

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, AUGUST 18, 1983.

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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, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, HARRINGTON, ARCHER, HASSLOCHER, CISNEROS. Absent: WEBB.

83-39 The invocation was given by Rev. John D. Payne, Bellaire Baptist Church.

83-39 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

83-39 MAYOR OF AUSTIN

Mayor Cisneros introduced Mr. Ron Mullen, new Mayor of the City of Austin, Texas, present in the audience, and noted that Austin is one of the fastest-growing cities in the nation, rated fastest-growing in Texas and third fastest-growing in the United States. He then spoke of the role which Mayor Mullen has played in attracting major new high-technology industries and businesses to Austin, including one large firm in recent weeks. Mayor Cisneros also noted that Mayor Mullen is a native San Antonian and a former San Antonio police officer, who currently is in San Antonio to discuss the "Austin-San Antonio Corridor Council". He then commented on the possibilities for such an organization.

Mayor Cisneros and the members of the City Council then offered individual congratulations to Mayor Mullen, and presented him with an official City book and tie.

Mayor Cisneros then read a Proclamation, making Mayor Mullen an Alcalde of La Villita, and presented it to Mayor Mullen.

Mayor Mullen thanked the Mayor and City Council for the honor, and spoke of the cooperation between the cities of Austin and San Antonio. He also noted that Mayor Cisneros, after San Antonio had lost in the bidding for the major high-technology firm seeking relocation to Texas some weeks ago, played a major role in Austin's successful request for location of the firm in that city.

Mayor Cisneros noted that the Austin-San Antonio corridor contains some 2 million persons.

83-39 RICHARD FRANKLIN, HENRY THOMAS

Mayor Cisneros introduced Mr. Richard Franklin, Director of the motion picture "Cloak and Dagger", now being filmed in San Antonio and young actor Henry Thomas of San Antonio, star of the motion picture "E.T.", both of whom were present in the audience.

Mayor Cisneros presented a Proclamation to Mr. Franklin, making him an Alcalde of La Villita. He then presented a Citation to Mr. Thomas for his work in the motion picture, along with a special San Antonio belt buckle. Mayor Cisneros congratulated both on their many accomplishments, and introduced Thomas' mother, present in the audience, praising her for protecting her son from undue pressures and publicity in order that he might lead a normal life.

Both Mr. Franklin and Mr. Thomas thanked the Mayor and Council for the honors.

83-39

DR. VOLKER HASSEMER

Mayor Cisneros introduced Dr. Volker Hassemer, Senator for Cultural Affairs, City of Berlin, Germany, present in the audience today, and presented him with a Proclamation making him an Alcalde of La Villita and with an official City tie.

Dr. Hassemer spoke briefly of his present visit to San Antonio, and stated his pleasure that the people here are very friendly. He expressed his desire to return, perhaps with the Berlin Opera next year, and invited the City Council members to visit Berlin. Dr. Hassemer then gave a brief outline of his position and duties as Senator for Cultural Affairs of Berlin.

Mayor Cisneros spoke of the importance of West Germany.

83-39

JULIE MOON

Ms. Moon spoke of the work involved by a number of jazz musicians in San Antonio and of their part in the production of a record album of jazz music here, identifying the various jazz musicians by name. She then presented an album to Mayor Cisneros as a gift to the City of San Antonio, and spoke of her desire that perhaps the City could make some use of the album and its music in publicizing San Antonio.

Mayor Cisneros thanked her, on behalf of the City Council, for the gift album.

83-39

JOB FAIR

Several representatives of the San Pedro Hills Lions Club, United San Antonio and the San Antonio Personnel Management Association spoke of the background of the Job Fair, in its second year, and their hopes for it to become an annual event. Members of the City Council were invited to participate in the August 22-23 event.

83-39

DOWNTOWN CLEANUP

Mayor Cisneros took note of the many young people participating this week in the "San Antonio, All-American City Downtown Cleanup" campaign, and singled out the San Antonio Neighborhood Youth Organization (SANYO) for their contributions to the event. Members of the City Council individually congratulated the participants.

Ms. Berriozabal stated that a number of downtown business persons had complimented the young people for their work and their example, and she thanked the firms involved in sponsoring the event.

Mr. Thompson thanked the young people and their leaders and spoke of their hard work.

SOUTH FLORES STREET CONSTRUCTION

Mr. Wing introduced Mr. Dan Reagles, Fiesta Food Market, for his comments on problems encountered in reconstruction of South Flores Street.

Mr. Reagles stated that the construction work is adversely affecting businesses in the area, noting that the street has been under construction for some nine months now, and totally closed to all traffic in some areas for eight months. He then presented the names of some of the firms affected by the street closure, in the form of a petition signed by 45 firm representatives.

Mr. Wing asked if something might be done to perhaps remove the street barricades between Southcross Boulevard and Sayers Avenue in order for traffic to reach the businesses in that area. He stated his belief that there is no reason for the barricades to fully bar traffic from the area when the contractor is not working in that segment. He further stated that some 42 businesses are adversely affected by the closure.

Mr. Joe Aceves, Assistant Director of Public Works, stated that his staff would check into the matter and determine what, if anything, can be done.

83-39 CONSENT AGENDA

Mr. Hasslocher moved that items 6-14 constituting the consent agenda be approved with the exception of items 6 and 8 to be pulled for individual consideration. Mr. Harrington seconded the motion.

On voice vote, the motion carrying with it the passage of the following Ordinances prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros. NAYS: None. ABSENT: Webb.

AN ORDINANCE 57,433

ACCEPTING THE BID OF SHAFER PLUMBING AND HEATING, INC. IN THE AMOUNT OF \$390,624.35 FOR CONSTRUCTION OF THE OLMOS PARK TERRACE SEWER RECONSTRUCTION PHASE I, AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 57,434

ACCEPTING THE BID OF ALLAN CONSTRUCTION CO, INC., IN THE AMOUNT OF \$176,440.40 FOR CONSTRUCTION OF FAIRMEADOWS STREET FROM PALM BEACH TO SOMERSET ROAD, AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 57,435

APPROVING FIELD ALTERATION NO. 4 IN THE AMOUNT OF \$22,594.00 TO THE CONTRACT FOR THE PACIFIC DRAINAGE PROJECT (ADJUSTING RETAINING WALLS, FENCES AND GATES ASSOCIATED WITH LOWERING OF THE GRADE OF SOUTH FLORES STREET), AND APPROVING AN ADDITIONAL \$50,000.00 CONSTRUCTION CONTINGENCY ACCOUNT.

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AN ORDINANCE 57,436

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

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AN ORDINANCE 57,437

APPROVING PURCHASE OF A \$1,000,000 PUBLIC OFFICIALS BOND FOR THE DIRECTOR OF FINANCE IN ACCORDANCE WITH THE RECOMMENDATION OF THE CITY'S AUDITING FIRM FOR A COST OF \$3,500.00.

* * * *

AN ORDINANCE 57,438

CLOSING AND ABANDONING A PORTION OF SLOCUM PLACE, BETWEEN NEW CITY BLOCKS 778 AND 786, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A QUITCLAIM DEED TO ALAMO WELDING AND BOILER WORKS, INC., ADJACENT OWNER, FOR A CONSIDERATION OF \$6,600.00.

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AN ORDINANCE 57,439

AUTHORIZING SUBMISSION OF AN APPLICATION TO THE PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO CONTINUE THE CHILDHOOD IMMUNIZATION MAINTENANCE PROJECT FOR THE PERIOD JANUARY 1, 1984 TO DECEMBER 31, 1984.

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83-39 The Clerk read the following Ordinance:

AN ORDINANCE 57,440

ACCEPTING THE BIDS OF VARIOUS COMPANIES FOR FURNISHING THE CITY OF SAN ANTONIO WITH MATERIALS AND SERVICES ON AN ANNUAL CONTRACT BASIS.

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Mr. Hasslocher moved to approve the Ordinance. Mr. Harrington seconded the motion.

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

83-39 The Clerk read the following Ordinance:

AN ORDINANCE 57,441

ACCEPTING THE BID OF E-Z BEL CONSTRUCTION CO., INC. FOR CONSTRUCTION OF FOUR-FOOT SIDEWALKS ON VARIOUS STREETS AND PROVIDING FOR PAYMENT.

* * * *

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

Ms. Berriozabal stated that this firm has left large amounts of dirt across sidewalks in District 1 on another construction project there in the past.

Mr. Joe Aceves, Assistant Director of Public Works, stated that his staff would watch this matter on this project.

A brief discussion then took place concerning funding sources for sidewalk projects.

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

ZONING HEARINGS

15. CASE 283259 - to rezone a 1.93 acre tract of land out of NCB 11620, being further described by field notes filed in the Office of the City Clerk, at 7115 Callaghan Road, from "A" Single-Family Residence District to "R-1" One-Family Residence District, located north of the intersection of Greensboro Drive and Callaghan Road, having 301.85' on Greensboro Drive and 274.73' on Callaghan Road.

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

Mr. Andy Guerrero, Planner II, stated that because of the opposition involved in this case, nine affirmative votes of City Council would be required to change the zoning.

Mr. Malcolm Hartman, 202 Grove Place, displayed a rendering of the proposed plat and spoke of plans to subdivide the former Ayers estate, providing details of that plan. He further stated that he wanted to preserve the Ayers home as part of the overall plan for development of the property.

Dr. Edna M. Spillar, 4006 Greensboro, stated that the Zoning Commission refused to allow the proponents ingress and egress from Callaghan Road, and therefore any such ingress and egress must be from Greensboro in front of her property. She stated that she fears a large increase in traffic from this.

Mr. Reagan Tucker, 7139 Callaghan Road, stated his belief that the proposed plans are not in keeping with the remainder of the neighborhood, since most other lots are very large. He presented the City Council with a petition containing 61 signatures of persons in opposition to the rezoning, and also distributed to Council a series of photographs of the immediate area and its homes.

Mr. George Wechsler, 7206 Westboro, stated his opinion that heavy traffic will be created by the proposed development, and spoke against it.

Mr. Hartman, in rebuttal, stated that the property will be subdivided, no matter what the disposition of the zoning case, since the prevailing zoning allows this, but will not allow the planned development which would retain the Ayers home. He stated that Callaghan Road already carries heavy traffic, and noted that his proposed redevelopment would retain the single-family residential character of the immediate neighborhood.

In response to a question by Ms. Berriozabal, Mr. Tucker discussed the proposed redevelopment, and how many homes would be allowed with and without the rezoning. He spoke against having seven new homes on that property.

Mrs. Scotty Cloudt, 4203 Sylvan Oaks, spoke in favor of the proposal.

A discussion took place concerning the proposed plat plan, traffic patterns and home dimensions planned.

In response to a question by Ms. Berriozabal, Mr. Guerrero stated that up to 10 new homes could be built on the property under present zoning, provided the Ayers home is removed first to allow full utilization of the land.

Mr. Harrington stated his opinion that the project was a good one, but nevertheless would change the character of the neighborhood. He spoke against its enactment.

Mr. Harrington moved that the recommendation of the Zoning Commission be denied. Mr. Thompson seconded the motion.

Mr. Eureste spoke in favor of the proposal, stating that it would not damage the neighborhood.

After consideration, the motion to deny the recommendation of the Zoning Commission prevailed by the following vote: AYES: Berriozabal, Thompson, Harrington, Archer, Hasslocher, Cisneros. NAYS: Dutmer, Wing, Eureste. ABSENT: Webb, Alderete.

Case Z83259 was denied.

16. CASE Z83241 - to rezone Lot 19, NCB 11887, 131-137 West Sunset Road, from "A" Single-Family Residence District to "B-2" Business District, located on the north side of West Sunset Road, being 345' east of the intersection of West Sunset Road and Broadway, having 145.2' on Sunset Road and a depth of 300'.

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

No citizen appeared to speak in opposition.

Mr. Andy Guerrero, Planner II, stated that nine affirmative votes of City Council would be required to approve the requested rezoning to "B-3".

In response to a question by Mr. Archer, Mr. Guerrero stated that City staff could support a change of zoning on this property to B-2.

After consideration, Mr. Archer moved that the recommendation of the Zoning Commission be denied, and "B-2" Business District zoning be approved on the subject property, provided that proper access and off-street parking are provided, and that five feet of right-of-way is dedicated along Sunset Road. Mr. Hasslocher seconded the motion. On voice vote, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros. NAYS: None. ABSENT: Webb.

AN ORDINANCE 57,442

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 19, NCB 11887, 131-137 SUNSET ROAD, FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER ACCESS AND OFF-STREET PARKING ARE PROVIDED, AND THAT FIVE FEET OF RIGHT-OF-WAY IS DEDICATED ALONG SUNSET ROAD.

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17. CASE Z83265 - for the removal of a requirement imposed by Ordinance No. 57159, dated June 23, 1983 which required that a 25' building setback be imposed along McKinley Avenue, and in lieu thereof impose a 15' setback from the property line with landscaping, on Lot 16, NCB 6505, in the 2400 block of South Hackberry Street, located southwest of the intersection of McKinley Avenue and Hackberry Street, having 142' on South Hackberry Street and 786.94' on McKinley Avenue.

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.

Mrs. Dutmer explained that when the Ordinance originally was passed, there was some confusion about the desired setback requirements, and she then discussed the building setback requirements requested and agreed to.

After consideration, Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved, and in lieu thereof impose a 15' building setback from the property line with landscaping. Mr. Harrington seconded the motion. On voice vote, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Wing, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros. NAYS: None. ABSTAIN: Dutmer. ABSENT: Webb, Eureste.

AN ORDINANCE 57,443

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 16, NCB 6505, IN THE 2400 BLOCK OF SOUTH HACKBERRY STREET, BY REMOVING A REQUIREMENT IMPOSED BY ORDINANCE NO. 57159, DATED JUNE 23, 1983 WHICH REQUIRED THAT A 25-FOOT BUILDING SETBACK BE IMPOSED ALONG MC-KINLEY AVENUE, AND IN LIEU THEREOF IMPOSE A 15-FOOT SETBACK FROM THE PROPERTY LINE, WITH LANDSCAPING.

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18. CASE Z83267 - to rezone Lots 1-C, 2-C and 3-C, NCB 12065, from "A" One-Family Residence District to "B-3R" Restrictive Business District, and Lots 4-C and 5-C, NCB 12065, from "A" One-Family Residence District to "B-2" Business District, located southwest of the intersection of Bitters Road and Jones-Maltsberger Road, having 425.45' on Bitters Road and approximately 950' on Jones-Maltsberger Road.

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.

Mr. Andy Guerrero, Planner II, explained that the actual requested rezoning of this property varies slightly from that advertised, but the requested rezoning represents a less-intensive zoning.

Mr. C. Stanley Banks, attorney, 640 Milam Building, briefly explained the request.

After consideration, Mr. Harrington moved that the recommendation of the Zoning Commission be approved provided that proper access and off-street parking are provided; that 13 feet of right-of-way is given along Jones-Maltsberger Road and 5 feet of right-of-way is given along Bitters Road; and that a 15-foot property line return is given. Mr. Hasslocher seconded the motion. On voice vote, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Alderete, Harrington, Archer, Hasslocher, Cisneros. NAYS: None. ABSENT: Webb, Eureste, Thompson.

AN ORDINANCE 57,444

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-C, 2-C AND 3-C, NCB 12065, FROM "A" ONE-FAMILY RESIDENCE DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, AND LOTS 4-C and 5-C, NCB 12065, FROM "A" ONE-FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER ACCESS AND OFF-STREET PARKING ARE PROVIDED; THAT 13 FEET OF RIGHT-OF-WAY IS GIVEN ALONG JONES-MALTSBERGER ROAD AND 5 FEET OF RIGHT-OF-WAY IS GIVEN ALONG BITTERS ROAD; AND THAT A 15-FOOT PROPERTY LINE RETURN IS GIVEN.

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19. CASE Z83253 - to rezone a 2.13 acre tract of land out of Lot 33, Block 7, NCB 17011, being further described by field notes filed in the Office of the City Clerk, in the 14200 block of Churchill Estates Boulevard, from "B-2" Business District and "B-3" Business District to "P-1(R-6)" Planned Unit Development, Townhouse Residence District, located on the north side of Churchill Estates Boulevard, being approximately 120' northwest of the intersection of Blanco Road and Churchill Estates Boulevard, having 195.15' on Churchill Estates Boulevard and a depth of 470.22'.

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

AN ORDINANCE 57,445

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 2.13 ACRE TRACT OF LAND OUT OF LOT 33, BLOCK 7, NCB 17011, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 14200 BLOCK OF CHURCHILL ESTATES BOULEVARD, FROM "B-2" BUSINESS DISTRICT AND "B-3" BUSINESS DISTRICT TO "P-1(R-6)" PLANNED UNIT DEVELOPMENT, TOWNHOUSE RESIDENCE DISTRICT.

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20. CASE Z83255 - to rezone Lot 16, Block 3, NCB 965, 1601 North Alamo Street, from "D" Apartment District to "B-3" Business District, located northwest of the intersection of North Alamo Street and Casa Blanca Street, having 50' on North Alamo Street and 130.5' on Casa Blanca Street.

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, Ms. Berriozabal moved that the recommendation of the Zoning Commission be approved, provided that proper commercial access and paved off-street parking are provided; that 5 feet of right-of-way is provided along North Alamo Street and Casa Blanca Street; and that a 10-foot property line return is provided. Mr. Hasslocher seconded the motion. On voice vote, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros. NAYS: None. ABSENT: Webb, Eureste.

AN ORDINANCE 57,446

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 16, BLOCK 3, NCB 965, 1601 NORTH ALAMO STREET, FROM "D" APARTMENT DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER COMMERCIAL ACCESS AND PAVED OFF-STREET PARKING ARE PROVIDED; THAT 5 FEET OF RIGHT-OF-WAY IS PROVIDED ALONG NORTH ALAMO STREET AND CASA BLANCA STREET; AND THAT A 10-FOOT PROPERTY LINE RETURN IS PROVIDED.

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21. CASE Z83256 - to rezone Lots 15 and 16, Block 12, NCB 12918, in the 2700 block of Southeast Loop 410 Expressway, from "A" Single-Family Residence District to "B-3NA" Business District, Non-Alcoholic Sales, located on the east side of Southeast Loop 410 Expressway, being 240' north of the intersection of Winne Way Drive and Southeast Loop 410 Expressway, having 120' on Southeast Loop 410 Expressway and a depth of 140'.

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 access and off-street parking are provided, and that a 6-foot solid screen fence is erected and maintained along the west property line. Mr. Hasslocher seconded the motion. On voice vote, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Thompson, Alderete, Archer, Hasslocher, Cisneros. NAYS: None. ABSENT: Webb, Eureste, Harrington.

AN ORDINANCE 57,447

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 15 AND 16, BLOCK 12, NCB 12918, IN THE 2700 BLOCK OF SOUTHEAST LOOP 410 EXPRESSWAY, FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, PROVIDED THAT PROPER ACCESS AND OFF-STREET PARKING ARE PROVIDED, AND THAT A 6-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE WEST PROPERTY LINE.

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22. CASE Z83269 - to rezone an 8.052 acre tract of land out of NCB 15684, being further described by field notes filed in the Office of the City Clerk, in the 1500 block of Perrin-Beitel Road, from "R-3" Multiple-Residence District and "I-1" Light Industry District to "B-3" Business District, located on the west side of Perrin-Beitel Road, being approximately 1450' north of the intersection of Longvale Drive and Perrin-Beitel Road, having 816.82' on Perrin-Beitel Road and an approximate depth of 760'; and a 4.800 acre tract of land out of NCB 15684, being further described by field notes filed in the Office of the City Clerk, from "I-1" Light Industry District to "R-3" Multiple-Family Residence District, located 920' west of Perrin-Beitel Road and approximately 535' north of the Missouri-Pacific Railroad right-of-way, having a depth of 590' and a width of 370'.

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

AN ORDINANCE 57,448

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 AN 8.052 ACRE TRACT OF LAND OUT OF NCB 15684, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 1500 BLOCK OF PERRIN-BEITEL ROAD, FROM "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT AND "I-1" LIGHT INDUSTRY DISTRICT TO "B-3" BUSINESS DISTRICT; AND A 4.800 ACRE TRACT OF LAND OUT OF NCB 15684, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "I-1" LIGHT INDUSTRY DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT.

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83-39 The Clerk read a proposed Ordinance authorizing an exception to the "No Alcohol Beverage" provision of Sunken Garden Theater Policy Ordinance Number 48169 for special events scheduled at Sunken Garden Theater.

After discussion, Mr. Hasslocher moved to approve the Ordinance. Ms. Berriozabal seconded the motion.

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

(Later in this meeting, the proposed Ordinance was duly reconsidered and enacted. See page 17).

83-39 The Clerk read the following Ordinance:

AN ORDINANCE 57,449

ACCEPTING THE PROPOSAL OF REHLER, VAUGHN, BEATY AND KOONE, ARCHITECTS, IN AN AMOUNT NOT TO EXCEED \$52,500.00 FOR THE SECOND PHASE OF ARCHITECTURAL AND ENGINEERING SERVICES FOR THE HEMISFAIR PLAZA REDEVELOPMENT PROJECT, AND PROVIDING FOR PAYMENT.

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

In response to a question by Ms. Berriozabal, Mr. David Garcia, Special Projects Officer, Office of the City Manager, explained the Ordinance, noting that it contains, among other things, for the beginning of a traffic survey and several other points in this second phase of the project. He stated that because no good plans exist showing the exact location of electrical conduits, etc. from HemisFair 68 construction, these important conduits must be re-located. He also spoke briefly about funding sources for this work.

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

83-39 The Clerk read the following Ordinance:

AN ORDINANCE 57,450

AUTHORIZING EXECUTION OF AN AMENDED CONTRACT WITH HUD FOR LOAN GUARANTEE ASSISTANCE UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AND AUTHORIZING EXECUTION OF AN AMENDED PROMISSORY NOTE WITH THE FEDERAL FINANCE BANK BOARD.

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In response to a question by Mrs. Dutmer, Ms. Helen Kiselev Department of Economic and Employment Development, briefly explained the Ordinance.

After discussion, Mrs. Dutmer moved that the Ordinance be approved. Mr. Harrington seconded the motion.

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

83-39 The Clerk read the following Ordinance:

AN ORDINANCE 57,451

ACCEPTING A GRANT OF \$250,905.00 FROM THE TEXAS DEPARTMENT OF COMMUNITY AFFAIRS FOR EMERGENCY FOOD AND SHELTER FOR THE NEEDY; APPROVING A SUBCONTRACT; APPROPRIATING FUNDS; APPROVING THE EMERGENCY FOOD AND SHELTER PROGRAM; ACCEPTING AND ALLOCATING

\$15,106.00 FROM THE TEXAS DEPARTMENT OF COMMUNITY AFFAIRS FOR ONGOING COMMUNITY SERVICE PROGRAM ACTIVITIES; AND ACCEPTING AND ALLOCATING \$8,375.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR ONGOING HOUSING COUNSELING PROGRAM ACTIVITIES.

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

Mr. Kevin Moriarty, Director of the Department of Human Resources and Services, briefly explained the Ordinance.

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

83-39 The Clerk read the following Ordinance:

AN ORDINANCE 57,452

AMENDING CERTAIN CHAPTERS OF THE CITY CODE WHICH GOVERN FIRE SAFETY, ZONING, AND HEALTH AND SANITATION, TO CHANGE THE PENALTY FOR VIOLATION OF ANY PROVISIONS THEREOF TO A FINE OF NOT LESS THAN ONE DOLLAR (\$1.00) NOR MORE THAN ONE THOUSAND DOLLARS (\$1,000.00).

* * * *

Mrs. Dutmer moved to approve the Ordinance. Ms. Berriozabal seconded the motion.

Mr. Thompson spoke of his concern with the amount of the fines.

Ms. Jane Macon, City Attorney, stated that the Ordinance leaves the fine option to the judge involved, and applies to only a few specific areas. She further stated her opinion that this Ordinance will strengthen the City's hand in connection with future violations.

Mr. Thompson noted that traffic violations and environmental matters are not included.

Mr. Tom Finlay, Assistant City Attorney, explained that recent legislation allows fines up to \$1,000 only in the specific areas outlined in the Ordinance. His office currently is reviewing the City Code to determine if other areas also apply.

Mrs. Dutmer stated that she is pleased with the Ordinance.

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

83-39 The Clerk read the following Ordinance:

AN ORDINANCE 57,453

REGULATING PAINTING OF STREET NUMBERS ON CURBS AND PROVIDING FOR A PENALTY OF NOT MORE THAN A \$200.00 FINE FOR VIOLATION HEREOF.

* * * *

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

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

83-39 The Clerk read the following Ordinance:

AN ORDINANCE 57,454

AUTHORIZING EXPENDITURE OF \$15,000.00 OF GRANT FUNDS FROM THE URBAN CONSORTIUM ENERGY TASK FORCE PROJECT FOR PROFESSIONAL SERVICES.

* * * *

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

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

83-39 The Clerk read the following Ordinance:

AN ORDINANCE 57,455

ACCEPTING THE BID OF MEADER CONSTRUCTION COMPANY IN THE AMOUNT OF \$3,141,188.77 TO CONSTRUCT THE CASTILLO STREET DRAINAGE PROJECT; APPROVING A CONTRACT AND PROVIDING FOR PAYMENT OF THE CONTRACT, ENGINEERING FEES AND CONTINGENCIES.

* * * *

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

Mr. Eureste stated that an agreement now has been worked out between the firm and the church involved in complaints being lodged against the firm in connection with another project, relative to use of church property for storage of company equipment.

Mrs. Dutmer noted that this project is in District 2.

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

83-39 The Clerk read the following Ordinance:

AN ORDINANCE 57,456

REAPPOINTING AND APPOINTING MEMBERS TO
SERVE ON THE BOARD OF APPEALS.

* * * *

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

Mrs. Julia Castellano-Hoyt, Assistant to the City Council, and Mr. Gene Camargo, Director of Building Inspections, briefly explained the Ordinance.

A discussion then took place concerning the possible need to rename the Board, to provide more identification of its duties and responsibilities. Mr. Camargo stated that he would look into the matter.

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

83-39 The Clerk read the following Ordinance:

AN ORDINANCE 57,457

APPOINTING BETTY FERNIZ TO SERVE ON
THE MAYOR'S COMMISSION ON THE STATUS
OF WOMEN TO REPLACE GLORIA MARTINEZ
WHO HAS RESIGNED.

* * * *

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

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

83-39 The minutes of the meetings of July 28, 1983 and August 4, 1983 were approved.

83-39 ALAMO STADIUM

Mayor Cisneros spoke of the large number of speakers expected to be present at tonight's hearing on the Alamo Stadium/ United States Football League franchise matter, and therefore noted his decision to move the hearing from City Hall to the Mission Room of the Convention Center. He spoke briefly to the proposed format to be followed, with one hour allotted for each side, for and against. Mayor Cisneros stated that the Council cannot take any formal action since it will be outside City Hall, and spoke to possible future action in the near future, in special or regular session.

A brief discussion then took place concerning the signup procedures.

83-39

PUBLIC HEARING ON PROPOSED CLOSING OF THE FIVE-FOOT
WALKWAY ADJACENT TO HIGHWAY 90 WEST, FROM CAROLYN
STREET TO SOUTH ZARZAMORA STREET

Mayor Cisneros declared the Public Hearing to be open, and briefly explained the proposed closure of the walkway.

Ms. Carmen Martinez, 114 C Street, distributed photographs of the walkway or alley to the City Council, and stated that it is used only by undesirable elements of society, and asked that it be closed.

There being no other citizen wishing to be heard on this matter, Mayor Cisneros declared the Public Hearing to be closed.

Mr. Eureste spoke in support of the proposed closure, noting that the alley once served a useful purpose, but no longer is needed or wanted by the community. He stated his findings that the neighbors see the walkway as a potential crime hazard area, and noted that the property belongs to the state, thus the request to the state to close it. He further stated that a query sent to Congressman Henry B. Gonzalez' office concerning the proposal was answered two months later, with the finding that the walkway should remain open, based upon inquiry of persons in the neighborhood. However, Mr. Eureste noted that a number of meetings in the neighborhood with its residents turned up overwhelming consensus to close the walkway as a potential crime hazard area, undesirable to the community.

The Clerk read the following Resolution:

A RESOLUTION
NO. 83-39-75

REQUESTING THE TEXAS DEPARTMENT OF
HIGHWAYS AND PUBLIC TRANSPORTATION
TO CLOSE THE FIVE (5)-FOOT WALKWAY
ADJACENT TO HIGHWAY 90 WEST,
BETWEEN CAROLYN AND SOUTH ZARZAMORA
STREETS.

* * * * *

Mr. Eureste moved to approve the Resolution. Mrs. Dutmer seconded the motion.

At the request of Mr. Eureste, persons in the audience who favored closure of the walkway were asked to stand in place and be recognized.

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

83-39

U.S. CONFERENCE OF MAYORS-ZURICH

Mayor Cisneros stated that the U.S. Conference of Mayors again is sponsoring a mission to Zurich, Switzerland, to promote the advantages of U.S. cities for economic development for foreign investors, and noted that the City of San Antonio sent a delegation to Zurich last year. He stated that a Greater San Antonio Chamber of Commerce task force will be making the trip, visiting various European cities, and voiced his opinion that two City Council members should go on the trip to help represent San Antonio. He further stated that because of his commitments and schedule, he himself cannot go.

Mr. Wing spoke of his concern with the City government's participation in view of the stringent budget projected for next fiscal year.

Mr. Bob Gonzalez, International Relations, stated that a fund is being accumulated in the private sector to pay for such missions on behalf of the community, but members of the City Council making the trip would be paid for out of City funds.

Following a brief discussion of the proposed trip, Mayor Cisneros asked Mr. Alderete to work out the designation of the City's proposed two Council delegates to the Zurich meeting. During discussion, Mr. Eureste, Mr. Archer and Mr. Alderete indicated their interest in attending the meeting.

83-39 The City Council recessed the regular meeting at 3:17 P.M., reconvening at 4:13 P.M. for presentation of the proposed Consolidated Annual Budget for FY 1983-84.

FY 1983-84 BUDGET

City Manager Louis J. Fox spoke briefly to the planned presentation by the Budget & Research Department.

A brief slide-show presentation on the budget then took place.

Mr. Stuart Sommers, Director of Budget & Research, spoke to the proposed budgetary timetable and projected City tax rate on ad valorem taxes, including the ramifications of approving a tax rate increase above 3 per cent effective tax rate. He noted that the proposed budget does not reach this point.

In response to a question by Mr. Hasslocher, Mr. Fox stated that should the Council decide against an ad valorem tax hike, he would have to effect a savings of some \$6.2 million from the proposed budget, in order to fulfill the legal requirements for a balanced budget.

Mayor Cisneros stated his opinion that it never is pleasant to propose a tax rate increase, but spoke in favor of one, as a necessity at this time. He stated his belief that there is no effective way to cut \$6.2 million from the proposed budget and still maintain a good level of services to the citizens. He stated that he would vote in favor of a tax increase.

Mrs. Dutmer stated her support for any necessary tax increase as well as an increase in the garbage collection fee, but voiced her concern for the proposed curtailment in street maintenance services. She also spoke of the need to help lift the heavy burden on City retirees, noting that several other cities already pay a portion of the insurance costs for its retirees.

Mr. Thompson stated that he is not certain a tax increase is really necessary, until he looks closely at the budgetary matters.

Mr. Wing stated his opinion that raising fees is regressive, and also adversely affects younger citizens. He further stated that he has often advocated raising taxes since 1978 in lieu of raising fee schedules, and stated that he would not 'rubber-stamp' any budget. He also spoke to his plans to seek a reduction in the garbage collection fee.

Ms. Berriozabal noted that both she and Mr. Webb favored a small ad valorem tax increase during the last budget, and spoke in favor of a tax increase to support this proposed budget.

In response to a question by Ms. Berriozabal, Mr. Fox spoke to proposed increases in staffing levels for police, library and inspector functions of the City staff.

Ms. Berriozabal spoke against deactivating any EMS units.

Mr. Eureste quoted from his memo to other Council members of 1981, noting that the City's receipts from City Public Service, in lieu of taxes, in his opinion were too high and constituted a hidden tax to citizens. He

also noted that his memo stated that the yield from CPS fluctuates and thus is not a reliable, stable revenue source. Mr. Eureste stated that re-estimates of CPS revenues also have been required because of lower costs and lower power usage through energy conservation, causing yet another shortfall in CPS revenues to the City. He further stated that in his opinion, the City Manager has done everything possible to trim the proposed budget, and noted that a three per cent tax increase still will leave the City some \$800,000 short of its projected budgetary needs, so some sort of fee increase also is required to balance the budget. He then spoke in favor of a combination package of a tax increase and increase in the garbage collection fee, and also asked that the City Council add a proviso to the budget that any rebates back to the citizens would be made if the City realizes more than a specified amount of revenues during the fiscal year, over and above budgetary needs. He also noted that the citizens already have saved some \$10 million this year because of lower utility cost spending.

Mrs. Dutmer stated that she reluctantly favors an ad valorem tax increase because it impacts heavily on young homeowners, and affects the city's economy. She spoke against any rebate proposal, favoring retaining any surplus funds and utilizing them in the budgetary process next fiscal year.

83-39

CITIZENS TO BE HEARDMS. MARIA DOMINGUEZ

Ms. Dominguez took exception to the City Manager's recommendations for a property tax increase, stating her belief that the budget should be cut by curtailing spending in such areas as City Council travel and funds for the City's lobbyist. She also spoke against appropriating City funds in support of the National Autonomous University of Mexico in HemisFair Plaza.

MS. EMMA RAMOS

Ms. Ramos, representing Ballet Folklorico, spoke to the Council regarding its earlier decision which disapproved the waiver of the 'no alcoholic beverage' provision for the Sunken Garden Theater for her group's event, scheduled for August 21, 1983. She stated that the group was hoping to raise funds for their ending balance and asked the City Council to reconsider its decision.

At this point, Mayor Cisneros stated that the matter would be taken up after the rest of the citizens have spoken.

Mr. Alderete then moved to reconsider the agenda item concerned, that being agenda item 23, previously denied. Ms. Berriozabal seconded the motion.

On roll call, the motion to reconsider prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Eureste, Thompson, Alderete, Cisneros. NAYS: None. ABSENT: Webb, Harrington, Archer, Hasslocher.

After discussion, Mr. Alderete moved to approve an Ordinance granting the requested waiver of the 'no alcoholic beverage' provision for Sunken Garden Theater to Ballet Folklorico for its event on August 21, 1983. Mr. Eureste seconded the motion.

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

AN ORDINANCE 57,458

AUTHORIZING AN EXCEPTION TO THE "NO ALCOHOL BEVERAGE" PROVISION OF SUNKEN GARDEN THEATER POLICE ORDINANCE NUMBER 48169 FOR SPECIAL EVENTS SCHEDULED AT SUNKEN GARDEN THEATER.

* * * *

MR. DOUGLAS NAIL BERGER

Mr. Berger spoke about the proposed budget and the fact that cultural projects should be curtailed before essential projects. Mr. Berger, 446 East French Place, took exception to remarks made by Mayor Cisneros during the past week on the issue of Central America, and stated his opinion that the United States has successfully defended the rest of the world. He also spoke of the Soviet Union's aggression in the free world.

MR. DENNIS CHAMBERLAIN

Mr. Chamberlain, 4990 View Drive, stated that the U.S. should, in his opinion, defend freedom in Central America, and further stated his belief that handouts will not alleviate the problems there, since he is convinced that the problem is the backward culture and the ignorance of the people in this area.

Mrs. Dutmer took exception to the remarks made by Mr. Berger and Mr. Chamberlain to the Mayor.

Ms. Berriozabal concurred in remarks made by Mrs. Dutmer.

Mayor Cisneros stated that there are many problems in Central America, and spoke of the complexity of the problems.

Mr. Eureste also took exception to the comments made to the Mayor.

There being no further business to come before the Council, the meeting was adjourned at 5:54 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