

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JUNE 18, 1981.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Henry Cisneros with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, CANAVAN, ARCHER, HASSLOCHER, CISNEROS; Absent: NONE.

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81-32 The invocation was given by Reverend Bob Hinkelman, Aldersgate United Methodist Church.

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81-32 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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81-32 ING. RAUL GOMEZ DANEZ

Mayor Cisneros introduced a visitor to San Antonio, Ing. Raul Gomez Danez, former member of the Congress from the Republic of Mexico, representing the Monterrey area, presently visiting the San Antonio area. Speaking in Spanish, Ing. Danez thanked the City Council for the reception he had been accorded in San Antonio, and for the opportunity to view firsthand the problems of this region.

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81-32 PRESENTATION OF HONORARIUM TO DAVID P. CARTER

Mayor Cisneros read the following Honorarium:

IN RECOGNITION OF THE HEROIC ACTIONS OF DAVID CARTER IN THE EARLY MORNING HOURS OF JUNE 14, 1981, WHEN HE ACCOMPLISHED THE RESCUE OF MR. AND MRS. JESUS RAMOS AND THEIR SIX CHILDREN.

MR. CARTER'S QUICK THINKING AND UNSELFISH ACT OF MERCY HELPED TO PREVENT THE PROBABLE DEATH OF THE ENTIRE RAMOS FAMILY WHEN THEIR AUTOMOBILE WAS IMMersed UNDER WATER NEAR OLMOS PARK.

MR. CARTER'S ACT OF EXTREME HEROISM MERITS RECOGNITION AND COMMENDATION BY A GRATEFUL CITY GOVERNMENT AND ITS CITIZENS.

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Mayor Cisneros introduced Mr. David P. Carter and explained his actions of the previous Sunday which resulted in the saving of a family of six from floodwaters in Olmos Basin. He presented the Honorarium to Mr. Carter, who was congratulated by the members of the City Council.

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81-32 PRESENTATION OF CITATION TO HUAN NGUYEN

Mayor Cisneros read the following Citation:

FOR HIS HARD WORK AND DEDICATION TO HIS NEW COUNTRY AND HIS NEW LANGUAGE; EFFORTS THAT IN SIX SHORT YEARS PROPELLED

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HIM FROM THE STATUS OF NEW CITIZEN WHO SPOKE NO ENGLISH TO SAN ANTONIO'S REPRESENTATIVE THIS MONTH IN THE NATIONAL SPELLING BEE IN WASHINGTON, D.C. 370

THE CITY COUNCIL CONGRATULATES HIM ON HIS OUTSTANDING SUCCESS, DETERMINATION AND EXAMPLE FOR OTHERS TO FOLLOW IN YEARS TO COME.

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Mayor Cisneros introduced Mr. Huan Nguyen, who in only six years has raised himself from new immigrant to the United States from Vietnam, who spoke no English, to the City Champion in the National Spelling Bee and San Antonio's representative in that event, recently concluded in Washington D.C. Mayor Cisneros presented him with a Citation, and the members of the City Council each congratulated him on his achievements.

81-32 PRESENTATION OF CITATION TO REDMOND "RED" EHLERT

Mayor Cisneros read the following Citation:

ON THE OCCASION OF HIS RETIREMENT FROM THE CITY OF SAN ANTONIO AFTER TWENTY-SIX YEARS OF FAITHFUL SERVICE AS A SAN ANTONIO POLICE OFFICER. THE CITY COUNCIL EXPRESSES DEEP APPRECIATION TO OFFICER EHLERT FOR CONTRIBUTING TO THE SAFETY AND WELFARE OF ITS CITIZENRY.

ON BEHALF OF THE CITIZENS OF SAN ANTONIO, THE MAYOR AND CITY COUNCIL COMMENDS OFFICER EHLERT FOR A JOB WELL DONE AND TENDERS BEST WISHES FOR CONTINUED GOOD HEALTH AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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Mayor Cisneros presented Mr. Ehlert with the Citation and spoke to the years of achievement by Mr. Redmond "Red" Ehlert, recently retired from the Police Department whose job for a number of years has been as driver for the Mayor and Council.

Members of the City Council each congratulated him for his service.

81-32 MRS. CAROL KNIPPA

Mayor Cisneros stated that Mrs. Carol Knippa had recently completed thirty (30) years of City service in the City Attorney's Office, and cited her service and assistance to citizens since 1951. He asked City Attorney Jane Macon to assist him in awarding Mrs. Knippa a special Citation prepared by the City Attorney's office.

Members of the City Council each congratulated her for her years of service to the City.

81-32 LAPEL PINS

Mayor Cisneros presented each member of the City Council with gold miniature pins of the City seal, specially prepared as lapel pins.

81-32 The minutes of the meeting of May 28, 1981 were approved.

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Mayor Cisneros introduced the Band Director of Highlands High School, who provided the City Council with details of the organization and activities of the Alamo Marksmen Drum & Bugle Corps, and invited members of the Council to the group's first summer musical program.

81-32 ZONING HEARING

6. CASE 8474 - to rezone Lot 8, Block 4, NCB 10046, 502 Jackson Keller Road, from "A" single Family Residential District to "O-1" Office District, located southwest of the intersection of Melliff Drive and Jackson Keller road, having 100' on Jackson Keller Road and 200' on Melliff Drive.

Mr. Andy Guerrero, Planning Administrator, explained the rezoning request, stating that nine of the seventeen notices were mailed to property owners within the 200 feet of the property and had been returned in opposition, with an additional 55 signatures on a petition from property owners outside the 200' areas. He further stated that the Zoning Commission has recommended that this request of change of zone be denied by the City Council.

Mayor Cisneros explained the ground rules for consideration of the zoning case.

Mr. Jesse Gamez, Attorney for the proponent, explained the request and displayed photos of the immediate area, stating that his client plans to locate a dating and counselling service on the site.

Mr. Joe Sullivan, the proponent, explained the background of his service and plans for the future.

In response to a question by Ms. Berriozabal, Mr. Sullivan stated that he had been conducting his counselling business from the subject property for some time, in a residential area, since being forced to vacate his previous location at 1259 Jackson Keller Road.

Mr. Andy Guerrero stated that files in the Building Inspections Department indicate that an investigation had been made on contention that a business was being conducted from the site in a residential area, but no evidence of such was found.

Speaking in opposition, Ms. Mary Lou Mabie, 311 Ave Maria, displayed a diagram of the Shearer Hills area involved in the case, and read into the record, a letter from T. Notestine, 358 Ave Maria, President of the "Save Shearer Hills for Homeowners Association", who was in opposition to the request.

Mrs. Herbert O. Franz, 359 Ave Maria, spoke in opposition to the request.

Mrs. Joan Caldwell, 322 Veda Mae, spoke against the intrusion of business into a residential area.

Mr. Cliff Whitcomb, 226 Meliff, spoke against parking at the property being a traffic hazard.

Mr. Alfred Greer, who owns a duplex across the street from the subject property also spoke in opposition.

Mr. Herbert Trial, 230 Audrey Alene, spoke to continuing business encroachment into the residential area.

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Ms. Suzanne Barrows Yates, an Attorney, spoke on behalf of her parents, residents of the area, in opposition to the request.

Mr. Richard Benteen, 602 Jackson Keller Road, spoke of the good property values of homes in the area and the possible effect of business intrusion that also could affect insurance premiums.

Mr. Marshall Fine, an Attorney, spoke on behalf of Mr. and Mrs. Kenneth Walker, 222 Meliff, stating that business use of the subject property would increase the traffic congestion. He also spoke about deed restrictions against business use of property in the area.

In rebuttal, Mr. Gamez stated that his client, Mr. Sullivan, is not responsible for current traffic congestion in the area and spoke of his client's need to move from his previous location. He also addressed the available parking in the immediate area.

In response to a question by Mr. Webb, Mr. Guerrero stated that nine affirmative votes would be needed to approve the change in zoning.

After discussion, Mr. Webb moved that the rezoning request be approved. Mr. Canavan seconded the motion. On roll call, the motion failed to carry by the following vote: AYES: None; NAYS: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Hasslocher, Cisneros; ABSTAIN: Eureste; ABSENT: None.

In response to a question by Mr. Archer as to how long someone can operate a business illegally in a residential area, Mr. Guerrero, Planning Administrator, stated that he would have an inspector look into the situation on Jackson Keller Road.

CASE 8474 was denied.

7. CASE 8490 - to rezone Lot 3, Block 3, NCB 1495, Lot 10, Block 2, NCB 1494, 111-114 Connelly Street, from "C" Apartment District to "I-1" Light Industry District, located on the east and west sides of Connelly Street, being 141.32' south of the intersection of Wyoming Street, having 70.66' frontages on Connally Street and a depth of 152.05'.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Webb moved that the recommendation of the Zoning Commission be approved. Mrs. Dutmer seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

AN ORDINANCE 53,910

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 3, BLOCK 3, NCB 1495, LOT 10, BLOCK 2, NCB 1494, 111-114 CONNELLY STREET, FROM "C" APARTMENT DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

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Mayor Cisneros introduced Mr. Guich Koock, representing the coming "World's Fair in Luckenbach, Texas, who invited members of the City Council to this event, planned from June 27 through July 4, 1981.

Mr. Koock presented Mayor Cisneros with a gold-painted buffalo chip replica, emblematic of the coming event.

Mr. Eureste complimented Mr. Koock for his many accomplishments in the field of entertainment, and for representing Texas.

81-32 ZONING HEARINGS (Continued)

8. CASE 8496 - to rezone the west 25' of the north 90.34' of Lot 4 and the north 90' of Lot 5, and the south 10' of the west 150' of Lot 6, NCB 6523, 1016 Blanco Road, from "D" Apartment District to "O-1" Office District, located on the east side of Blanco Road, being 110.68' north of the intersection of Magnolia Avenue and Blanco Road, having 100' on Blanco Road and a maximum depth of 150'.

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

Mr. Anthony Guajardo, owner of the property in question, explained his requested rezoning, stating that Blanco Road in this area is heavily commercial.

Speaking in opposition, Mrs. Wilma Dolezal, 402 Faith Drive, owner of the property at 1028 Blanco Road, stated her concern that once the immediate area goes commercial, other businesses will follow.

In rebuttal, Mr. Guajardo noted that there are few feasible uses for the property in its present zoning and feels that office use is its best use. He spoke to having to pay taxes on the property as if it were already commercial in nature.

Mr. Archer noted that the City staff feels that the rezoning as requested would encourage more business to enter the area, and spoke against the rezoning request. He also stated that the proponent should not be taxed for commercial usage, if such usage is not allowed on the property.

Mr. Thompson moved to approve the change in rezoning. Mr. Alderete seconded the motion.

Mrs. Berriozabal spoke to efforts of the Alta Vista Association to improve the quality of life in this area.

After discussion, the motion failed to carry by the following vote: AYES: Dutmer, Wing, Thompson, Alderete, Cisneros; NAYS: Berriozabal, Webb, Eureste, Canavan, Archer, Hasslocher; ABSENT: None.

CASE 8496 was denied.

9. CASE 8477 - to rezone the south 75' of Lots 40, 41, 42, and 43, Block 3, NCB 7645, from "B" Two Family Residential District to "O-1" Office District and Lots 40, 41, 42, and 43, save and except the south 75', Block 3, NCB 7645, 1071-1075 Kendalia Avenue, from "B" Two Family Residential District to "B-3R" Restrictive Business

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District, located northeast of the cutback between I.H. 35 Expressway and Kendalia Avenue, having 200' on Kendalia Avenue, 194.21' on I.H. 35 Expressway and 11.43' on the cutback between I.H. 35 Expressway and Kendalia Avenue.

Mr. Andy Guerrero, Planning Administrator, explained the rezoning request, stating that of the notices mailed by the City staff, five were returned against and nine were returned in favor.

Mr. Robert Diaz De Leon, 5400 Callaghan Road, representing TriTech Engineering, spoke on behalf of the proponent who plans to construct a small retail center on the property. He explained the plans and displayed a diagram of the planned retail center. He stated that such a use would not cause additional traffic on Kendalia Avenue, since ingress and egress to the property would be via the expressway access roadway. He further stated that the property is not suited to residential usage.

Speaking in opposition, Mr. Ignacio Talamantez, 1074 Kendalia, spoke against the request, stating that he feels the property should remain residential. He stated that he fears other businesses might follow this intrusion into a residential area.

Mr. Jesus F. Serenil, 1058 Kendalia, spoke against the request.

Mr. Pablo Talamantez 1078 Kendalia, spoke against the request.

Mr. Jesse O. Mireles, 1066 Kendalia, spoke against the request and stated that he was willing to talk about something more suitable for the property.

In rebuttal, Mr. De Leon stated that he would be willing to discuss alternatives, and noted that adjacent neighbors to the subject property are in favor of the rezoning.

Mr. Wing spoke of a greenbelt area on the property and of the proponent's plans to attract a physician's office to the property. He stated that he had met with Mr. De Leon and neighbors and spoke to Mr. De Leon's pledge to do whatever is necessary to protect the neighbors. Mr. Wing spoke in favor of a proper business usage of the property, without hurting the neighbors.

Mr. Wing moved that the recommendation of the Zoning Commission be approved provided that a non-access easement and greenbelt is imposed along Kendalia Avenue and that a six foot solid screen fence is erected and maintained on the south and east property line. Mr. Alderete seconded the motion.

Mr. Webb spoke in support of the request.

Mr. Andy Guerrero, Planning Administrator, stated that it would require six Council affirmative votes to approve the rezoning.

A brief discussion then took place concerning current City requirements for fences on designated properties to be not only erected, but also maintained.

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

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AN ORDINANCE 53,911

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 75' OF LOTS 40, 41, 42, AND 43, BLOCK 3, NCB 7645, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT, AND LOTS 40, 41, 42, AND 43, SAVE AND EXCEPT THE SOUTH 75' BLOCK 3, NCB 7645, 1071-1075 KENDALIA AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT A NON-ACCESS EASEMENT AND GREENBELT IS IMPOSED ALONG KENDALIA AVENUE AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ON THE SOUTH AND EAST PROPERTY LINE.

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81-32 Mayor Cisneros was obliged to leave the meeting and Mayor Pro-Tem Van Archer presided.

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81-32 Item 10, Zoning Case 8500, was withdrawn from consideration.

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11. CASE 8507 - to rezone a 0.595 acre tract of land out of NCB 10780, being further described by field notes filed in the Office of the City Clerk, in the 3100 Block of S.E. Loop 410 Expressway, from "A" Single Family Residential District to "I-1" Light Industry District, located on the east side of S.E. Loop 410 Expressway being 210.52' south of the cutback between Sinclair Road and S.E. Loop 410 Expressway, having 305.08' on South E. Loop 410 Expressway and a depth of 88.23'.

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

No citizen appeared to speak in opposition.

After consideration, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished, if necessary. Mr. Webb seconded the motion. On roll call, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Hasslocher; NAYS: None; ABSENT: None.

AN ORDINANCE 53,912

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.595 ACRE TRACT OF LAND OUT OF NCB 10780, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK IN THE 3100 BLOCK OF S.E. LOOP 410 EXPRESSWAY FROM "A" SINGLE FAMILY RESIDENTIAL

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DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT,
PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED,
IF NECESSARY.

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81-32 2:30 P.M. - PUBLIC HEARING ON COMMUNITY DEVELOPMENT BLOCK
GRANT GRANTEE PERFORMANCE

Mayor Pro-Tem Archer read a brief statement on the subject of the Public Hearing and declared the Public Hearing open.

Mr. Rick Greene, Vice -President of Organizations United for Eastside Development, spoke to the Community Development Block Grant 7th Year Program, noting that many things had improved for San Antonio in the past few years as far as CDBG funding was concerned. He then spoke to priorities of needs for CDBG funds, noting that local citizens know better than do federal officials from out of town, which projects and programs are needed for San Antonio. He then spoke to funding needs of programs for the children and the elderly, and stated that he feels that there is a need for periodic status reports on progress of CDBG projects. He also stated his feeling that the City should continue funding of CDBG projects already underway and on the books, and thanked the City Budget and Research Department staff for their cooperation. Finally, Mr. Greene spoke to equity in CDBG funding.

Mrs. Gloria M. Reyes spoke to concerns for drainage in portions of the City's south side.

In response to a question by Mr. Webb, Ms. Rhea Korsch, Community Development Coordinator with the Budget and Research Department, stated that she would check to see if the south side area in question is included in CDBG funding, by census tract.

Mayor Pro-Tem Archer declared the Public Hearing closed.

81-32 3:00 P.M. PUBLIC HEARING-CHANGE OF TAX AND FISCAL YEARS

Mayor Cisneros declared the Public Hearing open to consider an Ordinance changing the City tax and fiscal (budget) years, and read a statement outlining details of the proposed changes. Mayor Cisneros stated that no citizens had registered to speak on the matter, then declared the Public Hearing closed.

81-32 The City Clerk then read the following Ordinance:

AN ORDINANCE 53,913

RELATING TO CHANGES IN THE CITY TAX
AND FISCAL (BUDGET) YEARS.

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

On roll call, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Thompson, Alderete, Canavan, Archer, Hasslocher; NAYS: ABSENT: Eureste, Cisneros.

81-32 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Hasslocher; NAYS: None; ABSENT: Eureste, Cisneros.

AN ORDINANCE 53, 914

APPROVING THE PRICE AND CONDITIONS OF THE SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF PARCEL 1-2B, CONTAINING APPROXIMATELY 26,250 SQUARE FEET, LOCATED WITHIN THE VISTA VERDE SOUTH URBAN DEVELOPMENT ACTION GRANT PROJECT TO TOUDOUZE DEVELOPMENT CORPORATION FOR THE SUM OF \$136,000.00

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CONTAINING APPROXIMATELY 26,250 SQUARE FEET, LOCATED WITHIN THE VISTA VERDE SOUTH URBAN DEVELOPMENT ACTION GRANT PROJECT TO TOUDOUZE DEVELOPMENT CORPORATION FOR THE SUM OF \$136,000.00.

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AN ORDINANCE 53,915

AUTHORIZING EXECUTION OF FIELD ALTERATION NO. 3 IN THE SUM OF \$7,112.62 TO THE CONTRACT FOR THE CORTEZ BRANCH LIBRARY; REVISING THE PROJECT BUDGET; AND AUTHORIZING PAYMENT.

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81-32 The Clerk read the following Ordinance:

AN ORDINANCE 53,916

ACCEPTING A GRANT IN THE AMOUNT OF \$20,072,000 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AGREEING TO COMPLY WITH ASSURANCES; CREATING PERSONNEL POSITIONS AND PAY RANGES; AUTHORIZING EXECUTION OF SUB-CONTRACTS WITH OPERATING AGENCIES; AND ESTABLISHING ACCOUNTS, FUNDS, AND AREAS OF RESPONSIBILITY FOR MONITORING PROJECTS.

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

Noting the anticipated cutbacks in Community Development funding to cities, Mr. Webb asked for information on how the possible cutbacks would affect the City's affirmative action plan.

City Manager, Thomas E. Huebner stated that the City has tried to shrink the funded payrolls by attrition so that no mass layoffs would be necessary in September, if major cutbacks are announced. He stated that he would report to the Council on the matter.

Mr. Wing spoke in favor of completing partially-funded projects now underway, in order to see them to fruition, especially drainage and street repair in older sections of the City.

Mr. Huebner spoke to the implications of funneling CDBG funds through the states, rather than making them direct grants to the cities. He stated his belief that the administration in Washington D.c. apparently plans to eliminate the federal/city direct relationships in this area.

Mr. Thompson spoke to possible changes in CDBG 7th year funding, as compared to 6th year funding.

Ms. Korsch stated that this would be no major problem to the larger cities. She further stated that this Ordinance under consideration today is San Antonio's 7th year funding, prepared and approved by HUD already.

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In response to a question by Mr. Webb, Ms. Korsch stated that San Antonio is receiving exactly what it had asked for, some \$20 million for projects approved some time ago.

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

81-32 The Clerk read the following Ordinance:

AN ORDINANCE 53,917

AUTHORIZING THE RENEWAL OF COMPREHENSIVE AUTOMOBILE LIABILITY INSURANCE AND BASIC AND EXCESS AMBULANCE ATTENDANTS ERRORS AND OMISSIONS (MALPRACTICE) INSURANCE COVERING THE PERSONNEL, VEHICLES, AND OPERATIONS OF THE EMERGENCY MEDICAL SERVICES DIVISION.

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

In response to a question by Mr. Hasslocher, Ms. Jane Macon, City Attorney, stated that the City has not had any malpractice lawsuits filed against it last year as a result of EMS operations.

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

81-32 The following Ordinance was read by the Clerk and after consideration, on motion of Mrs. Dutmer and seconded by Mr. Webb, was passed and approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Archer, Hasslocher; NAYS: None; ABSENT: Eureste, Canavan, Cisneros.

AN ORDINANCE 53,918

MAKING AND MANIFESTING AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND H.E. BUTT GROCERY COMPANY, AUTHORIZING H.E. BUTT GROCERY COMPANY TO CONSTRUCT IMPROVEMENTS WITHIN A PORTION OF AN EXISTING DRAINAGE EASEMENT BETWEEN LOT 4 NEW CITY BLOCK 13631, AND LOT 1-21, NEW CITY BLOCK 13797, CITY OF SAN ANTONIO BEXAR COUNTY, TEXAS; AUTHORIZING THE RELEASE AND QUITCLAIM OF A PORTION OF A SIXTEEN FOOT WIDE UTILITY EASEMENT IN NEW CITY BLOCK 13797 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID QUITCLAIM DEED.

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81-32 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Hasslocher; NAYS: None; ABSENT: Eureste, Cisneros.

AN ORDINANCE 53,919

AUTHORIZING SUBMISSION OF AN APPLICATION FOR ONE (1) GRANT TOTALING \$240,830.00 TO THE ENVIRONMENTAL PROTECTION AGENCY THROUGH THE TEXAS DEPARTMENT OF HUMAN RESOURCES FOR THE STEP 2 DESIGN AND PROJECT MANAGEMENT, CATEGORY NO. 4, PACKAGE "I" OF THE COLLECTION SYSTEM IMPROVEMENTS PHASE OF THE WASTEWATER FACILITIES IMPROVEMENTS PROGRAM; AUTHORIZING A CONTRIBUTION OF \$117,143.00 FROM 1980 SEWER REVENUE BONDS; AMENDING THE PROJECT BUDGET; AND AUTHORIZING A PROFESSIONAL SERVICES CONTRACT.

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AN ORDINANCE 53,920

AUTHORIZING THE CLOSING OF CERTAIN PORTIONS OF WEST ELSMERE AVENUE DURING SPECIFIC HOURS.

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81-32 The Clerk read the following Ordinance:

AN ORDINANCE 53,921

GRANTING AN EASEMENT TO FIRST INTERNATIONAL PLAZA PARTNERS RELATING TO A SUB-SURFACE EASEMENT ON PUBLIC RIGHT OF WAY ADJACENT TO NEW CITY BLOCK 410; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID EASEMENT.

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

In response to a question by Mr. Thompson as to whether this was an inadvertent encroachment, Mr. Frank Kiobassa, Director of Public Works, stated that the error was found in the final engineering plans.

At this point, Mayor Cisneros returned to the meeting and presided.

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

81-32 The Clerk read the following Resolution:

A RESOLUTION
NO. 81-32-60

URGING PRESIDENT REAGAN AND MEMBERS OF CONGRESS TO REAUTHORIZE THE VOTING RIGHTS ACT.

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Mrs. Berriozabal moved to approve the Resolution. Mr. Alderete seconded the motion.

Mrs. Berriozabal explained the details of the proposed Resolution and stated that in her opinion, a number of persons presently on the Council probably would not be there, were it not for the Voting Rights Act. She then asked the City Clerk to read the entire Resolution.

Mr. Webb spoke in support of the Resolution.

Mr. Hasslocher stated that President Reagan has asked the Attorney General to study and report on the Voting Rights Act.

Mayor Cisneros spoke in support of the Resolution, stating that San Antonio has made great progress in recent years, principally because the City has not diluted its strengths by political dissention. He stated his belief that districting of the City Council has not hurt the City's economic progress, and that fairness in government and the political process has contributed to this, reinforced by the Voting Rights Act.

Mr. Wing stated that he agreed with the Resolution in principle, but felt that the Council should be addressing more urgent matters. He stated his belief that minorities would have made good progress in San Antonio, Voting Rights Act or not, and detailed several individual cases of such progress.

Mr. Thompson stated that the Voting Rights Act was instrumental in achieving openness in government, but spoke against several individual provisions of the Resolution.

Mrs. Berriozabal stated that she wrote the Resolution herself, relying in part on the expertise of several other individuals prominent in this area.

Mr. Thompson then spoke of intimidation by the Justice Department in bringing the Voting Rights Act to bear here in San Antonio, to bring single-member districts to the City.

Mrs. Dutmer spoke to the qualifications of Mayor Cisneros that contributed to his election as Mayor by the vote of all the voters of San Antonio, noting that single-member districting did not affect this at-large race.

Mr. Eureste stated his belief that should single-member districting be overturned in San Antonio, some faces on the City Council would change. He stated his belief that the Voting Rights Act brought single-member districting to San Antonio to the benefit of representation for all areas of the City, and he spoke to the concept of equitable representation in government. He took issue with the statement made that this Resolution is not within the City Council's domain. He further stated that the Voting Rights Act deals with fairness and provides for equity in government.

Mr. Canavan stated his concern with a statement in the Resolution dealing with the phrase: "as it is presently written".

Mr. Canavan then made a motion to amend the main motion to delete this phrase. Mr. Eureste seconded the motion.

Mr. Joaquin Avila, representing the Mexican-American Legal Defense and Education Fund, stated that the Voting Rights Act still is needed in Texas, since some voting discrimination still exists in parts of the State. He provided the Clerk with a 72-page document outlining alleged voter discrimination in Texas, and asked that this documentation be made a part of the official record of this meeting. He then spoke to a voting incident in Alice, in Jim Wells County,

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dealing with the makeup of the County Commissioners Court there, and noted that the Justice Department had objected to a planned election for new commissioners in 1977, under the Voting Rights Act, and in fact, no election has been held since. He spoke to Section 5 of the Voting Rights Act, the pre-clearance provision, stating that this section is a remedy in this area to voting rights discrimination, and he then addressed the constitutionality of this section, should the Voting Rights Act be made nationwide.

Mr. Archer stated his belief that the Voting Rights Act is a punitive measure in Texas, and spoke of his own involvement as a litigant some years ago, seeking districting in Texas political areas at that time.

In response to question by Mr. Thompson, Mr. Avila stated his belief that the Voting Rights Act still is needed in San Antonio. He then spoke to the upcoming redistricting effort in San Antonio and noted that he believes it important for the City Council to go on record in support of the Voting Rights Act.

Mrs. Dutmer spoke against San Antonio becoming involved in a question that is clearly one of federal jurisdiction.

Dr. Cisneros spoke to the matter being a valid question.

On roll call, the amendment to the main motion prevailed by the following vote: AYES: Berriozabal, Webb, Eureste, Alderete, Canavan, Archer, Hasslocher, Cisneros; NAYS: Wing; ABSTAIN: Dutmer, Thompson; ABSENT: None.

The main motion as amended carried by the following vote: AYES: Berriozabal, Webb, Eureste, Alderete, Canavan, Hasslocher, Cisneros; NAYS: Dutmer, Wing, Archer; ABSTAIN: Thompson; ABSENT: None.

81-32 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Hasslocher, seconded by Mr. Webb, was passed and approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Eureste.

AN ORDINANCE 53,922

AUTHORIZING PAYMENT OF THE SUM OF ELEVEN THOUSAND, ONE HUNDRED DOLLARS (\$11,100) IN FULL AND FINAL SETTLEMENT OF CAUSE #75-CI-10143, STYLED MATIANA LOPEZ VS. CITY OF SAN ANTONIO.

* * * *

81-32 The following Resolution was read by the Clerk and after consideration, on motion of Mr. Webb, seconded by Mrs. Dutmer, was passed and approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Canavan, Hasslocher, Cisneros; NAYS: Archer; ABSENT: Eureste.

A RESOLUTION
NO. 81-32-61

AUTHORIZING AND EXPRESSING THE INTENT AND APPROVAL OF THE CITY COUNCIL FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR STEARNS & FOSTER.

* * * *

81-32 Mayor Cisneros was obliged to leave the meeting and Mayor Pro-Tem Archer presided.

81-32 The Clerk read the following Ordinance:

AN ORDINANCE 53,923

AUTHORIZING EXECUTION OF A FIVE YEAR
LEASE WITH PARENT-CHILD, INCORPORATED
FOR LEASE OF A PORTION OF THE FORMER
ST. JOHN BERCHMAN PROPERTY KNOWN AS
911 WEST HARRIMAN FOR USE AS A CHILD
DAY CARE CENTER.

* * * *

Mr. Wing moved to approve the Ordinance. Mr. Webb seconded the motion.

Mr Thompson spoke in favor of a five-year committment for the lease of this building.

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

81-23 Mayor Cisneros returned to the meeting and presided.

81-32 FREE TRADE ZONE

Mr, Hasslocher spoke to his belief that there is a great future for a Free Trade Zone in San Antonio and briefed the Council on a recent trip to inspect the Free Trade Zone operations in McAllen and plans to visit a similar operation in Kansas City soon.

81-32 COUNCIL WORK SESSION

Mayor Cisneros reminded members of the Council regarding the work session at the Commanders House in the old Arsenal area on Monday evening, next.

81-32 HISTORIC PRESERVATION

Mr. Eureste asked the City Manager's staff to provide the Council with information concerning the recent suspension of City Historic Preservation Officer, Patricia Osborne. He asked the Council to look into the possibility of reassessing the status of the Historic Preservation Office, with an eye perhaps to restructuring it from civil service status to operations on a contract basis. He then spoke to his belief that the Historic Preservation Officer has the responsibility to speak to all matters of historic preservation, and stated his belief that this office performs a good job.

Mayor Cisneros stated that this was a personnel matter, and asked the City Manager to brief the Council on this in executive session, since it involved personnel. He further stated that the

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Council has the prerogative to seek the change of the Historic Preservation Office status, if it wishes.

Mr. Huebner stated that the Historic Preservation Office reports to the Building Inspections Department, not the City Manager directly, and spoke to the historical significance of a number of current City projects, such as the Alamo/Plaza River Linkage and the historic discoveries made in connection with its work. He also spoke to the cooperation between the City's Historic Preservation Office and the state's similar office.

Mrs. Dutmer spoke to newspaper reports concerning events that led to and followed the suspension of the Historic Preservation Officer, and stated her belief that the Historic Preservation Officer's immediate supervisor should apologize for those remarks.

Mayor Cisneros stated that personnel matters are outside the province of the City Council, and rest with the City Manager.

Mr. Huebner stated that in relation to newspaper reports of comments allegedly made by the supervisor that he did not condone such action, and would instruct Assistant City Manager, Mr. Rolando Bono to speak with the department head concerned when he returned from vacation and take appropriate action, if needed.

Mr. Webb spoke to his objections to the 10-day suspension handed down in this matter, and then spoke to the City losing well-qualified people from municipal jobs, including some department heads.

A brief discussion then ensued relative to the background of the City's Historic Preservation Office, its funding about 1975 under the municipal civil service structure, and the role played in that formation by then-Mayor Lila Cockrell.

Mr. Eureste asked that a report be made of the matter perhaps at next week's "A" Session as to the responsibilities of the Historic Preservation Office.

City Manager, Thomas E. Huebner stated that he would render such a report, but would need about two weeks to do so.

Mayor Cisneros stated that the matter should be brought up to the Council's Policy and Planning Objectives Committee as soon as possible.

Mr. Eureste then made a motion that the matter of the Historic Preservation Officer, her duties and responsibilities be scheduled by the Council's Policies and Planning Objectives Committee for a near-future "B" session agenda. Mr. Webb seconded the motion. On roll call, the motion carried by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

81-32 The meeting was recessed at 4:45 P.M. and reconvened at 5:00 P.M.

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CITIZENS TO BE HEARD

BETHEL NEIGHBORHOOD COUNCIL

Mr. Zarita Latham, 227 S. Acme stated that she has two children enrolled in Bethel Day Care Center. She stated that she is presently working due to the care of her children at this center, however, if the Bethel Day Care Center is closed, she will have to quit work. She urged the City Council to provide the necessary funding to keep the Center in operation.

Mrs. Theresa Cameron stated that Texas Department of Human Resources funds are being cut at the Bethel Day Care Center and spoke about the worthwhile activities at the Center which will be affected if funds are not provided. She stated that the local government must make up the deficit.

Reverend L.A. Walker, 227 Acme Road, stated that Bethel Day Care Center has been cut by \$87,000 and stated that the Center cannot continue to operate without help from the City. In response to Mayor Cisneros' question, Reverend Walker stated that they have received approximately \$30,000 a year in local monies for the past six years. He stated that they will have to close their doors if local money is not forthcoming.

Deputy City Manager, Louis Fox, referred to a report by Mr. William Donahue, Director of Human Resources and Services, regarding the Bethel Day Care Center, which is on file with the minutes of this meeting. He suggested that Mr. Donahue ~~meet with~~ the group to discuss this matter.

Councilman Thompson stated that he has personally visited with Reverend Walker and the children at the Center. He commended Rev. Walker for his efforts in this area. He urged the Council to look favorably on the request of Rev. Walker and stated that the City should commit the necessary \$65,000 for an eight month period. Mr. Webb seconded the motion.

Deputy City Manager Fox suggested that the City staff meet with the Texas Department of Human Resources to discuss the impact of the proposed cuts prior to any formal action by the City.

Mr. Eureste stated that he prefers an amount to cover a three month period, that is \$32,500 until the next fiscal year which would include the additional amount.

Mayor Cisneros expressed his concern about funding into the next budget and would be more amenable to look favorably on interim funding. He stated that he wants to give the staff an opportunity to discuss the issue with the Texas Department of Human Resources, and if within a week it cannot be resolved, then he would favor the interim funding.

Councilman Hasslocher stated that while he is not insensitive to the problems of Bethel Day Care Center, he cannot commit the City Council through the next fiscal year.

Mrs. Dutmer concurred with statements made by the Mayor and gave her assurances that the operation at the Bethel Day Care Center will continue.

Mr. Canavan stated that pro-rating this amount; it would be \$24,375.00 for the interim period.

Mrs. Dutmer made a motion to suspend the rules and allow Council members to speak longer than three minutes. Mr. Webb seconded the motion. On roll call, the motion carried by the following vote: AYES: Berriozabal Webb, Dutmer, Wing, Thompson, Canavan, Hasslocher, Cisneros; NAYS: None; ABSENT: Eureste, Alderete, Archer.

Ms. Berriozabal spoke in favor of funding for the Bethel Day Care Center.

Mr. Eureste then made a motion to amend the original motion by making City money available if discussion with the Texas Department of Human Resources proved unsuccessful. Mr. Thompson seconded the motion.

Mr. Canavan expressed concern about day care centers throughout the City which need funding and the City is unable to commit to all of them.

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

At this point, Mrs. Dutmer made a substitute motion to place the item on the agenda for next week. Mr. Canavan seconded the motion. The motion carried by the following vote: AYES: Berriozabal, Webb, Dutmer, Eureste, Thompson, Alderete, Canavan, Hasslocher, Cisneros; NAYS: Wing; ABSENT: Archer.

EASTER ORDINANCE

Mrs. Carol Fields presented copies of Ordinances in some cities that deal with the sale of live animals. She urged the City Council to approve a similar ordinance to prevent cruelty to animals.

Mrs. Paula Moore, President of Man and Beast, Inc., also spoke in support of the ordinance which they feel results in cruelty to such animals as baby chicks, ducks and rabbits especially during the Easter season.

Mrs. Ruth Carter spoke in support of this proposed ordinance and gave specific instances of cruelty to animals.

Mrs. Gloria Barke, 12915 Kings Forest also spoke in support of the Ordinance.

Mr. Alderete asked if staff could investigate the sample Ordinance to see if such an ordinance could be implemented in San Antonio. He then moved that staff prepare a report and a proposed ordinance on the issue of selling live animals and that it be placed on the agenda in 30 days. Mr. Thompson seconded the motion. He also asked that the Animal Control Advisory Committee be asked for input.

Deputy City Manager, Louis Fox, stated that a memo has been prepared by the City Attorney's Office and an ordinance could be drafted within a 30 day period.

Mr. Eureste stated that he will vote against the motion and stated that he has more problems with larger-type animals.

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

MR. RICK GREENE

Mr. Greene, Vice President of O.U.E.D., stated that the Police Department has been investigating their organization and they deeply resent it. He asked what authority does the Police Department have in conducting this type of activity.

Mayor Cisneros stated that a report has already been called for by previous Council action.

Deputy City Manager, Louis Fox, stated that this issue will be discussed in detail in a future "B" Session.

Mr. Greene also asked if this falls under the Freedom of Information Act and if so, they want to see these files. He also stated that the recruitment effort should be placed under the City's structure under the Personnel Department. He stated that the Police Department has not lived up to the Affirmative Action Policy of the City.

Mr. Alderete asked if the records the Police Department has compiled is open for Council's inspection.

Mr. Louis Garcia, Chief Prosecutor, stated that these records come under the Primary Act and are not open to the Council's inspection.

Deputy City Manager, Mr. Fox stated that a report is being prepared for the Attorney General's opinion on this issue.

Mr. Alderete took issue with the City Council not having access to these files.

City Manager, Thomas E. Huebner stated that he has never asked to see the intelligence file of the Police Department. He stated that the Intelligence Division is basically involved in monitoring and surveillance of organized crime or organizations working for the overflow of the United States Government.

Mr. Alderete asked why O.U.E.D. is being put under surveillance.

City Manager, Huebner stated that proper investigations cannot be conducted if the files are allowed to be viewed by the public. He stated that the report will cover the questions brought up by Councilman Alderete.

Mr. Eureste stated that he objected to photographs being taken of the participants of the Hector Santoscoy Demonstration. He stated that the City Council will never know which files were maintained by the Police Department. He stated that he objects to the operation of Police photographs without a clear-cut policy from the City Council. He moved to have this type of activity suspended until the Council has an opportunity to discuss a clear-cut policy. Mr. Webb seconded the motion.

Ms. Berriozabal stated that she knows that her picture was taken at the Hector Santoscoy Demonstration.

In response to Ms. Berriozabal, City Manager, Thomas E. Huebner stated that the Intelligence Section has been in existence for 15-20 years.

Mr. Hasslocher stated that it could be other agencies also carrying out the surveillance.

On roll call, the motion failed to carry by the following vote:
AYES: Berriozabal, Webb, Eureste, Alderete; NAYS: Wing, Thompson, Canavan, Archer, Hasslocher, Cisneros; ABSENT: Dutmer.

MR. TOM BRERETON

Mr. Brereton, representing the River Road Neighborhood Association, spoke about the proposed plans of the San Antonio Independent School District to sell surplus parcels of land. He stated that he would like the City to implement the Brackenridge Master Plan which would utilize this area. He stated that the land as it is now, in its present unkept condition, is a nuisance to the neighborhood. He asked the City to work with the River Road Neighborhood Association on this issue.

In response to Dr. Cisneros, Mr. Ron Darner, Director of Parks and Recreation, stated that he will handle this issue.

Mayor Cisneros asked Mr. Brereton to discuss the issue with Mr. Darner.

Mr. Van Archer stated that he will also be glad to meet with Mr. Brereton and discuss this matter.

Mr. Eureste stated that the School Board will want to reach a compromise with the City on this issue. He also spoke about his efforts in supporting the Master Plan.

There being no further business to come before the Council, the meeting was adjourned at 7:20 P.M.

A P P R O V E D

Henry Cisneros
M A Y O R

ATTEST:

Norma S. Rodriguez
C i t y C l e r k