

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO, HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, SEPTEMBER 26, 1985.

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

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85-55 The invocation was given by Reverend J. S. Smith, New Light Baptist Church.

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85-55 The City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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85-55 MR. ROBERT KOCH

Mayor Cisneros introduced Mr. Robert Koch, of Switzerland, owner/investor of Alamo Cement Company, whose general manager, Mr. Bill Hopper, also was present in the audience. Mayor Cisneros noted that the old Alamo Cement plant on Jones-Maltsberger Road is being phased out with operations now underway in the new modern Alamo Cement plant off FM 1604. He stated that soon the Jones-Maltsberger site would become the site of a major new real estate development in San Antonio.

Mr. Koch stated that he invested in the plant in 1979 and now the firm is finishing up its development of the new plant site. He therefore asked the Mayor and City Council to assist in making the new planned real estate development at the Jones-Maltsberger site a success for the City of San Antonio.

Mayor Cisneros noted that the original Alamo Cement site was in Brackenridge Park, the site now occupied by the Sunken Gardens and the San Antonio Zoo. He then presented a San Antonio tie to Mr. Koch and to Mr. Hopper.

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Mayor Cisneros spoke of the efforts of Mr. John Braubach in the development of the McFarlin Tennis Center in San Pedro Park, and presented a special tennis pass to Mr. Braubach, a gold pass that entitles him to special privileges at the McFarlin Center. The Mayor then introduced Mr. John McFarlin and briefly spoke of his financial backing of the tennis center. He presented Mr. McFarlin with a gold tennis pass to the McFarlin Center.

Mr. McFarlin spoke of the many uses of the tennis center for professional tennis and for the teaching of tennis to underprivileged children in the San Antonio area as well. He asked the City to provide assistance in helping the center in its instruction in tennis to underprivileged children.

Mr. Braubach spoke of former City Councilmember Joe Alderete and his very diligent efforts in developing the tennis center for the City and to Mr. McFarlin for his financial backing of that effort. He stated that San Antonio has a chance to host Davis Cup tennis competition play next year at the McFarlin Tennis Center.

Mayor Cisneros underscored Mr. McFarlin's request for assistance for underprivileged children and spoke to the need to extend tennis development to all underprivileged young people of San Antonio.

Mr. Braubach then introduced his wife and Mr. McFarlin's wife and other members of their families present in the audience.

Mr. Archer then spoke of Mr. McFarlin's funding of the successful Trinity University tennis program and of his development of the McFarlin Tennis Center.

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85-55 The minutes of the Special City Council meeting of September 5, 1985 and the Regular City Council meeting of September 12, 1985 were approved .

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85-55 CONSENT AGENDA

Mrs. Dutmer made a motion to approve Items 7 - 53, constituting the Consent Agenda, with Items 16, 24, and 41 to be pulled for individual consideration. Mr. Hasslocher seconded the motion.

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

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Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Harrington,  
Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

AN ORDINANCE 61,462 .

ACCEPTING THE LOW QUALIFIED BID OF IMAGE, INC. TO  
FURNISH THE CITY OF SAN ANTONIO BUDGET & RESEARCH  
DEPARTMENT WITH A COPIER FOR A TOTAL OF \$9,125.

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AN ORDINANCE 61,463 .

ACCEPTING THE LOW QUALIFIED BID OF ENTIRE COMPUTER  
CENTER TO FURNISH THE CITY OF SAN ANTONIO  
INFORMATION RESOURCES DEPARTMENT WITH A PERSONAL  
COMPUTER SYSTEM FOR A TOTAL OF \$9,347.93.

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AN ORDINANCE 61,464 .

ACCEPTING THE LOW QUALIFIED BID OF MICROPRODUCTS  
UNLIMITED TO FURNISH GOODWILL REHABILITATION SERVICE  
WITH MICROCOMPUTERS FOR A TOTAL OF \$26,135.

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AN ORDINANCE 61,465 .

ACCEPTING THE LOW BID OF BUNCH WHOLESALE, INC. TO  
FURNISH THE CITY OF SAN ANTONIO HEALTH DEPARTMENT  
WITH INSECTICIDES FOR A TOTAL OF \$4,263.75.

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AN ORDINANCE 61,466 .

ACCEPTING THE LOW QUALIFIED BID OF KOETTER FIRE  
PROTECTION SERVICE TO FURNISH THE CITY OF SAN  
ANTONIO FIRE DEPARTMENT WITH FIREFIGHTING GLOVES FOR  
A TOTAL OF \$10,534.

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AN ORDINANCE 61,467 .

ACCEPTING THE LOW BID OF MOORE BUSINESS FORMS TO  
FURNISH THE CITY OF SAN ANTONIO FINANCE DEPARTMENT  
AND INFORMATION RESOURCES DEPARTMENT WITH TAX FORMS

(MAILERS) FOR A TOTAL OF \$51,272.50.

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AN ORDINANCE 61,468

ACCEPTING THE LOW QUALIFIED BIDS OF CHEMICAL & TURF, CROWN INDUSTRIES AND TRI SENTRY CHEMICAL CORPORATION TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH HERBICIDES AND INSECTICIDES FOR A TOTAL OF \$15,090.18.

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AN ORDINANCE 61,469

ACCEPTING THE LOW BID OF CHEMICAL & TURF SPECIALTY COMPANY, INC. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH GRASS SEED FOR A TOTAL OF \$5,396.

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AN ORDINANCE 61,470

ACCEPTING THE LOW QUALIFIED BID OF LAW ENFORCEMENT EQUIPMENT CORPORATION TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH AMMUNITION FOR A TOTAL OF \$5,639.70.

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AN ORDINANCE 61,471

ACCEPTING THE PROPOSAL OF TEXAS FIRE/RESCUE SYSTEM TO REFIT HURST RESCUE TOOLS FOR THE CITY OF SAN ANTONIO FIRE DEPARTMENT FOR A TOTAL OF \$12,502.40.

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AN ORDINANCE 61,472

ACCEPTING THE LOW BID OF COLLIER EQUIPMENT CORPORATION TO FURNISH THE CITY OF SAN ANTONIO WITH A CHLORINE SCALE FOR A TOTAL OF \$3,641.80.

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## AN ORDINANCE 61,473 .

ACCEPTING THE LOW QUALIFIED BID OF GRAPHIC ARTS, AN MBE COMPANY, TO FURNISH THE CITY OF SAN ANTONIO WITH CALENDARS FOR A TOTAL OF \$16,239.60.

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## AN ORDINANCE 61,474 .

ACCEPTING THE LOW BID OF CENTURY PAPER COMPANY TO FURNISH THE CITY OF SAN ANTONIO CONVENTION CENTER WITH ASHTRAYS FOR A TOTAL OF \$7,100.

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## AN ORDINANCE 61,475 .

ACCEPTING THE LOW QUALIFIED BID OF OLIVER & LAUGHTER EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO WASTEWATER MANAGEMENT WITH PROGRESSIVE CAVITY TYPE SLUDGE PUMPS FOR A TOTAL OF \$3,787.

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## AN ORDINANCE 61,476 .

ACCEPTING THE LOW BIDS OF SUMMERS ELECTRIC SUPPLY, FIELDER ELECTRIC SUPPLY, ISAAC MAXWELL AND GE SUPPLY COMPANY TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH LIGHTING FOR THE RIVERWALK FOR A TOTAL OF \$14,379.03.

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## AN ORDINANCE 61,477 .

ACCEPTING BIDS TO FURNISH THE CITY OF SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR THE 1985-1986 FISCAL YEAR.

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## AN ORDINANCE 61,478 .

ACCEPTING THE LOW QUALIFIED BID AND AWARDING A CONTRACT FOR SEALCOATING THE FACILITIES MAINTENANCE YARD AT INTERNATIONAL AIRPORT; ENCUMBERING FUNDS IN

THE AIRPORT SYSTEM OPERATING FUND AND AUTHORIZING  
PAYMENT TO THE CONTRACTOR.

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AN ORDINANCE 61,479

AUTHORIZING THE CITY MANAGER TO EXECUTE FIELD ALTERATION #4 FOR THE RILLING ROAD W.W.T.P. DIGESTER ROOF REHABILITATION PROJECT IN THE AMOUNT OF \$24,713.00, PAYABLE TO CONTEMPORARY ENTERPRISES, INC.; APPROPRIATING FUNDS IN THE AMOUNT OF \$18,750.00, PAYABLE TO CUTLER-GALLAWAY SERVICES FOR ENGINEERING SERVICES REQUIRED FOR THE REDESIGN AND RE-ADVERTISEMENT OF DIGESTERS #7 AND #12; AND PROVIDING AN ADDITIONAL \$3,000.00 FOR THE ENGINEERING CONTINGENCY.

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AN ORDINANCE 61,480

ACCEPTING THE BID OF M.H. MASSEY, INC. FOR THE CONSTRUCTION OF THE I.H. 35 AND O'CONNOR ROAD SANITARY SEWER OFF-SITE IN THE AMOUNT OF \$76,855.00; PROVIDING AN ADDITIONAL \$7,645.00 FOR A CONSTRUCTION CONTINGENCY; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 61,481

AUTHORIZING THE CITY MANAGER TO EXECUTE FIELD ALTERATION #23 IN THE AMOUNT OF \$170,350.66, PAYABLE TO SANDERS COMPANY PLUMBING & HEATING, INC., D/B/A SANDERS INDUSTRIES LTD. FOR THE LEON CREEK W.W.T.P. EXPANSION.

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AN ORDINANCE 61,482

AUTHORIZING FIELD ALTERATION NO. 6 ON THE CONVENTION CENTER EXPANSION - PHASE 2A PROJECT IN THE AMOUNT OF \$16,983.00 FOR REVISING THE GROUND FLOOR STRUCTURAL SLAB FOR AN INCREASED LOAD CAPACITY IN THE SOUTH EXHIBIT HALL.

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## AN ORDINANCE 61,483 .

AN ORDINANCE AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH K. M. NG & ASSOCIATES IN THE AMOUNT OF \$204,595.00 FOR THE ENGINEERING DESIGN ON THE MARTIN STREET/BOWIE STREET CONNECTION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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## AN ORDINANCE 61,484 .

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH CIVIL ENGINEERING CONSULTANTS/FLORES & COMPANY, JOINT VENTURE, IN THE AMOUNT OF \$471,000.00 FOR ENGINEERING DESIGN SERVICES ON THE BARBARA DRIVE DRAINAGE PROJECT #73 A & B; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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## AN ORDINANCE 61,485 .

APPROPRIATING AN ADDITIONAL \$3,700.00 FOR RIGHT-OF-WAY ENGINEERING COSTS ON THE TILLIE DRIVE DRAINAGE OUTFALL #114A PROJECT AND AUTHORIZING SAID AMOUNT PAYABLE TO MACINA, BOSE, COPELAND & ASSOCIATES, INC.

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## AN ORDINANCE 61,486 .

AMENDING ORDINANCE NO. 61235, DATED AUGUST 15, 1985, WHICH AWARDED A PROFESSIONAL SERVICES CONTRACT TO SOUTH TEXAS ENGINEERING, INC., BY AUTHORIZING PAYMENT OF \$52,750.00 IN ENGINEERING FEES JOINTLY TO SOUTH TEXAS ENGINEERING, INC., AND PLAZA BANK, N.A.

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## AN ORDINANCE 61,487 .

APPROPRIATING AN ADDITIONAL \$6,919.48 FOR ENGINEERING COSTS ON THE NEW JEFFERSON HEIGHTS STREETS PROJECT AND AUTHORIZING SAID AMOUNT PAYABLE

TO MILLEGAN & JOHNS, INC.

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AN ORDINANCE 61,488

ACCEPTING THE BID OF STODDARD CONSTRUCTION CO. IN THE AMOUNT OF \$738,000.00 FOR THE INTERIOR MODIFICATION OF CITY HALL, THE BASEMENT AND FIRST FLOOR PROJECT, PROVIDING A CONTINGENCY IN THE AMOUNT OF \$25,104.02; AUTHORIZING \$30,000.00 FOR ARCHITECTURAL FEES FOR THE CONSTRUCTION PHASE PAYABLE TO HOWARD WONG & ASSOCIATES; APPROVING A CONTRACT AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 61,489

ACCEPTING THE BID OF HOUSTON BRIDGE COMPANY IN THE AMOUNT OF \$6,233,264.79 FOR THE CONSTRUCTION OF THE E. COMMERCE STREET DRAINAGE PROJECT #13A AND #13B; PROVIDING AN ADDITIONAL \$259,837.14 FOR A CONSTRUCTION CONTINGENCY; APPROVING A CONTRACT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 61,490

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$3,275.00 OUT OF SEWER FUNDS FOR THE PURPOSE OF ACQUIRING EASEMENTS TO CERTAIN LANDS; ACCEPTING THE DEDICATION OF EASEMENTS TO CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN RIGHT OF WAY PROJECTS. (SAN ANTONIO WASTEWATER FACILITIES IMPROVEMENTS PROGRAM, CATEGORY NO. 4, PACKAGE "F" FUND; ELM CREEK SANITARY SEWER OUTFALL, PHASE I; A. W. CHURCH SUBDIVISION SANITARY SEWER PROJECT; TAFT HIGH SCHOOL WASTEWATER TREATMENT PLANT AND SANITARY SEWER PROJECT)

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AN ORDINANCE 61,491

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 61,492

AUTHORIZING PAYMENT OF REFUNDS TO PERSONS MAKING  
OVERPAYMENTS OR DOUBLEPAYMENTS ON 56 TAX ACCOUNTS.

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## AN ORDINANCE 61,493

FINDING THAT CERTAIN PERSONAL PROPERTY AND REAL  
PROPERTY TAX ASSESSMENTS ARE INVALID AND ORDERING  
THAT THE INVALID ASSESSMENTS AND THE TAXES BASED  
THEREON BE CANCELLED.

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## AN ORDINANCE 61,494

AMENDING SECTION 3 OF ORDINANCE NO. 59072 REGARDING  
USER FEES FOR TERMINAL BUILDING FACILITIES FOR  
SPECIFIED COMMERCIAL AIR TRANSPORTATION ACTIVITIES  
AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

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## AN ORDINANCE 61,495

AMENDING LEASES BY AND BETWEEN FAIRCHILD AIRCRAFT  
CORPORATION AND THE CITY OF SAN ANTONIO FOR LEASE OF  
PREMISES AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

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## AN ORDINANCE 61,496

AUTHORIZING LEASES AT STINSON MUNICIPAL AIRPORT WITH  
CALIFORNIA HELICOPTER INTERNATIONAL, INC., WHETSTONE  
AEROTRONICS, INC., TOBIN SURVEY, INC. AND STINSON  
AVIATION CORPORATION.

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## AN ORDINANCE 61,497

REVISING ADMISSION FEES TO THE SAN ANTONIO ZOO.

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AN ORDINANCE 61,498

ACCEPTING THE BID OF RAINMAKER, INC., IN THE AMOUNT OF \$34,278 TO INSTALL AN AUTOMATIC IRRIGATION SYSTEM AT OLMOS SOCCER FIELD; AUTHORIZING A \$3,430 CONTINGENCY ACCOUNT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 61,499

AUTHORIZING A TWO YEAR LEASE AGREEMENT WITH JEAN SCHOENIG, D/B/A ANGELITA, FOR USE OF 554 SQUARE FEET OF SPACE IN BUILDING NUMBER 5 LOCATED IN LA VILLITA.

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AN ORDINANCE 61,500

AUTHORIZING A TWO YEAR LEASE AGREEMENT WITH WALT AND CYNTHIA GLASS, D/B/A LA VILLITA CLAY AND LEATHER, FOR USE OF 1,410 SQUARE FEET OF SPACE IN BUILDING NUMBER 10 LOCATED IN LA VILLITA.

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AN ORDINANCE 61,501

AUTHORIZING A TWO YEAR LEASE AGREEMENT WITH MARGARET PUTNAM, D/B/A ARTWORKS PALLISADO GALLERY, FOR USE OF 1,158 SQUARE FEET OF SPACE IN BUILDING NUMBER 22 LOCATED IN LA VILLITA.

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AN ORDINANCE 61,502

CLOSING SOUTH MAIN FROM COMMERCE TO DOLOROSA AND TREVINO STREET FROM SOUTH FLORES TO SOUTH MAIN IN CONNECTION WITH THE SAN FERNANDO CATHEDRAL FESTIVAL.

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AN ORDINANCE 61,503

AMENDING PRIOR APPROPRIATIONS; CLOSING ACCOUNTING RECORDS IN CERTAIN FUNDS; CARRYING FORWARD CERTAIN APPROPRIATIONS; AND APPROPRIATING ADDITIONAL FUNDS FOR REQUIREMENTS IN CITY PROJECTS AND DEPARTMENTS;

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AND APPROPRIATING CERTAIN CAPITAL PROJECT FUNDS.

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AN ORDINANCE 61,504

AUTHORIZING EXECUTION OF AN AGREEMENT WITH BEXAR COUNTY PROVIDING FOR HOLDING THE REFERENDUM ON FLUORIDATION JOINTLY WITH THE COUNTY, AND DESIGNATING POLLING PLACE LOCATIONS, PRECINCT DESIGNATIONS AND ABSENTEE SUB-STATIONS.

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AN ORDINANCE 61,505

AUTHORIZING ESTABLISHMENT AND ADMINISTRATION OF A SPECIAL FUND FOR RECEIPT OF DONATIONS OF MONEY FOR ASSISTING WITH THE EARTHQUAKE RELIEF EFFORT IN MEXICO, AND AUTHORIZING EXPENDITURE THEREOF FOR NEEDED MATERIALS AND SUPPLIES TO BE SENT TO MEXICO.

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85-55 The Clerk read the following Ordinance:

AN ORDINANCE 61,506

ACCEPTING THE LOW BIDS OF MPH INDUSTRIES, INC. AND KUSTOM ELECTRONICS TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH RADAR SPEED METERS FOR A TOTAL OF \$10,485.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mr. Harrington seconded the motion.

In response to a question by Mr. Thompson, Mr. John Brooks, Director of Purchasing and General Services, briefly explained that six portable units are involved in this bid.

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

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85-55 The Clerk read the following Ordinance:

AN ORDINANCE 61,507

ACCEPTING THE LOW BIDS OF ENVIRONMENTAL IMPROVEMENTS, INC., OLIVER AND LAUGHTER EQUIPMENT COMPANY, AND AMFAC ELECTRICAL SUPPLY COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH BELT FILTER PRESSES AND RELATED EQUIPMENT FOR A TOTAL OF \$1,779,558.00.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mr. Harrington seconded the motion.

Mrs. Dutmer voiced her concern with the high cost of equipment as compared to that made by other cities and of the staff recommendation that apparently bypasses the low bidder in this case.

Mr. John Brooks, Director of Purchasing and General Services, and Mr. Joe Aceves, Director of Wastewater Management, explained that San Antonio has many differing requirements for this equipment and is thus asking for the best equipment available, not necessarily that available at the lowest cost.

Mrs. Dutmer stated that she had a problem with not accepting the bid from the lowest bidder. She questioned one specification in a bid which she feels cannot be provided by any other bidder. She then addressed the need to take a close look at ordering West German equipment in lieu of American made equipment in this case.

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

85-55 The Clerk read the following Ordinance:

AN ORDINANCE 61,508

AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST THE ACCOUNTING RECORDS OF THE CITY BY CANCELLING THE ACCOUNTS RECEIVABLE FROM VIA METROPOLITAN TRANSIT AUTHORITY IN ACCORDANCE WITH THE AGREEMENT BETWEEN

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VIA AND THE CITY APPROVED BY ORDINANCE #60763.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Ms. Berriozabal seconded the motion.

In response to a question by Mr. Thompson, Mr. Alexander Briseno, Assistant City Manager, explained the financial adjustments involved in connection with VIA Metropolitan Transit at this point.

Mr. Thompson noted that this is a settling of accounts.

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

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MAYOR PRO TEM

Mayor Cisneros lauded Ms. Berriozabal for her excellent service as Mayor Pro Tem over the past several months.

City Clerk Norma S. Rodriguez then administered the oath of office as the incoming Mayor Pro Tem Van Henry Archer.

Individual members of the City Council then offered their congratulations to both Mr. Archer and Ms. Berriozabal for their service.

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85-55 The Clerk read the following Ordinance:

AN ORDINANCE 61,509

BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, RELATING TO THE ISSUANCE AND SALE OF \$125,000,000 "CITY OF SAN ANTONIO, TEXAS, ELECTRIC AND GAS SYSTEMS REVENUE IMPROVEMENT BONDS, NEW SERIES 1985-B", INCLUDING THE APPROVAL AND DISTRIBUTION OF A NOTICE OF SALE AND OFFICIAL STATEMENT AND THE AUTHORIZATION TO PROCEED WITH THE GIVING OF A NOTICE OF INTENTION TO ISSUE SUCH REVENUE BONDS; AND DECLARING AN EMERGENCY.

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Mr. Hasslocher made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

Mr. Jack Spruce, General Manager of City Public Service, spoke to the need for these funds in order to continue public works projects of City Public Service including the South Texas Nuclear Project (STNP).

Mr. Carl Wurz voiced his concern with the amounts of interest being paid for City Public Service bonds and he estimated that this bond issue alone will cost the rate payers of CPS between \$280 and \$300 million dollars in interest. He then spoke of the proliferation of local bond issues in San Antonio and spoke in favor of a "pay as you go" method of financing for bonds.

Ms. Helen Ayala, President of Communities Organized for Public Service (COPS), voiced her concern with the lack of accountability on the South Texas Nuclear Project, including certain cost overruns. She stated that she feels that the City should not grant this bond sale until all the facts are known concerning the STNP and are made public. She then noted that the City Council members have asked to hear from Mr. Jim Boyle of the Public Utility Commission on the South Texas Nuclear Project issue at a later date.

Ms. Virginia Ramirez, Executive Vice President of COPS, voiced her concern with reported plans of Houston Lighting & Power to acquire Austin's STNP shares and thus become the majority stockholder in the STNP project.

Ms. Berriozabal stated that she had requested certain data from the Public Utility Commission and of having spoken to Mr. Jim Boyle concerning the STNP matter.

Ms. Berriozabal proposed an amendment to the motion that the Mayor reply to the Attorney General's letter and ask for additional information to San Antonio on the proposed settlement of the STNP lawsuit concerning Brown & Root, and also to have Mr. Jim Boyle, Public Consumer Counsel for the Public Utility Commission to come to San Antonio to discuss the entire matter of the STNP with the City Council. Mr. Martinez seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Spruce spoke to his understanding of the deal involving Austin and Houston Lighting & Power concerning Austin's share in the nuclear project. She stated that the Mayor had demanded that any offer made to Austin by Houston Lighting and Power must also be made to San Antonio for its shares and she spoke to the need for this bond issue. She stated that in regard to the Austin/Houston Lighting & Power deal, Austin under terms of that proposed deal would continue to make their payments to STNP and that Houston Lighting & Power

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would assume Austin's share of the project and provide certain power to Austin in return. She spoke against the amendment.

Mr. Webb noted that CPS today has provided Houston Lighting & Power's written answer to certain questions raised by Council members at a recent public hearing on the South Texas Nuclear Project. He spoke in favor of putting a ceiling on STNP costs or at least on City Public Service Board payments to the STNP project.

Mr. Spruce stated that he feels that the contractor on STNP would not agree to a ceiling on costs for that project at this time. He spoke in favor of continuing the construction program at STNP as before and stated that the Council would need to amend its participation agreement between all parties in the nuclear project in order to accomplish this.

Mr. Webb stated that he wants a graduated ceiling on the STNP project in order for it to come in under the estimated \$5.5 billion dollar construction costs.

In response to a question by Mr. Martinez, Mr. Spruce stated that the current CPS bonds would be exhausted by the end of September thus the need to sell a new series of bonds at this time.

Mr. Martinez voiced his concern that some 70% of these bonds are going to the STNP. He also questioned whether CPS is an efficient operation concerning its management and personnel.

Mr. Spruce stated that CPS is one of the lowest cost utilities in the state of Texas at the present time despite serving more customers with less per capita employee force. He noted that 18% of all CPS revenues go toward debt service and he defended this figure.

In response to a question by Mr. Hasslocher, Mr. Spruce noted that CPS trustees had unanimously approved this request to the City Council to sell new bonds.

Mr. Hasslocher spoke of the need to complete the construction of South Texas Nuclear Project and he thanked the CPS management team for their work in this effort.

Mr. Spruce stressed the tentative nature of the reported Austin/Houston Lighting & Power agreement to sell Austin's shares in the STNP.

Mayor Cisneros spoke of his concerns with several areas, including the alleged 1978 withholding of key STNP data by Houston Lighting & Power from all the STNP partners. He spoke in favor of hearing from Mr. Boyle from the Public Utilities Commission but voiced his favor in support of the passage of today's ordinance which he described as

necessary to the entire CPS system. He noted that the settlement of the lawsuit between Brown & Root was agreed to by the San Antonio City Council. He also stated that he supported Ms. Berriozabal's amendment to hear from Mr. Boyle but also stated his opinion that these bonds are not the place to leverage other issues involving CPS and STNP. He spoke against the upcoming requested 4% CPS rate hike and spoke in favor of a 2% level which is being recommended by the City's Supervisor of Public Utilities, Mr. Roger Ibarra.

Mr. Lowell Denton, City Attorney, stated that he feels the data involved in the pending amendment can best be treated as a separate item and thus not attached to the ordinance itself dealing with the bonds.

Mr. Harrington voiced his concern with possible questioning of the management ability of top CPS management.

Mr. Spruce noted that a recent study had determined that CPS is a well-run organization and he stated his feeling that CPS rates will fall when the STNP comes on line producing power.

Mr. Harrington spoke against the amendment and also spoke to the need to comply with debt-obligations of CPS. He also stated his feeling that any pertinent information on STNP should be made public.

In response to a question by Mr. Thompson, Mr. Spruce noted that the CPS Board had voted three to two to ask for a 4% rate increase. He noted that his staff had offered a 2.7% alternative with the understanding that CPS could use some of the Brown & Root lawsuit settlement funds in lieu of asking for a higher 4% utility rate increase.

Mr. Thompson spoke to the need for answers concerning STNP and he supported asking Mr. Boyle and the Attorney General to meet with the City Council concerning STNP in the future. He spoke in favor of the amendment as a separate issue and not as an actual amendment to the ordinance at hand.

Ms. Berriozabal stated that she feels Houston Lighting & Power has not responded satisfactorily to her concerns that were raised concerning a news article on so-called "backfilling". She noted that the article voiced its concerns that some STNP buildings may collapse because of backfill and she stated that Houston Lighting & Power has not answered the question concerning their safety.

Mr. Spruce stated that he would personally deliver her concerns in this matter to Houston Lighting & Power.

Mr. Berriozabal stated that she had no problems with separating her pending amendment from the main motion. She stated that if it is not

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approved, she would ask the Attorney General and Mr. Boyle, to both meet with her concerning her questions on STNP.

Ms. Vera spoke in favor of hearing more of STNP matters before committing more rate payers' funds.

Mrs. Dutmer noted that the commitment has been made to STNP by a previous City Council and it would hurt the City of San Antonio if we default at this point.

Ms. Berriozabal requested withdrawal of her amendment and Mr. Martinez agreed to do so, thus the proposed amendment was withdrawn from consideration at this time.

Mr. Archer stated that he wants the public to know how much STNP detractors have cost the rate payers.

Mr. Spruce noted that the amount of money lost because of detractors in recent years must be substantial but has not been calculated.

A discussion then took place concerning grounds for a possible lawsuit in the regard and also discussion of what Mr. Boyle has to offer in the way of more information concerning the South Texas Nuclear Project.

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

Ms. Berriozabal then made a motion to have the Mayor respond to the Attorney General's letter and ask for additional information and set up a meeting with Mr. Jim Boyle regarding a settlement. Mr. Martinez seconded the motion.

The motion prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Cisneros; NAYS: Harrington, Archer, Hasslocher; ABSENT: None.

#### ZONING HEARINGS

54. CASE Z85275 (P.P.) - to rezone the remaining portion of Lot 17, Block 12, NCE 14113, 5300 Block of Summit Parkway, 5700 Block of Callaghan Road, from "B-1" Business District to "B-2" Business District, located on the northwest corner of Callaghan Road and Summit Parkway Drive, having approximately 200' on Callaghan Road with an approximate depth of 200'.

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 the Hope Lutheran Church has submitted a letter stating that they are no longer in opposition based on certain restrictions agreed to by the proponent. He then read to the City Council a list of the agreed-to restrictions.

Mr. Harrington moved that the recommendation of the Zoning Commission be approved provided that 13' of dedication is given along Callaghan Road, and that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 61,510

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 REMAINING PORTION OF LOT 17, BLOCK 12, NCB 14113, IN THE 5300 BLOCK OF SUMMIT PARKWAY, IN THE 5700 BLOCK OF CALLAGHAN ROAD, FROM "B-1" BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT 13-FEET OF DEDICATION IS GIVEN ALONG CALLAGHAN ROAD, AND THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

\* \* \* \*

55. CASE 285220 - to rezone the north 268.7' of the east 116.5' of Lot 25, NCB 11880, from "A" Single Family Residence District to "B-1" Business District; all of Lot 16 and the west 50' of Lot 21, and the west 100' of Lots 19 and 20, NCB 11879, from "A" Single Family Residence District to "R-3" Multiple Family Residence District; all of Lots 17, 18, the east 122' of Lots 19 and 20, and the east 5' of Lot 21, NCB 11879, from "A" Single Family Residence District to "O-1" Office District, located on the southeast corner of Lookover Place and Ridgecrest Drive, having approximately 335' frontage on Ridgecrest Drive and a maximum depth of 265' on Lookover Place.

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

Mr. Chesley Swann, 7744 Broadway, spoke to his client's plans as a good transition zoning for the neighborhood.

Mr. George Geis, 8310 Gault Lane, told the City Council that he owns property across the street and he voiced his concern that elderly residents of his proposed retirement center will be looking out at a parking garage across the street.

Mr. Swann noted that he has no plans to combine his property with another piece of property fronting onto Broadway in order to reportedly create a large development, including a parking garage.

Mr. Archer stated that he feels that the proponent would not damage Mr. Geis' property and stated further that he would be watching the development closely in order to protect the neighborhood.

Mr. Archer moved that the recommendation of the Zoning Commission be approved provided that 5' of dedication is given along Ridgcrest; that off-street parking and driveways are provided and submitted for approval by the Traffic Engineering Division; and that a 6' solid screen fence is erected and maintained along the south property line. Mr. Webb seconded the motion.

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

AN ORDINANCE 61,511

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTH 268.7' OF THE EAST 116.5' OF LOT 25, NCB 11880, FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT; ALL OF LOT 16 AND THE WEST 50' OF LOT 21, AND THE WEST 100' OF LOTS 19 AND 20, NCB 11879, FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT AND ALL OF LOTS 17 AND 18, THE EAST 122' OF LOTS 19 AND 20, AND THE EAST 5' OF LOT 21, NCB 11879, IN THE 200 BLOCK OF RIDGECREST, IN THE 8100 BLOCK OF LOOKOVER DRIVE, FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT, PROVIDED THAT 5' OF DEDICATION IS GIVEN ALONG

RIDGECREST; THAT OFF-STREET PARKING AND DRIVEWAYS ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION; AND THAT A 6-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH PROPERTY LINE.

\* \* \* \*

56. CASE Z85302 - to rezone a 0.473 acre tract out of NCB 16481, being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" ERZD One Family Residence District Edwards Recharge Zone to "O-1" ERZD Office District, Edwards Recharge Zone and a 3.7997 acre tract out of NCE 16481, being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" ERZD One Family Residence District, Edwards Recharge Zone to "B-2" ERZD Business District Edwards Recharge Zone, located on the northeast side of Thousand Oaks Drive approximately 490' northwest of the intersection of Thousand Oaks Drive and Broken Oak Drive, having 922.85' frontage on Thousand Oaks Drive, with a maximum depth of approximately 190'.

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

Mr. Fernando Cuellar, representing the proponent, spoke to plans to develop the property including the development of a pollution abatement plan.

Mr. Bill Stevens, 16804 Springhill, representing the Kentwood Manor Homeowners' Association, stated that the development plans provide no protection into the adjoining residential area and he spoke to the history of this property over the past several years. He further stated that he is personally willing to agree to O-1 provided that a six-foot fence, proper landscaping and a one story height limitation on buildings is imposed on the property.

Mr. Cuellar stated that the proponent would agree to replacing any trees removed in the development and would further agree also to the fence. Mr. Cuellar stated that the proponent would prefer a B-2 zoning but would not be willing to go along with a one story height limitation on the buildings.

Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved provided that 13' of dedication is given along Thousand Oaks Drive, and that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Further provided that landscaping is provided adjacent to the northeast property line, and that a six-foot solid screen fence is erected and maintained along the northeast property line. Mr. Harrington seconded the motion.

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In response to a question by Mrs. Dutmer, Mr. Cuellar stated that the proponent does not plan to build a carwash on the property with gas pumps as part of that development.

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

AN ORDINANCE 61,512

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.473 ACRE TRACT OF LAND OUT OF NCB 16481, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" ERZD ONE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "O-1" ERZD OFFICE EDWARDS RECHARGE ZONE DISTRICT AND A 3.7997 ACRE TRACT OF LAND OUT OF NCB 16481, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" ERZD ONE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT PROVIDED THAT 13' OF DEDICATION IS GIVEN ALONG THOUSAND OAKS DRIVE, AND THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION. FURTHER PROVIDED THAT LANDSCAPING IS PROVIDED ADJACENT TO THE NORTHEAST PROPERTY LINE, AND THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTHEAST PROPERTY LINE.

\* \* \* \*

57. CASE 285319 - to rezone Lots 10 thru 19, Block 1, NCB 14901, 9500 Block of Veronica Drive, 1700 Block of Cassandra Drive, from "R-5" One Family Residence District to "R-2" Two Family Residence District, located on the northeast corner of Jennifer Drive and Veronica Drive, having 91.64' on Jennifer Drive and approximately 547.89' on Veronica Drive with a maximum depth of 104.36'.

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

In response to a question by Mr. Wing, Mr. Andy Guerrero, Planner III, noted that the duplexes planned for the property would be a buffer between the residential area and the development along Zarzamora Avenue.

Mr. Wing moved that the recommendation of the Zoning Commission be approved. Ms. Berriozabal seconded the motion.

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

AN ORDINANCE 61,513

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 10 THRU 19, BLOCK 1, NCB 14901, IN THE 9500 BLOCK OF VERONICA DRIVE, IN THE 1700 BLOCK OF CASSANDRA DRIVE, FROM "R-5" ONE-FAMILY RESIDENCE DISTRICT TO "R-2" TWO-FAMILY RESIDENCE DISTRICT.

\* \* \* \*

58. CASE 285304 - to rezone a 3.431 acre tract of land out of NCB 15686, being further described by field notes filed in the Office of the City Clerk, from "B-2" Business District to "B-3" Business District and a 4.000 acre tract of land out of NCB 15686, being further described by field notes filed in the Office of the City Clerk, from "B-3" Business District to "I-1" Light Industry District, located on the southwest corner of Uhr Lane and Naco Pass, between Bulverde Drive and Nacogdoches Road, having 181.62' on Nacogdoches Road, 366.07' on Bulverde Road, 736.45' on Naco Pass and 195' on Uhr Lane with a maximum depth of 1155.63'.

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

In response to a question by Mr. Hasslocher, Mr. Ken Mahafee, representing Rand Development Corporation, spoke to the uses of nearby properties and plans to build an office/warehouse on the property.

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Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved provided that 5' of right-of-way is given along Bulverde Road, and that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. 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, Dutmer, Wing, Martinez, Thompson, Vera, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb, Harrington, Archer.

AN ORDINANCE 61,514

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 3.431 ACRE TRACT OF LAND OUT OF NCB 15686, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT AND A 4.000 ACRE TRACT OF LAND OUT OF NCB 15686, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK FROM "B-3" BUSINESS DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT 5' OF RIGHT-OF-WAY IS GIVEN ALONG BULVERDE ROAD, AND THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

\* \* \* \*

59. CASE 285323 - to rezone a 0.858 acre tract of land out of Lot 15, Block 59, NCB 15157, 7700 Block of Medina Base Road, from "B-2" Business District to "B-3R" Restrictive Business District, located at the southeast corner of Medina Base Road and Ray Ellison Blvd., having 1075' on Medina Base Road and 515' on Ray Ellison Blvd.

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

In response to a question by Mr. Thompson, Mr. Edmund Beck, the proponent, spoke to planned uses for the property.

Mr. Thompson moved that the recommendation of the Zoning Commission be approved provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division.

Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 61,515

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.858 ACRE TRACT OF LAND OUT OF LOT 15, BLOCK 59, NCB 15157, IN THE 7700 BLOCK OF MEDINA BASE ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

\* \* \* \*

60. CASE Z85318 - to rezone the northwest 190' of Parcel 1 (1.760 acre) out of NCB 15679, 3700 Block of Thousand Oaks Drive, from Temporary "R-1" One Family Residence District to "B-3" Business District, located on the northwest side to Thousand Oaks Drive, being approximately 370' northwest of the intersection of Thousand Oaks Drive and Wetmore Road, having 190' on Thousand Oaks Drive, with a maximum depth of 398.41'.

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

In response to a question by Mr. Hasslocher, Mrs. Jeffrey Berler, the wife of the proponent, stated that they were working with plans for B-3 uses for the property.

Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved provided that 3' of right-of-way is given along Thousand Oaks Drive, and that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. 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, Dutmer, Wing, Martinez, Thompson, Vera, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb, Harrington, Archer.

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## AN ORDINANCE 61,516

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTHWEST 190' OF PARCEL 1 (1.760 ACRE) OUT OF NCE 15679, IN THE 3700 BLOCK OF THOUSAND OAKS DRIVE, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT 3' OF RIGHT-OF-WAY IS GIVEN ALONG THOUSAND OAKS DRIVE, AND THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

\* \* \* \*

61. CASE Z85325 - to rezone the north 110.37' of Lot F, NCB 11493, in the 4400 Block of Culebra Road, from "A" Single Family Residence District to "B-2" Business District, located on the southside of Culebra Road, being 525' west of the intersection of Laven Drive and Culebra Road, having 315' on Culebra Road, with a maximum depth of 110.37'.

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

Mr. Andy Guerrero, Planner III, stated that the proponent has asked for a three week postponement of this zoning case.

Mrs. Dutmer made a motion to postpone consideration of this case for three weeks. Ms. Vera seconded the motion.

The motion to postpone prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb, Harrington, Archer.

CASE Z85325 was postponed.

85-55 The Clerk read the following Ordinance:

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AN ORDINANCE 61,517

AUTHORIZING THE CITY MANAGER TO REQUEST FUNDING FROM THE STATE CRIMINAL JUSTICE DIVISION AND THE AACOG (SIMULTANECUSLY) FOR \$143,707 IN FUNDING ASSISTANCE TO SUPPORT A JOINT EFFORT BETWEEN THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE AND THE SAN ANTONIO POLICE DEPARTMENT'S REPEAT OFFENDER PROJECT.

\* \* \* \*

Mr. Hasslocher made a motion to approve the proposed Ordinance. Mr. Harrington seconded the motion.

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

85-55

RECONSIDERATION OF AEROPLEX CONTRACT

Mayor Cisneros stated that it was a policy matter of the City Council as to whether or not to consider cancellation of the Aeroplex Contract at San Antonio International Airport and to rebid it.

Mr. Mike Kutchins, Director of Aviation, noted that some 15 months ago the City Council awarded a five-year contract to Aeroplex for a retail facility at International Airport and he spoke to its terms including a \$6.1 million dollar minimum guarantee over the five years of the contract. He then spoke to the history of the Aeroplex contract since its award.

Mr. Louis Fox, City Manager, stated that the City is sympathetic to the position of the parent Zale's Corporation but he spoke of his concern with the possible overall ramifications of releasing Aeroplex from its contract at the airport, stating that in his opinion to do so would cost the City approximately \$500,000 a year. He recommended the City Council make the firm conform to the terms of its contract.

Mayor Cisneros stated that the question appears to be whether or not to hold the firm to the contract or to release them and re-bid the contract.

Mr. Hasslocher voiced his favor for holding the firm to the terms of the contract.

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(At this point Mayor Cisneros was obliged to leave the meeting. Mayor Pro Tem Berriozabal presided.)

Mr. Hasslocher then made a motion to hold Aeroplex to the terms of the contract. Mrs. Dutmer seconded the motion.

Ms. Berriozabal stated that she feels many other airports around the nation offer more merchandise in their stores than the Aeroplex operation in San Antonio and she stated she needs to know why the discrepancy exists when many of these other operations at other airports are also operated by Aeroplex. She spoke in favor of reopening the case to new requests for proposals or to demand better service from Aeroplex, whichever the Council decides.

Mr. Wing spoke in favor of the City staff recommendation.

Ms. Carol Tucker, Assistant City Attorney, spoke to the actual provisions of the Aeroplex contract.

Mr. Kutchins stated that Aeroplex has discharged the person who was responsible for the proposal and bid on the original Aeroplex contract and stated that the firm is asking for relief from the terms of its contract by the City Council.

Mr. Thompson stated that he felt that the City is letting a sure thing go. He stated further that he is in favor of keeping Aeroplex at the airport.

Mr. Harrington voiced his concern about the possible precedent this would set if the Council does let Aeroplex free from the terms of its contract. He stated that he would be in favor of recouping the spread between the Aeroplex contract and that of the second highest bidder, that of Weiner News Service.

Mr. Archer spoke in favor of holding Aeroplex to the terms of its contract.

In response to a question by Mrs. Dutmer, Mr. Fox stated that Aeroplex could, if it wishes, reassign its lease to another party. He stated further that the City Council in this case would need to approve this reassignment.

Mrs. Dutmer made a substitute motion to pursue the idea of having Aeroplex re-assign its lease to Weiner and to develop a system to recoup the difference between the bids so that the City would not lose any monies. Mr. Harrington seconded the motion.

In response to a question by Mr. Hasslocher as to Aeroplex's non-performance of the terms of its contract, Lowell Denton, City

Attorney, stated that if a contract reassignment would take place, a guarantee of performance would have to take place before Aeroplex's guarantee would be released.

Mr. Wing spoke against terms of the substitute motion.

Mr. Kutchins outlined the steps he would take to guarantee that Aeroplex improves its merchandise services as recommended by Ms. Berriozabal.

The substitute motion failed to carry by the following vote: AYES: Berriozabal, Dutmer, Martinez, Harrington; NAYS: Wing, Thompson, Vera, Archer, Hasslocher, Cisneros; ABSENT: Webb.

Mr. Fox stated, at this point, that he expects Aeroplex officials to ask to renegotiate the firm's contract at International Airport.

The main motion was approved by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

(This matter was reconsidered later in this meeting. See Page 31 for the continuation of the Aeroplex matter.)

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

85-55

PUBLIC HEARING ON STREET CLOSURE - GALVESTON STREET

Mayor Cisneros declared the Public Hearing to be open.

No citizen appeared to speak on the matter.

Mayor Cisneros declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 61,518

CLOSING AND ABANDONING A PORTION OF GALVESTON STREET, ADJACENT TO NEW CITY BLOCKS 681 AND 14081, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A QUITCLAIM DEED TO ALAMO IRON WORKS, FOR A CONSIDERATION OF \$2,400.00.

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Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Wing seconded the motion.

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

85-55 The Clerk read the following Ordinance:

AN ORDINANCE 61,519

APPOINTING YOLANDA VERA TO SERVE ON THE SAN ANTONIO LITERACY BOARD.

\* \* \* \*

Mayor Cisneros spoke briefly to the importance of making a City Council appointment to the San Antonio Literacy Board.

During informal discussions, the members of the City Council agreed to name Councilwoman Vera to serve on the San Antonio Literacy Board.

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Thompson seconded the motion.

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

85-55

NUTRITION PROGRAMS

Mr. Martinez stated that he had sent a memo to other City Council members last week voicing his concerns with the City's nutrition programs. He further stated he feels that the City needs to undertake a comprehensive review of this program at this time and he also feels that the home delivery program as performed by Project FREE, may perhaps be deficient. Mr. Martinez spoke of the 34 **congregate** sites where senior citizens are served nutritious meals each and also spoke of the need for the continuation of this program. He stated that he feels the City may not be operating as efficiently a program as possible. Mr. Martinez then voiced his opinion that the City needs an on-going outreach in order to

locate those persons who cannot provide for themselves, and he voiced his concern with how the City operates its sites versus those operated by outside agencies. He stated his opinion that the City needs to correct certain deficiencies in its program and could do so more efficiently perhaps by combining kitchen facilities. Mr. Martinez stated further that he wants a committee named by the Council to look into this entire area and to look at our outreach program in this regard and asked that the Council consider a motion next week to have a committee so-named.

At this point, Mr. Martinez made a motion to place on next week's "A" session an ordinance setting up a Council Nutrition Committee. Ms. Berriozabal seconded the motion.

Mayor Cisneros spoke in support of the motion asking Mr. Martinez to serve as its chairman if the idea is enacted by the City Council.

Mr. Harrington stated that he feels a Council committee already exists to handle outside agencies.

Mr. Martinez spoke to the need for a comprehensive review of the City's entire nutrition program.

In response to a question by Mr. Harrington, Mr. Kevin Moriarty, Director of Human Resources and Services, stated that he feels the nutrition program is well-run by the City of San Antonio but he noted that the loss of federal funds in recent years has somewhat hampered the growth of the program and its current outreach plans. He stated that a Committee, if appointed by the Council, could look at the priorities of the City in this matter and he noted that there is no question that many more people exist who could use the services provided. Mr. Moriarty also stated that central kitchen facilities perhaps could help the efficiency of the overall program but to do so would cut into the employment at each of the congregate sites' kitchen staffs and this was not favored by the agencies who operated the sites.

Mr. Wing voiced his concern that cost effectiveness not hamper the sensitivity of this program. He spoke against any "witch hunt" concerning any delegate agency and stated that this was an emotional issue to the people involved.

Ms. Berriozabal spoke to a recent survey showing a steady growth of the number of older persons in San Antonio up to and including the year 2000. She stated that the City needs to determine what it is going to be doing for these elderly people in the years to come and she further stated that the nutrition program is the only full meal of any given day for many of San Antonio's senior citizens. She stated further the City already had a problem in not being able to serve all who need the service and she voiced her feeling that the City could combine some sites with City-served

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and outside delegate agency-served meals as well. She spoke in support of the City Council study to the needs and resources in this area.

Mayor Cisneros stated that the City could possibly solve the problem by making this committee a subcommittee of the City Council Social Services Committee. He recognized the fact that Mr. Martinez was extremely interested in this area and spoke in favor of leaving Social Sevice Committee intact and setting up an ad hoc committee on nutrition programs.

Mr. Thompson spoke against eroding the feeling of unity of senior citizens at the nutrition sites by creating a central kitchen.

Mr. Martinez stated that he only wants to insure the City is helping as many people as possible with this program and stated further he recognized that sensitive issues are involved.

Mrs. Dutmer feels that the City could purge from its nutrition program rolls a number of persons who can well prepare their own meals. She spoke in favor of the use of other criteria in this area.

Mayor Cisneros stated that he would name certain other members of the City Council to the committee if it were to be approved next week and he asked that certain names be drafted as a part of that ordinance.

The motion prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Vera, Archer, Cisneros; NAYS: Thompson, Harrington; ABSENT: Webb, Hasslocher.

85-55

RECONSIDERATION OF AEROPLEX CONTRACT (CONTINUED)

Mayor Cisneros voiced his desire to reconsider the Aeroplex matter at this time.

Ms. Vera made a motion to reconsider the Aeroplex matter at this time. Mr. Harrington seconded the motion.

The motion to reconsider prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Harrington, Cisneros; NAYS: None; ABSENT: Webb, Archer, Hasslocher.

Mrs. Dutmer made a motion to have the City staff pursue asking the parent Zale's Corporation if it would be willing to meet with representatives of Weiner News in order to see if there is any ground for agreement for Weiner to take over the Aeroplex contract at the airport and also consider the possibility of Aeroplex making up the difference between its original bid and Weiner's bid, if accepted. Mr. Harrington seconded the motion.

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The City Council then held a lengthy discussion of possible alternatives involved.

Mr. Wing voiced his objection to asking Aeroplex to negotiate with only one other firm. He stated his feeling that this destroys the integrity of the bid process.

The motion prevailed by the following vote: AYES: Berriozabal, Dutmer, Martinez, Vera, Harrington, Cisneros; NAYS: Wing, Thompson; ABSENT: Webb, Archer, Hasslocher.

85-55

CITIZENS TO BE HEARD

EDWIN F. GOODRICH

Mr. Edwin F. Goodrich, 1618 Barclay, spoke to the Council about the proposed water rate increase. He spoke against this increase. He then expressed concern about the sewage charge and the manner in which the sewage usage fee is determined. He stated that if the water rate is increased twenty percent so will the sewage rate be increased. He suggested that the months be changed to any person's lowest three months instead of the present formula.

\* \* \* \*

RAUL MARTINEZ

Mr. Raul Martinez, 2222 W. Salinas, spoke to the City Council about his concerns with the defunding of The Advocates.

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There being no further business to come before the City Council, the meeting was adjourned at 5:30 P.M.

A P P R O V E D

*Henry Cisneros*  
M A Y O R

ATTEST: *Karma S. Rodriguez*  
C I T Y C L E R K

September 26, 1985  
mlr