

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, AUGUST 8, 1991.

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The meeting was called to order by the Presiding Officer, Mayor Nelson Wolff, with the following members present: PEREZ, PIERCE, BILLA BURKE, WING, MARTINEZ, THOMPSON, VERA, THORNTON, LABATT, LARSON, WOLFF. Absent: NONE.

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91-34 Invocation - Reverend Joe Holbert, Shearer Hills Baptist Church.

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91-34 Pledge of Allegiance to the flag of the United States.

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91-34 Minutes of the June 20, 1991 Regular City Council Meeting were approved.

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91-34 RESIGNATION OF COUNCILWOMAN DUTMER

Mayor Wolff read the official Letter of Resignation of Councilwoman Helen Dutmer, effective August 2, 1991.

Mr. Labatt moved to accept the resignation. Mr. Perez seconded the motion. After discussion, the moving prevailed by the following vote: AYES: Perez, Pierce, Martinez, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Wing, Thompson.

The formal resignation of Mrs. Dutmer was accepted by the City Council.

Mayor Wolff asked Mrs. Dutmer to come forward, and he presented her with a special plaque and a bouquet of yellow roses, congratulating her for more than 14 years of service to the City of San Antonio as Council member of District 3.

Mrs. Dutmer thanked the Mayor and City Council members for the honor, and expressed her appreciation for the chance to serve the community now as newly-sworn County Commissioner Precinct 4. She then

spoke in support of her recommended replacement on the City Council, Ms. Lynda Billa Burke.

City Council members individually congratulated Mrs. Dutmer and spoke of her long years of service with the City Council.

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91-34 The Clerk read the following Ordinance:

AN ORDINANCE 74,057

APPOINTING LYNDA BILLA BURKE TO FILL THE UNEXPIRED CITY COUNCIL TERM OF HELEN DUTMER COUNCIL DISTRICT 3, WHO HAS RESIGNED; AND DECLARING AN EMERGENCY.

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Ms. Vera 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: Perez, Pierce, Martinez, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Wing.

Mayor Wolff and other members of City Council then welcomed Ms. Lynda Billa Burke to the Council as representative of District 3.

City Clerk Norma S. Rodriguez administered the Oath of Office to Ms. Billa Burke and congratulated her.

Ms. Billa Burke spoke to the presence in the audience today of her parents, former City Council member Bob Billa and Mrs. Billa, as well as a group of other relatives and friends present for this occasion. She spoke of the honor of being appointed to represent the citizens of District 3.

Members of the City Council individually welcomed her to the Council.

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91-34 JAYCEES CHECK FOR SUMMER RECREATION PROGRAM

Mayor Wolff took note of the presence in the audience today of a delegation from the San Antonio Jaycees, led by former President Larry Ashworth and new President Debbie Hyman.

Mr. Ashworth and Ms. Hyman spoke to the background of La Semana Alegre and of the proceeds gained from a 15-cents-per-paid-admission charge which was collected to support the

City's Summer Recreation Program. They then presented Mayor Wolff with a check in the amount of \$12,890.85.

Mr. Alex Briseno, City Manager, thanked the Jaycees for their support for the Summer Recreation Program.

91-34

"AT YOUR SERVICE" AWARD

Mr. Alex Briseno, City Manager, introduced Mr. Joe Garcia, Sewer Systems laborer, Wastewater Management Department, this month's recipient of the "At Your Service" award.

A brief videotaped presentation spoke to Mr. Garcia's background and his present duties with the Wastewater Management Department.

Mayor Wolff and Mr. Briseno jointly presented the award to Mr. Garcia and thanked him for his work, citing him as a good example of the City's work force.

91-34

DEFENSE LANGUAGE SCHOOL STUDENTS

Mayor Wolff took note of the presence in the audience today of a group of students from the English Language course at the Defense Language Institute, Lackland Air Force Base, and welcomed the group to City Hall.

91-34

CONSENT AGENDA

Mr. Pierce made a motion to approve Agenda Items 13 through 35B, constituting the Consent Agenda. Mr. Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Perez, Pierce, Martinez, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke, Wing.

AN ORDINANCE 74,058

ACCEPTING THE LOW BID OF PRO-MED, INC., TO FURNISH THE CITY OF SAN ANTONIO FIRE DEPARTMENT EMERGENCY MEDICAL SERVICES WITH NON-REBREATHING MASKS FOR A TOTAL OF \$7,836.00.

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August 8, 1991
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AN ORDINANCE 74,059

ACCEPTING THE LOW BID OF ASI TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH TRAFFIC CONTROLLER ELECTRICAL PROTECTIVE DEVICES FOR A TOTAL OF \$6,817.76.

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AN ORDINANCE 74,060

ACCEPTING THE LOW QUALIFIED BID OF ROSAS COMPUTER CENTER TO FURNISH THE CITY OF SAN ANTONIO INFORMATION RESOURCES DEPARTMENT WITH WIDE CARRIAGE DOT MATRIX PRINTERS FOR A TOTAL OF \$4,375.00.

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AN ORDINANCE 74,061

ESTABLISHING CITY AD VALOREM TAX COLLECTION SUB-STATIONS AT H.E.B. FOOD STORES FOR 1991.

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AN ORDINANCE 74,062

ACCEPTING THE LOW BID OF COMMERCIAL BUSINESS MACHINES TO FURNISH THE CITY OF SAN ANTONIO CITY CLERK'S OFFICE WITH CONFERENCE AUDIO RECORDERS FOR A TOTAL OF \$3,790.00.

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AN ORDINANCE 74,063

ACCEPTING THE BID OF MECHANICAL REPS, INC. TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH COOLING TOWER COMPONENT PARTS FOR A TOTAL OF \$9,020.00.

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AN ORDINANCE 74,064

ACCEPTING THE BIDS OF VARIOUS VENDORS TO FURNISH THE CITY OF SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF APPROXIMATELY \$2,000,000.

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AN ORDINANCE 74,065

ACCEPTING THE LOW QUALIFIED BID OF CONSTRUCTORS & ASSOCIATES, INC., IN THE AMOUNT OF \$1,477,552.00, TO CONSTRUCT THE TERMINAL IMPROVEMENTS - 1990 (PACKAGE II) AT SAN ANTONIO INTERNATIONAL AIRPORT AND APPROVING A CONTRACT; ACCEPTING A PROPOSAL FROM CHESNEY-MORALES & ASSOCIATES, INC. TO PROVIDE RESIDENT INSPECTION SERVICES FOR THE PROJECT FOR A FEE NOT TO EXCEED \$66,726.00; ACCEPTING A PROPOSAL FROM RABA-KISTNER CONSULTANTS, INC. TO PROVIDE CONSTRUCTION AND MATERIALS TESTING FOR A FEE NOT TO EXCEED \$1,897.00; APPROVING \$144,755.00 FOR A CONTINGENCY ACCOUNT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,066

ACCEPTING THE PROPOSAL FROM W.E. SIMPSON COMPANY, INC. IN THE AMOUNT OF \$8,500.00 TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE PLATTING OF APPROXIMATELY 50 ACRES ON SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING \$1,000.00 FOR A CONTINGENCY ACCOUNT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74.067

AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$19,473.00 TO UTILITIES CONSOLIDATED, INC. IN CONNECTION WITH THE QUINTANA ROAD DRAINAGE #64 B (KING STREET) ACCESS MANHOLE II CONSTRUCTION PROJECT; AUTHORIZING \$4,868.25 FOR A CONSTRUCTION CONTINGENCY AND \$200.00 FOR ADVERTISING EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,068

AUTHORIZING AN ADDITIONAL \$10,000.00 PAYABLE TO BROWN ENGINEERING FOR SERVICES RENDERED IN CONNECTION WITH THE BABCOCK ROAD FROM HUEBNER TO HAMILTON WOLFE PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,069

AUTHORIZING AN ADDITIONAL \$9,487.65 PAYABLE TO REITZER, CURZ ARCHITECTS, INC. FOR SERVICES RENDERED IN CONNECTION WITH THE GUADALUPE LEARNING & LEADERSHIP DEVELOPMENT CENTER PROJECT; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 74,070

DECLARING A TRACT OF LAND CONTAINING 2.18 ACRES OUT OF THE REMAINING PORTION OF TRACT 3-B NEW CITY BLOCK 11212, BEXAR COUNTY, TEXAS, AS SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE CITY MANAGER OR THE ASSISTANT CITY MANAGER TO EXECUTE A QUITCLAIM TO THE HOUSING AUTHORITY OF BEXAR COUNTY FOR \$1,850.00 AND A \$10.00 RECORDING FEE.

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AN ORDINANCE 74,071

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH JOAN CANTRELL AND ASSOCIATES FOR PREPARATION OF RIGHT-OF-WAY ACQUISITION APPRAISALS FOR THE N. FLORES STREET PROJECT #35, PHASE I, 35Y, MYRTLE STREET AND AUTHORIZING PAYMENT UP TO \$3,500.00.

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AN ORDINANCE 74,072

ACCEPTING A JOINT USE AGREEMENT WITH THE SAN ANTONIO RIVER AUTHORITY IN CONNECTION WITH THE STOCKYARDS/PRODUCE MARKET AREA STREET AND DRAINAGE PROJECT.

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AN ORDINANCE 74,073

AUTHORIZING PAYMENT IN THE AMOUNT OF \$7,140.78 FOR APPRAISAL FEES ON DRIFTWOOD DRAINAGE PROJECT #39 B-F SOUTH, WHITEWOOD RECONSTRUCTION PROJECT - MEDINA BASE ROAD TO S.W. MILITARY DRIVE, RITTIMAN ROAD RECONSTRUCTION PROJECT - THORNWOOD TO GIBBS-SPRAWL ROAD AND THE FREDERICKSBURG ROAD - FIVE POINTS TO WOODLAWN (SAN PEDRO CHANNEL IMPROVEMENTS); AND TITLE CHARGES ON BABCOCK ROAD - HUEBNER TO HAMILTON WOLFE AND THE ASHLEY ROAD RECONSTRUCTION PROJECT -

BASCUM BLVD. TO S. FLORES; AND APPROPRIATING FUNDS.

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AN ORDINANCE 74,074

APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF THE SUM OF \$7,277.00 OUT OF GENERAL OBLIGATION BONDS FOR THE ACQUISITION OF PARCELS 13286, 13294, 13295, AND 13296 IN CONNECTION WITH THE ASHLEY ROAD RECONSTRUCTION PROJECT - BASCUM BLVD. TO S. FLORES; AND AUTHORIZING ACCEPTANCE OF TITLE TO SAID FOUR PARCELS.

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AN ORDINANCE 74,075

AUTHORIZING THE CITY MANAGER OR THE ASSISTANT CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH THE SOUTHERN PACIFIC TRANSPORTATION COMPANY EXTENDING THE CONSTRUCTION COMMENCEMENT DATE FOR A FEE OR \$505.00 IN CONNECTION WITH THE NORTH FORK OF MARTINEZ CREEK PROJECT.

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AN ORDINANCE 74,076

AUTHORIZING APPLICATION TO THE TEXAS FOREST SERVICE FOR A \$9,700 AMERICA THE BEAUTIFUL - TEXAS INITIATIVE CHALLENGE GRANT PROGRAM TREE PLANTING GRANT TO BE MATCHED BY IN-KIND SERVICES PROVIDED BY THE PARKS AND RECREATION DEPARTMENT.

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AN ORDINANCE 74,077

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE FIFTEEN (15) AGREEMENTS WITH ARTISTS FOR PERFORMANCES AT THE CARVER COMMUNITY CULTURAL CENTER DURING FISCAL YEAR 1991-92 FOR A TOTAL AMOUNT NOT TO EXCEED \$184,580.00.

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AN ORDINANCE 74,078

APPOINTING JILL SOUTER TO SERVE ON THE HOUSING TRUST FUND - DOWNTOWN ADVISORY COMMITTEE FOR A TERM OF

OFFICE TO EXPIRE ON MAY 30, 1993.

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AN ORDINANCE 74,079

APPOINTING CLAUDETTE MULLEN TO SERVE ON THE SAN ANTONIO CENTRO 21 TASK FORCE FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 1992.

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91-34 The Clerk read the following Ordinance:

AN ORDINANCE 74,080

AUTHORIZING THE BRACKENRIDGE PARK PLAYScape AND REHABILITATION PROJECT; APPROPRIATING FUNDS; ESTABLISHING A PROJECT BUDGET TOTALING \$357,142.00; ACCEPTING AN URBAN PARK AND RECREATION RECOVERY PROGRAM GRANT IN AN AMOUNT OF \$249,999.00 FROM THE U.S. DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE; ACCEPTING A \$35,714.00 LOCAL PARKS FUND GRANT FOR SAID PROJECT FROM THE TEXAS LOCAL PARKS FUND; AND AUTHORIZING TRANSFER OF \$50,000.00 PLUS ACCRUED INTEREST FROM THE "PARKS-THE CITY'S FRONT YARD" FUND REPRESENTING A GRANT ACCEPTED EARLIER FROM THE BROWN FOUNDATION, INC., FOR SAID PLAYScape PROJECT.

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Mr. Labatt made a motion to approve the proposed Ordinance. Mr. Pierce seconded the motion.

Mr. Ron Darner, Director of Parks & Recreation, explained the project and the grants which will fund it. He then displayed the architect's plans for renovating the old bathhouses at Lambert Beach so that they could be used as part of the overall improvements of the area into a playground.

Mr. Labatt elaborated on the work to be done.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Martinez, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke, Wing.

91-34 The Clerk read the following Resolution:

A RESOLUTION NO. 91-34-46

EXPRESSING THE CITY OF SAN ANTONIO'S OPPOSITION TO PROPOSED IMMIGRATION AND NATURALIZATION SERVICE REGULATIONS REGARDING CHANGES TO THE STATUS OF NON-IMMIGRANT VISAS.

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Mr. Eduardo Diaz, Department of Arts & Cultural Affairs, explained the problems that could be encountered in attracting foreign artists and performers to this country, should proposed new regulations of the Immigration and Naturalization Service be promulgated. He then briefly discussed several possible adverse scenarios.

Ms. Vera made a motion to approve the proposed Resolution. Mr. Martinez seconded the motion.

In response to a question by Mr. Thompson, Mr. Diaz explained the proposed "cap" to be placed upon the number of foreign artists allowed into the United States in any one year.

A discussion then took place concerning the proposed regulations and their possible adverse impact upon athletes and other categories of foreign visitors.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: None.

91-34

NEW MAYOR PRO TEM

City Clerk Norma S. Rodriguez administered the Oath of Office to the incoming Mayor Pro Tem, Mr. Frank Wing, and congratulated him.

91-34 The Clerk read the following Ordinance:

AN ORDINANCE 74,081

AMENDING ORDINANCE NO. 73882 PASSED ON JULY 2, 1991; RATIFYING THE ACTION OF THE ALAMO PRIVATE INDUSTRY COUNCIL (APIC) IN THE SELECTION OF ORGANIZATIONS TO CONDUCT SHORT TERM RESEARCH PROJECTS AND THE SELECTION OF THE EMPLOYMENT NETWORK TO OPERATE AN ACADEMIC UPGRADING PROGRAM; AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS

August 8, 1991

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WITH THE PUBLIC POLICY RESERACH LABORATORY OF TEXAS A&M UNIVERSITY TO CONDUCT A 100% FOLLOW-UP SURVEY OF PARTICIPANTS TERMINATED FROM PROGRAM YEAR 1990 AND 1991 JTPA ADULT TRAINING PROGRAMS IN THE ALAMO SERVICE DELIVERY AREA, THE EMPLOYMENT NETWORK TO CONDUCT THE ACADEMIC UPGRADING PROGRAM, THE UNIVERSITY OF TEXAS AT SAN ANTONIO, JOB CLUB, INC., GOODWILL INDUSTRIES, CAREER PATH CONSULTANTS, AND PROFESSIONAL PERFORMANCE DEVELOPMENT GROUP TO CONDUCT THE SHORT-TERM RESEARCH PROJECTS.

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

Mr. Kevin Moriarty, Director of Community Initiatives, noted that this proposed Ordinance contains the first steps in undertaking the performance evaluations of the Job Training Partnership Act (JTPA) program in the San Antonio area, and explained the process to be used.

Mr. Pierce spoke of this as a good step forward for the city.

Mr. Larson spoke in favor of the outside monitoring plan, and stated his desire to see an outside blue-ribbon committee named to oversee the entire process, including the financial audits.

Mr. Alex Briseno, City Manager, stated that City staff would see that the committee makes quarterly reports to the City Council.

Mr. Rolando Bono, Assistant City Manager, discussed organizational matters of the committee and the new San Antonio Works (SAW) Board.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Wing, Martinez, Thompson, Labatt, Larson, Wolff; NAYS: None; ABSENT: Billa Burke, Vera, Thornton.

(At this point, Mayor Wolff was obliged to leave the meeting. Mr. Wing presided in the absence of Mayor Pro Tem Vera.)

91-34 ZONING HEARINGS

6A. CASE Z91016 - to rezone A 44.807 acre tract of land out of NCB 18392 from Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "(P-1) R-1" ERZD Planned Unit Development Single Family Residence Edwards Recharge Zone District at the rear of the 17400 Block of Blanco Road located approximately 1228.15 feet north

of the intersection of Blanco Woods and Blanco Road and 310 feet west of Blanco Road, being a tract of land having a maximum depth of 2687.73 feet and a maximum width of 1140.3 feet.

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

Mr. Thompson made a motion to approve the recommendation of the Zoning Commission. Mr. Larson seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Labatt, Larson; NAYS: None; ABSENT: Vera, Thornton, Wolff.

AN ORDINANCE 74,082

AMENDING CHAPTER 35 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 44.807 ACRE TRACT OF LAND OUT OF NCB 18392 FROM "B" RESIDENCE DISTRICT TO TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "(P-1) R-1" ERZD PLANNED UNIT DEVELOPMENT SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT AT THE REAR OF THE 17400 BLOCK OF BLANCO ROAD, PROVIDED THAT RECOMMENDATIONS OF THE ENVIRONMENTAL PROTECTION OFFICER, ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, ARE MET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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6B. CASE Z91048 - to rezone Lots 11 and 12, Block 71, NCB 9308 from "F" Local Retail District to "B-3NA" Non-Alcoholic Sales Business District, 1502 S.W. Military Drive located southwest of the intersection of S.W. Military Drive and Commercial Avenue, having 100 feet on S.W. Military Drive and 152.1 feet on Commercial Avenue.

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

Mr. Thompson made a motion to approve the recommendation of the Zoning Commission. Mr. Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Labatt, Larson; NAYS: None; ABSENT: Vera, Thornton, Wolff.

AN ORDINANCE 74,083

AMENDING CHAPTER 35 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, BLOCK 71, NCB 9308 FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 1502 S.W. MILITARY DRIVE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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6C. CASE Z91095 (CC) - to rezone the east 35.62 feet of Lot 2 and the west 31.05 feet of Lot 3, Block 15, NCB 1837 from Historic "B" Residence District to Historic "R-2" CC Two Family Residence District with City Council approval for a bed and breakfast, 128 W. Mistletoe located on the south side of W. Mistletoe, being 64.20 feet east of the intersection of W. Mistletoe and Howard St., having 66.67 feet on W. Mistletoe and a depth of 135.08 feet.

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

Mr. Gene R. Siler, 4447 Haymarket, explained the rezoning request to provide for a "bed and breakfast" at 128 West Mistletoe.

Mr. Robert D. Schenenaour, 128 West Mistletoe, stated that he is the present owner of the building, and explained the history of the property, including its use as a residence/business for years.

Mr. Charles Tribolet, 271 East Summit, representing the Monte Vista Historical Association, spoke in support for the rezoning request.

Mr. Labatt made a motion to approve the recommendation of the Zoning Commission. Mr. Larson seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Thornton, Labatt, Larson; NAYS: None; ABSENT: Vera, Wolff.

AN ORDINANCE 74,084

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE EAST 35.62 FEET OF LOT 2 AND

THE WEST 31.05 FEET OF LOT 3, BLOCK 15, NCB 1837 FROM HISTORIC "B" RESIDENCE DISTRICT TO HISTORIC "R-2" CC TWO FAMILY RESIDENCE DISTRICT WITH CITY COUNCIL APPROVAL FOR A BED AND BREAKFAST, 128 W. MISTLETOE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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6D. CASE Z91072 - to rezone Lots 1, 2, 3 and 19, Block 1, NCB 8593 from "B-2NA" Non-Alcoholic Sales Business District to "B-3NA" Non-Alcoholic Sales Business District, 178 Garner located northeast of the intersection of Garner and Mateo lane, having 166 feet on Garner and 296.9 feet on Mateo Lane.

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

Mr. Thompson made a motion to approve the recommendation of the Zoning Commission. Mr. Larson seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Billa Burke, Wing, Martinez, Thompson, Thornton, Larson; NAYS: None; ABSENT: Pierce, Vera, Labatt, Wolff.

AN ORDINANCE 74,085

AMENDING CHAPTER 35 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 19, BLOCK 1, NCB 8593 FROM "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 178 GARNER. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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6E. CASE Z91089 - to rezone The south 55 feet of Lot 8D and the east 5 feet of the south 55 feet of 8C, NCB 11166 from "R-A" Residence-Agriculture District to "R-3" Multiple Family Residence District, 1114 E. Chavaneaux Road located 405 feet south of Chavaneaux Road, having a width of 60 feet and a depth of 55 feet.

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

Ms. Billa Burke made a motion to approve the recommendation of the Zoning Commission. Mr. Pierce seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Thornton, Labatt, Larson; NAYS: None; ABSENT: Vera, Wolff.

AN ORDINANCE 74,086

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 55 FEET OF LOT 8D AND THE EAST 5 FEET OF THE SOUTH 55 FEET OF 8C, NCB 11166 FROM "R-A" RESIDENCE-AGRICULTURE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, 1114 E. CHAVANEAUX ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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6F. CASE Z91096 - to rezone A 9.99 acre tract of land out of NCB 17875 from temporary "R-1" single Family Residence District to "R-3" Multiple Family Residence District, 1455 Cable Ranch Road located on the west side of Cable Ranch Road, being 678.25 feet north of Garden Brook, having 400.62 feet on Cable Ranch and a maximum depth of 1085 feet.

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

Mr. Thompson made a motion to approve the recommendation of the Zoning Commission. Ms. Billa Burke seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Thornton, Labatt, Larson; NAYS: None; ABSENT: Vera, Wolff.

AN ORDINANCE 74,087

AMENDING CHAPTER 35 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 9.99 ACRE TRACT OF LAND OUT OF NCB 17875 FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, 1455 CABLE RANCH ROAD PROVIDED THAT FIELD NOTES DESCRIBING THE ABOVE MENTIONED

TRACTS ARE ATTACHED HERETO, AND INCORPORATED HEREIN FOR ALL PURPOSES, ARE ADHERED TO. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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6G. CASE Z91093 - to rezone A 0.344 acre tract of land out of NCB 13836 from temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "B-2" ERZD Business Edwards Recharge Zone District, 15701 Henderson Pass located on the northwest side of Henderson Pass, 152.39 feet southwest of the intersection of Thousand Oaks Drive and Henderson Pass, having 105 feet on Henderson Pass and a depth of 142.86 feet.

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

Mr. Larson made a motion to approve the recommendation of the Zoning Commission. Mr. Pierce seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Thornton, Labatt, Larson; NAYS: None; ABSENT: Vera, Wolff.

AN ORDINANCE 74,088

AMENDING CHAPTER 35 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 0.344 ACRE TRACT OF LAND OUT OF NCB 13836 FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT, 15701 HENDERSON PASS, PROVIDED THAT RECOMMENDATIONS OF THE ENVIRONMENTAL PROTECTION OFFICER, ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES, ARE MET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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6H. CASE Z91088 (PP) - to rezone Lots 6, 7, and 8, NCB 7033 from "F" Local Retail District and "B" Residence District to "B-3NA" Non-Alcoholic Sales Business District, 1000 Block of Fair Avenue located northwest of the intersection of South New Braunfels and Fair Avenue, having 124 feet on South New Braunfels and 159 feet on Fair Avenue.

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

Mr. Robert Grant, 7300 Blanco, the proponent, explained plans for location of a pawn shop on this property.

Ms. Billa Burke stated that she feels that the business is an important one to the neighborhood.

Ms. Billa Burke made a motion to approve the recommendation of the Zoning Commission. Mr. Thompson seconded the motion.

Mrs. Helen Dutmer, 739 McKinley Avenue, spoke to her previous concerns with the proposed color of the building and also noted that the new building usage will displace a longtime southside restaurant facility.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Wolff.

AN ORDINANCE 74,089

AMENDING CHAPTER 35 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 6, 7, AND 8, NCB 7033 FROM "F" LOCAL RETAIL DISTRICT AND "B" RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 1000 BLOCK OF FAIR AVENUE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

91-34 The Clerk read the following Ordinance:

AN ORDINANCE 74,090

RATIFYING AND CONFIRMING ALL ACTIONS TAKEN BY CITY STAFF IN CONNECTION WITH FIELD ALTERATION NO. 4 IN THE AMOUNT OF \$28,780.68 TO THE CONTRACT WITH S.A. WINCO, INC., IN CONNECTION WITH THE FIVE PALMS-PEARSALL TO KIM VALLEY PROJECT; AUTHORIZING ADDITIONAL CONTINGENCY FUNDS IN THE AMOUNT OF \$14,610.53; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. Joe Aceves, Director of Public Works, explained the work needed to overcome a water leak in the project, and spoke to the project's \$10,000 remaining balance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Thompson, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Martinez, Wolff.

91-34 The Clerk read the following Ordinance:

AN ORDINANCE 74,091

AUTHORIZING AN ADDITIONAL \$1,381.39 FOR ARCHITECTURAL FEES PAYABLE TO R.S.A. ASSOCIATED, INC. AND RATIFYING RELATED WORK IN CONNECTION WITH PROJECT FREE.

* * * *

Mr. Pierce 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: Perez, Pierce, Billa Burke, Wing, Thompson, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Martinez, Wolff.

91-34 Item 41, being a proposed Ordinance authorizing the City Manager to enter into an agreement with Albertson's, Inc. and Bexar County to construct a bridge on Prue Road over the Leon Creek; authorizing the transfer the funds in the amount of \$200,000.00 to Bexar County for the construction of the bridge, was removed from consideration by the City Manager.

91-34 The Clerk read the following Resolution:

A RESOLUTION NO. 91-34-47

APPROVING A WORK PROGRAM TO BEGIN IMPLEMENTATION OF THE OPEN SPACE PLAN IN FISCAL YEAR 1991-1992.

* * * *

Mr. Larson made a motion to approve the proposed Ordinance. Mr. Labatt seconded the motion.

Ms. Rebecca Q. Cedillo, Director of Planning, explained previous City Council direction for creation of a work program to begin the implementation of the Open Space Program in 1991-92, and spoke to details of the three-element work program.

Mr. Thompson stated his opinion that the Open Space Program will be a difficult process, requiring open-space setbacks by developers. He stated his opinion that the program will affect in fill development in San Antonio.

Ms. Cedillo noted that development of the entire program will take several years, and she explained the complex nature of the legal issues involved.

Mr. Thompson addressed his concerns with the lengthy process required, and stated his belief that the City Council needs to decide, officially, on the criteria to be defined.

Mr. Pierce discussed the agencies involved, stressing his belief that the program will need everyone involved.

In response to a question by Ms. Vera, Mr. Lloyd Garza, City Attorney, briefly explained the current status of the downtown mini-park at St. Mary's Street and Pecan, and its recent demolition to make way for a surface parking lot, a legal usage under the zoning of this area. He then addressed the rezoning case involved and spoke of the new structure ultimately to be constructed on this site, with retail shops on the ground level and a parking garage above.

Ms. Vera expressed her disappointment with the incident and loss of the downtown mini-park.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Thompson, Vera, Labatt, Larson; NAYS: None; ABSENT: Wing, Martinez, Thornton, Wolff.

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91-34 Item 43, being a proposed Ordinance appropriating \$80,000.00 for payment of professional services by attorneys representing the City of San Antonio in Weatherly et al v. City of San Antonio, Cause No. 91-CI-06830; authorizing and ratifying the employment of attorneys; and approving payment, was temporarily bypassed for consideration later in this meeting.

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91-34 Item 44, being a proposed Ordinance appropriating funds

in the amount of \$25,000.00 for payment of consultants' fees and authorizing expenditure thereof for said fees in conjunction with the lawsuit styled CBA NA-CON, INC. v. City of San Antonio, Cause No. 90-CI-16847, was temporarily bypassed for consideration later in this meeting.

91-34 The Clerk read the following Ordinance:

AN ORDINANCE 74,092

CLOSING A PORTION OF WEST FRENCH PLACE ON SATURDAY, OCTOBER 19, 1991, SO THAT IT MAY BE USED BY SAN ANTONIO ACADEMY FOR ITS ANNUAL FALL FAIR.

* * * *

Mr. Perez made a motion to approve the proposed Ordinance. Mr. Pierce seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Thompson, Vera, Labatt, Larson; NAYS: None; ABSENT: Martinez, Thornton, Wolff.

91-34 The Clerk read the following Ordinance:

AN ORDINANCE 74,093

PROVIDING FOR THE EXPENDITURE OF DISCRETIONARY FUNDS TO ASSIST IN THE SPONSORSHIP OF THE INTERNATIONAL ASSOCIATION OF WOMEN POLICE 1991 TRAINING CONFERENCE TO BE HELD IN SAN ANTONIO SEPTEMBER 9, 1991 THROUGH SEPTEMBER 13, 1991, AS REQUESTED BY HELEN DUTMER COUNCILMEMBER, DISTRICT 3.

* * * *

Mr. Travis Bishop, Assistant to the City Manager, briefly explained the shortfall in needed funds to assist in sponsorship of the International Association of Women Police for their Annual 1991 Training Conference to be held in San Antonio during September.

During discussion, it was noted that Mrs. Dutmer earlier had pledged \$1,000.00 from her District 3 Discretionary Fund for this cause. Additional pledges of funds from other Discretionary Funds included: District 2, \$250.00; District 4, \$1,000.00; District 7, \$1,000.00; District 8, \$250.00; District 9, \$250.00; and District 10, \$250.00.

Mr. Thompson made a motion to approve the proposed Ordinance.

August 8, 1991

19

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Mr. Pierce seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Thompson, Vera, Thornton, Labatt, Larson; NAYS: None; ABSENT: Martinez, Wolff.

91-34 The Clerk read the following Ordinance:

AN ORDINANCE 74,094

APPROPRIATING \$80,000.00 FOR PAYMENT OF PROFESSIONAL SERVICES BY ATTORNEYS REPRESENTING THE CITY OF SAN ANTONIO IN WEATHERLY ET AL V. CITY OF SAN ANTONIO, CAUSE NO. 91-CI-06830; AUTHORIZING AND RATIFYING EMPLOYMENT OF ATTORNEYS; AND APPROVING PAYMENT. (MAYO GALINDO, CRAWFORD REEDER, CARLOS CADENA)

* * * *

Mr. Perez made a motion to approve the proposed Ordinance. Mr. Pierce seconded the motion.

Mr. Lloyd Garza, City Attorney, briefly explained the lawsuit filed by City Water Board over the Applewhite Reservoir election in May, and he spoke to the team of attorneys selected to defend the City's actions in the matter, and the budgetary implications, including next year.

Mr. Labatt stated that he would have to be consistent with his earlier position on this matter, and will vote against the proposed Ordinance.

Mr. Garza discussed with the City Council the estimated costs of the lawsuit to the City, the current status of that lawsuit, and the issue of whether or not the election was valid or invalid.

Mr. Thompson urged that the Council contemplate on proceeding with a ruling whether or not a petition calling for an election on the matter would be valid or invalid, prior to the call of an election.

Mr. Pierce gave his reasons for supporting the Ordinance.

In reponse to a question by Mr. Larson, Mr. Garza stated that if the Council does not approve the proposed Ordinance, the attorneys representing the City will not be paid.

Mr. Larson expressed his concern about the monies being expended by both parties in this lawsuit, costs which ultimately will be borne by the citizens of San Antonio.

Mr. Garza also addressed the costs of the Master appointed by the court, and possible appellate costs. Ms. Vera reminded Council that it had earlier authorized this work by outside attorneys.

Mrs. Helen Dutmer, 739 McKinley Avenue, reminded the Council that the Council must defend itself against the lawsuit.

Mr. Thornton urged movement toward a declaratory judgement in this matter as quickly as possible in order to decide the issue of whether or not the election on the Applewhite Reservoir matter was legal or not.

(At this point, Mayor Wolff returned to the meeting to preside.)

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Martinez, Thompson, Vera, Thornton, Wolff; NAYS: Wing, Labatt, Larson; ABSENT: None.

91-34

ARKANSAS GOVERNOR BILL CLINTON

Mayor Wolff introduced Mr. Bill Clinton, Governor of the State of Arkansas, and welcomed him to City Hall, speaking of his effectiveness in government.

Governor Clinton stated that he was in San Antonio to meet with local students participating in a school dropout prevention program, the Communities in Schools program, in order to discuss problems and possible solutions with citizens.

Mayor Wolff noted that Governor Clinton was in San Antonio under the auspices of the national Democratic Leadership Council, which he serves as Chairman. He also spoke of the record achieved by the Communities in Schools Program and its executive director, Maria Farrington.

91-34 The Clerk read the following Ordinance:

AN ORDINANCE 74,095

APPROPRIATING FUNDS IN THE AMOUNT OF \$25,000.00 FOR PAYMENT OF CONSULTANT FEES AND AUTHORIZING EXPENDITURES THEREOF FOR SAID FEES IN CONNECTION WITH THE LAWSUIT STYLED CBI NA-CON, INC. VERSUS THE CITY OF SAN ANTONIO, CAUSE NO. 90-CI-16847.

* * * *

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

Mr. Lloyd Garza, City Attorney, explained the need for the funds involved in order to pay for consultants in connection with the City Water Board's lawsuit against the City in connection with the Applewhite Reservoir election.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Thompson, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Martinez, Vera.

91-34 The Clerk read the following Ordinance:

AN ORDINANCE 74,096

CLOSING, VACATING AND ABANDONING AN EXISTING PORTION OF UNIMPROVED STONYKIRK ROAD LOCATED BETWEEN ROCHELLE ROAD AND LEON CREEK; BETWEEN NEW CITY BLOCK 14669 AND NEW CITY BLOCK 14670, SAN ANTONIO, BEXAR COUNTY, TEXAS; AND AUTHORIZING THE CITY MANAGER OR ASSISTANT CITY MANAGER TO EXECUTE A QUITCLAIM TO ROCHELLE GOLF CLUB, INC. FOR A CONSIDERATION OF \$1.00.

* * * *

Mayor Wolff declared the Public Hearing to be open.

No citizen was registered to speak to this matter.

Mr. Bill Toudouze, Real Estate Division, Public Works Department, explained the plan to close and abandon a City street.

Ms. Billa Burke made a motion to approve the proposed Ordinance. Mr. Pierce seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Thompson, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Martinez, Vera.

91-34 RESPONSIBILITY FOR WEEDY AREA

On a Point of Personal Privilege, Mr. Wing addressed his concerns with ownership of a weedy area behind the McDuff Electronics store at 1515 Goliad Road, noting that the area in question does not belong to the store. He asked that ownership of the weedy area be

determined, so that the proper parties might be tasked with the responsibility of cleanup of the affected area.

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TAXICAB OPERATING PERMITS

On a Point of Personal Privilege, Mr. Wing noted that a citizen, Mr. Cenicerros, has voiced his concerns about City requirements that a prospective taxicab permit holder could not be granted the proper permits unless he or she had a minimum of 15 taxicabs.

Mr. Thompson, Chairman of the City Council Transportation Committee, spoke to details of the regulation involved and the current restriction on issuance of new taxicab permits. He further stated that a prospective taxicab permit holder does not have to have a minimum of 15 taxicabs to secure permits, under the law.

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CURFEW LAW

On a Point of Personal Privilege, Mayor Wolff noted that the City's curfew law has only just begun, and he spoke to several incidents that have occurred the past several evenings of enforcement. He urged the community and the news media to support the law and give it a chance to work, noting that, if it doesn't work, the Council has the prerogative to review the curfew law in six months and change it, if necessary. He noted that to advocate civil disobedience is not right, as some are doing in regard to the curfew regulations.

Mr. Wing noted that he was against imposition of the curfew law, but will support it, now that it is law. He spoke against any civil disobedience in this matter.

Mr. Pierce spoke to the need for the Council to take an early look at the effectiveness of the curfew law. He spoke against civil disobedience, but noted that certain First Amendment rights are involved in this issue.

Mr. Larson urged Council members to support the curfew ordinance.

Mr. Labatt stated his belief that the news media should not advocate civil disobedience to law, and should be responsible if they want to affect public policy.

Mr. Thompson stressed the need for an even application of the curfew law, and stated his opinion that the curfew law will be effective, eventually.

Ms. Vera spoke to her concerns with the law, which she feels has a number of loopholes through which people are taking advantage of

it, at present. She stated that, regardless, she personally does not approve of children being out on City streets late at night.

91-34 (City Council recessed its Regular Meeting at 3:40 P.M. in order to convene as the Board of Directors, City of San Antonio Industrial Development Authority, following which it convened as the Board of Directors, City of San Antonio Health Facilities Development Corporation, reconvening in regular session as the City Council at 3:53 P.M.)

91-34 The Clerk read the following Resolution:

A RESOLUTION NO. 91-34-48

RESOLUTION APPROVING A PROJECT AND AN AGREEMENT BY SAN ANTONIO INDUSTRIAL DEVELOPMENT AUTHORITY TO ISSUE ITS REVENUE REFUNDING BONDS, SERIES 1991 (SAN ANTONIO HOTEL PARTNERSHIP PROJECT) IN A SUM OF NOT TO EXCEED \$5,100,000 AND THE RESOLUTION PROVIDING FOR THE ISSUANCE OF SUCH BONDS; APPROVING OTHER MATTERS; AND DECLARING AN EMERGENCY.

* * * *

Ms. Billa Burke made a motion to approve the proposed Resolution. Mr. Labatt seconded the motion.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Martinez, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: Wing.

91-34

ARTS FUNDING

Ms. Vera, on a Point of Personal Privilege, spoke to her concerns with the current debates on funding of the arts in San Antonio and the allocations for each agency. She spoke in support for the current allocation process used by City Council and asked that she be more personally involved in that process. She asked that a small City Council task force be named to review arts funding matters.

(At this point, Mayor Wolff was obliged to leave the meeting. Mr. Larson presided while Mayor Pro Tem Vera took part in the current discussion.)

Mr. Martinez expressed his opinion that this would be premature, until the City Council sees the City Manager's budget

recommendations for next year.

Mr. Wing briefly reviewed the creation of the current process used in arts funding allocations, which he felt was designed to remove politics from the system. He stated his belief that any change to the process at this time would be premature.

(At this point, Mayor Wolff returned to the meeting to preside, and asked that the current discussion be concluded so that Congressman Albert Bustamante might address the City Council at this time.)

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91-34 DEFENSE DEPARTMENT MILITARY BASE REDUCTION PLAN

Congressman Albert Bustamante (D-Tex) briefly addressed the City Council, thanking Mayor and Council for their work. He spoke to the defense base reduction matters now before Congress, and stated his opinion that these reductions will have only a minimum effect upon local installations. He then spoke of the importance that various local delegations to Washington, D.C. have had on the House Military Appropriations Committee and its decisions.

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91-34 PUBLIC HEARING ON MORATORIUM ON BILLBOARDS

Mayor Wolff opened a Public Hearing on an Ordinance regarding a moratorium on the issuance of permits for billboards and certain types of on-premise signs on property along IH-10 between Wurzbach and Boerne-Stage Road, and along Loop 1604 between Northwest Military Drive and Hausman Road.

Ms. Billa Burke made a motion to approve the proposed Ordinance. Mr. Labatt seconded the motion.

Mr. Gene Camargo, Director of Building Inspections, spoke to the background and details of the proposed billboard an on-premise sign moratorium ordinance.

Mr. Tom Roddy, representing the Zoning Commission, spoke to the meetings held between planning and zoning functions on this matter, the latest only yesterday, and noted that it was the concensus of the Zoning Commission, by 6-3 vote, to go forward with the ordinance.

Mr. Tom Sandoval, Chairman of the Electrical Examining and Supervising Board, spoke to the recommendations arrived at by his board, and asked that an ad hoc committee be formed to look at the concerns and issues involved in this matter.

Mr. Michael F. Rankin, representing the Great Northwest Neighborhood Improvement Association, stated his group's support for the

moratorium on billboards and on-premise signs, and of the continued work that remains to be done during the proposed moratorium.

Mr. Roy McFadden, representing Market Hill, Inc., spoke to his firm's concerns with the recommended 40-foot height limitation on billboards because their property is depressed below the nearby highway and will be adversely affected by that height limitation. He stated his belief that economics should dictate new billboard and on-premise sign regulations, not a new Ordinance and moratorium. He asked that his property be "grandfathered", should the proposed ordinance be adopted.

Mr. Charles Kaplan, 3510 North St. Mary's Street, spoke in support for the proposed moratorium, in order to allow sufficient time to develop new billboard and on-premise sign regulations that all involved will be able to understand, ultimately leading up to a new Corridor ordinance.

Mr. Dwayne Billingsley, President, Southwest Neon Signs, stated that he was representing the on-premise electrical signage industry. He stated that his organization would accept the moratorium, subject to certain changes, including the naming of an ad hoc committee to study the entire matter.

Mr. Bill Kaufman, representing the outdoor advertising (billboard) industry, noted that his industry has been regulated since 1984, and he spoke in objection to having his industry being examined along with the "on-premise" sign industry. He spoke to the reduction in the number of billboards that has taken place over the past five years in San Antonio, and noted that his group now has reached agreement to support the proposed moratorium. He asked that a representative of his industry be included on the ad hoc committee.

Mr. Walter Ague, representing the Woods of Shavano Community Association, spoke to the need for public policy in order to regulate billboards.

Mr. Phil Barshop, 1000 Central Parkway North, and Mr. Willie Garza, Operations Manager, Fiesta Texas, both spoke in support for the proposed moratorium.

Mr. Kyle Hultz, representing AAA Custom Signs, spoke in support for the proposed amended moratorium and for naming of an ad hoc committee to study the matter.

Mr. Doug Leonhard, United Services Automobile Association; Mr. Sam Netterville, Redland Stone Products; Ms. Marianne Jones, San Antonio Conservation Society; Ms. Claudette Mullen, Georgian Oaks; and Mr. R. Michael Berrier, San Antonio Coalition of Neighborhood Associations, all spoke in support for the proposed moratorium.

Mr. Jim Summers, 300 Convent, spoke to support the moratorium, noting that some 80 per cent of the property owners in the area concerned also support the proposed moratorium. He then spoke briefly

to the basic agreement worked out by all affected groups.

Mr. Danny Seale, 9901 IH 10 West, appeared in support for the moratorium.

Ms. Katie Reed, representing the Vance Jackson Neighborhood Association and the Northside Independent School District, spoke in support for the proposed moratorium, and urged that a study be conducted to determine what other cities are doing in relation to regulation of the billboard and on-premise sign industries.

Ms. June Kachtik, Vance Jackson Neighborhood Association, urged enforcement of the City's current sign regulations and removal of illegal signs.

Mr. Jimmy Tucker, representing the Tanglewood Residents Association, spoke to support the billboard moratorium.

Mr. Dic McGoon, Allied Advertising, thanked the Council for allowing all involved to have input into this process.

Mr. Louis Bratton, Bratton Brothers Sign Company, spoke to support the proposed moratorium and to establish firm signage guidelines.

There being no further citizens registered to speak to this matter, Mayor Wolff declared the Public Hearing to be closed.

Mr. Thornton spoke to the agreement reached by all parties involved in this matter, and noted that the major problem now is the matter of illegal signage. He then addressed the process that led up to the understanding of the issue and the agreement reached by all. He stated that the billboard industry has asked to be removed from the moratorium period in return for a promise not to erect any new billboards in the affected areas at issue, for the duration of the moratorium period.

Mr. Thornton offered an amendment to amend Section 1(B)(b) to read: "Any on-premise sign exceeding a height of 48 feet from grade, and a maximum sign face area of 650 square feet per side. The area of a free-standing sign shall have only one side of any double or multiple-faced sign counted in calculating its area." The proposed amendment would also amend Section 1(B)(c) to read: "Any sign, regardless of size, which in whole or in part is devised to blink, change light intensity or change color. Rotating, message centers and time and temperature signs shall be permitted, though limited to 25 per cent of the maximum allowable square footage." The proposed amendment also would add Section 1(D) to read: "For the purpose of establishing the permanent ordinance, an ad hoc committee shall be formed consisting of members of the sign industry, sign users, electrical board, and other concerned citizens." Mr. Martinez seconded the motion.

The proposed amendment was approved by the following vote:

August 8, 1991

27

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AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None. ABSENT: Thompson.

Ms. Vera stated her desire to develop prudent regulations that would apply to billboard and on-premise sign industries in all areas of San Antonio, not just a specific corridor.

Mr. Martinez spoke in support of the motion, as amended, as an interim measure.

The main motion as amended, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: None.

AN ORDINANCE 74,097

IMPOSING A MORATORIUM ON THE ISSUANCE OF PERMITS FOR BILLBOARDS AND CERTAIN TYPES OF ON-PREMISE SIGNS ON PROPERTY ALONG IH 10 BETWEEN WURZBACH AND BOERNE-STAGE ROAD AND ALONG LOOP 1604 BETWEEN NORTHWEST MILITARY DRIVE AND W. HAUSMAN ROAD, PENDING COMPLETION OF WORK ON THE SCENIC CORRIDOR ORDINANCE.

* * * *

Mr. Thornton moved that City staff, through the City Manager, be given direction to consider appointment of an Ad Hoc Advisory Committee that would include technically-competent individuals representing the neighborhoods both inside and outside Loop 410, landowners, billboard and on-premise sign industries, Zoning Commission, Planning Commission, and staff recommended individuals. Ms. Billa Burke seconded the motion.

After discussion, the motion prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: None.

Mr. Thornton then moved to direct the Planning Department, through the City Manager, to draft the proposed Ordinance and coordinate its review with the Ad Hoc Advisory Committee prior to its review by the Zoning Commission and the City Council. Ms. Billa Burke seconded the motion.

After discussion, the motion prevailed by the following vote: AYES: Perez, Pierce, Billa Burke, Wing, Martinez, Thompson, Vera, Thornton, Labatt, Larson, Wolff; NAYS: None; ABSENT: None.

91-34

CITIZENS TO BE HEARD

MR. FRANK GARCIA

Mr. Frank Garcia, 4805 Pettos, spoke to the Council requesting support to redo a playground in the District 7 area.

Ms. Vera stated that the City Council had already approved \$30,000 in CDBG funds for security fencing and lighting in the particular SAHA unit he is talking about.

MR. FRANK JEYS

Mr. Frank Jeyes, 7339 Brook Valley, spoke to the Council opposing a Civilian Review Board for the Police Department. He stated that when one looks at the overall picture it is not warranted.

MR. JOHN FEEZELL

Mr. John Feezell, P.O. Box 18326, San Antonio, Texas 78218, spoke to the City Council about the San Antonio Computer Society. He distributed a copy of their magazine, a copy of which on file with the papers of this meeting. He then gave a history of their association and also the number of guest speakers who have addressed their monthly meetings. He then described the goals of his association to the Council.

MR. DON WILKINS CASTILLO

Mr. Castillo spoke to the Council about a personal problem.

91-34

CITY MANAGER'S REPORT

POLICE POLICIES ON USE OF FORCE

Mr. William Gibson, Chief of Police, briefed the City Council on current San Antonio Police Department training policies, procedures and training methods relative to the use of force by police officers. He then compared these areas with those of other major cities and their law enforcement agencies.

A discussion then took place concerning required occasions on which police officers are required to identify themselves prior to using deadly force.

Chief Gibson spoke to the point-by-point steps followed by the Police Department in a police shooting incident, including investigation by a "shooting team". He then spoke to how 'errant officers' are dealt with by the department. He then addressed the training of all police officers in San Antonio, and provided statistics of police/suspects shooting incidents of last year in nine major U.S. cities, noting that San Antonio is the lowest of the nine.

Mayor Wolff noted that cases of shootings by police officers always are referred to the District Attorney, and he urged that all involved in the latest incident of this nature not over-react to the demands for changes in either procedures or training.

Mr. Larson noted that everyone is concerned with the tragedy of the shooting incident by a police officer, but stated his belief that no major changes need be made in police policies, procedures or training.

Mr. Wing expressed his own confidence in procedures utilized by the Police Department.

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91-34

SELMA RACETRACK

Mr. Lloyd Garza, City Attorney, discussed plans for the proposed major horse racetrack to be located in Selma. He spoke of the developing extraterritorial jurisdictions (ETJs) of both San Antonio and Selma, and addressed the contract between the two cities that gave Selma ETJ authority over the Retama polo field, near the racetrack site itself. He noted that provisions of that contract provided that, if parimutuel wagering were ever allowed on that site, Selma must pay San Antonio 95 per cent of the revenues it received from the track. He noted, however, that present plans for the new track are on property across the road from the Retama site, and it is his opinion at this time that San Antonio has no claim to any revenues derived from parimutuel betting at the racetrack, provided it is built as planned across from the Retama site.

Mr. Larson stated his belief that San Antonio still is owed some portion of the revenues to be received by Selma from the racetrack, because San Antonio has paid, and is paying, for the infrastructure improvements to support the racetrack.

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91-34 City Council recessed its Regular Meeting at 6:32 P.M. for dinner, reconvening at 7:20 P.M., at which time the Council recessed into "B" Session discussion to hear a staff presentation on the Environmental Protection Agency's requirements for improved water quality through storm water discharge regulation.

91-34

August 8, 1991

Honorable Mayor and Members of the City Council of the City of San Antonio:

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

July 15, 1991

Petition submitted by Donald S. Rullo, Supervan, Inc., 1323 Hallmark, San Antonio, Texas 78216, requesting that the City of San Antonio not approve any additional regulations for the Ground Transportation Industry.

/s/ Norma S. Rodriguez
City Clerk

August 8, 1991
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31

91-34 There being no further business to come before the Council, the meeting was adjourned at 8:05 P.M.

A P P R O V E D

Adam W. Wolff
M A Y O R

Attest *Anna J. Rodriguez*
C I T Y C L E R K