost importance to our consumers.

MAYOR LILA COCKRELL: Thank you. I will be glad to make some comment on this, Mr. Teniente. I think you have raised certainly an issue that is in the minds of many of us. The City Public Service Board at its December board meeting was asked to approve the procedure of assigning the Water Rights permit that the CPS was to get - in the entire South Texas Nuclear Project - was to get from the Water Rights Commission to LCRA as, I thought, a procedural matter to expedite moving the contracts forward. It was not explained or revealed to the City Public Service Board that there was to be anything like the type of contract associated with that that has now surfaced and, in fact, I will just state I would never have approved using that procedure had I had any information about the type of the contract that was to be entered into. I think the entire Board is concerned about it.

This last Monday there was a brief summary made at the Board meeting, however, it was not on the agenda for that meeting for discussion or action. It has been placed on the meeting for next Monday and I certainly appreciate the concern of the Council and will do my best to get all information available for the Council prior to that meeting and discuss it with you. Yes. Mr. Glen Hartman.

MR. GLEN HARTMAN: Madam Mayor, I would like to echo the Mayor Pro-Tem's concern to this particular situation. I appreciate your efforts to pursue it further. I think the explanation as to the current status of this contract as it appeared in the press, I think, is just really almost ludicrous. It's just - I find it difficult to understand the explanations that have thus far been given as to the fact that we'll go along with this proposal from LCRA because it would involve too much effort to fight in court. I just find that real, real difficult.

DR. D. FORD NIELSEN: Madam Mayor, I hope that we can quickly determine just how much water is necessary, whether it's on a year by year basis for one thing. There seems to be some conflict whether we're going to need half the water that they're talking about. Secondly, I think what we're saying too, and what makes it so complicated is that these are some of the early stages of a continuing struggle over the quantity of water in this state. I think that's part of what's happening and there's no reason for some of us to have to pay, you know, ten times because of that larger water as you (inaudible). We can get some of that for \$10,000, whatever it is. What has got to be clarified, finally, is how much water is it going to take, where is it going to come from and what we're going to pay for it.

MAYOR COCKRELL: Fine. I have asked and I have in-house now a summary of the staff report as of Monday and I will make that available to the Council today. In addition to that, I think we might have this discussed by the Council prior to Monday's meeting and as you know, I am most happy to carry out the wishes of the Council in this respect. Mr. Rohde.

MR. AL ROHDE: Mayor, I'd like to comment on this. There was a recent court case and I'm not familiar with it, it being brought to my attention today that said the governing body of the City of San Antonio, the City Council, is for all legal purposes responsible for the CPS.

I'll not go into that particular area but I do feel that the legal staff of the CPS when this thing was signed, should have properly advised the Board of Trustees of this agreement and I feel that they failed in this mission and for what reason I do not know. But in view of this, I reviewed their operating budget and find that they are up 32 percent over last year while energy consumption sales are down. I know that they have budgeted requests for \$580,000 for outside legal services an expense must be borne by rate payers on their monthly bills. I think this amount is unrealistic which to burden the consumers. I've asked our City Manager to take steps to fire, and I repeat fire, the present legal staff of CPS and bring this type of work over here to the City Council or to the City Hall to properly where it could be to protect the rights of all the citizens of San Antonio. I also understand that the Attorney General has already moved in this area as of yesterday.

MAYOR COCKRELL: I might say that the legal fees in the CPS budget are only partially for the local legal counsel. They are, as you may know, for the firm that is representing CPS in the lawsuit and I think that is probably the major portion of the fees that are entered into the retainer.

MR. ROHDE: Mayor, it's time that they change and not put the citizens on computers and act as a friend to the citizens who pay those rates and stop pushing people around. I'm going to do everything possible on this Council to protect the consumers of this City and CPS with my vote and my voice.

MAYOR COCKRELL: Well, I might just say that we it is the policy of this City Council, as I understand it, that the lawsuit be pursued and I do just point out to the Council that a major portion of the legal fees are directly attributable to the work involved in the lawsuit. Mr. Pyndus.

MR. PHIL PYNDUS: I feel that we should hear the City Public Service Board's side of the situation. We are anticipating some direct action by the City and I feel that we should get both sides of the picture and the options that they faced in making that decision. I feel at this time it might be appropriate if we're going to discuss that project with the City Public Service Board that we determine the costs that have accumulated to this point and also see if we can review the costs of the yellow cake as well as the entire project. If we could be brought up to date on that, we might have to make a decision with regard to that entire project.

MAYOR COCKRELL: Fine. Let me ask the City Manager to - if it's agreeable with the Council, that we schedule a work session with the City Public Service Board and staff when Council would have the opportunity of reviewing all the questions that you have concern for. Mr. Teniente.

MR. TENIENTE: I would certainly want this except that there are daily meetings perhaps in Austin that require or necessitate a representative from San Antonio who own 28 percent of this project to be there and at least bring in information that is not slanted on either side. I'm not saying that CPS is slanted but I'm just saying I'd feel more comfortable with someone from legal staff at least being in contact with the man who is one of the three on the Water Rights Commission and discuss this and bring this information to us also.

MAYOR COCKRELL: Fine. I believe the next meeting of the Water Rights Commission is next Tuesday and therefore any action that will be taken at the Monday board meeting would be prior to the next meeting.

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MR. TENIENTE: Okay. Then I think that someone ought to be in contact with Dorsey Hardeman before that meeting and at least bring us some of the background that also will be given to us at this other meeting.

MAYOR COCKRELL: Fine. Mr. Rohde.

MR. ROHDE: Mayor, I want to congratulate you on your efforts to reduce the CPS operating budget. I have on my desk a draft of other things I'd like you to take up with them such as more public relations, home economics and things of this sort. CPS must realize that they don't have to tell consumers to cut electricity down any more because when the citizen gets his bill he cuts it down. We do not need some operations that are still running almost a half a million dollars to conserve energy. I think that some of those departments should be brought about and wiped out and I'm going to give you a copy of those and I hope you will present them.

MAYOR COCKRELL: Mr. Pyndus.

MR. PYNDUS: Mayor Cockrell, three of our state elected officials have indicated an interest from Austin's viewpoint, I'm wondering if we can make contact with them so that they could come back to us. I think we have three state senators, Senator Kothmann, and.....

MR. BOB BILLA: And the representatives, yes. Ron Bird.

MR. PYNDUS: Yes, and I'm wondering if we could make contact.....

MR. TENIENTE: I think we ought to make contact with all of them, this is their duty and I think all state officials, the two senators or three and all the state representatives ought to be in on this thing and bring us some sort of information that will support this.

MR. PYNDUS: I would sort of like for us to request of them to keep an eye out for the City if we could do this through our Mayor.

MAYOR COCKRELL: All right, fine. Mr. Billa.

MR. BILLA: Mayor, I just want to say that I too am concerned about this and I think when you have the disparity of 10,000 times something. These are both state agencies. I'd like to follow Mr. Teniente's recommendation that we send someone to monitor and end discussion I think we're all concerned and move on to the next item.

DR. NIELSEN: I just have one thing in response to the second item, Mr. Rohde raised was about the question of legal fees. Mr. Granata, would you get Carl White and I know he has the data or apparently does, the last several years of what has been expended in legal fees and what categories because I might stand corrected but I do believe in the last two years, the bulk of the expense has not been directed toward the Lo-Vaca suit. It's been just a routine sort of legal expenditures and legal matters and I don't know what next year's budget looks like but in the past it has not been in terms of (inaudible).

MR. ROHDE: Yeah, the next year's budget is \$580,000.

CITY MANAGER SAM GRANATA: The last figures I recall that they had expended somewhere around \$575,000. They were expecting to spend about \$300,000 during the suit with a possible \$100,000 for expert witnesses but I'll get to you.....

MR. ROHDE: And I find that our City Attorney, Mr. Crawford, is doing most of the work.

CITY MANAGER GRANATA: Jim says about \$30,000 a month is what.....

MAYOR COCKRELL: Fine. Is there anything else or would you like to move on now to the zoning?

MR. PYNDUS: I'd like to move to the agenda, please.

MAYOR COCKRELL: All right, fine.

1. CASE 6308 - to rezone a 2.702 acre tract of land out of NCB 11642, being further described by field notes filed in the Office of the City Clerk, from "P-1(R-1)" Planned Unit Development Single Family Residential District to "R-1" Single Family Residential District; located west of the intersection of Callaghan Road and Vance Jackson Road, having 244.65' on Callaghan Road and 398.81' on Vance Jackson Road.

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

Councilman Nielsen questioned why this property was ever zoned as a Planned Unit Development in the first place.

Mr. Camargo said that a previous owner did have intentions of developing a PUD but the present owner prefers to develop the property in a conventional manner.

No one spoke in opposition.

Mayor Cockrell said that she had observed construction being underway at this property and asked how a permit could have been issued.

Mr. George D. Vann, Jr., Director of Building and Planning Administration, said that utilities are being put in place and these could have been installed without any zoning action. No construction has been authorized however.

After consideration, Mr. Hartman made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. Billa seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Black.

AN ORDINANCE 46,327

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 2.702 ACRE
TRACT OF LAND OUT OF NCB 11642,
(BEING FURTHER DESCRIBED BY FIELD
NOTES FILED IN THE OFFICE OF THE
CITY CLERK) FROM "P-1(R-1)" PLANNED
UNIT DEVELOPMENT SINGLE FAMILY
RESIDENTIAL DISTRICT TO "R-1" SINGLE
FAMILY RESIDENTIAL DISTRICT, PROVIDED
THAT PROPER REPLATTING IS ACCOMPLISHED.

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3. CASE 6351 - to rezone Lot 34, and the east 22' of Lot 35, NCB 8675, 1127 Parkridge Drive, from "A" Single Family Residential District to "I-1" Light Industry District; located on the north side of Parkridge

Drive being 261.32' east of the intersection of Parkridge Drive and Slavin Avenue, having 66' on Parkridge Drive and a depth of 222.6'.

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

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. Billa seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black

AN ORDINANCE 46,328

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 34, AND THE EAST 22' OF LOT 35, NCB 8675, 1127 PARKRIDGE DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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4. CASE 6322 - to rezone Lots 1 through 3, Block 10, NCB 13961, 2200 Block of South Callaghan Road, 5500 Block of U. S. Highway 90 West, from "R-A" Residential-Agriculture District to "B-3" Business District; located northeast of the cutback between Callaghan Road and U. S. Highway 90 West, having 130.62' on S. Callaghan Road, 95' on U. S. Highway 90 West and 41.75' on the cutback between these two R.O.W.'s.

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

No one spoke in opposition.

After consideration, Mr. Billa made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black

AN ORDINANCE 46,329

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

AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 THROUGH 3, BLOCK 10, NCB 13961, 2200 BLOCK OF SOUTH CALLAGHAN ROAD, 5500 BLOCK OF U. S. HIGHWAY 90 WEST, FROM "R-A" RESIDENTIAL-AGRICULTURE DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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5. CASE 6341 - to rezone the southeast 392' of Tracts 65 and 66, NCB 11627, 7500-7600 Blocks of Callaghan Road, from "A" Single Family Residential District to "R-3" Multiple Family Residential District; located on the northwest side of Callaghan Road being 1085' north-east of the intersection of Fredericksburg Road and Callaghan Road, having 680' on Callaghan Road and a depth of 392'.

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

No one spoke in opposition.

After consideration, Mr. Billa made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting 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: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black.

AN ORDINANCE 46,330

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 SOUTHEAST 392' OF TRACTS 65 AND 66, NCB 11627, 7500-7600 BLOCK OF CALLAGHAN ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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6. CASE 6352 - to rezone Lots 6, 40, 61 and 66, NCB 8673, 222 N. E. Loop 410, from "F" Local Retail District and "A" Single Family Residential District to "B-3" Business District; located on the southwest side of U. S. Highway 281 between N. E. Loop 410 and Halm Boulevard, having 287.63' on N. E. Loop 410, 389' on Halm Boulevard and 326.59' on U. S. Highway 281.

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

Mr. Pyndus raised a question about this property being needed at sometime in the future for the construction of an interchange between the North Expressway and Loop 410. One member of the Planning Commission had suggested delaying this zoning case until this situation is resolved. He asked that consideration of this case be postponed.

City Manager Granata recommended that Council act on this case as there is no present plan which would require the use of this property. The Highway Department has also been consulted and has approved of the proposed zoning.

Mr. Pat Symons, owner of the property, said that there is no need to delay this request. He said that there isn't enough room available for an interchange at this location anyway. He also said that he has financing commitments which could be endangered by a delay.

Mr. Stewart Fischer, Director of Traffic and Transportation, said that at the present time the Highway Department has no plans for use of this property.

Mr. Hartman said that he is concerned about the situation where these two major traffic arteries meet and feels that there should have been closer coordination between the City and the Highway Department. He moved that action on this case be postponed 30 days in order to allow time for further discussion with the Highway Department. The motion was seconded by Mr. Pyndus and was passed and approved by the following roll call vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black.

This case was postponed 30 days.

2. CASE 6339 - to rezone Lot 14, Block 104, NCB 11074, 2203 W. Mally Boulevard, from "F" Local Retail District and "B" Two Family Residential District to "I-1" Light Industry District; located northwest of the intersection of West Mally Boulevard and Poteet Jourdanton Freeway, having 150' on Poteet Jourdanton Freeway and 105.00' on Mally Boulevard.

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

Mr. Carlos Rivas spoke in opposition to the proposed change in rezoning because he doesn't know what will be built on the property.

Mayor Cockrell said that the owner intends to have a wrecker service business with storage of cars.

Mr. Pyndus spoke in opposition to the "I-1" zoning in this area.

After consideration, Dr. Nielsen made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained on the western portion of the subject property. Mr. Teniente seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Cisneros, Rohde, Teniente, Nielsen; NAYS: Pyndus, Cockrell; ABSENT: Black, Hartman.

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AN ORDINANCE 46,331

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 14, BLOCK 104, NCB 11074, 2203 WEST MALLY BOULEVARD, FROM "F" LOCAL RETAIL DISTRICT AND "B" TWO FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ON THE WESTERN PORTION OF THE SUBJECT PROPERTY.

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Mr. Pyndus said that he had voted no because he felt this was spot zoning and there was no adequate buffer zone between the residential area and this "I-1" zoning. He felt that the application should have been denied.

7. CASE 6357 - to rezone the east 165.48' of the south 155.72' of Tract C, NCB 12173, 3935-3945 Eisenhower Road, from "F" Local Retail District to "B-3" Business District; located on the north side of Eisenhower Road, being 145' west of the intersection of Harlow Drive and Eisenhower Road, having 165' on Eisenhower Road and a depth of 150'.

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

No one spoke in opposition

After consideration, Mr. Rohde made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Hartman.

AN ORDINANCE 46,332

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 165.48' OF THE SOUTH 155.72' OF TRACT C, NCB 12173, 3935-3945 EISENHAUER ROAD, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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76-8

COMMISSIONER A. J. PLOCH

Mayor Cockrell recognized Commissioner A. J. Ploch who was in the audience and welcomed him to the meeting.

8. CASE 6354 - to rezone a 14.615 acre tract of land out of NCB 12179, being further described by field notes filed in the Office of the City Clerk, 2800 and 2900 Blocks of Austin Highway, from "A" Single Family Residential District to "I-1" Light Industry District; located on the southeast side of U. S. Highway 81 North, being 640.44' southwest of the intersection of Fratt Road and U. S. Highway 81 North, having 1058.07' on U. S. Highway 81 North and a maximum depth of 1526.12'.

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

No one spoke in opposition.

After consideration, Mr. Cisneros made a motion that the recommendation of the Planning Commission be approved provided that proper platting is accomplished and that a six foot solid screen fence is erected and maintained along the south property except for that portion that is zoned "LL" First Manufacturing District. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Hartman.

AN ORDINANCE 46,333

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS A 14.615 ACRE TRACT
OF LAND OUT OF NCB 12179, 2800 AND
2900 BLOCKS OF AUSTIN HIGHWAY, (BEING
FURTHER DESCRIBED BY FIELD NOTES FILED
IN THE OFFICE OF THE CITY CLERK) FROM
"A" SINGLE FAMILY RESIDENTIAL DISTRICT
TO "I-1" LIGHT INDUSTRY DISTRICT,
PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED
AND THAT A SIX FOOT SOLID SCREEN FENCE IS
ERECTED AND MAINTAINED ALONG THE SOUTH
PROPERTY EXCEPT FOR THAT PORTION THAT IS
ZONED "LL" FIRST MANUFACTURING DISTRICT.

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9. CASE 6350 - to rezone Lots 119, 120, 121, NCB 3466, 2800 Block of Nogalitos, from "F" Local Retail District to "I-1" Light Industry District; located southeast of the intersection of Nogalitos Street and West Theo Avenue, having 206.0' on Nogalitos Street and 102.3' on West Theo Avenue.

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

Mr. Pyndus made a motion to deny the request to rezone the property based on the staff's recommendation. Mr. Billa seconded the motion.

Mr. Roy Barrera, attorney, said that the applicant, Francisco Copado, would like to request a change in zoning for the purpose of

operating a tamale and tortilla factory. Mr. Barrera said that Mr. Copado intends to employ about 25 people from the area. He also said that the manufacture of Mexican foods is a relatively quiet one and there will be no pollution.

Mr. Pyndus said he was opposed to "I-1" zoning because it would jeopardize the residential area and business area.

Dr. Cisneros said he is familiar with the make-up of the area, and the property in question is surrounded by different businesses.

Mr. Teniente said he would not view this change of zoning to be detrimental to the neighborhood and offered a substitute motion to approve the recommendation of the Planning Commission and grant the rezoning, provided that proper replatting is accomplished and that a six foot solid screen fence is erected and maintained along the east property line and that portion of the south property line which abutts the residential development. Mr. Rohde seconded the motion.

Mr. Billa said it was disappointing to learn that out of 28 notices mailed to the surrounding property owners, only one notice was returned in opposition and four notices returned in favor.

After consideration, the motion previously made by Mr. Teniente and seconded by Mr. Rohde, carrying with it the passage of the following Ordinance, was passed and approved by the following vote: AYES: Billa, Cisneros, Rohde, Teniente, Nielsen, Cockrell; NAYS: Pyndus; ABSENT: Black, Hartman.

AN ORDINANCE 46,334

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 119, 120, 121, NCB 3466, 2800 BLOCK OF NOGALITOS, FROM "F" LOCAL RETAIL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATting IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE EAST PROPERTY LINE AND THAT PORTION OF THE SOUTH PROPERTY LINE WHICH ABUTTS THE RESIDENTIAL DEVELOPMENT.

* * * *

10. CASE 6318 - to rezone Lot 8, Block 12, NCB 2317, 2119 Buena Vista, from "F" Local Retail District to "B-3" Business District, located on the north side of Buena Vista Street being 88.8' southeast of the intersection of S. Navidad Street and Buena Vista Street, having 50' on Buena Vista Street and a depth of 150'.

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

Mr. Pyndus made a motion to deny the request based on the staff's recommendations.

Mr. Antonio L. Guerrero, stated he would like the requested change in zoning for the purpose of operating a printing shop on the subject property.

Mr. Pyndus said that according to staff, this neighborhood is being developed, particularly the Crockett School Library and a great deal of funding has gone into the preservation of this area. He said that the staff is recommending denial of this request to preserve the character of the neighborhood.

Mr. Teniente said that he is very familiar with this area. He said that the Crockett School Building will have business going on as well as a library. In addition to this, there are other businesses in the surrounding area. He would be in favor of the request for rezoning.

Mr. Camargo then reviewed for the Council the different uses permitted under the "B-3" classification and the "F" Local Retail District classification.

In response to Dr. Nielsen's question about future plans for creation of a historic district for the Prospect Hill area, Ms. Pat Osborne, Historic Planner, said there have been several neighborhood meetings. In addition to the Crockett School building, an old Baptist Church is also planned for restoration. According to Ms. Osborne, no petitions have been submitted as of this date for the creation of a historic district.

In response to Mr. Pyndus' question, Ms. Osborne said that a land use plan is needed in this area to decide the direction the neighborhood is going to take.

Mr. Juan Patlan, Executive Director of the Mexican-American Unity Council, said they have just one concern, that is, they are in the process of making up a master plan for the area and do not want anything to interfere with this plan. They will present this master plan to the City Council in the very near future.

Mr. Teniente then made a substitute motion to approve the recommendation of the Planning Commission and grant the rezoning. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Cisneros, Rohde, Teniente, Nielsen; NAYS: Pyndus, Cockrell; ABSENT: Black, Hartman.

AN ORDINANCE 46,335

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 LOT 8, BLOCK 12, NCB
2317, 2119 BUENA VISTA, FROM "F" LOCAL
RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT.

* * * *

11. CASE 6344 - for the removal of the requirements of proper platting and a 15' dedication along Coker Loop East which were required by Ordinance #44913 dated February 13, 1975 on Lot 5B, NCB 12054, 11226 Coker Loop East, located on the southeast side of Coker Loop East being 826.6' northeast of the intersection of Coker Loop East and North Loop Road, having 152.2' on Coker Loop East and a depth of 549.7'.

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

In response to Mr. Pyndus' remarks, Mr. Camargo stated that the staff had recommended denial of the request for removal of the street dedication because there is no time frame as to when the surrounding area is to be acquired and street dedication should be obtained to promise adequate access to future development.

Dr. Cisneros then made a motion that the recommendation of the Planning Commission be approved. Mr. Teniente seconded the motion.

Mr. Camargo advised the Council that the property is now plat-
ted and that the street dedication can be obtained without going through the platting procedure. The staff has no objection to the waiver of the platting requirement but that the requirement of the street dedication remain.

Dr. Cisneros then included in his previous motion the waiver of the platting requirements with the understanding that there will be a street dedication. Mr. Teniente seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Hartman.

AN ORDINANCE 46,336

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING CERTAIN LAND USE
REQUIREMENTS, THAT IS REMOVAL OF THE
REQUIREMENTS OF PROPER PLATTING
REQUIRED BY ORDINANCE #44913 DATED
FEBRUARY 13, 1975 ON LOT 5B, NCB 12054,
11226 COKER LOOP EAST.

* * * *

Mr. Tuck Chapin, attorney for the proponent, then appeared before the Council and stated that the proponent has no objection to the street dedication if the street is widened. He would request a clause in the ordinance stipulating that Mrs. Shaw will bind herself to the street dedication if the street is widened.

City Manager Granata said that the street is planned to be widened. Mrs. Shaw has full use of the property, but cannot build on it.

Mayor Cockrell said that the City needs to hold its request for the street dedication of the right of way in exchange for the no platting requirements. It would not be fair to make an exception in this case because others have also been required to do so.

February 19, 1976
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12. CASE 6335 - to rezone Lots 1, 2, and 3, Block 186, NCB 9654, 2714 West Avenue, from "F" Local Retail District to "B-3" Business District, located southeast of the intersection of West Avenue and San Angelo Blvd., having 120' on West Avenue and 150' on San Angelo Blvd.

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

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. Billa seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Black, Hartman, Nielsen.

AN ORDINANCE 46,337

AMENDING CHAPTER 42 OF THE CITY CODE
THAT CONSTITUTES THE COMPREHENSIVE
ZONING ORDINANCE OF THE CITY OF SAN
ANTONIO BY CHANGING THE CLASSIFICATION
AND REZONING OF CERTAIN PROPERTY
DESCRIBED HEREIN AS LOTS 1, 2, AND 3,
BLOCK 186, NCB 9654, 2714 WEST AVENUE,
FROM "F" LOCAL RETAIL DISTRICT TO "B-3"
BUSINESS DISTRICT, PROVIDED THAT PROPER
REPLATting IS ACCOMPLISHED.

* * * *

13. CASE 6349 - to rezone Lot 221, NCB 7847, 109 W. Mayfield Blvd., from "B" Two Family Residential District to "B-1" Business District, located on the north side of Mayfield Blvd. being 200' west of the intersection of Pleasanton Road and Mayfield Blvd., having 50' on Mayfield Blvd. and a depth of 217.8'.

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

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. Billa seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Hartman.

AN ORDINANCE 46,338

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 221, NCB 7847,
109 W. MAYFIELD BLVD., FROM "B" TWO
FAMILY RESIDENTIAL DISTRICT TO "B-1"
BUSINESS DISTRICT, PROVIDED THAT PROPER
REPLATTING IS ACCOMPLISHED.

* * * *

14. CASE 6342 - to rezone Lots 58 and 59, Block 4, NCB 15619, 5200 Block of Fedora Drive, from Temporary "R-1" Single Family Residential District to "R-4" Mobile Home District, located southeast of the intersection of Fedora Drive and Clegg Drive, having 140' on Fedora Drive and 135' on Clegg Drive.

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

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Planning Commission be approved, provided that proper replatting is accomplished. Mr. Billa seconded the motion. On roll call, the motion, carrying with it the passage of the following ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Hartman, Teniente.

AN ORDINANCE 46,339

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 58 AND 59,
BLOCK 4, NCB 15619, 5200 BLOCK OF
FEDORA DRIVE, FROM TEMPORARY "R-1"
SINGLE FAMILY RESIDENTIAL DISTRICT
TO "R-4" MOBILE HOME DISTRICT, PROVIDED
THAT PROPER REPLATTING IS ACCOMPLISHED.

* * * *

15. CASE 6359 - to rezone Tract H, NCB 13976, 8423 Quintana Road, from "R-A" Residential-Agriculture District to "I-2" Heavy Industry District for a rendering plant, located on the northwest side of the Southern Pacific Railroad R.O.W. being 240' northwest of the intersection of Quintana Road and Plummer Road, having a frontage of 902.78' on the Southern Pacific Railroad R.O.W. and a depth of approximately 840'.

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

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Planning Commission be approved, provided that proper platting is accomplished. Mr. Billa seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Hartman, Teniente.

AN ORDINANCE 46,340

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 H, NCB 13976, 8423 QUINTANA ROAD, FROM "R-A" RESIDENTIAL-AGRICULTURE DISTRICT TO "I-2" HEAVY INDUSTRY DISTRICT FOR A RENDERING PLANT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

20. CASE 6365 - to rezone a 0.484 acre tract of land out of NCB 14591, being further described by field notes filed in the office of the City Clerk, from "R-3" Multiple Family Residential District to "B-2" Business District, 12400 Block of Nacogdoches Road; and a 0.642 acre tract of land out of NCB 14591, being further described by field notes filed in the office of the City Clerk, from "R-3" Multiple Family Residential District to "B-3" Business District, 12400 Block of Nacogdoches Road.

The "B-2" zoning is located on the southeast side of Nacogdoches Road being 150' northeast of the intersection of Rio D'Oro Drive and Nacogdoches Road, having 150' on Nacogdoches Road and a depth of 139.99'.

The "B-3" zoning is located on the southeast side of Nacogdoches Road being 300' northeast of the intersection of Rio D'Oro Drive and Nacogdoches Road, having 200' on Nacogdoches Road and a depth of 139.92'.

Mr. Ralph Bender, attorney for the proponent, stated that they would like for this case to be referred back to the Planning Commission and then come back to Council on a non-appeal basis.

Dr. Nielsen then made a motion that the case be referred back to the Planning Commission. The motion was seconded by Mr. Billa, and on the following roll call vote, was passed and approved: AYES: Pyndus, Billa, Cisneros, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Hartman, Teniente.

The case was referred back to the Planning Commission.

21. CASE 6301 - at the applicant's request, the Council agreed to postpone this case for 30 days.

22. CASE 6295 - to rezone Lot 154, Block 21, NCB 11120, 400 Block of Moursund Blvd., from "B" Two Family Residential District to "B-2" Business District, located on the east side of Moursund Blvd. being 225' north of the intersection of Mally Blvd. and Moursund Blvd., having 115' on Moursund Blvd. and a depth of 379'.

Mr. Hunter Sheely, attorney for the proponent, said that due to the fact that a full Council was not present, he was requesting the case to be referred back to the Planning Commission.

Mr. Phil Hamner, attorney representing Mr. and Mrs. Young, said that they are opposed to a postponement. This is the fifth hearing on this matter, and Mr. and Mrs. Young have had to take off of work on annual leave to attend these hearings.

After consideration, Dr. Nielsen made a motion that the case be referred back to the Planning Commission. Mr. Rohde seconded the motion, and on the following roll call vote, the motion prevailed: AYES: Pyndus, Billa, Cisneros, Rohde, Teniente, Nielsen; NAYS: Cockrell; ABSENT: Black, Hartman.

Later in the meeting, Mr. Sheely again addressed the Council and asked that their case be heard at today's meeting.

Dr. Cisneros then made a motion to reconsider this case. Mr. Billa seconded the motion, and on the following roll call vote, the motion prevailed: AYES: Pyndus, Billa, Cisneros, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Hartman.

City Manager Granata suggested that the case be postponed instead of being referred back to the Planning Commission as the proponents had requested. There is no substance to send the case back to the Planning Commission.

Later in the meeting, Mr. Sheely again addressed the Council and requested that this case be postponed for 30 days. Dr. Cisneros then made a motion to postpone this case for 30 days. Mr. Pyndus seconded the motion. The motion prevailed by the following roll call vote: AYES: Pyndus, Billa, Cisneros, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Hartman.

The case was postponed for 30 days.

17. CASE 6332 - to rezone Lot 1, NCB 12099, 2829 Nacogdoches Road, from "B" Two Family Residential District to "B-1" Business District, located on the northwest side of Nacogdoches Road being 240.6' northeast of the intersection of Nacogdoches Road and Woodbury Lane, having 195.57' on Nacogdoches Road and a maximum depth of 313.4'.

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

Mr. Camargo then advised the Council that there is 20 percent opposition thus requiring seven affirmative votes to approve the re-zoning.

The proponent requested that this case be postponed due to a lack of a full Council.

Mayor Cockrell then announced that this case would be heard on March 18, 1976.

The opponents objected to the postponement.

After consideration, Mr. Rohde made a motion that the case be postponed for 30 days. Dr. Nielsen seconded the motion and on the following roll call vote, the motion prevailed: AYES: Pyndus, Billa, Cisneros, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Hartman.

Mr. Earl Cobb asked that the notices that are sent to the surrounding property owners be more specific and tell the people what the change of zoning will entail.

Mayor Cockrell then asked that the Council be furnished with a copy of a typical notice for their review.

The case was postponed for 30 days.

18. CASE 6338 - for the removal of a six foot solid screen fence which was required on the north property line by Ordinance #43179 dated December 20, 1973, save and except on the last 7.4 feet of this line, on Lot 20, Block 14, NCB 15505, 2810 S. W. Loop 410, located on the east side of S. W. Loop 410 Expressway being approximately 240' south of the intersection of S. W. Loop 410 Expressway and Landing Avenue, having 120' on S. W. Loop 410 Expressway and a depth of 162.5'.

Mr. Gene Camargo, Planning Administrator, explained that the applicant in this case, Dr. Ed Pigott, Jr., is requesting a waiver of the stipulation imposed by the City Council in December of 1973. The stipulation was for a six foot solid screen fence on the east property line and on the east half of the south line and the east half of the north line. The fence was intended to serve as a visual buffer to the adjacent property owners to the east.

Dr. Jeff Lord, an associate of Dr. Pigott, said that the fence has been constructed on the south and east property lines as required. On the north line, a fence was constructed a short distance and then was connected to an existing permanent building just north of the property. The effect is that even though the entire fence on the north line has not been erected, the property to the east has been effectively screened and it is no longer necessary to build the entire fence.

Mr. Frank Sturdivant spoke in opposition saying that the noise problem has not been resolved and further said that Dr. Pigott should comply with the ordinance as it was passed. He also asked that Building and Planning investigate the premises to find other violations.

Mr. Jim Parker, City Attorney, said that Mr. Sturdivant has filed complaints against Dr. Pigott in Municipal Court. Dr. Pigott has been found not guilty.

After consideration, Dr. Nielsen made a motion that the recommendation of the Planning Commission be approved. Mr. Billa seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Cisneros, Rohde, Teniente, Nielsen, Cockrell; NAYS: Pyndus; ABSENT: Black, Hartman.

AN ORDINANCE 46,341

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING CERTAIN LAND USE REQUIREMENTS, THAT IS REMOVAL OF A SIX FOOT SOLID SCREEN FENCE WHICH WAS REQUIRED ON THE NORTH PROPERTY LINE BY ORDINANCE #43179 DATED DECEMBER 20, 1973, SAVE AND EXCEPT ON THE LAST 7.4 FEET OF THIS LINE, ON LOT 20, BLOCK 14 NCB 15505, 2810 S. W. LOOP 410.

* * * *

76-8 The meeting was recessed at 10:50 A. M. and reconvened at 11:00 A. M.

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16. CASE 6348 - to rezone a 1.167 acre tract of land out of NCB 11490, being further described by field notes filed in the office of the City Clerk, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District, located south-east of Pow Wow Drive, being 170' east of the intersection of Red River Drive and Pow Wow Drive, being 390.95' in length and 134.85' in width.

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

Mr. Edward O. Messick, President of the North American Homes Development Company, appeared before the Council. He stated that the property in question is the last piece of undeveloped land and that the construction of additional apartments would be the best use for the subject property.

Major Henry Hemeyer, Jr., stated he is opposed to the requested change in zoning because of the increase of noise and traffic that would be created. He also asked that the Council impose a stipulation that construction not be more than two stories in height.

Mr. Camargo stated that there is a limitation of two stories at the required setback.

Mr. Messick responded that he has building permits for the adjacent buildings and they are all two stories. He would have no objection to a two story stipulation.

After consideration, Mr. Pyndus made a motion that the recommendation of the Planning Commission be approved, provided that proper platting and that a six foot solid screen fence is erected and maintained along the west property line and that construction be limited to two stories in height. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Black, Hartman.

AN ORDINANCE 46,342

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 1.167 ACRE TRACT OF LAND OUT OF NCB 11490, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE WEST PROPERTY LINE AND THE SOUTH PROPERTY LINE, AND THAT CONSTRUCTION BE LIMITED TO TWO STORIES IN HEIGHT.

* * * *

February 19, 1976
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19. CASE 6347 - for the removal of the six foot solid screen fence along the west property line required by Ordinance #42815 dated September 27, 1973, on Lot 16, NCB 11636, 4631 Vance Jackson Road, located on the west side of Vance Jackson Road, being approximately 573.24' southeast of the intersection of Marlborough Drive and Vance Jackson Road; having 188.70' on Vance Jackson Road with a maximum depth of 123.86'.

Mr. Gene Camargo, Planning Administrator, explained that the request of Mr. Mike Kinder is for the removal of a six foot solid screen fence, stipulated in Ordinance 43816 when the property was zoned "B-2" Business. The fence was to be erected between the property in question and the existing alley.

Mr. Mike Kinder, owner of the Mr. M Convenience Store, stated that the fence that he erected has been knocked down by cars backing out of the store. He felt that the fence is unnecessary since a majority of the single family homes that abutt onto the subject property already have a screen fence erected on the rear of their properties.

Mr. W. J. Varner, 8702 Dudley, appeared in opposition.

He showed some colored slides of the store and adjacent alley. He said that the fence is needed to protect the alley and adjoining property. Mr. Varner also stated that he has had his own fence repaired four times. He asked the Council not to waive the stipulation.

In response to Mayor Cockrell's question on why a Certificate of Occupancy was issued when a fence was not erected in the first place, Mr. George Vann stated that this was an oversight on the part of his staff and should not have been done.

Also speaking in opposition to the removal of the fence stipulation were Sister Margaret Sullivan and Mr. Donald Roberts.

After consideration, Councilman Nielsen moved that the request for removal of the fence requirement from the ordinance be denied. The motion was seconded by Mr. Pyndus.

Councilman Billa made a substitute motion that the fence requirement be deleted and instead a six inch curb requirement be made. This motion was seconded by Mr. Cisneros and on the following roll call vote, failed to carry: AYES: Billa, Cisneros; NAYS: Pyndus, Rohde, Teniente, Nielsen, Cockrell; ABSTAIN: Hartman; ABSENT: Black.

On the following roll call vote, the original motion by Dr. Nielsen to deny the request was passed and approved by the following vote: AYES: Pyndus, Rohde, Teniente, Nielsen, Cockrell; NAYS: Billa, Cisneros; ABSTAIN: Hartman; ABSENT: Black.

The request was denied.

76-8 Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Teniente presided.

76-8 The Clerk read the following Ordinance:

AN ORDINANCE 46,343

AUTHORIZING THE CITY MANAGER TO EXECUTE IDENTICAL INTERIM AGREEMENTS WITH AMERICAN AIRLINES, INC., BRANIFF AIRWAYS, INCORPORATED, COMPANIA MEXICANA DE AVIACION, S.A., CONTINENTAL AIR LINES, INC., EASTERN AIR LINES, INC., SOUTHWEST AIRLINES CO., AND TEXAS INTERNATIONAL AIRLINES, INC. FOR FEES AND CHARGES AT INTERNATIONAL AIRPORT.

* * * *

Mr. Tom Raffety, Director of Aviation, explained the ordinance. He stated that this interim agreement is identical for all airlines, it will be retroactive to January 1, 1976 and will end July 31, 1976, or the effective date of a new lease agreement whichever is the earlier. The purpose of the agreement is to improve the airport's revenue picture and to give the parties time to complete a longer term lease document. An agreement has been reached on the three basic items to be incorporated in a new lease, a term of eight years with the landing fees of 21 cents to be adjusted annually on the 1st of January. Minimum rental for the first four years of the lease will be \$8.00 per square foot, for the last four years of the lease it will be \$10.00 per square foot as a minimum. Terminal costs will be recomputed annually. This ordinance has been reviewed and approved by the Airport Advisory Committee.

After consideration, on motion of Mr. Pyndus, seconded by Mr. Billa, the ordinance was passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Black, Cockrell.

76-8

MR. FREDDY FENDER

Mayor Pro-Tem Richard Teniente introduced Mr. Freddy Fender Recording Artist, who was in the audience. Mr. Fender was in San Antonio performing at the Rodeo during the Stock Show.

Mayor Pro-Tem Teniente then read a Proclamation naming Mr. Fender as an Emisario de las Musas, and presented it to him.

Mr. Fender thanked the Council for this recognition.

76-8 The following Ordinances were read by the Clerk and explained by Members of the Administrative Staff, and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Black, Cockrell.

AN ORDINANCE 46,344

ESTABLISHING A FUEL FLOWAGE FEE FOR AVIATION FUEL AT INTERNATIONAL AIRPORT OF FOUR CENTS PER GALLON, EFFECTIVE MARCH 1, 1976, AND EXEMPTING FUEL DELIVERED TO AIR TRANSPORTATION COMPANIES PAYING LANDING FEES AT INTERNATIONAL AIRPORT.

* * * *

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AN ORDINANCE 46,345

ACCEPTING THE LOW QUALIFIED BID OF R. L. JONES CO., INC. IN THE AMOUNT OF \$91,598.67 FOR CONSTRUCTION OF THE BAKER OIL TOOLS SUB-DIVISION OFF-SITE SANITARY SEWER MAIN; AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD CITY PUBLIC WORKS CONSTRUCTION CONTRACT; AND APPROPRIATING THE SUM OF \$98,500.00 IN FUND 52-006, PROJECT NO. 006001 AND TRANSFERRING SAID AMOUNT TO FUND 52-003, PROJECT NO. 003110 TO COVER COST OF THIS CONSTRUCTION.

* * * *

AN ORDINANCE 46,345A

GRANTING PERMISSION TO THE OPTIMIST CLUB OF NORTHWEST SAN ANTONIO TO CONDUCT A BONFIRE AT 7:30 P. M., ON SATURDAY, MARCH 13, 1976 WHICH IS TO BE HELD ONE HALF MILE WEST OF FREDERICKSBURG ROAD ON PRUE ROAD, UNDER THE SUPERVISION OF THE FIRE DEPARTMENT.

* * * *

76-8 The following Resolutions were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Pyndus, Billa, Cisneros, Hartman, Rohde, Teniente, Nielsen; NAYS: None; ABSENT: Black, Cockrell.

A RESOLUTION
NO. 76-8-9

AUTHORIZING THE LOAN OF THE OFFICIAL MEDALLION OF THE CITY OF MADRID, SPAIN TO THE INSTITUTE OF TEXAN CULTURES.

* * * *

A RESOLUTION
NO. 76-8-10

ENDORING THE CONCEPT OF A THERAPEUTIC AND RESIDENTIAL CENTER FOR HANDICAPPED PERSONS IN THE CITY OF SAN ANTONIO, TEXAS.

* * * *

76-8 The meeting recessed for lunch at 12:05 P. M. and reconvened at 1:30 P. M.

76-8 CITIZENS TO BE HEARD

MRS. HELEN WALTER

Mrs. Helen Walter, 3286 Round Table Drive, stated she had attended the Texas Educators Music Association convention last week at the Convention Center. She complained about the air conditioning being cut off and that something should have been done. The same convention is scheduled to return next year and she asked that the City Council send this group an apology for the lack of air conditioning.

City Manager Granata said that the air conditioning was cut off due to construction.

Mayor Cockrell said she would see that a letter of apology is written to this group.

76-8 The Clerk read the following letter:

February 13, 1976

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

Madam and Gentlemen:

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

February 9, 1976

Petition submitted by Mr. H. Gordon Davis, Attorney, in behalf of The Dee Howard Company, requesting that they be allowed to purchase a segment of McCullough Avenue at its intersection with Jones Maltsberger Road.

G. V. JACKSON, JR.
City Clerk

* * * *

76-8 There being no further business to come before the Council, the meeting adjourned at 1:45 P. M.

A P P R O V E D

Lila Cockell
M A Y O R

ATTEST:

G. V. Jackson Jr.
C i t y C l e r k