

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, FEBRUARY 25, 1982.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Pro-Tem Robert S. Thompson, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, HARRINGTON, HASSLOCHER, Absent: ARCHER, CISNEROS.

82-09 The invocation was given by Reverend Paul F. Garrity, Faith Lutheran Church.

82-09 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

82-09 MAJOR WILLIAM C. STENSLAND

Mayor Pro-Tem Thompson stated that, as a military pilot, he personally appreciates Mr. Stensland's many efforts to aid the Vietnam veteran, and read the following Citation:

For his continued devotion to country and comrades in arms as Director of the San Antonio Vietnam Veterans Leadership Program, giving selflessly of his own time, talents and considerable efforts as the volunteer leader of this program to assist veterans of the Vietnam conflict in his native city. Holder of several of this nation's highest awards for gallantry in combat with the United States Marine Corps, he is the epitome of unswerving devotion to his fellow Vietnam veteran, choosing to continue his service to nation and comrade through volunteer service to the program pledged to aid these many Americans re-adjust to private life and to re-establish their self-esteem as the cream of America's young manhood.

The City Council takes official note of his unparalleled determination to assist his fellow man, and wishes him continued success.

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Mayor Pro-Tem Thompson presented the Citation to Mr. Stensland on behalf of the citizens of San Antonio.

82-09 ANTONIO JIMENEZ, III

Mr. Wing spoke of the excellent performance of duty of Mr. Jimenez as a Night Magistrate of Municipal Court, and read the following Citation:

In sincere appreciation for
outstanding service to the Community
as a
Municipal Court Judge

and Night Magistrate
From September 4, 1980 to February 2, 1982.
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Mr. Wing asked Mrs. Dutmer to assist him in presenting the Citation to Mr. Jimenez.

Mr. Jimenez thanked the City Council for the Citation and commended the Council for creating the Night Magistrate system as an aid to both the community and the court defendants.

82-09

JOHN C. BREZEZINSKI

Mr. Hasslocher introduced Mr. Brezezinski, present in the audience, and announced that he would shortly be leaving San Antonio for a new position in his organization, and spoke briefly of his efforts as head of Lone Star Brewing Company in San Antonio. Mr. Hasslocher read the following Benefactor de la Comunidad":

This extraordinary City earned its position among America's unique cities because of the many contributions made in the past by special people like you, our present City is nothing more and nothing less than the sum of all these efforts,

At this time, the Mayor and City Council call to the attention of all the citizens of San Antonio your very important contributions and hereby proclaim you as

"BENEFADOR DE LA COMUNIDAD"

You are hereby and forevermore authorized to take great pride in joining all eminent San Antonians who have made this City such an exceptional place.

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Mr. Hasslocher presented the Benefactor de la Comunidad award to Mr. Brezezinski.

82-09

CLASS FROM ST. LUKE'S EPISCOPAL SCHOOL

Mr. Hasslocher introduced his niece and sister, present in the audience, with a class of students from St. Luke's Episcopal School, and presented a Certificate to Ms. Cathy Cummins, Teacher.

82-09 The minutes of the regular meeting of February 4, 1982 and the special meeting of February 11, 1982 were approved.

82-09

CONSENT AGENDA

Mr. Alderete moved that items 4-33 constituting the consent agenda be approved with the exception of items 18, 30 and 31 to be pulled for individual consideration. Mr. Harrington seconded the motion.

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

AN ORDINANCE 54,941

ACCEPTING THE PROPOSAL OF MUMFORD LIBRARY BOOKS SALES, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH LIBRARY BOOKS FOR A NET TOTAL OF \$6,111.13 PLUS SHIPPING AND HANDLING.

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AN ORDINANCE 54,942

ACCEPTING THE LOW QUALIFIED BID OF CHEMICAL & TURF SPECIALTY COMPANY, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH FERTILIZER FOR A NET TOTAL OF \$58,298.10.

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AN ORDINANCE 54,943

ACCEPTING THE LOW QUALIFIED BIDS OF TROPHY SPORTSWEAR AND SCREENPRINT AND KLINE'S OF SAN ANTONIO TO FURNISH THE CITY OF SAN ANTONIO WITH UNIFORM SHIRTS FOR A NET TOTAL OF \$10,012.08.

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AN ORDINANCE 54,944

ACCEPTING THE LOW QUALIFIED BID OF VULCAN SIGNS AND STAMPINGS, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH STREET SIGN BRACKETS FOR A NET TOTAL OF \$6,082.00.

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AN ORDINANCE 54,945

ACCEPTING THE PROPOSAL OF JERRY D. DREHER TO FURNISH THE CITY OF SAN ANTONIO WITH LORI LOCK ASSEMBLIES FOR A NET TOTAL OF \$14,372.80.

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AN ORDINANCE 54,946

ACCEPTING THE LOW BID OF CRAZY HORSE EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH A TILT TRAILER FOR A NET TOTAL OF \$7,850.00.

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AN ORDINANCE 54,947

ACCEPTING THE LOW QUALIFIED BID OF ENVIRONMENTAL SALES & SERVICE, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH A HIGH PRESSURE SEWER CLEANER AND MANHOLE VACUUM CLEANER FOR A NET TOTAL OF \$99,690.00.

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AN ORDINANCE 54,948

ACCEPTING THE LOW BID OF ALAMO IRON WORKS TO FURNISH THE CITY OF SAN ANTONIO WITH GALVANIZED PIPE FOR A NET TOTAL OF \$58,860.00.

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AN ORDINANCE 54,949

ACCEPTING THE LOW BID OF LEO'S WELDING & FABRICATION TO FURNISH THE CITY OF SAN ANTONIO WITH DOG CAGES FOR A NET TOTAL OF \$3,120.00.

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AN ORDINANCE 54,950

ACCEPTING THE LOW QUALIFIED BID OF TEXAS FIREFIGHTERS & SAFETY EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH A RESCUE SYSTEM FOR A NET TOTAL OF \$8,588.00.

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AN ORDINANCE 54,951

ACCEPTING THE LOW BID OF 3-D FIRE APPARATUS, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH TWO (2) FIRE TRUCKS FOR A TOTAL OF \$184,340.00

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AN ORDINANCE 54,952

ACCEPTING THE BID OF TENNANT COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH TENNANT CONCRETE ROUTING AND JOINT CLEANER PARTS.

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AN ORDINANCE 54,953

ACCEPTING THE LOW BID OF MPH INDUSTRIES, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH RADAR UNITS FOR A NET TOTAL OF \$13,346.00.

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AN ORDINANCE 54,954

ACCEPTING THE LOW BID OF TEXAS DOOR PRODUCTS TO FURNISH THE CITY OF SAN ANTONIO WITH STEEL OVERHEAD DOORS FOR A TOTAL OF \$5,600.00, LESS 1% - 10 DAYS.

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AN ORDINANCE 54,955

AUTHORIZING PAYMENT OF ADDITIONAL ENGINEERING FEES TO PHENNING, WEYMAN & ASSOCIATES, INC. ON CASTILLO DRAINAGE PROJECT 20 C; AND PROVIDING FOR A TRANSFER OF FUNDS.

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AN ORDINANCE 54,856

AUTHORIZING PAYMENT OF ADDITIONAL ENGINEERING FEES TO GROVES, FERNANDEZ, FRAZER & ASSOCIATES, INC., ON BRIGGS STREET DRAINAGE PROJECT: APPROPRIATING THE SUM OF \$16,932.29; AND RE-VISING THE PROJECT BUDGET.

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AN ORDINANCE 54,957

AUTHORIZING EXECUTION OF FIELD ALTERATION NO.2 TO THE CONTRACT FOR INTERNATIONAL AIRPORT ROADWAY PARKING SIGNAGE (STAGE 1, PACKAGE 4); APPROPRIATING THE SUM OF \$21,166.08 AND AUTHORIZING PAYMENT TO LOYD ELECTRIC CO.

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AN ORDINANCE 54,958

AUTHORIZING PAYMENT OF \$5,500.00 TO FEDERAL AVIATION ADMINISTRATION IN REIMBURSEMENT FOR WORK ON THE APPROACH LANDING SYSTEM AT INTERNATIONAL AIRPORT.

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AN ORDINANCE 54,959

AUTHORIZING EXECUTION OF A LEASE OF SPACE AT INTERNATIONAL AIRPORT TO FEDERAL EXPRESS CORPORATION.

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AN ORDINANCE 54,960

EXTENDING AN AGREEMENT WITH SAINT GEORGE EPISCOPAL CHURCH, SUCCESSOR TO COVENANT, INC., FOR THE OPERATION OF "CHAPEL OF THE AIRWAYS" AT INTERNATIONAL AIRPORT.

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AN ORDINANCE 54,961

CLOSING AND ABANDONING A PORTION OF MALLARD STREET, BETWEEN NEW CITY BLOCKS 8518 AND 8519, AND AUTHORIZING QUITCLAIM DEEDS TO ADJACENT OWNERS.

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AN ORDINANCE 54,962

CLOSING AND ABANDONING A PORTION OF AN EXISTING DRAINAGE EASEMENT IN NEW CITY BLOCK 10126, AND AUTHORIZING A QUITCLAIM DEED TO SCOBAY MOVING AND STORAGE COMPANY, ADJACENT OWNER.

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AN ORDINANCE 54,963

AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED CONVEYING A CITY-OWNER 60' DRAINAGE RIGHT-OF-WAY TO MBC PROPERTIES, INC., AND GEORGE L. WILLIAMS FOR A CONSIDERATION OF \$1.00 AND MAKING AND MANIFESTING AN AGREEMENT BETWEEN THE CITY AND MBC PROPERTIES INC., ET AL: THEREBY AUTHORIZING THE CONSTRUCTION OF CERTAIN IMPROVEMENTS WITHIN A 15' DRAINAGE EASEMENT TO BE DEDICATED TO THE CITY BY REPLAT OF A PORTION OF BEACON CIRCLE INDUSTRIAL SUBDIVISION, UNIT 7.

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AN ORDINANCE 54,964

CLOSING AND ABANDONING WELLS STREET BETWEEN MONTANA AND WYOMING STREETS IN NEW CITY BLOCK 607, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED TO ALAMO IRON WORKS, ADJACENT OWNER.

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AN ORDINANCE 54,965

ACCEPTING THE DEDICATION OF EASEMENTS TO CERTAIN LANDS: ALL TO BE USED IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

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AN ORDINANCE 54,966

AMENDING CHAPTER 38 (TRAFFIC REGULATIONS) OF THE CITY CODE SETTING FORTH LOCATIONS AT WHICH ELECTRIC TRAFFIC CONTROL SIGNALS ARE IN FULL OPERATIONS; DESIGNATING ONE-WAY STREETS: DESIGNATING FULL STOP LOCATIONS: DESIGNATING YIELD RIGHT OF WAY LOCATIONS; DESIGNATING PROHIBITED RIGHT TURN ON RED LIGHT; AND PROVIDING THAT VIOLATIONS HEREOF BE PUNISHABLE BY A FINE OF NO LESS THAN \$1.00 NOR MORE THAN \$200.00.

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AN ORDINANCE 54,967

ACCEPTING THE HIGH BID (S) RECEIVED IN CONNECTION WITH \$15,000,000.00 IN CITY FUNDS AVAILABLE FOR DEPOSIT IN INTEREST-BEARING CERTIFICATES OF DEPOSIT.

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82-09

The Clerk read the following Ordinance:

AN ORDINANCE 54,968

ACCEPTING THE LOW QUALIFIED BID OF J.R. RAMON & SONS, INC., IN THE AMOUNT OF \$136,850.00 TO CONSTRUCT THE EASTSIDE YMCA PHASE II-B PROJECT; AUTHORIZING EXECUTION OF A STANDARD CITY PUBLIC WORKS CONSTRUCTION

CONTRACT; AND AUTHORIZING PAYMENT.

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

Mr. Webb spoke of problems with paying the annual utility bill at the East Side YMCA, and asked that something be sought that might eliminate this charge to the facility.

In response to a question by Mrs. Dutmer, Mr. Louis J. Fox, City Manager, stated that all YMCAs and YWCAs using leased facilities from the City pay their own utility bills.

Mr. Ron Darner, Director of Parks and Recreation, stated that the City owns some six facilities presently leased out to either YMCAs, YWCAs of Boys Clubs, and all but the West Side YMCA pay their own utility bills, noting that if the City begins to pay the utilities for one, it will have to pay the utilities for all. Mr. Darner stated the West Side YMCA is the exception since it is a double-use facility, functioning as a YMCA and as a City recreation center.

Mr. Webb stated that is it his belief that the East Side YMCA cannot afford to continue paying the \$2,000 per month in utilities.

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

Mr. Webb asked the City staff for a report on the utility costs to the East Side YMCA.

Mr. Hasslocher stated that he would ask the Board of Directors of the YMCA to provide the City information on utility costs at the East Side facility.

82-09 The Clerk read the following Ordinance:

AN ORDINANCE 54,969

ACCEPTING A GRANT OF \$88,884.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION IN FEDERAL LIBRARY SERVICES AND CONSTRUCTION ACT FUNDS TO ADMINISTER THE 1981/82 LIBRARY SYSTEM SERVICES PROGRAM IN DISTRICT 10 OF THE STATE MAJOR RESOURCE LIBRARY SYSTEM, ESTABLISHING A FUND AND APPROVING A BUDGET.

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

In response to a question by Mrs. Dutmer, Mr. Irwin Sexton, Library Director, stated that the City of San Antonio received some 51 per cent of this grant, and it is considered each year as part of the general operating budget of the Library System.

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

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82-09 The Clerk read the following Ordinance:

AN ORDINANCE 54,970

AUTHORIZING THE DIRECTOR OF FINANCE TO WRITE-OFF \$86,317.87 IN UNCOLLECTIBLE ACCOUNTS RECEIVABLE REPRESENTING SERVICES RENDERED BY THE EMERGENCY MEDICAL SERVICES DIVISION OF THE SAN ANTONIO FIRE DEPARTMENT.

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

In response to a question by Mrs. Dutmer, Mr. Carl White, Director of Finance, stated that the percentage of collections for EMS charges in past years are higher than more recent years because old bills are still being collected and thus those years will show better collections. Mr. White spoke of the difference between what Medicare/Medicaid will pay for EMS service and the amount the City charges, the difference having to be written off as uncollectible.

Mr. Hasslocher spoke of his concern that the City could well use this written-off amount in other areas.

A discussion then took place concerning the methods used to collect EMS bills and reasons why some cannot be collected.

Mr. Eureste spoke of the inability of many to pay their EMS bills, and voiced concern with the rate of collections.

Mr. White spoke of the statistics of collections and noted that the City is seeking new methods to improve its billing system for EMS charges.

Mr. George Noe, Administrative Assistant to the City Manager, stated that the City is working with Bexar County Hospital District to perhaps work out a system whereby the district could collect EMS charges as part of the settlement of the final hospital bills per patient, and spoke to the advantages of such a system.

Mr. Wing asked to be notified as to time and place of the next EMS meeting, in order to advance some ideas projected by Mr. Eureste toward solving part of the collection problem.

A discussion followed concerning what certain other cities do to collect ambulance bills.

Mr. Wing stated that EMS is a vital emergency service of the City and is not designed to be a 'pay as you do' system, noting that San Antonio is number two in the entire nation in rate of collections.

A discussion of methods of collection used by private business then took place.

Mr. White stated that the City will be experimenting by using another collection agency in the future, and outlined the in-house staff used to collect EMS bills.

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

34. CASE 8751 - to rezone Lots 11 and 12, NCB 12057 from "A" Single Family Residence to "I-1" Light Industry District located Northeast of the intersection of East Coker Loop and North Coker Loop, having 260.04' on North Coker Loop and a maximum depth of 1563.66'.

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

Mr. Andy Guerrero, Planning Administrator, provided results of the mailout of notices to property owners within 200 feet of the property, and noted also that opposition is present in the audience.

Mr. Harry Adams III, 1001 Pat Booker Road, representing the proponent, asked supporters in the audience to stand and be recognized, and noted that the two opponents to the requested rezoning live on property that is some 75-feet in height above the subject property.

Ms. Ida M. Jamison, 11603 West Coker Loop, stated her concern that industrial zoning on this property would greatly increase the amount of traffic on area streets, and noted her opinion that industrial was not the proper use for the property in question.

Mr. Adams noted that much of the adjacent property already is zoned industrial.

Mrs. Dutmer spoke of the possibility of a further traffic problem with industrial zoning.

In response to a question by Mr. Harrington, Mr. Adams stated that the proponent has in mind possible usage of the property as the site of a mini-warehouse operation.

Mr. Hasslocher noted the number of recent zoning cases coming to the Council from this area in the past few months, and spoke of mediation efforts made to hold much of the area to a B-3R Restrictive Business District usage.

Mrs. Dutmer moved to deny the request. The motion died for lack of a second.

In response to a question by Mr. Harrington, Mr. Adams stated that a B-3R zoning would not be in keeping with the proponent's needs.

Mr. Guerrero outlined uses allowed in B-3R, noting that while it allows a mini-storage facility, it restricts the size of that facility to 2½ acres, smaller than the proponent in this case wants.

Mr. Harrington moved to deny the request. Mrs. Dutmer seconded the motion.

After consultation with the proponent, Mr. Adams stated that a B-3R would be acceptable, rather than outright denial.

Mr. Eureste spoke of the possibility that the Board of Adjustment might be able to grant a variance to the 2½-acre restriction on mini-storage usage.

Mr. Eureste made a substitute motion to grant a B-3R zoning on the property provided that the applicant work with the Traffic Engineering Division for street dedication, and that Coker Loop adjacent to the property is improved to City specifications. Mr. Webb seconded the motion.

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

AN ORDINANCE 54,971

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 11 AND 12, NCB 12057, FROM "A" SINGLE FAMILY REISIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT THE APPLICANT WORK WITH THE TRAFFIC ENGINEERING DIVISION FOR STREET DEDICATION, AND THAT COKER LOOP ADJACENT TO THE PROPERTY IS IMPROVED TO CITY SPECIFICATIONS.

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82-09

35. CASE 8749 to rezone Tract H. NCB 14735, 11107 Wurzbach Road from Temporary "R-1" Single Family Residential District to "O-1" Office District, located on the northwest side of Wurzbach Road, being 945.73' northeast of the intersection of Vance Jackson Road and Wurzbach Road, having 156.50' on Wurzbach Road and a maximum depth of 643'.

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, Planning Administrator, provided results of the mailout of notices to property owners within 200 feet of the property.

Mr. Mike Minor, 11107 Wurzbach Road, the proponent, stated that he wants to construct a one-story office building on the property, noting that the present house on the property was build in 1918 and would be renovated for a corporate headquarters use.

Mr. Roland Castaneda, attorney for the Elm Creek and Whispering Oaks Homeowners Associations, asked that the minutes of the meeting reflect the support of these two groups to the requested rezoning, subject to a Memo of Understanding, a copy of which is made a part of the papers of this meeting.

Mr. Alderete moved that the recommendation of the Zoning Commission be approved provided that proper access and off-street parking are provided; further provided that right-of-way is provided if necessary; and that the Memo of Understanding as approved by the two homeowner associations be adopted and reflected in the minutes of this meeting. Mr. Webb seconded the motion.

Mrs. Dutmer stated her opinion that an O-1 Office zoning would be a break in the development pattern of residential zoning in this area, and spoke in opposition to the request.

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

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AN ORDINANCE 54,972

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS TRACT H, NCB 14735, 11107 WURZBACH ROAD, FROM TEMPORARY "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT, PROVIDED THAT PROPER ACCESS AND OFF-STREET PARKING ARE PROVIDED; FURTHER PROVIDED THAT RIGHT-OF-WAY IS PROVIDED IF NECESSARY.

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82-09

36. CASE 8753 to rezone Lots 1, 2, 3 and 4, Block 2, NCB 3081, in the 200 Block of Catalpa Street from "B" Two Family Residential District to "B-1" Business District, located southwest of the intersection of Thorman Place and Catalpa Street, having 150' on Thorman Place and 200' on Catalpa 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, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished, and that the applicant work with the Traffic Engineering Division for street dedication if necessary. Ms. Berriozabal seconded the motion. On voice vote, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Hasslocher; NAYS: None; ABSENT: Eureste, Harrington, Archer, Cisneros.

AN ORDINANCE 54,973

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1, 2, 3 AND 4, BLOCK 2, NCB 3081 IN THE 200 BLOCK OF CATALPA AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT THE APPLICANT WORK WITH THE TRAFFIC ENGINEERING DIVISION FOR STREET DEDICATION NECESSARY. FURTHER PROVIDED THAT A LANDSCAPED AREA AND A NON-ACCESS EASEMENT ARE IMPOSED ON CATALPA AVENUE.

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82-09

37. CASE 8737 - to rezone Lots 2A, 2B, 29, and the east 67,61' of the north irregular 270' of Lot 30, Block 3, NCB 8060, 500 and 506 Hotwells Blvd, from "E" Office District to "B-3R" Restrictive Business District, located on the east side of south New Braunfels Avenue between Koehler Court and Hot Wells Blvd., having 270' on south New Braunfels Avenue, 59.9' on Koehler Court and 86.61' on Hot Wells Blvd.

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 spoke in support of the City staff recommendation that Lots 2-A and 2-B be zoned B-2 and the remainder stay "E" Office zoning. She spoke against location of a used car lot across the street from residences.

Mr. Charles L. Baylius, 506 Hot Wells Blvd., stated that he needed a B-3R zoning, and has no plans to sell the property.

Mrs. Dutmer moved that the recommendation of City staff, to grant "B-2" zoning on Lots 2-A and 2-B, be approved provided that the applicant work with the Traffic Engineering Division for off-street parking and right-of-way dedication, and that a 6-foot solid screen fence is erected and maintained along the east property line. Mr. Webb seconded the motion. On voice vote, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Hasslocher; NAYS: None; ABSENT: Eureste, Harrington, Archer, Cisneros,

AN ORDINANCE 54,974

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 2A AND 2B, BLOCK 3, NCB 8060, 500 AND 506 HOT WELLS BLVD., FROM "E" OFFICE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT THE APPLICANT WORK WITH THE TRAFFIC ENGINEERING DIVISION FOR OFF-STREET PARKING AND RIGHT-OF-WAY DEDICATION, AND THAT A 6-FOOT SOLID SCREEN FENCE IS ERRECTED AND MAINTAINED ALONG THE EAST PROPERTY LINE.

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82-09

38. CASE 8754 - to rezone 1 acre tract of land out of NCB 11142, being further described by field notes filed in the Office of City Clerk, In the 1700 block of Chavaneaux Road, from "B" Residence District to "B-3R" Restrictive Business District, located on the south side of Chavaneaux Road, being 470.28' west of the intersection of South Zarzamora St., having 320.34' on Chavaneaux Road, 323.68' on S.W. Loop 410 and a maximum depth of 149.85'.

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.

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In response to a question by Mr. Wing, Mr. Andy Guerrero, Planning Administrator, stated that City staff recommended denial of the request in that it was felt that a business zoning was not in keeping with the prevailing residential character of the neighborhood.

Mr. Wing spoke of having made a tour with City staff of this area of Chavameaux Road, and also spoke of the roadway being used for dumping of trash. He stated that he is concerned with granting a B-3R business zoning on so large a tract of land as is requested.

Mr. Walter Dennis, 567 W. Petaluma, the proponent, stated that he wanted the zoning to allow him to have retail sales to large businesses. He further stated that the prospective buyer of the property must leave his present location since the business has gotten too large for that site, at IH35 and Eldorado.

Mr. Wing moved to deny the recommendation of the Zoning Commission. Mrs. Dutmer seconded the motion.

After consideration, the motion to deny prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Hasslocher; NAYS: None; ABSENT: Archer, Cisneros.

Case 8754 was denied.

82-09

39. CASE 8745 to rezone Lots 1 thru 37, Block 8, NCB 16030, in the 6500 Block of Spring Branch Drive, in the 6500 block of Spring Arbor Drive, in the 6500 block of Spring well drive, from Temporary "R-1" One Family Residence District to "R-3" Multiple Family Residence District, located within Babcock Place, Unit 4 Subdivision, having approximately 15,361.56' on Spring Branch Drive, 509.31' on Spring Arbor Drive and 703.21' on Spring Well Drive.

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. Harrington moved to approve the recommendation of the Zoning Commission. Mrs. Dutmer seconded the motion.

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

AN ORDINANCE 54,975

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 THRU 37, BLOCK 8, NCB 16030, IN THE 6500 BLOCK OF SPRING BRANCH DRIVE, 6500 BLOCK OF SPRING ARBOR DRIVE, AND 6500 BLOCK OF SPRING WELL DRIVE.

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82-09

40. CASE 8752, being a request for rezoning and reclassification of a 2.103 acre tract of land out of Lot 26, NCB 12830, in the 8400 block of Wurzbach Road, from "B-3" Business District to "B-2" Business District was postponed at the request of the applicant.

82-09

The Clerk read the following Ordinance:

AN ORDINANCE 54,976

SETTING A TIME, PLACE, AND DATE FOR A PUBLIC HEARING ON AN AMENDMENT TO THE MISSIONS OF SAN ANTONIO... A PLAN, CALLED A ZONING PLAN FOR THE MISSIONS NATIONAL HISTORICAL PARK PROTECTION AREA.

* * * *

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

After consideration, the motion carried by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Hasslocher; NAYS: None; ABSENT: Archer, Cisneros.

82-09

The Clerk read the following Ordinance:

AN ORDINANCE 54,977

MAKING AND MANIFESTING AN AGREEMENT WITH HALSCO ENTERPRISES OF KNOXVILLE, TENNESSEE FOR THE SALE OF THE CITY'S SKYRIDE AT HEMISFAIR PLAZA.

* * * *

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

After consideration, the motion carried by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Hasslocher, NAYS: None; ABSENT: Archer, Cisneros.

82-09

The Clerk read the following Ordinance:

AN ORDINANCE 54,978

ACCEPTING THE PROPOSAL OF RAYMOND C. TROTT CONSULTING ENGINEERS, INC., TO PREPARE A MASTER PLAN FOR THE PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM ATOP THE TOWER OF THE AMERICAS, AND PROVIDING FOR PAYMENT.

* * * *

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

After consideration, the motion carried by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Hasslocher; NAYS: None; ABSENT: Archer, Cisneros.

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The Clerk read the following Ordinance:

AN ORDINANCE 54,979

AMENDING SECTION 6-30 OF THE CITY CODE OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS BY SETTING A MINIMUM FINE OF \$35.00 FOR THE FIRST CONVICTION; \$75.00 FOR THE SECOND CONVICTION; AND \$200.00 FOR THE THIRD AND SUBSEQUENT CONVICTIONS: EACH DAILY VIOLATION CONSTITUTES A SEPARATE OFFENSE.

* * * *

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

After consideration, the motion carried by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thomspen, Alderete, Harrington, Hasslocher; NAYS: None. ABSENT: Archer, Cisneros.

Mrs. Dutmer expressed her disappointment at the reported mass resignation last night of the Animal Control Advisory Board, noting that this Ordinance is an example of their good effort and work.

Mr. Eureste stated that the reported move paves the way for a more effective board, and also asked that the City staff devise some program under which the citizens might become more involved in animal control, perhaps in turning in loose, unwanted dogs.

In response to a question by Ms. Berriozabal, Mr. Alex Briseno, Assistant City Manager, stated that he understood last night's action to be a vote on the part of the Animal Control Advisory Board to have City Council dissolve that board. He stated that as a result, two of the members reportedly have resigned, leaving seven members of the board still serving. Mr. Briseno further stated that by September next, the City must comply with a state law which dictates the make-up of the Animal Control Advisory Board, and provided details of the required break-down of the board membership.

Speaking of the just enacted Ordinance dealing with an increase in fines for violations of the animal control Ordinance, Mr. Wing asked that as much publicity as possible be given to the possible effects of this new Ordinance.

The Clerk read the following Ordinance:

AN ORDINANCE 54,980

AMENDING SECTION 19A-1 (c) OF THE CITY CODE OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BY SETTING A MINIMUM FINE OF \$35.00 FOR THE FIRST CONVICTION; \$75.00 FOR THE SECOND CONVICTION; AND \$200.00 FOR THE THIRD AND SUBSEQUENT CONVICTIONS: EACH DAILY VIOLATION CONSTITUTES A SEPARATE OFFENSE.

* * * *

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

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In response to a question by Ms. Berriozabal, Mr. Luis Garcia, chief prosecutor of Municipal Court, discussed the changes effected by this Ordinance, noting that the 'daily violation' provision is a new innovation.

In response to a question by Mr. Harrington, Mr. Garcia spoke of the definition of "minimum housing" as being what is included in the Building Code.

Mr. Gene Camargo, Director of Building Inspections, stated that "minimum housing" is interpreted in this case as "sub-standard housing" as discussed and defined in the 'minimum housing' provisions of the Building Code.

Mr. Harrington expressed his fear that too wide a latitude will be given the interpretation of the phrase 'minimum housing', than what is actually meant.

Ms. Jane Macon, City Attorney, spoke briefly on how her staff plans to enforce the Ordinance.

Mr. Briseno spoke to allowances for abatement of nuisances before a case will come before Municipal Court.

Mr. Garcia stated that he would supply City Council with copies of the entire Ordinance, for their information.

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; NAYS: None; ABSENT: Webb, Archer, Hasslocher, Cisneros.

82-09 The Clerk read the following Ordinance:

AN ORDINANCE 54,981

AMENDING SECTION 20-11, SECTION 20-47 AND SECTION 20-48 OF THE CITY CODE OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BY SETTING A MINIMUM FINE OF \$35.00 FOR THE FIRST CONVICTION; \$75.00 FOR THE SECOND CONVICTION; AND \$200.00 FOR THE THIRD AND SUBSEQUENT CONVICTIONS: EACH DAILY VIOLATION CONSTITUTES A SEPARATE OFFENSE: ADDING SECTION 20-49 TO THE CITY CODE OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

* * * *

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

Mr. Eureste spoke of recent actions taken by the City to correct problems associated with a south side industry, and thanked all concerned for their assistance in resolving the problem.

After consideration, the motion carried by the following vote: AYES: Berriozabal, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Hasslocher; NAYS: None; ABSENT: Webb, Archer, Cisneros.

82-09 The Clerk read the following Ordinance:

February 25, 1982
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AN ORDINANCE 54,982

AMENDING SECTION 17-15.2 AND SECTION 17-18 OF THE CITY CODE OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, BY SETTING A MINIMUM FINE OF \$35.00 FOR THE FIRST CONVICTION; \$75.00 FOR THE SECOND CONVICTION; AND \$200.00 FOR THE THIRD AND SUBSEQUENT CONVICTIONS; EACH DAILY VIOLATION CONSTITUTES A SEPARATE OFFENSE.

* * * *

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

In response to a question by Mr. Wing, Mr. Luis Garcia, chief prosecutor of Municipal Court, stated that prosecution for offenders under this section of the City Code begins with the filing of a criminal complaint sworn out by a citizen who identifies the alleged offender and seeks prosecution.

Mr. Eureste urged strong prosecution under the Code in this area, especially seeking to enforce the 'repeat citations' for each day of an infraction in order to underscore for the citizens the City's determination to correct this situation.

After consideration, the motion carried by the following vote: AYES: Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Hasslocher, NAYS: None; ABSENT: Berriozabal, Webb, Archer, Cisneros.

82-09 The Clerk read the following Ordinance:

AN ORDINANCE 54,983

AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE CAUSE NO. 75-CI-8575; JACK M. BURCHERS V, VERNON M. SOWELL & CITY OF SAN ANTONIO; 57th JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TEXAS.

* * * *

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

After consideration the motion carried by the following vote: AYES: Berriozabal, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Hasslocher NAYS: None; ABSENT: Webb, Archer, Cisneros.

82-09 The Clerk read the following Ordinance:

AN ORDINANCE 54,984

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE PURCHASE OF THE WASTEWATER SYSTEM OWNED BY GATEWAY WATER CORPORATION.

* * * *

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

After consideration, the motion carried by the following vote: AYES: Berriozabal, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Hasslocher; NAYS: None; ABSENT: Webb Archer, Cisneros.

82-09

VISTA VERDE SOUTH STATUS REPORT

Mr. David Garcia, project coordinator, provided a brief background of the project and discussions involving Vanir Properties, the developer, and Control Data Corporation, noting that representatives of both firms had been in San Antonio for discussions this week, but little progress had been made, even though all agree the situation needs to be explained to the Department of Housing and Urban Development to explain the delays in finalizing agreements in the project leasing. Mr. Garcia outlined plans for all parties concerned including the City to meet in Washington, D.C. during the National League of Cities Congressional Conference to discuss the matters again and speak with HUD.

Mr. Eureste, chairman of the Council's Task Force on Vista Verde South, stated that despite talks, no substantial new progress has been made.

Mrs. Dutmer spoke of not having been informed of all task force meetings this week.

In response to a question by Mr. Alderete, Mr. Garcia explained the status of both sides of the problem, including the fact that Control Data is only a sub-lessee at this point. He then spoke to the default provisions of the City's agreement with Vanir.

In response to a question by Mr. Alderete, Ms. Jane Macon, City Attorney discussed the city's legal alternatives at this point.

Mr. Alderete made a motion to place onto the Council agenda for next Thursday, March 4, a Resolution expressing the Council's concern for the status of the Vista Verde South Project, particularly as it relates to the developer and sub-tenant, Control Data Corporation. Further, that the proposed Resolution stipulate to both Vanir Properties and Control Data Corporation that the problems preventing an agreement between the two must be resolved by a certain-time, and if not, the Council is resolved to proceed to terminate negotiations involving these two entities. Ms. Berriozabal seconded the motion.

Mr. Harrington then made an amended motion that City staff come back to City Council in two weeks with an outline of the means to extricate the City from its contract with Vanir Properties. The amendment was accepted by both the maker and seconder of the original motion.

Mr. Eureste spoke to the need for HUD to apply pressure on both parties at the Monday meeting in Washington, D.C., rather than force the City to resolve the issue itself.

Mrs. Dutmer spoke to her concern for the possible effects of the pending Resolution.

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

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Mayor Pro-Tem Thompson announced that both items scheduled for Council discussion on the "B" Session has been cancelled.

82-09

The Clerk read the following Ordinance:

AN ORDINANCE 54,985

APPOINTING THE CHAIRMAN OF THE CENTRO 21 TASK FORCE TO SERVE FOR A TERM TO EXPIRE DECEMBER 31, 1982.

The following named individual is hereby appointed to serve as the Chairman of the Centro 21 Task Force: Steve Lee.

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

After consideration, the Ordinance carried by the following vote: AYES: Berriozabal, Webb, Dutmer, Eureste, Thompson, Alderete, Harrington, Hasslocher; NAYS: None; ABSENT: Wing, Archer, Cisneros.

82-09

SIDEWALK AND RETAINING WALL AT 1352 VERMONT

Mr. Eureste stated that a request has been made for construction of a sidewalk and retaining wall at 1353 Vermont, and asked that consideration of this request be placed on the Council agenda for next week. He noted that funds are available from the contingency account of the Columbia Heights Paving Project Phases III and IV.

The City Council on voice vote gave its consensus to placing this matter on next week's agenda for consideration.

82-09

SIDEWALK AND CURBING ON BUFFALO STREET

Mr. Eureste requested that City staff provide an existing sidewalks on Buffalo Street, between Theo and Malone Streets, and that this matter be considered on next Thursday's Council agenda.

The City Council on voice vote gave its consensus to the request for staff investigation of the matter, and for placing this matter on next week's agenda for consideration.

82-09

RETAINING WALLS IN 300 BLOCK OF BANK STREET

Mr. Eureste noted that a request has been received from property owners in the 300 block of Bank Street, asking that retaining walls be constructed to prevent frontal property from falling into Bank Street, where the level of that street was substantially lowered during reconstruction. He asked that the City staff report back to the Council within 30 days on estimated costs involved to do this project request.

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MRS. RENE McCALEBB

Mrs. Rene McCalebb spoke to the City Council about an incident which occurred at the San Antonio Convention Center Arena. She urged the City Council to ban Mr. Ozzy Osborn from performing at the Center and spoke about her reasons for this request in particular with regard to the incident of the Alamo. She urged the City Council to write the Governor asking him to ban this certain performer from the State of Texas.

Mayor Pro-Tem Thompson also expressed concern about the actions of this particular performer.

Ms. Berriozabal stated that city property is damaged at some of these rock concerts. She asked if there is a manner of preventing this to re-occur since it is creating a danger to the people attending those types of concerts.

Mr. Alex Briseno, Assistant City Manager, stated that this type of behavior is prevalent at the Convention Center. He stated that there are some suggestions which the staff can investigate to remedy this situation.

Ms. Berriozabal suggested that one option would be to have the promoter pay for extra police protection.

Mr. Wing stated that there are certain groups that perform in San Antonio that do not cause the havoc caused by other groups. He suggested that the City exercise more control and agreed with comments made by Mrs. McCalebb.

Mr. Eureste asked the Legal Department to investigate the possibility of banning this certain individual from using the City's facilities. He also suggested other methods of controlling the crowds at the Convention Center.

Staff was asked to respond in writing to the Council on the options available to the City to remedy this situation.

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MRS. NORA FLORES

Mrs. Nora Flores, 447 Jennings, stated that she had a sewage back-up in her home and she experienced considerable property damage.

Mr. Alex Briseno, asked Mrs. Flores to file a claim.

Mr. Eureste stated that Mrs. Flores has filed a claim with the City Clerk, and the City has a policy not to pay over fifty percent of the damages. He said that he doesn't feel it's fair because it was not Mrs. Flores' fault.

City Attorney Macon stated she will visit with Mrs. Flores and in two weeks report back to the City Council.

Mr. Harrington stated that there are three cases in his district and was advised that there would only be fifty percent reimbursement.

City Attorney Jane Macon stated that this is the present policy and will be glad to bring this matter up to the Council.

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Mr. Dennis O'Mally, President of the San Antonio Parks Foundation, a non-profit charitable organization, organized by local businesses last year spoke to the City Council.

On April 1, Miller High Life, a major supporter of the Department of Parks and Recreation and of the San Antonio Parks Foundation, will sponsor a Charity Basketball Game featuring the "Dallas Cowboy Hoopsters" at the Convention Center Arena. Proceeds from the sale of tickets, souvenirs, and from an auction at half-time will benefit the Parks Foundation and the U.S. Olympic Training Center. Funds received by the Parks Foundation will be designated for the rehabilitation of Travis Park.

He invited the City Council and City Manager to participate in this game.

Assistant City Manager Alex Briseno stated that there would be action required by the City Council since the basketball game is scheduled during the Council's regular "B" Session.

Mr. Webb stated that he is upset about the fact that this event was taken away from his area. He feels it places him in a precarious situation and said he was very involved with this project in the past.

Mr. O'Mally stated that the management of the Dallas Hoopsters were contacted by another promoter and explained the circumstances which resulted in Miller High Life owning the rights to these charity games.

Mrs. Janet Ahmad asked about a report which staff was to have made on the variances granted for sprinkler systems by the Building Inspections Department.

Mr. Rolando Bono, Assistant City Manager, stated that the Council Policy and Directives Committee did schedule this report for a "B" Session, but Mrs. Ahmad was not present.

Mrs. Ahmad expressed concern that the report of the Building Inspectors was not completed.

Mrs. Dutmer stated that any disciplinary action is within the prerogative of the City's management. The object of the report was to get the discrepancies corrected.

There being no further business to come before the Council, the meeting was adjourned at 5:40 P.M.

A P P R O V E D

Attest

Thomas J. Rodriguez
City Clerk

Henry Cisneros
MAYOR

February 25, 1982

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