

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JULY 2, 1981.

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

81-35 The invocation was given by Father Adolfo Valdivia, St. Phillip of Jesus Catholic Church.

81-35 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

81-35

PRESENTATION OF CITATION TO

MARGARET L. WILLIAMS

Mayor Cisneros read the following Citation:

THE CITY OF SAN ANTONIO.
(State of Texas)

Hereby Presents This

CITATION

TO

MRS. MARGARET L. WILLIAMS

IN RECOGNITION OF THE HEROIC AND FAST-THINKING ACTIONS OF MRS. MARGARET L. WILLIAMS ON JUNE 22, 1981, ACTIONS THAT RESULTED IN THE SAVING OF THE LIVES OF TWO ELDERLY PERSONS DURING A RESIDENCE FIRE.

MRS. WILLIAMS, A FAMILY CARE PROVIDER WITH THE CITY'S DEPARTMENT OF HUMAN RESOURCES AND SERVICES, WAS PROVIDING SERVICES TO GUS AND ELDORA HASTINGS AT THEIR HOME AT 270 CORLISS WHEN FIRE BROKE OUT IN THE RESIDENCE, 77-YEAR OLD MR. GUS HASTINGS, BLIND AND PRACTICALLY BEDRIDDEN, WAS FIRST EVACUATED TO SAFETY BY MRS. WILLIAMS, WHO THEN RETURNED TO THE BURNING HOME AND LED MRS. HASTINGS OUTSIDE TO SAFETY.

THE HOME WAS A VIRTUAL TOTAL LOSS BECAUSE OF THE FIRE, BUT THE ELDERLY COUPLE WHO RESIDED THERE BOTH WERE UNHARMED, THANKS TO THE COURAGEOUS ACTIONS AND QUICK THINKING OF MRS. WILLIAMS, THE CITY COUNCIL HEREBY COMMENDS MRS. MARGARET L. WILLIAMS, FOR HER CLEAR THINKING AND BRAVE DECISIONS THAT SAVED THE LIVES OF TWO PERSONS FROM TRAGEDY, AND EXPRESSES THE SINCERE APPRECIATION OF A GRATEFUL CITIZENRY.

* * * *

The Mayor and members of the City Council congratulated Mrs. Williams.

81-35PRESENTATION OF CITATION TOJOE ALLEN SNELLING

Mayor Cisneros read the following Citation:

THE CITY OF SAN ANTONIO
(State of Texas)

Hereby Presents This

CITATION

TO

JOE ALLEN SNELLING

IN RECOGNITION OF HIS SELFLESS AND HEROIC ACTIONS OF JUNE 13, 1981, THAT RESULTED IN THE SAVING OF THE LIVES OF TWO OTHER PERSONS DURING FLOODING ON SIX MILE CREEK.

INFORMED THAT TWO YOUTHS HAD BEEN SWEEPED INTO THE FLOODWATERS UPSTREAM, MR. SNELLING SAW THE PAIR BEING CARRIED TOWARD HIM BY THE RUSHING WATERS. GRABBING A SET OF BATTERY CABLES FROM HIS CAR, MR. SNELLING THREW ONE END OF THE CABLES TO THE STRUGGLING YOUTHS, BUT THE FORCE OF THE WATER PULLED HIM IN ALSO.

DESPITE THE CRITICAL SITUATION, MR. SNELLING KEPT A COOL HEAD, ALTHOUGH ALL THREE PERSONS WERE BEING SWEEPED DOWNSTREAM AT A RAPID RATE, HE NEVERTHELESS KEPT INSTRUCTING THE TWO YOUTHS WHAT TO DO TO STAY ABOVE WATER. EVENTUALLY, HE MANAGED TO PULL EACH YOUTH PARTIALLY UP THE SLOPING CONCRETE WALLS OF SIX MILE CREEK SO THAT EACH MANAGED TO SCRAMBLE TO SAFETY, FINALLY, MR. SNELLING THRUST HIMSELF UP THE WALL SUFFICIENTLY TO ESCAPE THE WATER'S PULL AND CRAWL TO SAFETY.

HIS HEROIC AND TIMELY ACTIONS, COUPLED WITH HIS REFUSAL TO PANIC IN THE FACE OF THE GREAT DANGER AND THE RISK OF HIS OWN LIFE, IS DESERVING OF THE HIGHEST PRAISE AND HONOR. THE CITY COUNCIL OFFICIALLY COMMENDS HIM FOR HIS ACT OF BRAVERY AND EXPRESSES THE SINCERE APPRECIATION OF A GRATEFUL CITIZENRY.

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The Mayor and members of the City Council individually congratulated Mr. Snelling.

81-35PRESENTATION OF CITATION TOCAROLE STRICKLAND

Mayor Cisneros read the following Citation:

THE CITY OF SAN ANTONIO
(State of Texas)

Hereby Presents This

CITATION

TO

CAROLE STRICKLAND

IN RECOGNITION OF OUTSTANDING LEADERSHIP AND FOR HER ACHIEVEMENT IN BEING SELECTED AS "MISS SAN ANTONIO FOR 1981", MS. STRICKLAND WILL BE REPRESENTING THE CITY OF SAN ANTONIO IN THE MISS TEXAS PAGEANT ON JULY 5-11, IN FORT WORTH, TEXAS.

THE CITY COUNCIL EXTENDS ITS CONGRATULATIONS TO MS. STRICKLAND AND BEST WISHES FOR MUCH SUCCESS IN THE UPCOMING PAGEANT.

* * * *

Mayor and members of the City Council each congratulated Ms. Strickland.

Councilwoman Dutmer stated that Ms. Strickland was sponsored by her company, the Sigmor Corporation.

81-35

URBAN DEVELOPMENT ACTION GRANT

Mayor Cisneros announced that the Federal Government had awarded a \$400,000.00 UDAG Grant in District 4. He commended Councilman Frank Wing, Chairman of the Economic and Development Committee, for his hard work.

Mr. Wing thanked the City staff and the the Office of Congressman Henry B. Gonzalez.

81-35

MUNICIPAL AUDITORIUM

Mr. Webb expressed concern regarding the reporting by the media on the use of the Municipal Auditorium. He asked that before any judgements are made ruling out City Council's earlier direction, he asked that the Council have an opportunity to have an input and asked to schedule a "B" Session.

Mayor Cisneros stated that he had already spoken with the City Manager and Mr. Canavan, Chairman of the Policy and Planning Objectives, regarding this matter and a "B" Session would be scheduled at a later date.

81-35

The minutes of the meeting of June 18, 1981 were approved.

81-35

CONSENT AGENDA

Mr. Canavan moved that items 4-22 constituting the Consent Agenda be approved with the exception of items 9, 10, 13, 15, 18 and 19. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 53,964

ACCEPTING THE LOW QUALIFIED BID OF JOHN H. SOROLA, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH A RIDING MOWER FOR A NET TOTAL OF \$3,750.00.

* * * *

AN ORDINANCE 53,965

APPROPRIATING FUNDS FOR AND AUTHORIZING THE PURCHASE OF ONE (1) 4" DUPLEX SUBMERSIBLE SEWAGE LIFT STATION FROM P.M.I. FOR A NET TOTAL OF \$11,980.00.

* * * *

AN ORDINANCE 53,966

ACCEPTING THE BID OF QEMCO, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH THE REMOVAL OF SOLIDS FROM THE MITCHELL LAKE POLDER FOR A NET TOTAL OF \$67,820.00.

* * * *

AN ORDINANCE 53,967

ACCEPTING THE LOW BID OF KENNEDY ASSOCIATES, INC., TO FURNISH THE CITY OF SAN ANTONIO WITH THE PAINTING OF RADIO TOWERS FOR A TOTAL OF \$6,390.00, LESS 1% - 10 DAYS.

* * * *

AN ORDINANCE 53,968

ACCEPTING THE LOW BIDS OF VARIOUS COMPANIES TO FURNISH THE CITY OF SAN ANTONIO WITH VARIOUS SUPPLIES AND SERVICES FOR THE CITY'S INTERIM BUDGET PERIOD AND THE 1981-82 FISCAL YEAR.

* * * *

Section 1. The attached low bid of each of the bidders listed below, wherein said bidder offers to furnish the City of San Antonio with the certain parts and services specified in its bid proposal for a 14 month period commencing August 1, 1981 and terminating on September 30, 1982, is hereby accepted.

COMMODITYVENDOR

- | | |
|---|--|
| 1. Pest Control Services | Global Pest Control
Items 1, 4, 5, 6, 8, 9 & 13
Kill-A-Bug, items 7, 10, 11 & 12
Professional Pest Control Services
Items 2 & 3 |
| 2. Cut-Back Asphalts, Asphalt Cements & Emulsions | Wright Asphalt Products Company,
Riffe Petroleum Company |
| 3. Engine Rebuilding-Machine Shop Service | Huston's Machine Shop |
| 4. Base Materials and Coverstone | Affiliated Aggregates
Items 1a, 1b, 2b, 2c, 3b & 3c
Chaparral Materials, Inc., Items 1c,
McDonough Bros, Inc., Items 2a
Midwestern Limestone Products & Equip.
Company, Items 3a. |

Section II. The attached low qualified bid of each of the bidders listed below, wherein said bidder offers to furnish the City of San Antonio with certain parts and services specified in its bid proposal for a 14 month period commencing on August 1, 1981 and terminating on September 30, 1981, is hereby accepted.

<u>COMMODITY</u>	<u>VENDOR</u>
1. Emergency Medical Supplies, Misc.	Alamo Medical Supplies Item 3, American Hosp. Supp. Item 15 Dyna Med. Inc. Items 4, 11, & 24 1st Responder Pouches items 1 & 18 Gentec Health Care Items 2, 12, 13, 14, 20, 21 & 22 Hope Medical Supply Inc., Item 7, 10, 17 & 23 L.P.M.S. Item 9 Medi-Central Item 16 Stanley Supply Co., Inc. Items 5 & 8, Willis Medical Co., Items 6 & 19

Section III. The attached low bid of each of the bidders listed below, wherein said bidder offers to furnish the City of San Antonio with certain supplies and services specified in its bid proposal on a contract bases for a period longer than one fiscal year.

<u>COMMODITY</u>	<u>VENDOR</u>
1. Water Treatment Chemicals & Services- International Airport	Western Chemical Company

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AN ORDINANCE 53,969

AUTHORIZING EXECUTION OF A CONTRACT WITH MELVIN WILLIAM O'BRYANT FOR THE MANAGEMENT OF JOHN R. McFARLIN TENNIS CENTER.

* * * *

AN ORDINANCE 53,970

DECLARING A 35' RESERVATION OF RIGHT OF WAY ON SAN PEDRO AVENUE SURPLUS TO THE CITY'S NEEDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF EASEMENT TO ABKO PROPERTIES, INC.

* * * *

AN ORDINANCE 53,971

AUTHORIZING AN AGREEMENT BETWEEN THE CITY AND JUNIOR FORUM FOR PARTICIPATION IN THE SENIOR CITIZEN CENTER PROGRAMS OPERATED IN THE COMMANDER'S QUARTERS LOCATED IN THE OLD ARSENAL AREA.

* * * *

July 2, 1981
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AN ORDINANCE 53,972

PROVIDING FOR RENEWAL OF BOILER AND
MACHINERY INSURANCE COVERING FORTY (40)
BOILER SITES AND COVERING VARIOUS MACHINERY
AT THE CONVENTION CENTER COMPLEX.

* * * *

AN ORDINANCE 53,973

AUTHORIZING PAYMENT OF REFUNDS TO PERSONS
MAKING OVERPAYMENTS OR DOUBLE PAYMENTS
ON 68 TAX ACCOUNTS.

* * * *

AN ORDINANCE 53,974

ACCEPTING PERMANENT LOAN OF AN EIGHTEENTH
CENTURY ANTIQUE BUILTO OF ST. ANTHONY
FOR EXHIBIT AT THE SPANISH GOVERNOR'S PALACE.

* * * *

AN ORDINANCE 53,975

AUTHORIZING SUBMISSION OF AN APPLICATION
TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY
FOR AN AIR POLLUTION CONTROL PROGRAM GRANT.

* * * *

AN ORDINANCE 53,976

AUTHORIZING EXECUTION OF AN AGREEMENT
WITH BEXAR COUNTY FOR OPERATION OF THE
ORGANIZED CRIME CONTROL BUREAU IN THE PERIOD
OCTOBER 1, 1980 TO SEPTEMBER 30, 1981;
ESTABLISHING A FUND AND ADOPTING A BUDGET;
AND AUTHORIZING PAYMENT TO BEXAR COUNTY
OF THE CITY'S SHARE OF THE BUREAU'S 1980/81
CASH OPERATING EXPENDITURES.

* * * *

81-35 The Clerk read the following Ordinance:

AN ORDINANCE 53,977

AMENDING AND EXTENDING THE CONTRACT CURRENTLY
HELD BY SAN ANTONIO BRACKENRIDGE EAGLE, INC.,
TO SELL SOUVENIRS AND NOVELTIES IN BRACKENRIDGE
AND KOEHLER PARKS.

* * * *

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

In response to a question by Mr. Hasslocher, Mr. Ron Darner,
Director of Parks and Recreation, explained the purpose of the
Ordinance.

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

81-35 The Clerk read the following Ordinance:

AN ORDINANCE 53,978

AMENDING THE EXISTING CONTRACT BETWEEN THE CITY AND SAN ANTONIO BRACKENRIDGE EAGLE, INC., BY CHANGING THE PERCENTAGE OF GROSS RECEIPTS PAYMENTS TO THE CITY.

* * * *

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

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

81-35 The Clerk read the following Ordinance:

AN ORDINANCE 53,979

CANCELING AN EXISTING LEASE AND AUTHORIZING A NEW RIVERWALK LEASE WITH JOHN CACE II (BAYOUS RIVERSIDE RESTAURANT) FOR CITY OWNED LAND ON THE SAN ANTONIO RIVERWALK.

* * * *

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

Mr. Thompson expressed concern regarding the low rental fee for merchants along the River. He stated that other merchants are paying higher fees for their space; more than those along the River.

Mr. Ron Darner, Director of Parks and Recreation, stated that they are presently looking at a study to review lease prices along the River.

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

81-35 The Clerk read the following Ordinance:

AN ORDINANCE 53,980

AMENDING THE HARLANDALE LITTLE LEAGUE YOUTH BASEBALL CONTRACT TO PERMIT YEAR AROUND ORGANIZED SPORTS ACTIVITIES AND CONCESSION RIGHTS.

* * * *

In response to a question by Mr. Wing, Mr. Ron Darner, Director of Parks and Recreation explained that this Ordinance amends the current contract with Harlandale Little League Organization for use of City-owned property to permit the sale of alcoholic beverages during adult games only.

Mr. Wing asked about the curfew.

Mr. Darner stated that he would get back with Mr. Wing regarding this matter.

Mrs. Dutmer expressed concern about alcoholic beverages in the contract.

Mr. Darner explained that it was put in the contract because they had requested it but the original contract speaks to youths, not adults.

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

81-35. The Clerk read the following Ordinance:

AN ORDINANCE 53,981

CANCELLING THE PLAN CHECKING FEE SUBMITTED
BY HCB CONTRACTORS; AND AUTHORIZING
A REFUND FOR SUCH AMOUNT.

* * * *

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

In response to a question by Mr. Hasslocher, Mr. George Vann, Director of Building Inspections, explained that when the application was submitted, the plan checker discovered that the plans did not include the parking garage. He recommended that the plan checking fee of \$4,314.00 be refunded to HCB Contractors.

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

81-35 The following Ordinance was read by the Clerk and after consideration, on motion of Mrs. Berriozabal, seconded by Mr. Webb, was passed and approved by the following vote: AYES: Berriozabal, Webb, Wing, Eureste, Alderete, Canavan, Archer, Cisneros; NAYS: Dutmer, Thompson, Hasslocher; ABSENT: None.

AN ORDINANCE 53,982

WAIVING THE "NO ALCOHOL" PROVISION OF THE
SUNKEN GARDEN THEATER USE POLICY FOR FOUR
SCHEDULED SPECIAL EVENTS.

* * * *

81-35 At this time, Council concurred to hear Item 32.

The Clerk read the following Resolution:

A RESOLUTION
NO. 81-35-65

APPROVING THE PLAN OF ACTION, INCLUDING
SITE CRITERIA AND SELECTION PROCEDURES
FOR ESTABLISHMENT OF A FOREIGN TRADE ZONE
IN SAN ANTONIO.

* * * *

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

In response to a question by Mr. Alderete, Mr. Ken Daly, Assistant Director of the Economic and Employment Department, stated that there has not been a formal presentation made to the Institute of the Americas Board.

Mr. Alderete stated that he feels that the Institute of the Americas Board should be apprised of the matter.

Mr. Ken Daly stated that they were under the impression that the Department of DEED was to spear-head the matter and coordinate with IOA. He stated that the plan of action would be presented to IOA in a formal manner and further stated that they intend to come back to Council in a "B" Session.

A discussion then ensued on the site selection.

Mayor Cisneros stated that the result of this action is the direction to advertise for the submission of potential sites. He asked that Mr. Wing, as Chairman of the Economic and Employment Committee and Mr. Alderete get with staff in the making of the announcement.

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

81-35 ZONING HEARINGS

23. CASE 8500 - to rezone Parcels P-3 and P-3A, NCB 17061, in the 14000 Block of Old Blanco Road, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District, located on the northwest side of Old Blanco Road, being approximately 650' southwest of the intersection of Churchill Estates Boulevard and Old Blanco Road, having 419.37' on Old Blanco Road and a depth of 1654.84'.

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

Mr. Luke Souls, Attorney for the applicant, explained the proposed plans for the property. He presented a diagram of the property and stated that they have attempted to meet with the residents in opposition to the rezoning request. He stated that the proposed plans are to develop multi-family housing of a high quality.

Mr. Walter Eads, showed slides of the proposed plans on the subject property. He stated that the developers are in San Antonio to provide jobs. He spoke in support of the proposed rezoning.

Mr. Rex Turner, 14343 Hill Prince also spoke in support of the zoning change. He explained the proposed plans and the surrounding areas. He stated that there is a shortage of apartment-type complexes in the area and urged the Council to grant the rezoning request.

Mr. David Heatherington, 2500 Fondron, emphasized the quality apartments that thier group is trying to develop into the are. He urged the passage of the zoning request.

Mr. Jerry Powell, Engineer with the Developers, spoke in support of the zoning request and stated that they would adhere to the provisions set out by the City's Public Works Department.

The following citizens representing Churchill Estates and Churchill Forrest then spoke in opposition to the rezoning request. expressing the following concerns: the building of apartments between two residential neighborhoods; the complex traffic problems that could arise as the result of rezoning; the drainage easement in the area, and the fact that no engineering studies have been presented regarding the flooding problems; the fact that fire safety would be a problem due to the fact that these subdivisions are only accessible to and from Blanco Road; and the dangers the proposed lake would impose upon the children of the residents in these areas.

Mr. Ronald Reaves, 6919 Great Ridge;
Gloria Boar,
Patrick Schindler, 13427 Shorecliff
Mary Denman
Ruben Montemayor,
George Brough
Lydia Kindrick,

* * * *

Mr. Canavan welcomed the people from Churchill Estates and Churchill Forest Subdivisions to the City Council meeting. He spoke very strongly in opposition to the requested change in zoning and to the proposed plans for the subject property. He made a motion to zone this property permanent "R-1" so that it takes nine affirmative votes in the future to approve any change in zoning. Mr. Archer seconded the motion.

In rebuttal, Mr. Souls stated that Houston developers are coming to build in San Antonio, homes will be occupied by San Antonians and housing will be provided to people who have trouble finding housing. He urged the Council to grant the rezoning request.

A discussion then took place on the buffer that would be built if the zoning were to be approved.

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

AN ORDINANCE 53,983

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 PARCELS P-3 AND P-3A, NCB 17061, IN THE 14000 BLOCK OF OLD BLANCO ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ON THE NORTHSIDE PROPERTY ADJACENT TO THE SINGLE FAMILY RESIDENCES.

* * * *

24. CASE 8517 - to rezone a 33.758 acre tract of land out of NCB 14868, being further described by field notes filed in the Office of the City Clerk, in the 12500 Block of Babcock Road, from Temporary "R-1" E.R.Z.D. Single Family Residential Edwards Recharge Zone District and Temporary "R-1" Single Family Residential District to "R-6" Townhouse District and "R-6" E.R.Z.D. Townhouse Edwards Recharge Zone District, located southeast of the intersection of Spring Rain Drive and Babcock Road, having approximately 1530' on Babcock Road having approximately 300' on Spring Rain Drive, having a maximum width of 1900' and a maximum depth of 1250; a 1.008 acre tract of land out of NCB 14868, being further described by field notes filed in the Office of the City Clerk, in the 12400 Block of Babcock Road, from Temporary "R-1" Single Family Residential District to "B-2" Business District, located on the southside of Babcock Road, being approximately 1530' east of the intersection of Spring Rain Drive and Babcock Road, having approximately 380' on Babcock Road and a depth of 180'.

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

Mr. Thompson moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished and that a six-foot solid screen fence is erected and maintained on the south property line of the "B-2" zoning. Mr. Wing seconded the motion.

Mr. Alderete expressed concern regarding the letter submitted by Mrs. Deborah Duncan, Aquifer Protection Officer, and then made a substitute motion to keep the zoning on the property over the Edwards Recharge Zone District as is and to rezone the other portion of the subject property. Mrs. Dutmer seconded the motion.

Mr. Herb Quiroga, Director of Land Planning for Ray Ellison Industries, showed the master plan of the area that has not been developed and stated that they are exercising all controls to protect the Edwards Aquifer.

A discussion then ensued regarding the surrounding property.

Mr. Joe Aceves, Assistant Director of Public Works, stated that there are permitted uses allowed in the E.R.Z.D. He stated that Leon Creek is a sensitive area, although the majority of the land area in the zoning case drains off the recharge zone.

Mr. Canavan expressed concern regarding the Council's hesitance to rezone over the Aquifer because of a letter submitted by the Aquifer Protection Office. He stated that the zoning should not be cancelled because of this and suggested that the Council continue to work with alternate sources of water.

Ms. Deborah Duncan, Aquifer Protection Officer, explained in detail the memo she had submitted with reference to this zoning case.

Mr. Alderete complimented Ms. Duncan on her detailed report.

No citizen appeared to speak in opposition.

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

The original motion prevailed by the following vote: AYES: Wing, Thompson, Canavan, Archer, Hasslocher, Cisneros; NAYS: Berriozabal, Webb, Dutmer, Alderete; ABSENT: Eureste.

AN ORDINANCE 53,984

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 33.758 ACRE TRACT OF LAND OUT OF NCB 14868, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 12500 BLOCK OF BABCOCK ROAD, FROM TEMPORARY "R-1" EDWARDS RECHARGE ZONE DISTRICT AND TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-6" TOWNHOUSE DISTRICT AND "R-6" TOWNHOUSE EDWARDS RECHARGE ZONE DISTRICT AND A 1.008 ACRE TRACT OF LAND OUT OF NCB 14868, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 12400 BLOCK OF BABCOCK ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ON THE SOUTH PROPERTY LINE OF THE "B-2" ZONING.

* * * *

Mr. Alderete asked that direction be given to staff to schedule a "B" Session in the future for the purpose of addressing the concerns of the Aquifer.

Staff was directed to do so.

25. CASE 8520 - to rezone a 37.5714 acre tract of land out of NCB 15674, being further described by field notes filed in the Office of the City Clerk, in the 2800 Block of F.M. 1604, from "P-1(R-3) E.R.Z.D. Planned Unit Development Multiple Family Residential Edwards Recharge Zone District to "B-2" Business Edwards Recharge Zone District, located on the south side of F.M. 1604, being approximately 2320' west of the intersection of Redland Road and F.M. 1604 having 1210.63' on F.M. 1604 and a maximum depth being approximately 1200'; a 30.7514 acre tract of land out of NCB 15675, being further described by field notes filed in the Office of the City Clerk, in the 2800 Block of F.M. 1604 from Temporary "R-1" E.R.Z.D. Single Family Residential Edwards Recharge Zone District to "R-3" E.R.Z.D. Multiple Family Residential Edwards Recharge Zone District, located approximately 1200' south of F.M. 1604, being approximately 2320' west of Redland Road, having a maximum width approximately 1367' and a maximum depth of approximately 800'; a 4.8649 acre tract of land out of NCB 15675, being further described by field notes filed in the Office of the City Clerk, in the 2800 Block of F.M. 1604, from Temporary "R-1" E.R.S.D. Single Family Residential Edwards Recharge Zone District and "P-1(R-3)" E.R.Z.D. Planned Unit Development Multiple Family Residential Edwards Recharge Zone District to "B-3" E.R.Z.D. Business Edwards Recharge Zone District, located approximately 1123' south of F.M. 1604 being approximately 3687' west of the intersection of Redland Road, having a width of 883.10' and an approximate depth of 400'; a 14.2886 acre tract of land out of NCB 15675, being further described by field notes filed in the Office of the City Clerk, in the 2800 Block of F.M. 1604 from Temporary "R-1" E.R.Z.D. Single Family Residential Edwards Recharge Zone District and "P-1(R-3)" E.R.Z.D. Planned Unit Development Multiple Family Residential Edwards Recharge Zone District to "B-2" Business Edwards Recharge Zone District, located 1000' south of F.M. 1604 being approximately 3800' west of Redland Road, having a width of 959.59' and a maximum depth of 850'; a 3.4399 acre tract of land out

of NCB 15675, being further described by field notes filed in the Office of the City Clerk, in the 2800 Block of F.M. 1604, from Temporary "R-1" E.R.Z.D. Single Family Residential Edwards Recharge Zone District to "R-2" E.R.Z.D. Two Family Residential Edwards Recharge Zone District, located approximately 1800' south of F.M. 1604, being approximately 3800' west of Redland Road, having a maximum width of 980.36' and depth of 155'.

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

Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished and that a six foot solid screen fence is erected and maintained between the proposed business zonings and the proposed residential zoning; also, along the south line of the proposed "R-3" and along the west line of the proposed "B-2" adjacent to the "R-1" zoning. The motion died for a lack of a second.

Mr. Webb then made a motion to deny the requested change in zoning. Ms. Berriozabal seconded the motion.

Mrs. Dutmer stated that there is a federal mandate that all streams be navigable, swimmable and fishable by 1985. She stated that she would be voting against this rezoning request.

Mr. Harry Jewett, Engineer and Planning Consultant, stated that they are asking for a zoning change because they are now ready to proceed with the Henderson Pass Interchange. He stated that there will be a relocation of the extension up to 1604 as part of the first phase of development. He stated that the zoning pattern has been changed and that is why they are here today.

Discussion then ensued with regard about the run-off into the Edwards Aquifer.

Mr. Thompson referred to the letter submitted by the Aquifer Protection Officer regarding this zoning case.

At this point, Mr. Canavan made a substitute motion to approve the requested change in zoning. Mr. Archer seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Harry Jewett stated that as a developer he is willing to develop the land over the Edwards Recharge Zone District within the confines dictated by the Courts.

Mr. Alderete stated that it has been determined that there is a run-off onto Mud Creek and the zoning extends to all that area adjacent to Mud Creek.

After discussion Mrs. Dutmer made a substitute motion to postpone this zoning case for three weeks. Mr. Eureste seconded the motion. On roll call, the motion to postpone prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

CASE 8520 was postponed.

26. CASE 8523 - to rezone Lot 12, Block 6, NCB 16203, 2707 Crater Drive from "A" Single Family Residential District to "R-4" Mobile Home Residential District, located on the west side of Crater Drive, being 60' south of the intersection of Finis Avenue and Crater Drive, having 60' on Crater Drive and having a depth of 140'.

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

Mr. Webb moved that the recommendation of the Zoning Commission be approved. Mr. Thompson seconded the motion.

Mrs. Dutmer stated that this request is not adhering to the Code and that it does not contain one acre of land required for mobile homes. She then made a substitute motion to deny the requested change in zoning. Mr. Canavan seconded the motion.

Mr. Webb spoke in support of the request based on the hardship of one of the citizens involved.

Mrs. Hall, the applicant explained that she is requesting the change in zoning in order to keep her mobile home on the subject property. She read a prepared statement which is on file with the minutes of this meeting. She urged the Council's concurrence to grant her request.

Mrs. Dutmer expressed concern that the City annexed this area, people are paying taxes but are lacking City services. She stated that the subject property is not eligible for Community Development Block Grant funds and again stated that there is an Ordinance which denies a mobile home on less than one acre of land.

No citizen appeared to speak in opposition.

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

The original motion to approve the requested change in zoning prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Eureste, Alderete, Canavan, Archer, Hasslocher, Cisneros; NAYS: Dutmer, Thompson; ABSENT: None.

AN ORDINANCE 53,985

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 12, BLOCK 6, NCB 16203, 2707 CRATER DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-4" MOBILE HOME RESIDENTIAL DISTRICT.

* * * *

27. CASE 8519 - to rezone Lot 19, Block 33, NCB 9593, in the 3100 Block of W. Woodlawn Avenue from "F" Local Retail District to "B-3" Business District, located on the south side of Bandera Road, being 150' west of the intersection of Bandera Road and W. Woodlawn Avenue, having 60' on W. Woodlawn Avenue, having 200' on Duke Avenue having a width and a depth of 300'.

The Zoning Commission has recommended that this request of change of zone be approved.

Mr. Louis Westerman, the applicant stated that the property has been vacant for eighteen months. He stated that he wishes to broaden the potential uses for the subject property but at this time he has no particular use in mind.

No citizen appeared to speak in opposition.

After consideration, Mr. Canavan moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished and that a six foot solid screen fence is erected and maintained on the south property line. Mr. Thompson seconded the motion. On roll call, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Eureste, Thompson, Alderete, Canavan, Archer, Hasslocher, Cisneros; NAYS: Wing; ABSENT: None.

AN ORDINANCE 53,986

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 19, BLOCK 33, NCB 9593, IN THE 3100 BLOCK OF W. WOODLAWN AVENUE, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ON THE SOUTH PROPERTY LINE.

* * * *

28. CASE 8453 - to rezone Lot 165, Block 15, NCB 11111, from "B" Two Family Residential District to "B-3" Business District and Lot 166, Block 15, NCB 11111, 319 Moursund Boulevard, from "B" Two Family Residential District to "B-3R" Restrictive Business District, located on the west side of Moursund Boulevard, being 100' south of the intersection of Baetz Boulevard and Moursund Boulevard, having 200' on Moursund Boulevard and a depth of 435.6'. The "B-3" being on Lot 165, Block 15, NCB 11111 and the "B-3R" being on Lot 166, Block 15, NCB 11111.

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

Mr. Wing expressed concern that this zoning case had been postponed at a previous City Council hearing. He stated that at the time the applicant was instructed to get with staff as to what kind of a recommendation could be made for the rear portion of the property. He also expressed concern regarding that fact that this is a residential area.

Mr. J. Sam Levey, representing the applicant, Mr. Jack Heptley stated that on both corners of Moursund Boulevard there is "I-1" zoning and that the property cannot be used for residential purposes. He stated that the request would not be improper rezoning.

Mr. Wing stated that there are residents within the surrounding area and made a motion to deny the requested change in zoning. Mr. Thompson seconded the motion. On roll call, the motion carried by the following vote: AYES: Berriozabal, Webb, Wing, Thompson, Canavan, Hasslocher, Cisneros; NAYS: Dutmer; ABSENT: Eureste, Alderete, Archer.

CASE 8453 was denied.

29. CASE 8505 - to rezone the south 65' of Lot 4, Block 2, NCB 14686, in the 5600 Block of Babcock Road, from Temporary "R-1" Single Family Residential District to "B-1" Business District, located on the northeast side of Babcock Road, being approximately 1300' southeast of the intersection of Huebner Road and Babcock Road, having 65' on Babcock Road and a depth of 200'.

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

No citizen appeared to speak in opposition.

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

AN ORDINANCE 53,987

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 65' OF LOT 4, BLOCK 2, NCB 14686 IN THE 5600 BLOCK OF BABCOCK ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT.

* * * *

30. CASE 8524 - to rezone Lots 14 and 15, Block 15, NCB 3283, 1818 S. New Braunfels Avenue, from "F" Local Retail District to "B-3R" Restrictive Business District, located southeast of the intersection of I.H. 10 East Expressway and S. New Braunfels Avenue, having 100' on I.H. 10 East Expressway and 155' on S. New Braunfels Avenue.

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

No citizen appeared to speak in opposition.

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

AN ORDINANCE 53,988

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 14 AND 15, BLOCK 15, NCB 3283, 1818 S. NEW BRAUNFELS AVENUE, FROM "F" LOCAL RETAIL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT.

* * * *

31. CASE 8513 - to rezone Lot 31A; Block 25, NCB 8948, 1103 S.W. Military Drive, from "B-2" Business District to "B-3R" Restrictive Business District, located northwest of the intersection of Mango Avenue and S.W. Military Drive, having 75' on S.W. Military Drive and 147.5' on Mango Avenue.

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

No citizen appeared to speak in opposition.

After consideration, Mrs. Dutmer moved that the recommendation

After consideration, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved provided that a six foot solid screen fence is erected and maintained on the north property line and that right-of-way is dedicated, if necessary. Mr. Wing seconded the motion. On roll call, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Canavan, Hasslocher, Cisneros; NAYS: None; ABSENT: Eureste, Alderete, Archer.

AN ORDINANCE 53,989

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 31A, BLOCK 25, NCB 8948, 1103 S.W. MILITARY DRIVE FROM "B-2" BUSINESS DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ON THE NORTH PROPERTY LINE AND THAT RIGHT-OF-WAY IS DEDICATED, IF NECESSARY.

* * * *

81-35 At this time, Council concurred to go into Citizens To Be Heard Session.

81-35 CITIZENS TO BE HEARD

MR. CARLOS GARCIA

Mr. Garcia, Vice President of San Antonio Community Radio Corporation, spoke to the Council regarding the \$10,000 that was allocated to the Yanaguana FM Radio Corporation at a previous Council meeting at the time the 1975-76 General Fund Budget was approved. (His prepared statement is on file with the minutes of this meeting). He asked what procedure would need to be followed for the City of San Antonio to release the pledged funds.

Deputy City Manager, Louis Fox stated that he would report back to the Council on what action needs to be taken at this point.

Mr. Carl White, Finance Director explained the background information and what had transpired since the allocation of the funds.

After discussion, Mrs. Dutmer made a motion to bring back to Council, in an "A" Session, the necessary ordinance to approve funding for the San Antonio Community Radio Corporation. Mr. Eureste seconded the motion. On roll call, the motion carried by the following vote: AYES: Berriozabal, Webb, Dutmer, Eureste, Thompson, Canavan, Archer, Cisneros; NAYS: None; ABSENT: Wing, Alderete, Hasslocher.

81-35 MR. WALTER MARTINEZ

Mr. Martinez stated that the fees being charged at the Lanier Natatorium are incompatible with the fee scale enforced throughout the entire City. He stated that the persons in the area feel that this is unfair. He requested that the City Council direct the Parks and Recreation Department initiate a fee scale that would be commensurate with other City pools. He stated that children should use the pool for twenty-five cents a day and fifty-cents per adult. He stated

that the pool should be open until 9:00 A.M. in order to get the maximum use of the pool. He also suggested that the City staff be directed to study the following:

- 1) The possible lowering of fees for children who use it several times a day;
- 2) Annual membership fee;
- 3) Adult swimming lessons;
- 4) Solar Heating devices;

Mayor Cisneros stated that he favors getting the fee on the same scale.

Mrs. Berriozabal made a motion for a concensus to have the item on next week's agenda regarding the fee scale. Mr. Wing seconded the motion.

Mr. Eureste stated that an item could be posted for Council's consideration tonight and then made a motion to have a special meeting later in the evening so that rates could be changed and be uniform throughout the City. Mr. Wing seconded the motion. On roll call, the motion carried by the following vote: AYES: Berriozabal, Webb, Wing, Eureste, Thompson, Canavan, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Dutmer, Alderete.

Mr. Wing asked that a report be prepared as to what it would cost to keep the swimming pools open longer in the evening.

81-35

REVEREND CLAUDE BLACK

Reverend Black stated that he has been very impressed with the concerns expressed by the Council and its sensitivity toward all citizens throughout the City. He introduced many citizens in the audience faced with the federal budget cuts with regard to Title XX Funds.

He spoke about the efforts of the Mount Zion First Baptist Church's Child Development Center which has been in operation for over twenty-four years.

He stated that unless there are supplemental funds funnelled into the Day Care Center, many children will be left out of the program. He appealed to the City Council to consider the needs of the Child Care Centers.

81-35

MRS. BLANCHE RUSS

Mrs. Russ, Parent-Child Incorporated, stated that they need to keep in place those services they have provided to the community. She stated that they have 16 family day homes which will be affected if funding is not provided. She stated that as a result of cutback, people will be left without jobs and will have to go back on welfare rolls. She stated that Title XX monies will be put out for bids and explained the effects that the funding cuts will have on their agencies.

Mr. Bill Donahue, Director of the Department of Human Resources and Services stated that these centers are facing a crisis in terms of inadequate funding. He stated that there is a funding shortfall because there are no federal funds. He stated that the Texas Department of Human Resources has come up with a new competitive bid process and he spoke regarding the staff problems throughout all these centers.

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He stated that staff is recommending that five agencies which include Parent-Child, Healy Murphy, Mount Zion, Wesley and Madonna Day Care be given supplemented funding from July 1, 1981 through August 1, 1981. He further stated that staff would be working with the day care centers and the Department of Human Resources to come up with a package for Council consideration.

Mr. Canavan stated that he voted against the funding to Bethel Day Care Center because he feels that all day care agencies should be treated favorably. He stated that the burden has been placed on the City's shoulders, whereas, it should be placed on that of the State.

At this time, Mr. Eureste made a motion to approve the plan as outlined by Mr. Donahue. Mrs. Berriozabal seconded the motion.

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

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

MR. TIMOTHY PRIDGEN

Mr. Pridgen, former City employee, stated that he was terminated because he came to work late on a certain occasion. He explained that he rode his bicycle to work and because of some difficulties, beyond his control, he was forced to be late to work. He stated that it was unfair for him to be terminated and because of his handicapped position, he won't be able to find a job.

Deputy City Manager, Louis Fox stated that Mr. Pridgen can appeal to the Civil Service Commission. He will also ask that the matter be expedited.

In response to Mr. Webb, Mr. Pridgen stated that he was terminated because of the occasions he has received.

In response to Mr. Eureste, Mr. Frank Kiolbassa, Director of Public Works, explained why Mr. Pridgen was terminated.

Mr. Eureste stated that the policy should address persons who ride bicycles and also handicapped persons.

Deputy City Manager, Louis Fox stated that there is an exception to the policy whereby persons riding public transportation are given some leeway. He stated that he would meet with Mr. Pridgen on this matter.

MR. BOB MARSH

Mr. Marsh, Director of Boys Club, stated that he is very concerned about reports being circulated that the Municipal Auditorium once restored will exclude sporting events. He spoke about the many years that the Golden Gloves activities have been held at the auditorium.

Mayor Pro-Tem Archer stated that only the City Council can make an official policy.

Mr. Marsh asked that the City Council look favorably on his request.

Mr. Eureste concurred with statements made by Mr. Marsh. He stated that all activities should be allowed. He took exception to remarks made that the Municipal Auditorium will not be used for sporting activities or rock concerts

MARIA VALENZUELA

Ms. Valenzuela spoke to the case of a City employee of Animal Control Facility who was dismissed because he had run his truck through a carwash with a cat still in one of the cages.

Mr. Eureste read portions of a local newspaper dealing with the story.

Mr. Webb spoke to the harshness of the punishment and asked that a hearing on the matter be held with the City Manager.

Mr. Canavan spoke to the City Manager's right to overrule the Municipal Civil Service Commission recommendations on punishment and spoke against holding a hearing with the City Manager on the issue, but would support a report on the matter.

Mr. Thompson stated that he felt that the Council is entitled to a staff report on the matter.

MRS. MARIA DOMINGUEZ

Mrs. Dominguez spoke to the availability of the City Council meeting agendas for citizens, asking that adequate agendas be provided. She also spoke to the lack of engineers in the Planning Department, and the need for a Master Plan. She also spoke to the auto accident involving City Manager, Thomas E. Huebner.

Mr. Eureste spoke to possible actions that might have been taken relative to that accident and also spoke to the lack of any actions taken in that case versus the discharge of a City employee because of an incident involving a cat.

MR. DAVID ALVARADO

Mr. Alvarado spoke to being issued a parking ticket for being parked in the City Hall area after working hours and of observing cars being towed away from the same area. He also spoke against the costs involved for citizens to reclaim their cars from the police pound.

Mr. Archer stated that the City Ordinance forbids parking to the general public around City Hall until after 7:00 P.M. and also recited parking problems in the area.

Mr. Alvarado also spoke about the Municipal Auditorium, stating his belief that it should be allowed uses such as it had before being destroyed by fire.

Mr. Hasslocher also spoke of parking problems around City Hall.

REVEREND R.A. CALLIES, SR.

Reverend Callies spoke to the situation of an open drainage area in the 200 block of Clark Avenue that runs within six feet of an occupied home. (His prepared statement is on file with the minutes of this meeting.)

Mayor Pro-Tem Archer asked Deputy City Manager, Louis Fox to provide Reverend Callies with a report on what might be done to alleviate the situation.

MS. MONICA LAFLEUR

Ms. LaFleur spoke of injuries she had sustained during her lifetime, and also spoke to allegations that a policeman had pulled a pistol on her in a churchyard after she had suffered a seizure. She stated her belief that she had been pushed around and asked the City Council to look into the matter.

MS. JANIE ADAME

Ms. Adame spoke about the WIC Program, and to the consuming of food by staff members of the program in areas where service recipients are not allowed to feed their children.

MR. RICHARD BENAVIDEZ

Mr. Benavidez, a City employee spoke to his concern for what he felt was harsh treatment of fellow City employee, Timothy Pridgen's dismissal for accumulating too many occasions for being late to work, even though he rides a bicycle to work, and also objected to the City Manager's action discharging Pridgen.

Mr. Eureste stated that Mr. Benavidez showed courage in appearing before the City Council and identified Benavidez as the Parking Division employee who had refused to allow Deputy City Manager, Louis Fox to park free in the River Bend Garage some months ago. He further stated that the suspension of Benavidez had been rescinded and his record wiped clean of the incident.

MRS. NESTORA MENCHACA

Reverend Callies spoke on behalf of Mrs. Menchaca regarding the need to clean up the alley in back of her house in the 200 Block of Clark.

The City Council asked that the City Manager have staff check into this matter.

Mayor Cisneros returned to the meeting and presided.

81-35

REGULAR AGENDA CONTINUED:

The Clerk read the following Ordinance:

AN ORDINANCE 53,990

AUTHORIZING EXECUTION OF A CONTRACT WITH
LEWIS & THOMPSON ADVERTISING AGENCY TO SERVE
AS ADVERTISING, MARKETING, AND PUBLIC
RELATIONS AGENCY FOR THE SAN ANTONIO CONVENTION
AND VISITORS BUREAU.

* * * *

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

Mr. Lupe Garcia, Vice President of Ed Yardang and Associates, asked why they were not rehired as the advertising agency for the San Antonio Convention and Visitors Bureau. He spoke about their past work with the Convention Center account and the success they have had in making San Antonio the top tourist attraction City in Texas.

Mr. Warren Stewart, Chief Executive Officer for Ed Yardang and Associates, stated that they have had this account since 1975. He stated that their major concern is the problems that will be encountered and the economic impact to the City because of the transition period encountered with a new account. He asked the Council to review the entire process prior to approval of the Ordinance.

Mr. A.J. Lewis, representing Lewis & Thompson stated that the first two years Yardang handled the City's account exceptionally. This year, they decided to bid and felt that it was appropriate to participate at this time. He briefed the City Council on the manner in which the presentations were made. He stated that they were selected by a majority vote by the agency selection committee of the San Antonio Convention and Visitors Bureau. He stated that the City Council should consider the needs of the Bureau, the City, and the importance of the Tourist Industry. He further stated that they were selected and are ready to commence work.

Mr. Hasslocher stated that he had heard a rumor that certain city staff employees were not allowed to speak to the Council on this matter.

In response to Mr. Hasslocher, Mr. John Mosty, Director of the Convention Bureau, explained how the presentations were made by the different agencies. He stated that the committee selected Lewis and Thompson as their choice. In response to Mr. Hasslocher, he stated that the staff didn't feel that the presentation made by Lewis & Thompson was the strongest made.

Mr. Hasslocher stated that he had heard a rumor that members of the Executive Committee had accounts with the firm of Lewis & Thompson.

Mr. Lewis responded that out of the seventeen on the committee, one person who was on the Agency Selection Committee has an account with his firm.

Mr. Thompson stated that the Council's main concern is to obtain the best possible option for the City.

Mr. Webb stated that he believes the process has been fair. He stated that if the contract is not approved today, it will put Ed Yardang in an unfavorable position.

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Mrs. Dutmer stated that the City Council appoints the San Antonio Convention and Visitors Bureau. She took exception to the actions of Ed Yardang and Associates at this time, since they had not objected to the procedure prior to this time.

In response to a question by Mayor Cisneros, Mrs. Martha Buchanan Lucero, Chairman of the Convention and Visitors Commission spoke to possible City Council input into the Commission's actions in the future, if desired.

Mayor Cisneros spoke to his concern that the image being projected for San Antonio should be in consonance with that image the City Council wished to project for the City.

In response to a question by Mr. Hasslocher, Mr. Coiner, Creative Director of Ed Yardang & Associates, spoke to his advertising agency's deep involvement with projecting the image of San Antonio over the past six years and spoke to raising questions for most of those years about the selection process used every two years to pick an advertising agency for the Convention and Visitors Bureau account.

In response to a question by Mr. Hasslocher, Mr. A.J. Lewis President of Lewis and Thompson Advertising, spoke to his agency's abilities to work with the City Convention and Visitors Bureau staff in promoting the image of San Antonio and stated that if awarded the contract, it would make the Bureau his agency's second-largest account.

Mr. Huebner assured the Council that the City staff would work well with any agency selected for the City's account, and further spoke to the Bureau making a positive effort in that regard.

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

81-35 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Thompson, seconded by Mr. Wing, was passed and approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Alderete.

AN ORDINANCE 53,991

AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT OF \$359,000 FROM THE COMMUNITY SERVICES ADMINISTRATION TO SUPPORT THE COMMUNITY ACTION PROGRAM FROM JULY 1, 1981 TO SEPTEMBER 30, 1981; AUTHORIZING BUDGETS APPROVING PERSONNEL POSITIONS AND AGREEMENTS WITH OPERATING AGENCIES COVERING THE INTERIM PERIOD.

* * * *

81-35 The Clerk read the following Ordinance:

AN ORDINANCE 53,992

ACCEPTING A GRANT OF \$197,000.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO CONDUCT A 24-MONTH TARGETED JOBS DEMONSTRATION PROGRAM; ESTABLISHING A FUND AND ADOPTING A BUDGET; APPROVING PERSONNEL POSITIONS; AND AUTHORIZING AN AGREEMENT WITH THE MEXICAN-AMERICAN UNITY COUNCIL TO ADMINISTER THE EFFORT OF MAXIMIZING MINORITY WORKER-ENTREPREUR PARTICIPATION IN FEDERAL AIDED COMMUNITY AND ECONOMIC DEVELOPMENT PROJECTS.

* * * *

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

Mrs. Dutmer spoke to the possibility of seeking a reduction in the amount of the grant to the Mexican-American Unity Council because of profits made by the agency from outside income.

In response to a question by Mrs. Berriozabal, Mr. Juan Patlan, Executive Director of MANCO, spoke of just who is eligible to take part in this program.

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

81-35 The Clerk read the following Ordinance:

AN ORDINANCE 53,993

AMENDING CHAPTER 17 OF THE CITY CODE
TO PROHIBIT THE OPERATION OF CERTAIN
UNFRANCHISED RESIDENTIAL GARBAGE COLLECTION
SERVICES AND PROVIDING A PENALTY.

* * * *

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

At this point, Mr. Sam Dibrell, Attorney for VJ Enterprises, asked to speak in the matter at hand, which involves his firm. He explained that the firm was the only outside firm collecting refuse from residential San Antonio areas, and then spoke to a pending lawsuit filed by the City of San Antonio against his firm. He stated his belief that the City was attempting to single out one particular company in its efforts to force that firm to halt his garage pickup services in one section of the City.

In response to a question by Mayor Cisneros, Ms. Jane Macon, City Attorney, agree that it might be a good idea for the Council to reconsider its approval action of the Ordinance until after Dibrell's presentation.

Mrs. Berriozabal made a motion to reconsider the matter. Mr. Canavan seconded the motion. On roll call the motion carried by the following vote: AYES: Berriozabal, Webb, Dutmer, Eureste, Thompson, Canavan, Cisneros; NAYS: None; ABSENT: Wing, Alderete, Archer, Hasslocher.

Mr. Dibrell then spoke to possible damages that could result from putting his firm out of business, and asked the Council to postpone action on this Ordinance.

In response to a question by Mrs. Dutmer, Mr. Nelson Clare, Assistant City Attorney, stated that the Ordinance now before the Council was merely a legislative decision being sought, one dealing with health and safety, among other considerations. He stated his belief that the issue is the City's right to franchise such services as VJ Enterprises provided to San Antonio citizens.

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

81-35 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Webb, seconded by Mr. Wing, was passed and approved by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Hasslocher, Cisneros; NAYS: None; ABSENT: Berriozabal, Alderete, Archer.

AN ORDINANCE 53,994

CLOSING CADMUS STREET BETWEEN 96TH AND 97TH STREETS ON FRIDAY, JULY 3, 1981, IN CONNECTION WITH AN EVENT HONORING U.S. CONGRESSMAN HENRY B. GONZALEZ.

* * * *

81-35 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Webb, seconded by Mr. Thompson, was passed and approved by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Hasslocher, Cisneros; NAYS: None; ABSENT: Alderete, Archer.

AN ORDINANCE 53,995

ACCEPTING THE PROPOSAL OF FROST NATIONAL BANK TO ACT AS THE DEPOSITORY AND FISCAL AGENT FOR THE CITY, AND TO LEND MONEY TO THE CITY DURING THE FISCAL YEARS 1981-82 AND 1982-83.

* * * *

There being no further business to come before the Council, the meeting was adjourned at 8:54 P.M.

A P P R O V E D

Henry Cisneros
M A Y O R

ATTEST *Anna S. Rodriguez*
City Clerk

467

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EXCERPT FROM MINUTES OF JULY 2, 1981
ZONING CASE 8520

CITY CLERK: Case 8520 - the rezoning and reclassification of property from Temporary "R-1" E.R.Z.D. Single Family Residential Edwards Recharge Zone District and "P-1(R-3)" E.R.Z.D. Planned Unit Development Multiple Family Residential Edwards Recharge Zone District to "R-2" E.R.Z.D. Two Family Residential Edwards Recharge Zone District, "R-3" E.R.Z.D. Multiple Family Residential Edwards Recharge Zone District, "B-2" and "B-3" E.R.Z.D. Business Edwards Recharge Zone Districts, provided that proper platting is accomplished and that a six foot solid screen fence is erected and maintained between the proposed business zonings and the proposed residential zoning; also, along the south line of the proposed "R-3" and along the west line of the proposed "B-2" adjacent to the "R-1" zoning.

MR. HASSLOCHER: So move.

MAYOR CISNEROS: No second. Motion dies for lack of second. Is there anyone here in opposition to Zoning Case 8520. What is the Council's pleasure with respect to this case.

MR. WEBB: I move for denial of this zoning case.

MRS. BERRIOZABAL: Second.

MAYOR CISNEROS: There's a motion and a second. Discussion on this case. The motion is to deny. Mrs. Dutmer.

MRS. DUTMER: All right. We've had a great deal of speculation on whether we need Mrs. Duncan's office or not. I would remind you that this is a local body that we have had, we have made some decisions on our own. But there is also a federal mandate by the 201-208 sections of the Bill that requires all navigable, fishable, swimmable streams by 1985. The 201 takes in the Metropolitan area that we have the jurisdiction over for zoning purposes. And I would advise you to follow those guidelines of that federal bill or you will find yourself in very deep trouble aside from having no water to drink. What happened to the statute, not statute but the clause that was advised to us by the Chicago firm that there be one single residence on X number of acres, I've forgotten what it is, five I think, when it's directly over the Recharge Zone.

MR. GUERRERO: That was a requirement that was in the interim of developing the Edwards Recharge Zone Overlay District.

MRS. DUTMER: Well, until we adopt the final

MR. GUERRERO: The Overlay District that's not in effect.

MRS. DUTMER: Yes, I knew that we had it at one time. It was a very good requirement on it. I do have a very great deal of trouble with this one in particular. I had some trouble with the last one and I think that when you realize what you're doing that you should have some great concern also. There is the word possibility. You have hydrologist on your - and engineers on your staff, you have their recommendations to you and then you properly ignored them. This thing is entirely over that Edwards Recharge Zone District. I don't even know who owns the property or who is going to develop it or anything else. I do know that Mr. Jewett is the representative and I do adhere to and admire his thinking on both things. But this just really gives me some problems. All I can do is tell you that I'm not going to rezone it. I'm not even going to take that one chance that you're going to pollute your sole source of drinking water and remember I said sole source because you don't have the other yet.

MAYOR CISNEROS: Okay. The next speaker is Mr. Hasslocher.

MR. HASSLOCHER: I'd like to ask Mr. Jewett

MAYOR CISNEROS: All right, Mr. Jewett. Let me find out - is there anyone here in opposition. I asked earlier and I didn't see anyone at all. All right, you're prepared then to make five minutes of remarks.

MR. JEWETT: Yes, Mr. Mayor. I'm Harry Jewett and I'm an Engineering and Planning consultant. Let me tell you this, and here is a copy of a larger scale in which we kind of colored it up to show you what we're doing here. This particular piece of property was zoned about seven years ago and the reason we're coming in and asking for a zoning change at this point in time is that we have now been able to get with the State Department of Highways and Public Transportation and set the location for Henderson Pass Interchange. Point in time that we ever did the original zoning on this thing, Henderson Pass Interchange which showed to be farther to the east because of the development activity in the 1604 - San Pedro area. The Highway Department has actively done their design work for the alternate section of 1604, therefore they set in the access road locations and other controlling factors. Access road is going to be basically at grade, 1604 in this area will be depressed, Henderson Pass will go over very similar to the intersection of like 410 and Jones-Maltsberger, if you're familiar with that.

The location of this intersection was very, very critical. There was only one spot with about a five to fifty foot range in there that that thing could be set to match all the grades to meet the Federal Highway control for them to be able to get highway funds to build 1604. So we didn't have any choice as to where we could put Henderson Pass. This zoning thing comes back in view to accomodate the relocation of Henderson Pass. Our client will build the extension of Henderson Pass from the present location at Thousand Oaks up to 1604 as a part of the first phase of this development.

MR. CANAVAN: Harry, will you show a film on - point it out, please.....

(AT THIS TIME THE TAPE WAS CHANGED)

and also with the proposed widening of 1604 and this week with a visit to the Highway Department about the tremendous amount of traffic that we will see, I think would be a good way to get that traffic out of that northern part of that area.

MR. JEWETT: Henderson Pass will be the first interchange east of 1604 and San Pedro.

MAYOR CISNEROS: Mr. Wing.

MR. WING: Yes, sir. Just to put both cases in proper perspective, there's a far cry from reading that an area might - that an area drains into Leon Creek which is sensitive to recharge water and then coming out and out and just saying that contaminates percolate into a formation that is sensitive to the nature of the creek bed and is adjacent to it - pointing out that each case is taken on its own merits or demerits and that the Council persons make up their mind. I don't believe that the people in my district want me to be a rubber stamp council person and I'll take staff's word without putting some of my own thinking into.

MAYOR CISNEROS: Mr. Canavan.

MR. CANAVAN: I pass.

MAYOR CISNEROS: Mr. Thompson.

MR. THOMPSON: I need to speak with Mrs. Duncan.

MR. CANAVAN: I said I'd pass, I would like to make a motion - substitute motion for approval of the case. I need a second.

MR. HASSLOCHER: I'll second it.

MR. THOMPSON: Oh, I'm sorry. I was looking for you up here.

MRS. DUNCAN: I didn't go far, I figured you might want me back.

MR. THOMPSON: In your letter in this case, the property that is in question you didn't mention something that Mr. Jewett mentioned and that was the draining of part of that property away from Mud Creek. I don't know this area up there, apparently its got a cliff or something. Mud Creek to me sounds like a big swamp land but apparently that's not the case. How does this property lie and where is the water running?

MRS. DUNCAN: I've been out there yesterday with a member of the USDS and I figure

MR. THOMPSON: Are they on our team?

MRS. DUNCAN: He told me that that area surrounding Mud Creek drains into it in his opinion it is fractured cavernous outcrop of the Edwards Aquifer and its numerous sinkholes,

MR. THOMPSON: Yes, but did you see these things? Did he show you where all this stuff.....

MRS. DUNCAN: Yes, I went out there yesterday morning before I got too hot, hopefully, but according to all of the experts that I have talked to and according to our staff geologists

MR. THOMPSON: Who have you talked to?

MRS. DUNCAN: The USGS.

MR. THOMPSON: The USGS, now they're somebody that plays on our team. USGS, whoever that is.

MRS. DUNCAN: Through them the Edwards Underground Water District and our staff geologist this area the creekbed itself is very susceptible to recharge - does recharge to the Aquifer. There's a - I even read a report from the local consultant firm which stated that the dam on Mud Creek could possibly serve as the recharge dam. So I don't know if this particular property would be a problem, but I'm telling you that the creek itself is very sensitive in nature. Now you have established an Edwards Recharge Zone Overlay District and there are certain uses within that District that are prohibited such as gas stations have to have City Council approval due to the tanks underground. But a little shopping center or maybe a little ice house could cause no problems, I don't know. So that's one thing perhaps we ought to keep in mind is the fact that we have established the Overlay District which does prohibit very hazardous types of pollution.

MR. THOMPSON: Okay, but what you're giving us is information about the particular site. And then whether it's a permitted use or not, if it's a permitted use its been decided by authorities that we want to go against that's our choice, but is the water in this particular site draining into Mud Creek?

Miss Duncan: In my opinion yes.

MR. THOMPSON: Well, that is different from Mr. Jewett's opinion and Mr. Jewett, you might be prepared to comment on that in just a moment. You say it is more susceptible to recharge waters than you - what do you mean it's more susceptible to recharge waters?

MS. DUNCAN: Okay, what I'm saying there is that other areas of the outcrop, the Edwards lines outcrops on the surface and I'm saying that the creekbed itself is more susceptible to recharge waters because it's very fractures and it indicates that it seems to go straight down because of the formation that the creekbed itself is more susceptible to recharge waters than the surrounding outcrops.

MR. THOMPSON: More receptive.

MS. DUNCAN: Receptible, receptive, whichever.

MR. THOMPSON: Receptive in a recharge sense. Okay. All right, now, is this - this use is in concert with the plan of development over the recharge.

MS. DUNCAN: Okay, I don't know what the - I'm not given these, I'm just commenting on a general geologic background. I don't know the plan, I haven't seen a plan of development for this particular site. I do not know what's going to be out there. We just simply judge on the merits of the land and the geology in the area.

MR. THOMPSON: Mr. Mayor, one of the problems I'm having and it's a new one for me at least and that is having this letter saying that what the property has these certain characteristics and then with the full knowledge of the characteristics of the property, I'm not sure how the proposed use then fits with or works in conflict with what is been given here. There is a gap in this whole process which I'm being asked to do surely on fate and it seems to be very difficult, not only for me for the other council.

MAYOR CISNEROS: Perhaps it would be helpful, Mr. Thompson, if you could get someone from the Public Works Department to settle this question of the grade of the land and where the runoff flows. We've had the opinion of the developer and the opinion of Ms. Duncan. I wonder whether one of, Mr. Aceves or Mr. Kiolbassa could speak to that question.

MR. THOMPSON: Is the water running over the cliff?

MS. DUNCAN: No.

MAYOR CISNEROS: Is either Mr. Aceves or Mr. Kiolbassa present? Okay. Mr. Thompson, does that conclude your question.

MR. THOMPSON: It does.

MAYOR CISNEROS: Mrs. Dutmer.

MRS. DUTMER: Yes, does any of the water run off into the Mud Creek?

MR. JEWETT: Yes, but we're not going to be developing there. We're not going to be developing on the sheer edge of this thing. We're looking at a zoning map that does not take into account topographic considerations. We can't build a building on a side that slopes. Sure there is going to be a runoff going down into Mud Creek, but we're not going to be putting any structure on there. In answer to your question, Mr. Thompson, the use that we put on this property is already governed by the Overlay Recharge Zone District. We cannot propose a use that is not in concert to that if we do

we have to come back and get Council approval.

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MAYOR CISNEROS: Mrs. Dutmer has a question.

MRS. DUTMER: All right, everything that I see here is multiple development, multiple family. According to this thing "B-2" is not and "R-3" is, if "B-3" is a single and the information and then this other is "R-2" is, you're going to, you run right along the edge of Mud Creek.

MR. JEWETT: The zoning runs right along the edge of Mud Creek because that's where we had the property lease to. The developed land does not run along the edge of Mud Creek.

MRS. DUTMER: Where is your developable land going to be?

MR. JEWETT: It's going to have to be beyond this area back in here. We have areas down below here that we actually own and if by some chance we are able to put something in there we don't want to an "R-1", a temporary "R-1" gap.

MRS. DUTMER: All right, what is the topography of the land from where you said you were going to build to develop to the west?

MR. JEWETT: It slopes back in this direction.

MRS. DUTMER: It slopes back towards San Pedro.

MR. JEWETT: Yes, San Pedro, Thousand Oaks intersection, basically.

MRS. DUTMER: All right, that's also Edwards Recharge Zone and don't have anything to address that.....

MR. JEWETT: Except that we've got the Overlay District that on allows us certain uses.

MRS. DUTMER: Right. How many acres is it, Mr. Jewett?

MR. JEWETT: We have including single family area, we have about 117 acres here.

MRS. DUTMER: 117 acres over the Recharge. All right, I'm going to point out to you, some of you weren't on this Council but the majority of you were when 36,000 citizens of this City said, by signature that they wanted you to protect that water at all costs and that was a pledge that you made to them. Now you have USGS, EUWD, and the staff geologist telling you there is a very distinct possibly that you're not protecting that water with this zoning. While I want development we will have no development in this City if you have no water to offer to them. I think, well, no the surface water won't be there, that was my objection, Joe. The surface water won't be there any how when you need it. This is your water, right here that you're looking at now. I think that it's incumbent on those that were on the Council and I don't see but four of them that weren't on the Council at that time.

MR. JEWETT: Well, if we as the developer are willing to come forward and do the development within the restrictions that you have established which we say we are by virtue to think that we are going to do it within those uses that are on the Recharge Zone District then what else can we do beyond that.

MRS. DUTMER: Well, Mr. Jewett, I still have the floor, Mr. Mayor.

MAYOR CISNEROS: Yes, you do.

MRS. DUTMER: The courts have decreed that you can develop over the recharge zone. I will let the court live with that, but you won't do and take that chance on my vote, that's all I'm saying.

MAYOR CISNEROS: Okay, Mr. Kiolbassa, earlier Council members were concerned about the direction of the flow of the water. It appears that if the water flows towards Mud Creek because of the geological formations in that area there's greater potential for danger. So, the question becomes is there a breakpoint in the land where the water flows in one direction versus another. And can you speak to that question of water flows as you know that piece of property?

MR. KIOLBASSA:Inaudible.....I came down primarily to - in support of Miss Duncan from the standpoint she's one of my staff members also to clarify our role as the Aquifer Protection Officer. I thought that was part of the problem. I'm not that familiar with the land, but I do not as I say - there's a definite breaking point I'm not heavily familiar with it and in talking with Miss Duncan we're not aware of where that point actually breaks at, and we'd have to look at that. But, there's a breaking point and some flows go the other way and the rest goes in the creek.

MAYOR CISNEROS: Let me ask you this.....

MR. KIOLBASSA: It can be defined and I'm sure Mr. Jewett can define that.....

MAYOR CISNEROS: It appears that the Council members might be headed toward either a vote that would deny the zoning on the site overall, or that would approve the zoning on the site overall, and I'd just like to suggest, I in the Chair cannot make a motion, but I would like to suggest that perhaps a possible course of action as to define that point and then do not change the zoning on everything from there to the creek. In other words he doesn't want to develop all the way to the creek anyway, but the zoning goes all the way to the creek. So, if you could define the point where the drainage flow breaks, then zone everything where it flows the other direction.

MR. KIOLBASSA: And, this can be done. This engineering data is available that can make that determination.

MAYOR CISNEROS: Okay, Mr. Alderete.

MR. ALDERETE: My question is that I understood from Mr. Jewett and from Mr. Kiolbassa and from Miss Duncan that there is run-off into Mud Creek, all three of them said that. No question about that. What run-off and where it will come from is I guess the next question which you were trying to allude to, Henry. My concern is that the zoning does ask for zoning all the way up to Mud Creek.

MAYOR CISNEROS: That's correct.

MR. ALDERETE: I mean it's very clear there. And my understanding from the report, and I'd like to ask Miss Duncan, if she's here to come forward. When you take into consideration the run-off that could go into Mud Creek, are you taking into consideration just the portion of that property, or are you taking into consideration the runoff that could go into Mud Creek are you taking into consideration just a portion of that property or are you taking into consideration the entire parcel?

MS. DUNCAN: The entire parcel - well, I say the entire parcel -

We look at geologic formations and in this area we're looking at Edwards outcrop, fractured and that's what we're saying, is that the fractured area around Mud Creek is very cavernous, water could seep in and run into the creek.

MR. ALDERETE: Oh and gets down into through the area that is being rezoned and down into Mud Creek.

MS. DUNCAN: We're looking at Edwards formations and that kind of thing and its acceptability coming down into the creek that way. If there is a water breakline we can send our geologist out Monday morning, we'd be more than willing to, to clarify this point.

MR. ALDERETE: Okay, so you're not saying that the runoff would be coming in necessarily but it could over the bank but you're saying it could go through the actual property itself and down into the creekbed that way. Okay, so there are two ways to get into it. That's what I wanted to clarify. So in other words not only just possibly not rezoning a portion of it but the whole parcel percolates, to use your term, into the creek.

MAYOR CISNEROS: Mrs. Dutmer.

MRS. DUTMER: I'd like to talk to Mr. Jewett, he is an engineer and I'd just like to talk to him on this thing. Do you agree with this, Mr. Jewett, that the entire area will drain to Mud Creek.

MR. JEWETT: I have not done sufficient studies of geological formation there to make that kind of determination. I couldn't say.

MRS. DUTMER: All right. But as far as you're concerned then the breaking point would be where you pointed out before.

MR. JEWETT: Yes, madam. We've done some - we have to obviously lay that thing out based on how the sanitary sewer system is going to work and with the exception of a very, very small portion of it that would sewer toward Mud Creek which has no sewer in it, we have to develop the property the other direction.

MRS. DUTMER: All right. And also I'd like to point out that Mud Creek is the creek where SARA has constructed a dam for the recharge, strictly for recharge purposes into the Aquifer. It's above this piece of property, however, because it's across 1604.

Mr. Mayor, if it's in order I am going to move, until we can get some of these questions straightened out between the Public Works Department and Mr. Jewett because I don't want to just say no to something blatantly, but I would like to be fairly sure and fairly safe on our drinking water. I would move a postponement for two weeks.

MR. THOMPSON: Second.

MAYOR CISNEROS: There's a motion to deny and a substitute to approve and this would be

MR. CANAVAN: Can we accept an amendment?

MRS. DUTMER: I would think that I was in order because the motion to postponement is not

MAYOR CISNEROS: I'll accept the motion. The motion is to postpone to a date certain.

MR. THOMPSON: Is it not debatable?

MRS. DUTMER: I was thinking that it would take precedence but I'm not certain on that.

MAYOR CISNEROS: My only problem is that our standard procedure has been that a motion to postpone is not acceptable after debate has begun on a zoning case. We've always used that because it is sometimes abused that people are brought down here and such and then after they've been here all afternoon there's a motion to postpone. The Council, of course, there's no rule about that the Council can change at

MRS. DUTMER: There isn't and the - in the sense of justice I think that we could account for it.

MAYOR CISNEROS: All right. There is a motion to postpone

MR. GUERRERO: Mayor Cisneros, Mrs. Dutmer asked that it be postponed for two weeks, it would require three weeks.

MRS. DUTMER: All right, then a time certain three weeks would that be all right with you?

MAYOR CISNEROS: All right, in the interest of moving along, let me just take a vote on that question, those in favor of such a motion to postpone for three weeks, say aye. Those no. Motion carried.

AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: None.

MAYOR CISNEROS: Motion carried. All previous motions then are ruled null and void by that motion to postpone. Okay, proceed to the next case.

EXCERPT FROM MINUTES OF JULY 2, 1981

81-35 CASE 8517 - to rezone a 33.758 acre tract of land out of NCB 14868, being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" E.R.Z.D. and Temporary "R-1" to "R-6" and "R-6" E.R.Z.D., located in the 12500 block of Babcock Road, and a 1.008 acre tract of land out of NCB 14868, being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" to "B-2", in the 12400 block of Babcock Road.

Mr. Thompson moved to approve, Mr. Wing seconded the motion.

The following discussion then took place:

MR. JOE ALDERETE: Yes, I have a question on, is this zoning case 8517? Okay. The question I have Mayor and Council, is that part of this area if you'll notice the letter that was sent to us by the Edwards Aquifer Protection Office does state that part of the area that is to be rezoned is going to discharge into a sensitive creek to which waters are fed into the Edwards Underground Aquifer. Has there been a motion to this? What I would like to do in lieu of the fact that that portion that is in the Edwards Recharge Zone District, does that portion remain with the same zoning that it presently has which is what Andy? Temporary "R-1"? Would they be able to construct what they're planning to construct now in that area?

MR. ANDY GUERRERO: If it remains "R-1" that's all they can construct on a Single Family, Townhouses, right, single family.

MR. ALDERETE: I would just make a substitute motion, a proposed substitute motion that that area that is within the Edwards Recharge Zone District remain as it presently is in order to prevent any type of pollution of the Aquifer, just that area that's marked. If they can show it on the slide.

MR. GUERRERO: Raul, can you show that area within the Recharge Zone? That's the area...

MAYOR CISNEROS: Mr. Alderete's motion would restrict those portions that are within the Recharge District Zone to the same zoning, there a second to that?

MRS. DUTMER: I would second it.

MAYOR CISNEROS: A second from Mrs. Dutmer.

MR. HERB QUIROGA: Mr. Mayor and members of the Council, my name is Herb Quiroga, the applicant in this case.

MAYOR CISNEROS: Just a minute, sir. Let me determine are there persons present in opposition to this case, 8517, is there anyone here in opposition to this case? Okay, Mr. Quiroga, you have five minutes, and then there are some Council questions.

MR. QUIROGA: Mr. Mayor, there certainly was a lot of noise going on, I failed to hear what Mr. Alderete was saying.

MAYOR CISNEROS: Mr. Alderete's motion would take that portion of the property which is over the Edwards Recharge area and keep that in the present zoning, that's essentially his motion.

MR. ALDERETE: Let me explain why I made that motion, okay? So that you'll - I don't know if you've got or received a letter from Deborah Duncan, Aquifer Protection Office, but in the letter, okay I think that's important for you to hear out. It says this is to confirm that a portion of the property being considered for rezoning in the above case does

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lie on the Edwards Aquifer Recharge Zone. Upon close examination of the Recharge Zone map a small portion of block 24 in Babcock Place adjacent to Babcock Road appears on the Edwards outcrop, site examinations shows the Edwards outcrop to be covered by a thin layer of silt deposits. Coincidentally, that area drains toward Leon Creek, a creek sensitive to recharge waters, the majority of the property considered in this case however drains to an easement southeast of the Recharge Zone. The area - okay that's the end of the letter there. The area that I'm concerned with then is obviously that area that drains toward the Leon Creek which is a sensitive recharge area to the Edwards Aquifer.

MR. JOE ACEVES: Let me show what the Master Plan is being, what we've developed so far. What you see shaded in here, is the only area that has not been developed which is the area that we're proposing to zone "R-6". This area is all developed and is "R-6" right now and this area here is within what the old Edwards Recharge line is, the rest of the property from here on out belongs within the drainage area of the Recharge line, so we already have a tremendous amount of development that exists in here. This small portion in here is certainly not going to contribute any adverse effect to what we already got in here. Now, of course we are complying with all the regulations as far as the materials that can be used in the yard, this is a matter of deed restrictions, the fertilizers that can be used and whatnot. So we have exercised all the controls necessary to protect the Edwards Recharge area in here.

MR. ALDERETE: Okay, let me ask you a question, Herb. I understand your rationale and it's logical, did you come in for zoning on that other part there?

MR. ACEVES: This is all zoned and approved and under construction, half of it is already built.

MR. ALDERETE: Let me ask the respective department that comments on the Edwards Aquifer Protection. Why was it - this is a pretty strong letter we've been - ever since whoever Deborah Duncan is, she's obviously doing her job much better than was obviously ever done before in the past.

MRS. DUTMER: She's the head of the 208 Federal Wastewater.

MR. ALDERETE: Well, I want to compliment her because she does an excellent job of really notifying us when there is a sensitive area and how it's going to effect that sensitive area. How in the world did we rezone that other part without ever getting any letters like this?

MR. ACEVES: Councilman Alderete, there are some uses that are permitted on the Edwards Recharge Zone, townhouses is one of the permitted uses, there are other uses, specific uses under zoning that require a person to come back to the City Council and present that specific use but townhouses are a permitted use on the Edwards Recharge Zone.

MR. ALDERETE: Even in sensitive areas, Joe? That's my concern.

MR. ACEVES: It is a general thing under the zoning code, but if it is a very sensitive area we would come back and have a recommendation for a use, on a very sensitive area but this particular...

MR. ALDERETE: Well, it says a creek sensitive to recharge waters.

MR. ACEVES: Which is correct information but the important thing that the vast majority of this particular site is outside the Recharge Zone and drains away from the Recharge Zone so

MR. ALDERETE: I have no quarrel with that, I completely comply with that zoning part of the change there, What I'm concerned about is that we have an Aquifer Protection Office that is supposed to notify this City Council when there are sensitive areas that are being constructed over with possible construction that may pollute the Aquifer. And this

young lady whoever she is, is the first person that has given us some hard strong information on sensitive areas, and I'm just concerned because we're talking about protecting our water supply. If we're not going to protect it fine, let's discard the office, let's discard the individual, let's discard everything and go on from there, let's build whatever in the Sam Hill we want to build over the Aquifer. If we're going to do the job right, then we ought to prevent any kind of zoning for whatever developer may be over sensitive areas. What I understand this letter to say is that Leon Creek is a sensitive Recharge area and if that's the case then we should not only deny that portion that I just spoke of but the original zoning that Mr. Quiroga was talking about should have not been offered up. And we had never received information like this until about a couple of weeks ago that we started receiving like this. That's my concern, we may as well, we may as well chuck it out, if we're not going to have consistency in our plan of action to protect the Aquifer. That's my whole argument there. Where is Deborah Duncan? I've often wondered...

MR. ACEVES: She is in our office on the fourth floor.

MR. ALDERETE: Why can't we have her come down here and talk about it, because I'm serious, she has written some good strong letters on areas that are sensitive, if we're going to let development occur then let's just pull all the time and effort it takes to establish this recharge information, let's just chuck it out the window. If we're going to allow development to occur, but I don't know how long ago Mr. Quiroga and Ray Ellison Industries came in to ask for the zoning change and I can understand they're developing and that's fine and good but when it comes to protecting the Edwards Aquifer I think we ought to take every necessary step to do so. And we have information from staff that says that is a sensitive area then let's stop development over those parts that are sensitive of the Recharge Zone. The other parts that are not sensitive fine and good, let's develop, that's my concern.

MR. QUIROGA: Mr. Alderete, I just wonder if, certainly I'm sure you've read the Metcalf and Eddy report which identified the sensitive areas and it sure didn't point out that this area was a very sensitive area. Now, if you may, if you want to call, right, that small area for single family development, single family development would not pollute the recharge line, right? But townhouses is essentially a single family development. Now within this area here, if I was to build single family houses, these would be 50-foot lots. On building townhouses, and these townhouses are 40-foot lots, so what have we accomplished? I've lost possibly one lot that I couldn't build in this area, because I had depleted a single family lot.

MR. ALDERETE: No, I hear your point. I'm not arguing...

MR. QUIROGA: And as far as the area being sensitive in here, certainly if it was a sensitive area we would've heard about it a long time ago during our platting process of this entire area which is already built.

MR. ALDERETE: Well, this is where I - you've got to understand where I get confused in the sense that you're saying that that wasn't a sensitive area according to your information and what is told to me here in this letter in black and white is that it is a sensitive area. Now whose information am I to believe? Now, this is part of the Public Works Department I assume and this information is here in black and white, you're more than happy to read the letter. So that's what I want to know, what is going on and Joe, is this not a sensitive area and if it is a sensitive area, what is the policy in sensitive areas as far as development. Is it single family or is it restricted to one home per acre or two acres?

MR. ACEVES: Councilman Alderete, the memo says that the Leon Creek is the Creek that's sensitive to recharge waters and that is I think an important factor, that entire creek is sensitive from that respect.

Now, we're not saying that this particular development is going to be detrimental to the Aquifer itself. I think that putting things in perspective the majority of this area drains outside the Recharge Zone, so maybe the information wasn't clear enough and we need to clarify some of this information for the Council.

MR. ALDERETE: The letter states coincidentally, that area, the area that I was speaking of, that little small portion drains toward Leon Creek, a creek sensitive to recharge waters, I mean that's very plain, very simple and very concise, and in other words it's telling me - that is a source that refuels if you will, or restocks the Edwards Underground Aquifer and any runoff or whatever pollution that can come from that portion that's on the Recharge Zone can possibly pollute.

MR. ACEVES: The area that you saw, the small area within the Recharge Zone is what is being referred to as the area that coincidentally drains into the Leon Creek. The other area, you've got the last sentence of this paragraph, it says the majority of the property considered in this case, however drains to an easement southeast of the property and off the Recharge Zone. So the largest part..

MR. ALDERETE: I don't have no quarrel with that, Joe. I'm fine, let's go with the zoning on this part, my concern is with the zoning on the remaining portion that feeds or runs off into Leon Creek that is a sensitive recharge area, that's my only concern. The rest over here I don't have quarrel with, I can see that, that's fine and good. Did Ms. Duncan come on down?

MR. ACEVES: I don't believe so. We can call her, if you'd like to talk to her specifically about it.

MR. ALDERETE: Mayor, the only thing I want to say is that if we're going to have any type of, we're going to implement any type of protection then let's do it and if we're not going to implement any type of protection then let's lift all this talk about trying to protect it, okay? And that's basically my concern, the Council should make every effort possible to make sure and insure that that water supply that feeds San Antonio is going to be protected. There was a tremendous costly study made by Metcalf and Eddy that identified some sensitive areas. According to Mr. Quiroga this was not identified as a sensitive area, yet we have an officer that is telling us that it is a sensitive area.

MAYOR CISNEROS: You have made a motion and the motion has received a second, and the Council will express its wishes at that time. Mrs. Dutmer.

MRS. DUTMER: Yes, for the record Metcalf and Eddy was stated in the report that it was not a total and comprehensive study, that they studied certain areas only and that pertained to the runoff and pollution from the creeks and the surface waters. And anything that is adjacent to or that drains into one of these creeks that goes into the Recharge area is a source of pollution, possible source of pollution I should say. That's what we're doing right now, we're in the throes of looking for another source of water, whether or not you have to have that water, whether or not you're going to use it right away, is neut, it will be another source of water, it will circumvent the Gonzalez' legislation that protects that Aquifer and you can go full scale ahead with your building over that Aquifer. So on this piece of property I don't think that it's too great a piece of property to take out of, I realize that you already are developing a piece that's to the lower end of it. But because there has been one mistake doesn't mean we have to compound it with another.

MAYOR CISNEROS: All right.

MR. QUIROGA: Mr. Mayor, may I have a few statements regarding the Aquifer, real quick, sir? If you look at the uses over the Aquifer, say that the piece of property is being used for agricultural purposes which I would presume could, a vast majority of it could be used.

If for example, fertilizers, pesticides are used in growing crops or things like this there's no guarantee under those circumstances that we wouldn't have a greater pollution than say a single family residential, we just don't know enough about the Aquifer and the uses over the Aquifer to make a determination of that type and I think maybe that statement in terms of adding perspective might help the Council.

MAYOR CISNEROS: All right, sir. We'll proceed with Mr. Thompson, followed by Mr. Canavan.

MR. BOB THOMPSON: Thank you, Mr. Mayor. This letter certainly is concerning to me and when those kind of words that are used in this letter are used, sensitive recharge, I think I need to talk to the person using the words and I'm not going to accept this letter in making my decision unless I can talk to her. Because this, I know the Leon Creek runs through my district, it is not recharging any of the Aquifer when it crosses through Lackland Air Force Base. I don't know exactly what she's talking about here, just by citing the Leon Creek. Coincidentally, the area, creek sensitive to recharge waters, well I'm not sure that's a valued judgement and I'm really don't know. And if sensitive-if that word is used as Metcalf and Eddy has used it, if there is an area that she's speaking of that has been defined as a recharge area, then we've got to deal with that specific problem. I don't see that that's the case here. I think that we've alluded to some things that we've tried to avoid as far as harming the Aquifer, but I don't see the direct proximate relationship between what we're doing here and a sensitive recharge area. And if somebody can show me that, then certainly I'm going to vote against this, I need to talk to the lady that wrote this letter.

MR. ACEVES: We've asked her to come down, she's on her way.

MAYOR CISNEROS: Mr. Canavan.

MR. GENE CANAVAN: This is the same form letter. Mr. Vega had a form letter on any case over the Aquifer, if you read it, you read it every time related basically to the fact that it was over the Edwards Underground District, it stated that he could see based on the development, know the problem in developing it. We have obviously a new person, the form letter that is attached is going to contain the very same thing that it is a sensitive area. It is so sensitive that the City of San Antonio spent a million dollars to investigate it. That million dollars worth of study was forwarded to Austin, to the Texas Department of Water Resources. The Edwards Underground District reviewed, all of which said, all necessary precautions to protect our sole source of water are being taken. Now, because of one letter with a change in terminology the Council in effect is going to prohibit rezoning of the Aquifer and that's exactly what is being led to, it is. But at any rate, you can use whatever method that you want to, but when you spend that kind of money and I don't know what you're going to have to spend to get a conclusive report as far as development over the Aquifer, maybe 20 million and then they'll tell you exactly how deep that baby is, and I hope it's real deep. I'm just as concerned about the water in San Antonio and the quality thereof as anyone else, but I do not agree that we cancel any zoning specifically the zoning of this type. If you're asking for "I-2", a rendering plant, or a chemical plant, it's not permitted anyway. We are taking measures deemed reasonable to protect our water supply. I would suggest that we continue to work on alternate sources of water, however in the meantime it doesn't seem reasonable that those individuals that have property over the Aquifer not be able to develop in a manner that is approved by the Planning Commission and approved by the various departments of the City with the restrictions placed thereon.

MAYOR CISNEROS: All right, is the person from the Aquifer Office here yet? All right, good. Would you come forward please now, Councilman Thompson had a question for you and Councilman Alderete had a question for you. We'll take Councilman Thompson first.

MR. THOMPSON: You mentioned here that the area drains toward Leon Creek and you used a phrase, a creek sensitive to recharge waters. Could you explain that to me a little bit better?

MS. DEBORAH DUNCAN: Okay, I'm sure you know as well as I do that portions of Leon Creek in your district for instance, are a different water quality than what we're talking about here. There are portions in Leon Creek in the northern part that are very sensitive and I hate to, I use sensitive but that's a friendly term. You know what is more sensitive than something else, but what I mean here is that the creek is very fractured in this area, it's very open, light soil on the top and it's possible that runoff could go straight in through the Aquifer. Now, I'm not saying it will, but I'm saying that it is a possibility in that particular portion of the creek.

MR. THOMPSON: Have you any reference with the Metcalf-Eddy Study that this area is a sensitive area, did they define that?

MS. DUNCAN: I don't remember off hand, whether they defined this specific area, but we have a geologist on the staff, and I have been out with him and this is our report of that particular portion of the creek.

MR. THOMPSON: Okay, then you're only saying that this area on the west side of the - and there's a waterfall line apparently goes through there and to the left drains into Leon Creek.

MS. DUNCAN: I'm just saying, and I'm not saying that that particular portion of that particular property is sensitive, all I'm saying is that this portion of Leon Creek which is close by is very caustic and by caustic it drains that way, yes sir. And what I'm saying is it's got a very caustic topography. That's all I'm saying, I know nothing about that particular piece of property because I don't know what's underneath in the geologic formation. All I'm saying is that it does drain towards Leon Creek and the northern portion of Leon Creek is caustic, and by caustic I mean, fractured, sinkholes open. That's all I'm saying.

MAYOR CISNEROS: Okay, does that conclude your questions, Mr. Thompson? Mr. Alderete, followed by Mrs. Dutmer.

MR. ALDERETE: Deborah, I want to first of all thank you, because this is some of the clearest information that we've ever gotten on the Recharge Zone, and I think that you're doing an excellent job, you know before we used to get letters and not to be condescending of the former letters, but it never got into the detail that you're speaking of. And I can tell just by the information that you're presenting to us that you've obviously taken the time to carefully examine where this runoff goes into, and your letter was exactly correct. And by way of correction to the comments that Councilman Canavan had, we are not trying to restrict development over the Recharge Zone, we're simply trying to control development over the sensitive areas of the Aquifer and nowhere else. Not to completely restrict any kind of development, I think you've already answered my question in responding to Councilman Thompson, you are saying that the area that that portion of Leon Creek is sensitive to which this area that is being zoned drains off into...

MS. DUNCAN: And I cannot tell you that this piece of property building out, will pollute the Aquifer, because nobody knows that, it may not even have any effect whatsoever and probably considering the length of the entire Aquifer, if it did, it probably wouldn't have any effect, but I'm just, I don't know; when I took this office over I asked a lot of questions on how to handle it, and I felt that we should give you information and facts and that's what we do, geologic investigation.

MR. ALDERETE: That's what we wanted-information, in fact, my concern is that Mr. Quiroga and his company had come in and asked for a zoning change some time ago on another portion of it and I don't think the information was as clear and as detailed as presented to us here today. I think the Council might have looked at it through a different perspective.

But please do not hold back the facts in the future, I think that that is excellent, the type of work you're doing.

MS. DUNCAN: Thank you.

MAYOR CISNEROS: Okay, Mrs. Dutmer.

MRS. DUTMER: We formulated a policy here with the advice of an expert company out of Chicago, who put forth these recommendations for zoning when the Aquifer became a very sensitive question here in the Council Chambers. And we adopted the policies and I think in consistent with the way I have always voted and the way I've always felt about it, if it's worth setting policy on, it's worth following or else I'm like Joe, do away with the policy if you don't think it's worth following. And I know that there are zoning cases that mean a lot to each of us and there are some that do not. We just heard a case and took the complete reversal and unprecedented action to put hard restrictions on that piece of property and here we want to get lax, and I just simply don't agree with that. I think you should follow your own policies, or don't bother.

MAYOR CISNEROS: Okay, we will take Mr. Canavan, then try to proceed to the vote. We have a substitute motion made by Mr. Alderete which would restrict development over that portion which is within the Edwards District and then the main motion which would allow the zoning as requested. Mr. Canavan.

MR. CANAVAN: Just a brief comment. The situation a couple of weeks ago related to a zoning which was P-1 (B-2) and P-1 (B-3) the same use the zoning was in place. This Council denied it. I have no interest in it. But, it is in my district, as this particular case is. We denied it although the use was going to be the very same. The difference was it was a 100 acre tract, and there was no way the developer could determine in advance what he was going to use the entire tract for. But, the zoning was the very same. We denied the change from a PUD to just a "B-2" and "B-3". Therein lies my concern that everytime this letter comes before us, and I've only seen two of them. So, maybe I was premature in judging how you're going to issue them. But, certainly it causes me great concern when the Council denies the use of the property that obviously had no bearing, the zoning was going to remain the same, and yet we denied it. There was going to be further review through a PUD, we all agree with that, but the permissive use was going to be the same.

MISS DUNCAN: One of the problems is that we write these letters on a general basis, because I'm never given or yet we do not know what specific use would be on that "B-3" whatever type of zoning it is. So, we respond on a general basis because we don't know what will be built. I'm open for direction on anything that you would.....

MR. CANAVAN: I would certainly love to visit with you and get your input as these cases are going to come and there's going to be this kind of letter that certainly we need to have the developers of these properties understand that they are going to have hydrologists and do a complete survey in advance of even getting the plats approved so to speak or even in advance of knowing what's going on. I think we're getting to be very restrictive, and it appears to be based on that kind of.....

MAYOR CISNEROS: Okay, let's proceed with the vote on this item. We'll have the roll call vote first on Mr. Alderete's substitute motion which would restrict the zoning to those areas not within the Aquifer zone, that portion of the Aquifer zone would remain as is. Mr. Alderete?

MR. ALDERETE: No, Henry, go on.

MAYOR CISNEROS: Okay, proceed with the roll call vote.

MR. WEBB: Yes.

MRS. DUTMER: Yes.

MR. WING: No.

MR. EURESTE: Absent.

MR. THOMPSON: Absent.

MR. ALDERETE: Yes.

MR. CANAVAN: No.

MR. ARCHER: Absent.

MR. HASSLOCHER: No.

MAYOR CISNEROS: No.

MS. BERRIOZABAL: Yes.

MAYOR CISNEROS: The motion failed. We'll go on with the original motion which would grant the zoning as requested. Those in favor say aye, those opposed no. Roll call vote.

MS. BERRIOZABAL: No.

MR. WEBB: No.

MRS. DUTMER: No.

MR. WING: Yes.

MR. EURESTE: Absent.

MR. THOMPSON: I vote yes.

MR. ALDERETE: No.

MR. CANAVAN: Yes.

MR. ARCHER: Yes.

MR. HASSLOCHER: Yes.

MAYOR CISNEROS: Yes.

MAYOR CISNEROS: The motion carried, the zoning is granted. We'll proceed to the next zoning case.

MR. ALDERETE: I have a question, Mr. Mayor. If we can - you know - since in essence we have literally decided to ignore any type of sensitive areas can we have some sort of direction to staff, either Miss Duncan or to the City of San Antonio or to whoever is listening or concerned about the Edwards Underground Aquifer that let's make up our mind what we're going to do to address sensitive areas for future development. Now, I can understand why the zoning case passed, but if we're going to do it because of either friendship or whatever it may be, let's also concern ourselves with the City-wide concern of water for this City. And, let us develop a policy that is clear and concise, because I don't want Mrs. Duncan to come over here and all of a sudden maybe by talking to her by some developers that all of a sudden she will not be as clear and as concise as she has been in her letters in addressing sensitive areas. Let us develop a policy that is going to address the concerns of the Underground Aquifer. And we need to do that through a B session, Henry, if not let us just chuck out the whole policy.

MAYOR CISNEROS: I think you have a good point. And I would ask that such a "B" Session be scheduled and what it would do would be discuss the subject of what the City's Aquifer Protection Office should get to the Council and how the Council would accept such information and how a developer when notified that such a letter was going to be submitted might be able to take action either in the form of a hydrologist report or whatever. The whole range of policies on this question I think are appropriate.

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MR. ALDERETE: Henry, let me just add - but more importantly the sensitive areas of the Recharge Zone, those areas are my major concern.

MAYOR CISNEROS: We have Mr. Thompson, Mr. Webb, and Mr. Wing on this case. So, I'd like to move on over to the next case.

MR. THOMPSON: Well, I just wanted to remark that we certainly haven't de-sensitized ourselves and if we're going to get these types of letters that we've just spoken of, and how they would be received and what import the letters have and how they might be responded to, needs to be worked out procedure you've mentioned that, so I have no more comment.

MAYOR CISNEROS: All right. Mr. Webb.

MR. WEBB: Yes, my comments are addressed to this case, and the next one to be presented, because the next case is going to be even worse. The whole thing is under the Edwards Recharge Zone, and let me tell you now, that we might as well tell Mrs. Duncan that we no longer need her office, and forget about the whole thing, if we're going to go full steam ahead. All right, read the caption on the next case, please.