

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MARCH 20, 1980.

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

80-15 The invocation was given by The Reverend S.H. Bedford, St. Paul's Baptist Church.

80-15 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

80-15 The minutes of the meeting of March 13, 1980 were approved.

80-15 SALE OF \$75,000,000 CITY OF SAN ANTONIO
TEXAS ELECTRIC AND GAS SYSTEMS REVENUE
IMPROVEMENT BONDS, NEW SERIES, 1980

At 1:00 P.M. the City Clerk presented the tabulation of bids received for the sale of \$75,000,000 Electric and Gas Systems Revenue Improvement Bonds, New Series, 1980 to the Council. The bids received were as follow:

Salomon Brothers and Associates

Total Interest from February 1, 1980 to maturity	\$ 129,680,650.00
Less: Premium	1,901.50
Net Interest Cost	<u>\$ 129,678,748.50</u>

Effective interest rate - 9.3832%

Blyth Eastman Paine Webber, Incorporated

Total Interest from February 1, 1980 to maturity	\$ 131,421,975.00
Less: Premium	-0-
Net Interest Cost	<u>\$ 131,421,975.00</u>

Effective interest rate - 9.5093%

First Boston Corporation and Association

Total Interest from February 1, 1980 to maturity	\$ 130,170,875.00
Less: Premium	1,669.75
Net Interest Cost	<u>\$ 130,169,205.25</u>

Effective interest rate - 9.4187%

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The Clerk then read the following Ordinance:

AN ORDINANCE 51,965

AUTHORIZING THE ISSUANCE OF \$75,000,000 "CITY OF SAN ANTONIO, TEXAS, ELECTRIC AND GAS SYSTEMS REVENUE IMPROVEMENT BONDS, NEW SERIES, 1980", FOR THE PURPOSE OF EXTENDING AND IMPROVING THE CITY'S ELECTRIC AND GAS SYSTEMS; PROVIDING THE TERMS, CONDITIONS, AND SPECIFICATIONS FOR SUCH BONDS; MAKING PROVISIONS FOR THE PAYMENT AND SECURITY THEREOF; STIPULATING TERMS AND CONDITIONS FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS ON A PARITY THEREWITH; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

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

The following discussion then took place:

MR. JACK SPRUCE, General Manager: Thank you Mayor Cockrell and members of the Council. Obviously we are disturbed about the condition of the market, and the high rate, comparatively speaking that these bonds are going for. On the other hand, I think that we recognize that we are in a period of inflation and that we have committed to certain construction projects, and this is the only viable method of financing this project. Should Council have any specific questions about the effect of these interest rates, our staff will be prepared to answer those at this time.

MAYOR COCKRELL: All right, may we ask if Mr. Howard Freeman would come forward, then, and perhaps Mr. Sam Maclin and I think the Council would like to be advised, generally, as to the condition of the market; how this bid compares with other bids; just generally, any comments about the bid, the market and the interest rate, for our background. Mr. Freeman.

MR. HOWARD FREEMAN: I'm Howard Freeman, I might just start off, Sam Maclin is of course in touch with the market on a day to day basis. Usually, there is a lot of activity in the market that we can compare with, more comparable sales, same length and utility bonds. There really have not been any sales that are real comparable. I might mention a couple of them that have occurred within the last week, though, to give you some tone to the market. The State of Oregon issued some general obligation bonds last week. They sold on the eleventh of March. It was a three hundred million dollar issue. They were rated triple-A. They were backed by the full faith and credit of the State of Oregon and they had an interest rate of 9.15. The market has worsened some, since that time. But even with that rate, they did not sell well. There are still about a hundred million dollars worth of those bonds in the market. Of course, these bonds did not help ours, any, today, most of the time if you have a good sale, it will kind of help your bonds, too. But these were still hanging in the market. Another sale were some airport revenue bonds that were sold by Dade County in Florida, it was a fifty million dollar sale and it had slightly shorter maturity and the interest rate on that was about 9.93. So, while these are not comparable sales, it's the other things that have happened in the market, there have been a number of issuers who have withdrawn their issues and so we just haven't been able to come up with any better comparable sales to you. Of course, as Jack Spruce had mentioned, there is a considerable change the last time we sold bonds was in August and the effective interest rate at that time was 6.11. There was a great deal of difference in the market at that time, than there is now. It's been evidenced by the inflation rates and the rates for other lending, right now, as you well know, the prime interest rate is about 19% and when you take the tax equivalent, our bonds are about 50% of the prime rate.

MAYOR COCKRELL:

All right, Mr. Maclin do you have any further

comments?

MR. SAM MACLIN:

I really can't add much. The only thing that I can report is, in this instance, we received, as always, full market participation and the bids received are reflective of the market rates that are presently available. The bidding was fairly close, the first bid, 9.38 was covered by 9.41 and followed by 9½ effective interest rate. If there is anyone present who can predict what is going to happen in the next thirty days, or sixty days, or six months, we'll be delighted to hear from them. The market has been in a free-fall, all debt markets and are at historical high-levels interest rate-wise. That's, I suppose the bad news. The good news is the City has obtained representative bids and they are able to go forward with the sale of the bonds if they so choose, which will prevent them from defaulting on their construction contracts. Also, of course, due to the fact that you have historically come to the market, approximately every six months, you have the opportunity to average out over a period of time, the rates that are obtainable in the market, both historically and in the future. Your overall borrowing cost is still very favorable, even with this record-high rate. I would be glad to answer any specific questions.

MAYOR COCKRELL:

All right. Let me just say that I think that we are certainly all concerned about the rates, but on the other hand, considering the market, it's probably to our credit that we did get three bids on the issue and that as comparable to other bids and what is available, that we do have an available sale for the bonds.

MR. MACLIN:

That's true. This may be prophetic, the State of Oregon, pardon me, Washington, has just raised their interest rate limit, to 12% We have in Texas, a limit of 10% on municipal issues and they have just raised theirs to twelve, so that they can continue with necessary project financing.

MAYOR COCKRELL:

Thank you very much. I will advise the Council that there are six persons registered to speak on this issue that will be, of course, limited to five minutes each and we will hear the persons at this time. The first speaker is Mr. Lanny Sinkin.

MR. LANNY SINKIN:

Good afternoon, Mayor and members of the Council. I rushed out to get a quick multiplier, and I may be incorrect, I think the multiplier on 9.38 percent is approximately 2.3. I think your pay-back, I may have missed that, when it was stated, I think your pay-back on \$75,000,000.00 in bonds is going to somewhere close to \$172,000,000 before you're finished and the statement about Washington, they are already considering the idea of taking the limit off of bonds in the State of Texas, so that they can send the interest rates through the roof of those. I appear today, as co-coordinator of Citizens Concerned About Nuclear Power. For more than two years, our organization has brought to these chambers, the concerns we feel regarding the use of fission reactors. We predicted additional cost over-runs; the cost estimate of City Public Service Board has doubled since our first appearance. We told you of construction deficiencies. These failures on the part of the contractor are now amply documented for those who care to see them. We predicted accidents. And then there was Three-Mile Island. The utility estimates at least \$300,000,000. to clean up the reactor and more millions to restart it. The morning Express carries a story that a consultant hired to study the future of the Three-Mile Island reactor, believes the reactor will never go back into operation. General public utility stands on the edge of bankruptcy. Potentially, the economic loss is in excess of one billion dollars, all because of a valve stuck and someone hitting the wrong switch at the wrong time. More seriously we have repeatedly spoken to you about the health dangers of nuclear power. Pennsylvania State Health Officials recently confirmed a surge in the incidents of hyper-thyroidism in infants born in late 1979. Do you know what hyper-thyroidism is? This condition can seriously retard mental development and growth of the body. Previously, Dr. Ernest Sternglass issued his findings that infant mortality rose dramatically in Pennsylvania after the Three-Mile Island accident. This pain and suffering are what you are voting on today. We are talking about human lives, not concrete, not steel, not electricity, and not money. You cannot divorce your vote today from these issues. Your personal responsibility is as great if not greater than your political aspirations.

(He then reiterated his remarks made previously in Spanish.)
Thank you for your time.

MAYOR COCKRELL: The next speaker is Tom Freese.

MR. TOM FREESE Good afternoon, Mayor and members of the Council, perhaps you all have heard of the Sierra Club and the Local Chapter and what we have done, working in San Antonio. I have been asked by the Sierra Club to make a representative statement. We express our dissatisfaction and extreme disappointment at the failure of the City Council of San Antonio to allow the people of San Antonio the freedom to decide about the bonds for the South Texas Nuclear Project. To hold an election on a very important matter, is certainly not alien to our notion of American government. To ask that the people be allowed to approve expenditure of over \$400,000 a day, is hardly a rash request. Thank you.

MAYOR COCKRELL: Thank you. Kay Freese.

MR. VAN HENRY ARCHER: Mayor, may I ask him a question, while he is up there?

MAYOR COCKRELL: Yes, Mr. Archer.

MR. ARCHER: A real fast. . . I happen to be a member of the Sierra Club, myself, and how in the world does the Sierra Club take a position on for or against nuclear energy? I have received all these different kind of ads asking, join that they mail millions at a time and nothing in that said anything about nuclear energy, when I sent my money in, all it had to do is that if you are interested in saving the redwoods, or cleaning up the environment. I don't want to be a member of the Sierra Club if that's what it means. I enjoyed going on that walk that the Sierra Club had the other day, but as far as I'm concerned is has nothing to do with nuclear energy because some of these people that are in this anti-nuclear thing. I believe all they want to do is change the class-order here in the United States, and that's not the way this Council feels, I can tell you that.

MR. FREESE: May I be allowed an answer, now? No, the mission walk is not concerned with nuclear power, you are correct on that. This is a position of the Local Chapter, if you'd like an understanding of that position of the National Sierra Club Organization, you can write to them and find out or if you wish to discuss this with me at a later date. But, this is a statement approved by the Executive Committee of the Local Chapter.

MAYOR COCKRELL: Thank you, sir. Kay Freese.

MS. KAY FREESE: Good afternoon, I have one question to ask and that is why won't the City Council let the citizens of San Antonio vote on the South Texas Nuclear Project. The Project which supposedly has San Antonio's welfare as their best interest. Thank you.

MAYOR COCKRELL: Thank you, Newton Trey Ellison.

MR. NEWTON TREY ELLISON: Hi gang. I am here once again to appear before this City Council, this time to protest against the callous and arrogant disregard by the majority of this Council for the health, safety, and economic well-being of the majority of the people of San Antonio and South Texas. This callous and arrogant disregard is evidenced by the blind acquiescence by the majority to what they apparently feel is superior wisdom by the City Public Service Board, and their economists and their engineers, who are in it for the money, let's face it. The people of Texas have never had full information about Nuclear Power, as have had the people of Sweden who recently had 120,000 people in the streets of Stockholm protesting against Nuclear Power, nor the people of Maine, who recently had 55,000 signatures against, for the closing of a plant. Since last I addressed you, I have had three experiences that I want to pass on. First, was a movie that I saw featuring the pediatrician, Helen Heldicott, the sincerity and passion of this woman is hard to talk about and I suggest that anybody who has any question about nuclear

power should certainly see this movie because this woman is concerned and she is doing something about it. The second experience I had was five hours in North Star Mall, last Saturday, when not only I registered twenty new voters in the San Antonio but also in that five hours time, I got one hundred people to sign petitions asking for a vote. Now, that is just five hours. That brings me to my third point, which is the new slogan that I have adopted and I am going to continue to have, and that is that we have the power. There is a double meaning to this slogan, we not only have the power to stop the nukes but we also have the power so that we don't need to ever open one up in Texas. If the Nuclear Power Plant is licensed, and if it is ever completed, I'll still be around, I'm only 42 years old, and I'll still be around when that thing runs down and they're going to decommission it and then what are we going to do? The high costs, both long and short term, and the health and safety questions, I think, should persuade everyone of you that the next time the City Public Service Board is going to come before us, and it's going to be in six months, asking for \$85,000,000, that you ought to consider that maybe you've been making a mistake. We have the power to develop solar energy which is more than available, as you can see from just walking around outside. There's enough energy falling on this roof top to refrigerate these chambers but unfortunately, the solar energy technology in this City and in this area is in the hands of persons who really don't have much affinity for appropriate energy development and they are just in it for the money, like CPS is. I guess that's it. Thank you.

MAYOR COCKRELL: Thank you, sir. Next speaker, JoAnn Mendoza.

MS. JOANN MENDOZA: JoAnn Mendoza, Mayor Cockrell, I would like to pose a question to you and the members of the Council as a sincere, public-minded citizen.

MAYOR COCKRELL: Yes, a Councilman requested that you identify your name and address.

MS. JOANN MENDOZA: JoAnn Mendoza, 3614 Neer, San Antonio and I would like to pose a question to Mayor Cockrell and to each one of the Council members individually, as a sincere, public-minded citizen. I would like to know why, Mayor Cockrell, you oppose having a referendum on the bonds.

MAYOR COCKRELL: If you would like to have an answer to that, I would be happy to answer. The City Council supports the Charter which provides a method by which citizens who disapprove of any action the Council takes, have the option to circulate petitions, and to have access to a referendum if they are successful in getting enough of the fellow citizens to sign those petitions. In order to afford full opportunity this Council leaned over backwards to offer more time than the attorneys initially indicated that we needed to legally, but we wanted to make every effort to offer the fullest opportunity for the citizens. I had been advised that the citizens have announced that they do not have the sufficient signatures and for that reason, the referendum will not be held, but there was a Charter provision that offered full opportunity; the citizens who oppose the nuclear, apparently had access to that, but there were not apparently enough of the fellow citizens who supported that petition drive.

MS. JOANN MENDOZA: I understand what you've just said, Mayor Cockrell, I just would like for you to understand me. One question that is in my mind, is that it just doesn't seem fair that you people could give away this much of the money that has been allotted to San Antonio; in just half an hour you could vote it and then we have to break our backs or our feet walking around, for hours and hours, getting so many thousands of signatures. It just doesn't seem fair that you all could just vote it in thirty minutes and we have to spend weeks and weeks and months and months, working on it when the citizens of San Antonio just like the citizens of Austin, have the right to vote.

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MAYOR COCKRELL: Thank you, mam.

MS. MENDOZA: You're welcome.

MAYOR COCKRELL: Angelique Diaz.

MS. ANGELIQUE DIAZ: Hi, I just want toAngelique Diaz, 3614 Neer. I thought that's one privilege that we had in the United States was to vote and that's why so many people flee over here to the United States to vote. And we're killing so many people and so many people are dying of hunger. They're just dying, and that \$75,000,000 would do a lot better for them because everybody's rich; all of you are rich. God bless all of you. But anyway we should think of the poor instead of ourselves and solar energy is great, you know we could just construct buildings, the way they are to be constructed and that would be a lot better because it would be natural. And let's use what God gives us naturally to do for people. Don't you think so? Thank you.

MAYOR COCKRELL: Thank you. All right at this time you have heard the Citizens to Be Heard. We've had the presentation. We have an Ordinance. The caption has been read. Have we had a motion yet.

CITY CLERK: Yes, mam.

MAYOR COCKRELL: We have a motion and a second. The Clerk will call the roll.

MRS. DUTMER: Yes.

MR. WING: Yes.

MR. EURESTE: Absent.

MR. THOMPSON: Yes.

MR. ALDERETE: Absent.

MR. CANAVAN: Yes.

MR. ARCHER: Yes.

MR. STEEN: Yes.

MAYOR COCKRELL: Yes.

DR. CISNEROS: Yes.

MR. WEBB: No.

CITY CLERK: The motion carried with 8 votes.

MAYOR COCKRELL: The motion carried with 8 supporting votes. All right, we'll then go on to the first zoning case.

* * * *

80-15 ZONING HEARINGS

6. CASE 7939 - to rezone Lots 31 and 32, Block K, NCB 11559, from "A" Single Family Residential District to "B-2" Business District, located on the northeast side of Bandera Road, being 170' northwest of the intersection of Bandera Road and Skyview Drive, having 300.1' on Bandera Road and a maximum depth of 181.7', was temporarily withdrawn from Council consideration. See page 8 of these minutes.

7. CASE 7936 - to rezone an 18.0 acre tract of land out of NCB 15690, being further described by field notes filed in the Office of the City Clerk, in the 13100 Block of Uhr Lane, from Temporary "R-1" Single Family Residential District to "R-6" Townhouse District, located on the southeast side of Uhr Lane, being 810' northeast of the intersection of Uhr Lane and Bell Drive, having 620.09' on Uhr Lane and a maximum depth of 1315'; to rezone a 2.80 acre tract of land out of NCB 15690, being further described by field notes filed in the Office of the City Clerk, in the 13000 Block of Nacogdoches Road, from Temporary "R-1" Single Family Residential District to "B-2" Business District, located on the northwest side of Nacogdoches Road, being 115.8' northeast of the cutback between Nacogdoches Road and Erin Boulevard, having 606' on Nacogdoches Road and a maximum depth of 240'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council.

Mr. Glen Galbraith, representing Galbraith Engineering, spoke for the proponent and explained the zoning request.

Mrs. Dutmer asked that in addition to the stipulation recommended by the Zoning Commission, that the Council concur in erecting a six foot solid screen fence along the northeast portion of the "R-6" Townhouse District area. She expressed concern for the protection of the residential abutting property owners.

No citizen appeared to speak in opposition.

After discussion, Mr. Steen moved that the recommendation of the Zoning Commission be approved provided that the applicant comply with the City requirements for land acquisition as far as the right-of-way on Uhr Lane to the northwest; that a six foot solid screen fence is erected and maintained between the "R-6" and "B-2" zoning; that proper platting is accomplished and further provided that a six foot solid screen fence is erected and maintained along the northeast portion of the subject property zoned "R-6". 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: Cisneros, Webb, Dutmer, Wing, Canavan, Archer, Steen, Cockrell; NAYS: Thompson; ABSENT: Eureste, Alderete.

AN ORDINANCE 51,966

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS AN 18.0 ACRE TRACT OF LAND OUT OF NCB 15690, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 13100 BLOCK OF UHR LANE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-6" TOWNHOUSE DISTRICT; A 2.80 ACRE TRACT OF LAND OUT OF NCB 15690, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 13000 BLOCK OF NACOGDOCHES ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT THE APPLICANT COMPLY WITH THE CITY REQUIREMENTS FOR LAND ACQUISITION AS FAR AS THE RIGHT-OF-WAY ON UHR LANE TO THE NORTHWEST; THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED BETWEEN THE "R-6" AND "B-2 ZONING; THAT PROPER PLATTING IS ACCOMPLISHED AND FURTHER PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTHEAST PORTION OF THE SUBJECT PROPERTY ZONED "R-6".

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6. CASE 7939 - to rezone Lots 31 and 32, Block K, NCB 11559, 2102 Bandera Road, from "A" Single Family Residential District to "B-2" Business District, located on the northeast side of Bandera Road, being 170' northwest of the intersection of Bandera Road and Skyview Drive, having 300.1' on Bandera Road and a maximum depth of 181.7'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be denied by the City Council. He explained that eighteen notices had been mailed out to the surrounding property owners; five notices were returned in opposition and two notices were returned in favor. He also stated that nine affirmative votes would be needed to approve the change in zoning.

Mr. John R. Pollock, the applicant, spoke in favor of his request, noting that previous zoning in the area constituted strip-zoning and thus sets a precedent for requests such as his.

Mr. Canavan expressed concern that strip-zoning would not be proper anywhere in this area.

Mr. Victor Leija, 2125 Bandera Road, stated that if this case was approved he would probably be moving away, since the area is becoming too commercial; or he might also consider requesting commercial zoning on his land. He expressed concern regarding the dangers of trying to raise a family in a commercial area.

Mr. Eureste spoke in opposition to the requested zoning change.

The following citizens spoke in opposition stating that Mr. Pollock was conducting a business in a residential area. They asked that the City's legal department investigate the charges made against Mr. Pollock for conducting a business in a residential area:

Mrs. Joe Bonugli, 130 W. Skyview
 Mr. William Wheeler, 4730 View Drive
 Mr. William O. Ash, Sr., 406 Oak Glen

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In response to a question by Mr. Eureste, Mr. Tom Finlay, Assistant City Attorney, stated that the District Attorney could not be called into this charge; but, after several convictions of that offense, the City then could ask for an injunction to force a halt to business usage of residential property.

A discussion ensued between Mr. Thompson and Mr. Pollock on details of conducting his business through an answering service.

In response to a question by Mr. Eureste, Mr. Gene Camargo, Planning Administrator, stated that City inspectors in the past had checked Mr. Pollock's home and property, and had found no evidence that a business was being conducted from his home.

Mayor Cockrell stated that if the decision by Council was to deny the request in zoning change, staff was to investigate the charges of an illegal business activity in a residential area.

After discussion, Mrs. Dutmer made motion to deny the request in zoning change. Mr. Wing seconded the motion.

A discussion then ensued concerning Mr. Pollock's storage shed in his back yard.

Mr. Pollock denied that any commercial use was made of it. He stated that he kept his plumbing materials and supplies in a self-storage unit elsewhere.

After further discussion, Mr. Eureste made a substitute motion to approve the request in zoning change. Mr. Thompson seconded the motion. On roll call, the motion failed to carry by the following vote: AYES: Dutmer, Wing; NAYS: Cisneros, Webb, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; ABSENT: None.

CASE 7939 was denied.

8. CASE 7926 - to rezone Lots 40, 41 and the remaining portion of Lots 42 and 43, Block 3, NCB 7645, 1071-1075 Kendalia Avenue, from "B" Two Family Residential District to "B-3R" Restrictive Business District, located northeast of the cutback between I.H. 35 Expressway and Kendalia Avenue, having 200' on Kendalia Avenue, 194.21' on I.H. 35 Expressway and 11.43' on the cutback between I.H. 35 Expressway and Kendalia Avenue.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council.

Mr. Robert Diaz De Leon, Tri-Tech Engineering, representing the applicant, described plans to utilize the subject property for a used car and truck sales lot.

Mr. Wing expressed concern for the area residents who have opposed this type of operation in their neighborhood.

The following citizens spoke in opposition to the requested zoning change and spoke in support of preserving the residential nature of the area:

Mr. Jesse Mireles, 1066 Kendalia
Mr. Ignacio Talamantez, 1074 Kendalia
Mr. Pablo Talamantez, 378 Kendalia
Mr. Jesus Serenil, 1058 Kendalia

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After discussion, Mr. Wing made a motion to deny the change in zoning. Mr. Archer seconded the motion. On roll call, the motion, carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: Alderete; ABSENT: None.

CASE 7926 was denied.

80-15

3:00 P.M. -- PUBLIC HEARING REGARDING THE
PROPOSED ANNEXATION OF WOODS OF SHAVANO, CASTLE
HILLS FOREST, CHURCHILL ESTATES, BLUFFVIEW OF
CAMINO REAL AND COUNTRY WOOD DRIVE

Mayor Cockrell declared open the public hearing:

The following citizens spoke:

Mr. Mitchell S. Rosenheim, representing the Churchill Estates Homes Association, stated that a meeting of homeowners had resulted in a vote of 40-30 in favor of forming volunteer fire department versus annexation by San Antonio. He stated that after the meeting, a group of homeowners began a petition drive that resulted in an "apparent" majority of homeowners requesting annexation; that petition was delivered to the City of San Antonio. He also stated that a recent postcard mail-out to some Churchill Estates homeowners by the City of San Antonio resulted in 26 for, 33 against annexation.

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Mr. Eureste stated that he would be voting in favor of honoring the majority feeling of the Churchill Estates homeowners whatever their decision.

Mr. Canavan stated that he had submitted a petition for annexation by citizens in the nearby Churchill Forest area. He stated that he feels that only the City of San Antonio can provide the key services needed by these area and supports the petition for annexation.

(Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Dutmer presided.)

A discussion concerning the postcard mail-out by the City's Planning Department ensued.

Assistant City Manager, Louis Fox, explained that the postcards were mailed out to those Churchill Estates homeowners who did not sign the annexation petition to determine their feelings.

Mr. Eureste and Mrs. Dutmer expressed their concern that it was the wish of the Council's Annexation Committee to mail postcards to all the residents of the area.

Mr. Rosenheim recommended one final community vote of Churchill Estates homeowners to decide the issue: annexation versus volunteer fire department.

Mr. Eureste expressed concern that the Planning Department should abide by the Council's Annexation Committee request and send postcards to all the residents of the area.

(Mayor Cockrell returned to the meeting and presided.)

Mr. Thompson stated that an annexation petition is only a request and that the main question is, can San Antonio provide the adequate services to the area without diluting municipal services to nearby San Antonio areas.

A discussion ensued with several Council members voicing general agreement.

Mr. P.J. Lynch, a member of the Board of Directors of the Churchill Estates Homeowners Association, stated that they wish to abide by the majority rule of the residents. He spoke in favor of the postcard mail-out in determining the feelings of the entire area.

Mrs. P.J. Lynch, also spoke in support of mailing postcards to all the residents of the area.

Mrs. Billie Jenkins, representing the Churchill Estates Homeowners Association, voiced her support that all residents should be polled.

Mr. Randy Dym, a resident of Churchill Estates, spoke regarding what had transpired at the meeting of the Homeowners Association meeting. He stated that a number of the members were in favor of annexation.

Ms. Joanne Austin, a resident of the Churchill Estates area, spoke in favor of annexation. She explained to the Council how the petition drive was conducted in her neighborhood.

Mr. Sal Myra, representing the Bluffview of Camino Real area, stated that an election had been held in this area and several citizens were in favor of the proposed annexation.

Mr. Sam Cangelosi, representing the Churchill Estates area asked that they receive the services of fire and police protection immediately should they be annexed.

Mayor Cockrell declared the hearing closed.

Mr. Steen asked that the Council's Annexation Committee meet next week to clear up any confusion on what it wanted staff to do in the way of polling Churchill Estates homeowners.

At this time, Mr. Steen made a motion to instruct the Planning Department by way of the City Manager, to poll every homeowner in the Churchill Estates area only before the next public hearing in order to determine their feelings regarding annexation. Mrs. Dutmer seconded the motion.

Mr. Wing made a motion that no further annexation action be taken in this case. The motion died for a lack of a second.

Mr. Canavan suggested that the residents against annexation come in with their own petitions before the next public hearing. He stated that only opposition to annexation move has come from the Churchill Estates area, and other involved areas are in favor.

After discussion, the motion made by Mr. Steen carried by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: Wing, Thompson; ABSENT: None.

80-15 ZONING HEARINGS (Continued)

9. CASE 7981 - to rezone Lot 29 and Tract 1, save and except the southeast irregular 20' and Tract O, save and except the southeast 81.81', NCB 11668, in the 10900 Block of Wurzbach Road, from Temporary "R-1" Single Family Residential District and "B-1" Business District to "B-2" Business District, located 185' northeast and 165' southeast of the intersection of Wurzbach Road and Vance Jackson Road, having 212.22' on Wurzbach Road and 227.39' on Vance Jackson Road; the southeast 81.81' of Tract O, NCB 11668, from Temporary "R-1" Single Family Residential District to "B-1" Business District, located on the northeast side of Vance Jackson Road, 310.58' southeast of the intersection of Wurzbach Road and Vance Jackson Road, having 81.81' on Vance Jackson Road and a depth of approximately 400'.

Mr. Paul Cook, representing the applicant, explained the plans to expand the day-care center operation.

Mr. Robert Franks, 10407 New England, spoke in opposition to the request made regarding the zoning change. He deferred to Councilman Canavan to speak in his stead.

Mr. Canavan stated that residents in this area had been fighting commercialization of their community area since 1972, and in this case, were principally worried that the projected "B-2" zoning would abut the church and several residences, mainly fearing what any future owner might plan for the land in question, should the present owner sell in the future. He made a motion to approve the "B-1" zoning change in lieu of "B-2", which was recommended by the Zoning Commission, provided that a sixty foot building setback line is imposed on the south property line; that a six foot solid screen fence is erected and maintained along the southeast and northeast property lines; and that proper platting is accomplished. Mr. Webb seconded the motion.

The following citizens expressed their concerns regarding the drainage problems that exist in the area and spoke in favor of the motion made by Mr. Canavan:

Mr. Jerry M. Hayes, representing the
Shenandoah, Church of Christ;
Mr. Robert Franks, 10407 New England;
Ms. Dorothy D. Franks, 10407 New England;
Ms. Roberta Arnold, 10407 Metacomet
Ms. Ruth Alford, 10410 New England;
Mr. & Mrs. Donavon, 10406 Metacomet;
Mr. Ben Wallis, 10414 Ethan Allen
Mr. Jose F. Rodriguez, 10406 Ethan Allen;

* * * *

After discussion, the motion to approve the "B-1" zoning carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

AN ORDINANCE 51,967

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 29 AND TRACT I, SAVE AND EXCEPT THE SOUTHEAST IRREGULAR 20' AND TRACT O, SAVE AND EXCEPT THE SOUTHEAST 81.81' NCB 11668, IN THE 10900 BLOCK OF WURZBACH ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT AND "B-1" BUSINESS DISTRICT TO "B-1" BUSINESS DISTRICT; THE SOUTHEAST 81.81' OF TRACT O, NCB 11668, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT A SIXTY FOOT BUILDING SETBACK LINE IS IMPOSED ON THE SOUTH PROPERTY LINE; THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTHEAST AND NORTHEAST PROPERTY LINES; AND THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

10. CASE 7976 - to rezone Lot 5 and the west 25' of Lot 6, Block 1, NCB 8973, 1538 W. Harlan Street, from "R-1" Single Family Residential District to "B-3R" Restrictive Business District, located between W. Harlan Street and Brunswick Street, being approximately 270' east of Somerset Road, having 75' on both W. Harlan Street and Brunswick Street and a distance of 96.2' between these two streets.

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. Wing moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished, if necessary; that a six foot solid screen fence is erected and maintained along the east and south property lines, and that a non-access easement is imposed along Brunswick Street. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

AN ORDINANCE 51,968

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 5 AND THE WEST 25' OF LOT 6, BLOCK 1, NCB 8973, 1538 W. HARLAN STREET, FROM "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED IF NECESSARY: THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE EAST AND SOUTH PROPERTY LINES, AND THAT A NON-ACCESS EASEMENT IS IMPOSED ALONG BRUNSWICK STREET.

* * * *

11. CASE 7971 - to rezone Tract 13-C, Block 8, NCB 8084, in the 2500 Block of El Jardin Street, from "B" Two Family Residential District to "B-3R" Restrictive Business District, located between S.W. 36th Street and El Jardin Street, being 675' north of Dale Road, having 100' on both S.W. 36th Street and El Jardin Street with a distance of 199' between these two streets.

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. Webb moved that the recommendation of the Zoning Commission be approved provided that the property is replatted to have ingress and egress off of 36th Street only; that a non-access easement is imposed along El Jardin Street; that a six foot solid screen fence is erected and maintained on the north, south, and east side, with the fencing on the north and south being maintained until such time that the area transitions to business. 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: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

AN ORDINANCE 51,969

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS TRACT 13-C, BLOCK 8, NCB 8084, IN THE 2500 BLOCK OF EL JARDIN STREET, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT THE PROPERTY IS REPLATTED TO HAVE INGRESS AND EGRESS OFF OF 36TH STREET ONLY; THAT A NON-ACCESS EASEMENT IS IMPOSED ALONG EL JARDIN STREET; THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ON THE NORTH, SOUTH, AND EAST SIDE, WITH THE FENCING ON THE NORTH AND SOUTH BEING MAINTAINED UNTIL SUCH TIME THAT THE AREA TRANSITIONS TO BUSINESS.

* * * *

12. CASE 7996 - to rezone the north 60' of Lot 3, Block 13, NCB 15504, in the 300 Block of Altitude Drive, from Temporary "R-1" Single Family Residential District to "R-4" Mobile Home Residential District, located on the west side of Altitude Drive, being 240' south of the intersection of Glider Avenue and Altitude Drive, having 60' on Altitude Drive and a depth of 162.5'.

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

Mrs. Dutmer moved to approve the change in zoning. Mr. Wing seconded the motion.

Mr. Baxter Wilson, the applicant explained the zoning change request. He stated that he had non-confirming rights on the property. He explained that several years ago, he sold the mobile homes and had planned to replace them with new ones; however, because of the increased costs of mobile homes, he was not able to do so within the allowed 12-month time frame, this is why he was requesting the change in zoning.

In response to a question by Mr. Thompson, Mr. Gene Camargo, Planning Administrator, stated that even if the requested zoning was approved by the Council, numerous variances must still be granted by the Zoning Board of Adjustment in order to allow the applicant to place on the land the number of mobile homes he planned to utilize because of the small size of the land.

No citizen appeared to speak in opposition.

After consideration, the motion to approve the requested change in zoning failed to carry by the following vote: AYES: Webb, Dutmer, Thompson, Steen, Cockrell; NAYS: Cisneros, Wing, Alderete, Canavan, Archer; ABSENT: Eureste.

CASE 7996 was denied.

13. CASE 7990 - to rezone Lots 19 and 20, save and except the south 50' and Lots 21 and 22, Block 6, NCB 11970, 702-706 E. Ramsey Road, from "B" Two Family Residential District to "B-3" Business District; the south 50' of Lots 19 and 20, Block 6, NCB 11970, from "B" Two Family Residential District to "B-1" Business District, located on the south side of E. Ramsey Road, being 310' northwest of the intersection of E. Ramsey Road and Jones Maltsberger Road, having 184.2' on E. Ramsey Road and a maximum depth of 262'; the "B-1" zoning being 252' off of E. Ramsey Road, having a width of 140' and a depth of 50'.

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, Dr. Cisneros moved that the recommendation of the Zoning Commission be approved provided that a six foot solid screen fence is erected and maintained along the south property line abutting the school. 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: Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste.

AN ORDINANCE 51,970

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 19 AND 20, SAVE AND EXCEPT THE SOUTH 50' AND LOTS 21, 22, BLOCK 6, NCB 11970, 702-706 E. RAMSEY ROAD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT; THE SOUTH 50' OF LOTS 19 AND 20, BLOCK 6, NCB 11970, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH PROPERTY LINE ABUTTING THE SCHOOL.

* * * *

14. CASE 7994 - to rezone Lot 1, NCB 10594, 327 Springfield Road, from "B" Two Family Residential District and "J" Commercial District to "I-1" Light Industry District, located 345' south of Seale Road between W.W. White Road and Springfield Road, having 238.5' on W.W. White Road, 238.8' on Springfield Road and a maximum distance of 531.7' between W.W. White Road and Springfield Road.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Canavan moved that the recommendation of the Zoning Commission be approved provided street dedication along Springfield Road, in accordance with the Traffic and Transportation Department recommendations is accomplished. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste.

AN ORDINANCE 51,971

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, NCB 10594, 327 SPRINGFIELD ROAD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT AND "J" COMMERCIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT STREET DEDICATION ALONG SPRINGFIELD ROAD, IN ACCORDANCE WITH THE TRAFFIC AND TRANSPORTATION DEPARTMENT RECOMMENDATION IS ACCOMPLISHED.

* * * *

The meeting was recessed at 4:55 P.M. and reconvened at 5:00 P.M.

80-15 The Clerk read the following Ordinance:

AN ORDINANCE 51,972

APPROVING AND ADOPTING MAJOR AMENDMENT NUMBER ONE TO THE VISTA VERDE SOUTH URBAN RENEWAL PLAN.

* * * *

Mr. Winston Martin, Executive Director of the San Antonio Development Agency, explained that some five parcels of land are at issue in this Major Amendment Number One to the Vista Verde South Project plan, a \$103 million development. He stated that City Public Service and the Cantu family's interests had met to present their individual sides of the issue concerning the status of Mario's Restaurant, with CPS indicating it required the land where the restaurant now stands and the Cantu family indicating it was not sure all the land in question was needed by CPS for its new headquarters.

Mrs. Dutmer voiced her opposition to the move of City Public Service Board from its present location, contending that CPS represents "public dollars" and not private investment.

Mayor Cockrell explained briefly the reasons CPS feels the move is necessary, including the need for better facilities, saying the \$20 million new CPS headquarters would be a "tremendously valuable project."

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She recommended that the Council approve the Amendment and direct the San Antonio Development Agency to use every available means to assist Mario's Restaurant to locate an alternate site within the Vista Verde South for a new restaurant location. She stated that CPS' new headquarters is critical to this area, and again urged the San Antonio Development Agency to deal fairly with the restaurant's interests.

At this time, Dr. Cisneros made a motion to approve the Ordinance. Mr. Alderete seconded the motion.

Mr. Steen stated that he objects to going forward with this Major Amendment without first solving the restaurant location problem. He spoke in opposition to the motion made by Dr. Cisneros.

Mr. Thompson commented that the City cannot jeopardize the Urban Development Action Grant by shrinking from its commitment.

Mr. Martin stated that SADA has several avenues of help available to Mario's, including relocation monies, and the ability to offer a possible new site in Vista Verde South.

Mrs. Dutmer expressed concern that the CPS move would affect all utility ratepayers.

Dr. Cisneros spoke strongly in favor of his motion. He stated that approval for CPS' pending move is necessary before the Urban Development Action Grant can be secured, and he further stated that approval of the Amendment lets the San Antonio Development Agency go forward with the grant. He cited the economic advantages of the more than 2,000 new jobs that will be brought in the Vista Verde South area, including Control Data Corporation and others. He mentioned Carter Administration's planned \$13 billion in cuts and suggested that approved but-not-yet funded projects such as VVS might be killed as part of those cuts. He spoke in support of Mario's Restaurant being incorporated into the UDAG area if at all possible, and stressed this feeling to SADA.

Mr. Eureste expressed concern that the CPS building would indeed squeeze out Mario's Restaurant from the area. He stated that he feels that Vista Verde South is a good project but could split the community beforehand.

Mrs. Dutmer expressed concern that the CPS move would be detrimental to the center-city.

Mr. Arthur Troilo, Attorney for the Cantu family's interest, stated that CPS had been intractable in negotiations with the restaurant interests, and that no new sites for the restaurant had formally be offered, only suggested as "possible." He stated that he favors the VVS Project, but objects to 'heavy-handedness' that suggests that UDAG grant hinges on CPS taking the land where Mario's stands.

Mr. Martin again outlined the properties involved in the Major Amendment subject areas within VVS.

In response to a question by one of the Council members, Mr. Jack Spruce, General Manager of City Public Service Board, stated that his Board of Trustees feel that the entire four blocks are needed in order to build a viable facility.

Dr. Cisneros stressed the fact that CPS won't come to VVS without the authority to, if needed, take the land where the restaurant now stands.

Mr. Steen stated that CPS has no firm architectural plans for the new building. He stated that he wants no luxury facilities at the new site.

In response to a question by Mrs. Dutmer, Mr. Spruce explained the history of CPS' search for a new headquarters site.

The following citizen spoke regarding this matter:

Ms. Carmen Badillo, President of Communities Organized for Public Service, reminded the Council of the economic 'plusses' of Vista Verde South, including the 2,000 new jobs, new economic development, etc. She stated that COPS wants no junkyards in VVS, such as what is now located in the subject area. She spoke regarding COPS' full support in VVS, but urged that Mr. Cantu's interests be considered.

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

Mayor Cockrell asked for a motion from the City Council to "formalize direction that the Council request the San Antonio Development Agency to extend every effort in working with the affected Mario's Restaurant to do everything it can to assist it if relocation must occur, then certainly to work with them on the most equitable basis in assisting and seeking alternative sites that would be to their best advantage and certainly within the framework of the law, doing the very best they can in assisting Mario's."

Mr. Thompson then moved the motion. Dr. Cisneros seconded it. On roll call, the motion carried by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: Dutmer; ABSENT: None.

80-15 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Dr. Cisneros, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 51,973

AUTHORIZING EXECUTION OF FIELD ALTERATION
NO. 4 AMENDING A CONTRACT WITH HOGAN
MECHANICAL, INC., FOR CERTAIN WORK AT
RILLING ROAD WASTEWATER TREATMENT PLANT;
AND APPROPRIATING AN ADDITIONAL \$20,577.

* * * *

80-15 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Archer, seconded by Dr. Cisneros, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None; ABSTAIN: Thompson.

AN ORDINANCE 51,974

APPROPRIATING THE SUM OF \$14,347.50 TO
REIMBURSE GIBRALTAR SAVINGS ASSOCIATION
FOR NORTH HILLS VILLAGE UNIT I ON-SITE
OVERSIZE SEWER MAIN.

* * * *

80-15 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 51,975

AMENDING THE SEWER USER ORDINANCE NUMBER 51902 BY AMENDING SECTION 5 THEREOF TO PROVIDE FOR A LATE PAYMENT PENALTY ASSESSMENT TO BE ADDED TO SANITARY SEWER SERVICE CHARGES AND ESTABLISHING A HEARING PROCEDURE WHEREBY CUSTOMERS DELINQUENT IN PAYMENT OF THE RESIDENTIAL SANITARY SEWER SERVICE CHARGE MAY CONTEST THE CHARGE PRIOR TO DISCONTINUATION OF SERVICE.

* * * *

AN ORDINANCE 51,976

AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENTITY SEWER SERVICE CONTRACT WITH THE CITY OF HILL COUNTRY VILLAGE.

* * * *

AN ORDINANCE 51,977

AUTHORIZING EXPENDITURE OF THE SUM OF \$3,745.00 OUT OF VARIOUS FUNDS FOR THE PURPOSE OF ACQUIRING TITLE AND/OR EASEMENTS TO CERTAIN LANDS; ACCEPTING THE DEDICATION OF TITLE TO CERTAIN LANDS; ALL TO BE USED IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

* * * *

AN ORDINANCE 51,978

ACCEPTING THE LOW, QUALIFIED BID OF STEVECO-SAN ANTONIO, INC. IN THE AMOUNT OF \$57,574.00 TO CONSTRUCT THE HEALY-MURPHY PARK DEVELOPMENT PROJECT; AUTHORIZING A CONTRACT; AUTHORIZING PAYMENT OF THE CONTRACT AND CONTINGENT EXPENSES; PROVIDING FOR CONTRIBUTIONS FROM COMMUNITY DEVELOPMENT PROGRAM FUNDS; AND AUTHORIZING BUDGET ADJUSTMENTS.

* * * *

AN ORDINANCE 51,979

ACCEPTING THE LOW QUALIFIED BID OF \$32,600 FROM WINFIELD CONSTRUCTION COMPANY TO PERFORM THE REHABILITATION PROJECT ON THE DULNIG HOUSE AND AUTHORIZING A CONTRACT FOR THE JOB; AUTHORIZING PAYMENT OF THE CONTRACT AND \$2,500 FOR CONTINGENT CONSTRUCTION EXPENDITURES; ESTABLISHING A FUND AND ADOPTING A BUDGET; AND AUTHORIZING A REVISION IN COMMUNITY DEVELOPMENT PROGRAM FUNDS AND TRANSFER OF CONTRIBUTIONS TO THIS PROJECT.

* * * *

80-15 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mr. Wing, was passed and approved by the following vote: AYES: Webb, Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Eureste.

AN ORDINANCE 51,980

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION TO PROVIDE IMPROVED RAILROAD CROSSING PROTECTION.

* * * *

80-15 The Clerk read the following Ordinance:

AN ORDINANCE 51,981

AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH SAN ANTONIO TICKET SERVICE FOR TICKET OFFICE SPACE AT THE ARENA BOX OFFICES.

* * * *

Mr. Steen moved to approve the Ordinance. Mr. Archer seconded the motion.

In response to a question by Mr. Thompson, Mr. Joe Madison, Acting Director of the Convention Facilities, explained that a study is underway on the possibility of additional box office space in the front of the building.

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

80-15 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mr. Wing, was passed and approved by the following vote: AYES: Dutmer, Wing, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Webb, Eureste.

AN ORDINANCE 51,982

ACCEPTING A GRANT IN THE AMOUNT OF \$3,414,987 FOR THE 1979/80 SUMMER YOUTH EMPLOYMENT PROGRAM, IN BEHALF OF THE ALAMO CONSORTIUM FROM THE U.S. DEPARTMENT OF LABOR, UNDER TITLE IV OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT: REPROGRAMMING ADDITIONAL PRIOR YEAR UNEXPENDED FUNDS: APPROPRIATING THE FUNDS AND APPROVING A PROGRAM BUDGET: AUTHORIZING THE SUBMISSION OF AN ANNUAL PLAN TO DOL: AND AUTHORIZING EXTENSIONS OF THIRD-PARTY AGREEMENTS WITH PROGRAM OPERATORS.

* * * *

80-15 The Clerk read the following Resolution:

A RESOLUTION
NO. 80-15-27

SUPPORTING AND ENDORSING THE EXPORT CONFERENCE
TO BE HELD IN SAN ANTONIO AT THE HILTON
PALACIO DEL RIO HOTEL ON APRIL 16, 1980.

* * * *

Mr. Steen moved to approve the Resolution. Mr. Archer seconded the motion.

In response to a question by Mr. Alderete, Mr. Reynaldo Flores, Assistant Director of the Department of Economic and Employment Development, stated that the City staff will serve as liaison force for the conference.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: Wing; ABSENT: Eureste. (Later in the meeting, Mr. Wing asked that his vote be changed to "Aye".)

80-15 The Clerk read the following Ordinance:

AN ORDINANCE 51,983

AMENDING ARTICLE XII, CHAPTER 38 OF THE CITY
CODE OF THE CITY OF SAN ANTONIO, TEXAS BY
THE ADDITION OF SECTION 38-89A PROVIDING
FOR THE PROHIBITION OF PARKING OF VEHICLES
OVER ONE TON IN SCHOOL ZONES AND RESIDENTIAL
DISTRICTS DURING CERTAIN HOURS.

* * * *

Mr. Archer made a motion to approve the Ordinance. Mr. Canavan seconded the motion.

(Mayor Cockrell was obliged to leave the meeting, Mayor Pro-Tem Dutmer presided.)

Mr. Rodney Griffin, 7438 Arroyo Vista, stated that his truck is his livelihood and he would have problems in finding another secure place to park his truck away from his home. He stated that he doesn't have the money necessary to pay for space anywhere else. He spoke against the Ordinance.

Ms. Pat Mansell, Assistant City Attorney, explained that 18-wheeled trailers were over 2 tons in weight and thus included in the Ordinance. She also stated that the intention of the Ordinance was to affect all vehicles over 1 ton in weight.

Mr. Don Garrison, 222 Chesswood, also spoke in opposition to the Ordinance. He stated that he feared vandalism to his truck if he is not able to park near his home.

(Mayor Cockrell returned to the meeting and presided.)

Ms. Joy Coffey, 6267 Apple Valley, also spoke in opposition to this Ordinance.

Ms. Edith F. Seay, 103 Kilmenney, spoke in opposition to this Ordinance.

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Mr. Malcolm Holbadier, in response to a question by Mr. Thompson, stated that it is not economically feasible to park at truck stops. He also spoke in opposition to this Ordinance.

Mr. Archer stated that the City of San Antonio is the only metropolitan City that does not have such an Ordinance. He stated that streets are not for storage of vehicles.

Mr. Eureste expressed concern that enforcement of this Ordinance would be difficult.

After discussion, Mr. Thompson made a substitute motion to postpone this item pending a report on the implementation of a permit system. Mr. Webb seconded the motion. On roll call, the motion, failed to carry by the following vote: AYES: Webb, Dutmer, Thompson; NAYS: Cisneros, Wing, Eureste, Alderete, Canavan, Archer, Steen, Cockrell; ABSENT: None.

The main motion carried by the following vote: AYES: Cisneros, Wing, Eureste, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: Dutmer, Thompson; ABSENT: Webb.

Dr. Cisneros suggested that warning tickets be issued to those in violation of this Ordinance.

Mr. Archer concurred with Dr. Cisneros' remarks.

Mrs. Dutmer expressed concern regarding the independent business people this Ordinance would be affecting.

80-15 Item 31, being a proposed ordinance establishing an Energy Conservation Task Force specifying its duties and appointing members thereto, was temporarily withdrawn from Council consideration.

80-15

CITIZENS TO BE HEARD

MR. LARRY HAGY

Mr. Hagy, representing the Lanark Area Homeowners, spoke to the Council with reference to a meeting he had attended of the Council's Housing Task Force. He then apologized to those Council members who may have been offended at his remarks during that meeting.

Councilman Eureste stated that Mr. Hagy was speaking for the residents of the area and expressing their feelings on the matter and didn't feel an apology was in order.

Councilmen Steen and Thompson concurred with Mr. Eureste's remarks.

MR. RAUL RODRIGUEZ

Mr. Rodriguez reiterated his remarks of last week's meeting with reference to the ticketing of automobiles with unexpired meters. He stated that he feels that police are ticketing autos at random in order to meet their quotas. He asked about the status of a report from the Police Chief.

City Manager, Thomas Huebner, stated that a report will be forthcoming to the Council in the next packet.

MR. SAM DORIA

Mr. Doria, President of Lulac Council No. 2, read a prepared statement to the Council regarding the appointment of the new Police Chief by the City Manager. (A copy of his statement is on file with the papers of this meeting.) He also read a letter from Archbishop Patrick Flores addressed to the Mayor and Council members on the same subject. (A copy of the Archbishop's letter is on file with the minutes of this meeting.)

MR. ROBERTO ORNELAS

Mr. Ornelas, representing the National President of Lulacs, Mr. Ruben Bonilla, asked that the City Manager disclose the criteria he used to select the Police Chief. He also stated that the City Charter should be updated.

At this point, City Manager, Thomas Huebner outlined the process used to select the Police Chief. He also quoted prior and present employment statistics of the City's top level management.

Mrs. Dutmer stated that she supported the City Manager in his appointment of the new Police Chief and feels that the best qualified was selected.

Mr. Eureste stated that he doesn't feel comfortable with the City Manager's selection and expressed concern that there are no minorities in the top level administration.

Mr. Alderete asked for the list of questions that were used by the City Manager during the first round of interviews.

City Manager Huebner stated that he would make the questions available to the Council.

MR. WALTER MARTINEZ

Mr. Martinez, representing the Mexican-American Democrats, read a prepared statement asking that the criteria used in the selection of the Chief of Police be revealed and that the City Council consider revising the City Charter to allow for police input into the appointment process of high City officials via their elected representatives. (A copy of his prepared statement is on file with the minutes of this meeting.)

MR. RAY DORIA

Mr. Doria, Lulac Council No. 2., stated that they are disappointed in the selection process used in the appointment of the Police Chief.

MS. SUSANNE HILDEBRAND

Ms. Hildebrand expressed concern on the current situation on the River Walk. She stated that female employees cannot walk freely in the area without fear of harassment.

She also spoke in support of Mr. Huebner's selection of the new Police Chief.

The Clerk read the following Letter:

March 12, 1980

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

The following petitions were received in my office and forwarded to the City Manager for investigation and report to the City Council.

March 10, 1980

Petition submitted by Mr. and Mrs. Victor Rabago, requesting that a neighborhood park be dedicated to the memory of their daughter.

March 11, 1980

Petition submitted by R.A. Swenson, requesting improvement of Nacogdoches Road.

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/s/ NORMA S. RODRIGUEZ
City Clerk

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There being no further business to come before the Council,
the meeting was adjourned at 8:45 P.M.
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A P P R O V E D

Lela Cockrell

M A Y O R

ATTEST *Norma S. Rodriguez*
City Clerk