

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, DECEMBER 17, 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: WEBB, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, HARRINGTON, ARCHER, HASSLOCHER, CISNEROS. Absent: BERRIOZABAL.

81-63 The invocation was given by Monsignor Bernard Popp, Pastor of San Fernando Cathedral.

81-63 Members of the City Council and the audience joined in the Pledge of Allegiance to the Flag of the United States.

81-63 CHURCHILL CHARGERS FOOTBALL TEAM

Mayor Cisneros spoke of the accomplishments of the 1981 Churchill Chargers football team and their advancement to the state semi-finals. He welcomed members of the team and coaching staff to City Hall and congratulated them on behalf of the entire City Council, asking the team and coaches to stand and be recognized.

Mayor Cisneros then read the following Citation:

CITATION TO

THE 1981 CHURCHILL CHARGERS

IN RECOGNITION OF THEIR ACCOMPLISHMENTS AND CONTRIBUTIONS TO ATHLETIC EXCELLENCE AND SPORTSMANSHIP IN CARRYING THE BANNER AS SAN ANTONIO CITY CHAMPIONS IN FOOTBALL FOR 1981. UNDER THE LEADERSHIP OF HEAD COACH JERRY COMALANDER AND HIS STAFF, THE CHARGERS COMPILED AN OUTSTANDING RECORD OF 13 VICTORIES AND BUT A SINGLE DEFEAT ENROUTE TO REPRESENTING SAN ANTONIO IN THE STATE SEMI-FINALS OF HIGH SCHOOL CLASS 5-A FOOTBALL.

THE CITY COUNCIL COMMENDS THE CHARGERS FOR THEIR EXEMPLARY REPRESENTATION OF THE CITY OF SAN ANTONIO, BOTH ON AND OFF THE FIELD OF ATHLETICS, AND EXTENDS BEST WISHES FOR CONTINUED SUCCESS IN YEARS TO COME.

Mayor Cisneros asked Councilman Harrington to present the Citation to Head Coach Jerry Comalander, Principal Gerald Evetts and football team Co-Captains Phil Brown, Cody Carlson and Chris Lammers.

Mr. Harrington presented the Citation and thanked the team for its representation of San Antonio.

Mr. Comalander thanked the Council for the honor.

Mr. Evetts thanked the citizens of San Antonio for their support of the team during the playoffs and for recognizing the efforts of young people.

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CITATION TO MRS. MINNIE GARCIA

Mayor Cisneros recognized the presence in the audience of Mrs. Minnie Garcia and her husband, State Representative Matt Garcia, and spoke of this recognition for Mrs. Garcia on the occasion of the completion of eight years of service with the San Antonio Development Agency Board of Directors, a part of which included service as Vice-Chairman of the Board. He spoke of the many instances of public service performed by the Garcia family over the years, and read the following Citation:

CITATION TO

MRS. MINNIE GARCIA

IN SINCERE APPRECIATION FOR OUT-
STANDING SERVICE TO THE COMMUNITY
AS A MEMBER AND VICE-CHAIRMAN OF
THE URBAN RENEWAL AGENCY FROM
JULY 12, 1973 TO DECEMBER 15, 1981.

Mayor Cisneros spoke of the progress of the urban renewal efforts of San Antonio Development Agency during the years of her service, and asked Councilman Joe Alderete, her son-in-law, to make the Citation presentation.

Mr. Alderete presented the Citation and thanked Mrs. Garcia for her service.

Mrs. Garcia thanked the Council for the Citation and introduced members of her family present in the audience, as well as the new Chairman and Vice-Chairman of SADA.

Mayor Cisneros spoke of Mrs. Garcia's continued involvement in civic progress in the future.

RESOLUTION OF RESPECT FOR D.B. HARDEMAN

Mayor Cisneros introduced Mr. Maury Maverick, present in the audience to receive the Resolution of Respect as a close friend of Mr. Hardeman. Mayor Cisneros then read the following Resolution:

A RESOLUTION
NO. 81-63-105

- WHEREAS, The City Council of the City of San Antonio has learned of the passing of Mr. D.B. Hardeman, thus bringing to an end an illustrious career devoted to the service of his fellowman, and
- WHEREAS, Mr. Hardeman distinguished himself in the field of Journalism both before and after World War II service, much of it centered around coverage of Texas State government, and
- WHEREAS, that experience and knowledge gained through exposure to the inner workings of state government led him to serve two distinguished terms in the Texas House of Representatives as a representative of the people he loved, and
- WHEREAS, for more than four years he served as a researcher for the late Sam Rayburn, distinguished Speaker of the United States House of Representatives, preparing speeches, briefing legislation and handling legislative and political assignments, which led to his selection as Mr. Rayburn's official

biographer, and

WHEREAS, his activities in working on the House floor seeking passage of legislation earned him the distinction of being named the first honorary Congressional Fellow Award by the American Political Science Association, and

WHEREAS, his many years of concern for his fellowman, and his unceasing labors in that behalf, earned for Mr. Hardeman a special place in the hearts of all Americans; NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

Section 1. That with the death of Mr. D.B. Hardeman, the State and Nation has lost a valuable and irreplaceable asset.

Section 1. That this City Council expresses its sincerest sympathy to those nearest him and extends its prayer of comfort.

Section 3. And it is hereby directed that a copy of this Resolution be spread upon the minutes of this meeting and a copy thereof be presented to his family as a token of our sincerest sympathy.

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

Mr. Thompson, at the Mayor's request, presented the Resolution of Respect to Mr. Maverick.

Mr. Maverick stated that Mr. Hardeman's funeral service was attended by many members of both major political parties, and noted that the Resolution of Respect would hang in the "D. B. Hardeman Room" of the Lyndon B. Johnson Center at the University of Texas at Austin.

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

81-63

REINVESTMENT ZONES

Mayor Cisneros stated that Dr. B. H. Corum, new Administrator of the Medical Center Hospital, part of Bexar County Hospital District, has asked to appear before City Council at this time to speak on the subject of Reinvestment Zones, which would appear for action on Council's agenda next week.

Mr. Thompson moved that representatives of the Hospital District be allowed to speak at this time. Mr. Hasslocher seconded the motion. Council concensus to allow them to speak was granted.

Mr. Bill Thornton, Chairman of the Board of Managers, Bexar County Hospital District, introduced members of the Board in attendance in the audience and stated the he supports development of San Antonio. He expressed concern for the designating of Reinvestment Zones, however, in fear that the Hospital District would lose revenue from abated or delayed taxes in those areas.

Dr. Thornton spoke of cutbacks in federal funding already impacting heavily upon the Hospital District, and stated his concern that loss of revenues from those federal programs would force many private hospitals to send prospective patients to the Medical Center Hospital

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facilities, since it is a County facility, thus increasing the patient workload on those facilities.

Dr. B. H. Corum, Administrator of the Medical Center Hospital, stated his support for community progress, but noted his concern with the financial impact of Reinvestment Zones on available Hospital District tax funds. He stated that the City Council's ultimate decision on designation of such zones will have a significant impact on the District's revenue picture.

Mayor Cisneros stated that he did not want to freeze the taxes of the hospital district or school districts, but the law is written that way. He further stated that he would favor some way of putting these revenues in escrow, if allowed. Mayor Cisneros noted that the City is the only governmental entity undertaking redevelopment of the downtown area, which will ultimately help all taxing entities, then spoke of the long-range implications of such progress.

Mrs. Dutmer spoke of her concern for the closing of the Villa Coronado clinic and urged that ways be sought to re-open that facility.

Mr. Eureste spoke of federal government pressure on local agencies to undertake projects at the local level with local funds, stating that the City alone is moving to redevelop downtown to the benefit of all taxing agencies there, in the long run. He stated his support for Mayor Cisneros' remarks to perhaps seek ways of deleting these taxing entities from the reinvestment zone program at the next legislative session in Austin, but stressed that the City must act now to begin the project soon.

Mr. Hasslocher spoke of his willingness to discuss the reinvestment zones.

Mr. Wing spoke of the benefits to be derived for the older areas by redevelopment under the program.

In response to a question by Mr. Thompson, Dr. Corum stated that the governmental agencies involved must find ways to fund the difference between its expected tax revenues and inflated costs of doing business, and noted that the hospital district is forced to look at the short-term area, primarily.

Dr. Corum stated that he was not opposed to the reinvestment zone idea, but asked City Council to look at alternate ways of financing the work. He spoke of some of the problems faced by other community hospital districts, noting that some 400,000 persons annually use the Brady-Green Clinic in downtown San Antonio.

Mayor Cisneros stated that the downtown reinvestment zone as proposed might have some problems, but the reinvestment zone planned for the southwest sector of the city is ideal for that area.

In response to a question by Mr. Alderete, Dr. Thornton spoke to specific revenue losses that would be sustained by the hospital district because of the downtown reinvestment zone.

81-63

The Clerk read the following Resolution:

A RESOLUTION
NO. 81-63-106

AUTHORIZING AND DIRECTING THE PUBLICATION
OF NOTICE OF INTENTION TO ISSUE CITY OF
SAN ANTONIO PRIOR LIEN SEWER SYSTEM REVENUE
BONDS, SERIES 1982, IN THE PRINCIPAL AMOUNT
OF \$15,000,000.

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

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

81-63 The Clerk read the following Resolution:

A RESOLUTION
NO. 81-63-107

APPROVING THE NOTICE OF SALE AND ASSOCIATED DOCUMENTS RELATIVE TO THE ISSUE AND SALE OF "CITY OF SAN ANTONIO, TEXAS, PRIOR LIEN SEWER SYSTEM REVENUE BONDS, SERIES 1982" AND AUTHORIZING THE DISTRIBUTION THEREOF.

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

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

81-63 CONSENT AGENDA

Mr. Archer moved that items 4-17 constituting the consent agenda be approved with the exception of items 8, 10, 11, 15 and 17 to be pulled for individual consideration. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 54,672

ACCEPTING THE LOW QUALIFIED BIDS OF UNIFORMS OF TEXAS, INC., MARTINS KAUFMAN UNIFORMS, INC., AND SUGARMAN UNIFORMS TO FURNISH THE CITY OF SAN ANTONIO WITH SCHOOL CROSSING GUARDS UNIFORMS FOR A TOTAL OF \$8,449.32.

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AN ORDINANCE 54,673

ACCEPTING THE LOW QUALIFIED BID OF LAW ENFORCEMENT EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH LOCKING GUN RACKS FOR A NET TOTAL OF \$15,250.00.

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AN ORDINANCE 54,674

ACCEPTING THE LOW BID OF VERMEER SALES OF TEXAS TO FURNISH THE CITY OF SAN ANTONIO WITH A TRAILER MOUNTED TREE SPADE FOR A

TOTAL OF \$17,124.00, LESS 1%-10 DAYS.

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AN ORDINANCE 54,675

ACCEPTING THE LOW BID OF SOUTHWESTERN BELL TO FURNISH THE CITY OF SAN ANTONIO WITH A TELECOMMUNICATIONS SYSTEM FOR A NET TOTAL OF \$29,703.45 PLUS \$448.75 MONTHLY FOR MAINTENANCE AND THOSE ITEMS RATE CONTROLLED BY THE PUBLIC UTILITY COMMISSION.

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AN ORDINANCE 54,676

ACCEPTING THE LOW BIDS OF THE TORGERSON COMPANY, SOUTHWEST EQUIPMENT COMPANY, GIRARD MACHINERY COMPANY AND PLAINS MACHINERY COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH HEAVY EQUIPMENT FOR A TOTAL OF \$367,615.60.

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AN ORDINANCE 54,677

ACCEPTING THE LOW QUALIFIED BID OF MEADER CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF \$1,480,163.51 TO RECONSTRUCT AND WIDEN SOMERSET ROAD FROM NOGALITOS TO WHITMAN; AUTHORIZING A CONTRACT; ESTABLISHING A FUND AND APPROVING A BUDGET; AUTHORIZING PAYMENT OF CONSTRUCTION COSTS AND ENGINEERING FEES; AND AUTHORIZING CONTRIBUTIONS FROM CITY FUNDS.

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AN ORDINANCE 54,678

AUTHORIZING AN INCREASE FROM \$72,300.00 TO \$74,300.00 IN THE CONTRIBUTION TO THE STATE DEPARTMENT OF HIGHWAYS & PUBLIC TRANSPORTATION ON THE STATE RECONSTRUCTION OF CULEBRA ROAD FROM 24th ST. TO CALLAGHAN ROAD COVERING THE CITY-BORNE COST OF SEWER ADJUSTMENTS IN THE PROJECT; AMENDING THE PROJECT BUDGET AND AUTHORIZING PAYMENT OF THE STATE OF THE ADDITIONAL \$2,000.00.

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AN ORDINANCE 54,679

ACCEPTING THE HIGH BIDS RECEIVED IN CONNECTION WITH \$6,000,000 IN CITY FUNDS AVAILABLE FOR DEPOSIT IN INTEREST-BEARING CERTIFICATES OF DEPOSIT.

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AN ORDINANCE 54,680

AMENDING ORDINANCE NO. 54453 TO REFLECT ADMINISTRATIVE CHANGES BY THE UNITED STATES GEOLOGICAL SURVEY COOPERATIVE AGREEMENT.

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81-63 The Clerk read the following Ordinance:

AN ORDINANCE 54,681

ACCEPTING THE LOW QUALIFIED BID OF AMERICAN LA FRANCE TO FURNISH THE CITY OF SAN ANTONIO WITH THE REFURBISHING OF A 100-FOOT AERIAL LADDER FOR A NET TOTAL OF \$139,675.00.

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

In response to a question by Mr. Hasslocher, Mr. John Brooks, Director of Purchasing and General Services, compared the cost of refurbishing the aerial ladder truck with the cost of a new one.

In response to a question by Mr. Webb, Mr. Brooks discussed the fact that no local firm is capable of performing the needed refurbishing work, which is available only from the vehicle's manufacturer, in this case.

In response to another question by Mr. Webb, Fire Chief I. O. Martinez compared the American La France vehicle to other makes, stating that American La France has been supplying fire vehicles to the City of San Antonio since the year 1900.

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

81-63 The Clerk read the following Ordinance:

AN ORDINANCE 54,682

ACCEPTING THE LOW BIDS OF ALAMO AMC/JEEP, INC., NORTH STAR DODGE SALES, INC., TOM BENSON CHEVROLET COMPANY, AND THE HERTZ CORPORATION TO FURNISH THE CITY OF SAN ANTONIO WITH AUTOMOBILES FOR APPROXIMATELY \$514,148.34.

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

In response to a question by Mr. Hasslocher, Mr. John Brooks, Director of Purchasing and General Services, discussed the purchase of automobiles by the City which provide the best gasoline mileage, and gave specific cases in which certain types of automobiles must be sought to fit special jobs required, such as police vehicles.

A brief discussion took place concerning possible future purchase of diesel-powered automobiles by the City.

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

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81-63 The Clerk read the following Ordinance:

AN ORDINANCE 54,683

ACCEPTING THE LOW BID OF SIGMOR REFINING COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH DIESEL FUEL.

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

Mrs. Dutmer asked to be disqualified from voting on this Ordinance.

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

81-63 The Clerk read the following Ordinance:

AN ORDINANCE 54,684

BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, APPROVING THE PURCHASE OF CERTAIN HEAVY EQUIPMENT AND AUTHORIZING PAYMENT THEREFORE; MAKING CERTAIN FINDINGS AND DETERMINATIONS IN REGARD TO SAID PURCHASE AND PAYMENT; AND DECLARING AN EMERGENCY.

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

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

81-63 The Clerk read the following Ordinance:

AN ORDINANCE 54,685

AMENDING AND EXTENDING FOR A THREE-YEAR PERIOD THE EXISTING AGREEMENT WITH SAN ANTONIO RIVER (PASEO DEL RIO) ASSOCIATION FOR USE OF RIVER WALK PROPERTY USED FOR CERTAIN FESTIVALS AND EVENTS.

* * * *

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

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

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81-63 The minutes of the meeting of December 3, 1981 were approved.

81-63 ZONING HEARINGS

CASE 8601-to rezone Lot 136, Block 3, NCB 2978, 846 Steves Avenue, from "B" Two Family Residential District to "B-3R" Restrictive Business District, located on the southside of Steves Avenue, being 520' east of the intersection of Roosevelt Avenue and STEves Avenue, having 50' on Steves Avenue and a depth of 137.5'.

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

Mr. Andy Guerrero, Planning Administrator, provided information on the number of notices mailed to property owners within 200 feet of the subject property.

Mr. John Bell, representing the proponent, asked that the case be sent back to the Zoning Commission for reconsideration.

Mr. Harrington moved to refer the case back to the Zoning Commission. Mr. Webb seconded the motion.

After consideration, on voice vote, the case was referred back to the Zoning Commission by the following vote: AYES: Webb, Dutmer, Wing, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Berriozabal, Eureste.

19. CASE 8701-to rezone the southwest 575' of Lot 33, NCB 11668, In the 11100 Block of Wurzbach Road, from "R-2" Two Family Residence District to "R-3" Multiple Family Residence District located on the southeast side of Wurzbach Road, being 130' southwest of the intersection of Southern Pacific Railroad ROW and Wurzbach Road, having 540' on Wurzbach Road and a depth of 390.28'

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

No citizen appeared to speak in opposition.

Mr. Andy Guerrero, Planning Administrator, provided information on the number of notices mailed to property owners within 200 feet of the subject property.

Mr. Randy Dym, representing CSC Properties and the two landowners involved, stated that he planned to construct condominiums on the property, and that he had worked closely with two homeowners associations in the area, stating that he had reached agreements with them both.

Mr. Roland Castaneda, representing CSC Properties, stated that persons formerly in opposition to the proposal now are in favor, with some reservations as noted in a letter of agreement handed to members of the City Council (a copy of which is attached to the records of this meeting).

Mr. Kenneth G. Klenke, President of the Whispering Oaks Homeowners Association, and Mr. Robert Freestate, President of the Colonial Village Homeowners Association, both spoke in favor of the proposal.

Mr. Dym stated that all concerned have signed a document of agreement, and provided details of the 10 major points of that document.

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Mayor Cisneros stated that all concerned should recognize that the City Council can only pass on the rezoning request, and that any further stipulations or agreements of the parties concerned becomes a civil agreement between them.

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

Mr. Alderete asked that the 10 points of agreement be made a part of the minutes of this meeting. They include:

1. Drainage. The Developer shall provide for the drainage along the southern portion of the property to be directed, to the extent reasonably necessary into the drainage channel upon the east portion of the property and not toward Wurzbach Road or the adjacent properties along the southern boundary of the property within the Colonial Village Sub-division, San Antonio, Texas.

2. Quality of Project. The improvements to be constructed by the Developer on the property are to be a condominium project having an exterior architectural style similar to the Post Oak Condominiums located at 11001 Wurzbach Road, situated across the street from the property ("Post Oak"), and incorporating exterior construction materials comparable in quality to those used in the Post Oak. The sales price of the units in the condominium project shall be comparable to the units in the Post Oak Condominium complex.

3. Density. No more than 75 condominium units shall be constructed on the Property. The units along the southern boundary of the property line shall not have balconies on the second floor facing the southern boundary of the property.

4. Landscaping. The Developer shall retain those trees with trunks in excess of 8" in diameter situated within the 50' building set-back line along the southern boundary of the property, which area shall be landscaped and maintained as a "greenbelt" area. Furthermore, along the drainage easement on the east side of the property, the Developer shall maintain and landscape that area closest to the condominium units not utilized for drainage purposes by planting grass, trees and/or shrubs.

5. Fencing. The Developer shall erect a brick and wood fence with masonry pillars at the edge of the landscaped area along the drainage easement specified in paragraph 4. The Developer shall not erect a wooden fence along the property line fronting Wurzbach Road.

6. Condominium Declarations. Prior to or upon the completion of the project, as evidenced by the issuance of a Certificate of Occupancy for the project or any portion thereof, Developer shall record a Condominium Declaration which shall obligate the condominium owners, at their cost, to perpetually maintain the greenbelt areas within the project and prohibit the construction of more than 75 condominium units on the property. Furthermore, the Condominium Declaration shall provide for the proper maintenance of the property to present a high quality, well-kept condominium project.

7. Deed Restrictions. The Developer and the Owners agree that the Restrictive Covenants described in Exhibit A

attached hereto, and incorporated by reference herein, shall be recorded in the Official Public Records of Real Property, Bexar County, Texas, in the deed conveying the property from the Owners to the Developer, contingent upon paragraph 8 below. The Developer and the Owner's grant unto the Homeowners Associations the remedy of specific performance for the enforcement of this provision.

8. Termination of Rezoning. In the event that the Developer fails or refuses to acquire the property from the Owners, the Owners shall withdraw the change in zoning of the property to R-3, and hereby grant to the Homeowners Association the remedy of specific performance for the enforcement of this provision in such event.

9. Entire Agreement. This agreement contains all agreements between the parties hereto and no agreement not contained herein shall be recognized by the parties.

10. Binding Effect. This agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, legal representatives, successors and assigns.

EXHIBIT A

No more than seventy-five (75) multi-family dwelling units shall be erected upon the property herein described. Any such units shall be designed and constructed to have an exterior architectural style similar to the Post Oak Condominiums located at 11001 Wurzbach Road, San Antonio, Texas ("Post Oak") and incorporate exterior construction materials comparable in quality to those used in the Post Oak. No units built along the rear property line shall have balconies on the second floor facing the southern boundary line of the property. Promptly after completion of construction on the property, Grantee, its successors and assigns, shall landscape and maintain as a permanent "greenbelt" area, without the erection of any buildings therein, the 50' building set back line along the southern boundary of the property as shown in plat recorded in Volume 9200, Page 101, Deed and Plat Records, of Bexar County, Texas. These covenants are to run with and bind the land and be binding upon the grantee, his successors, heirs and assigns. The covenants contained herein are for the benefit of and shall be enforceable by the Whispering Oak Homeowners Association, Inc., the Elm Creek Homeowners Association, Inc., and the Colonial Village Homeowners Association, Inc., San Antonio, Texas, or their respective successors.

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

AN ORDINANCE 54,686

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 SOUTHWEST 575' OF LOT 33, NCB 11668, IN THE 1100 BLOCK OF WURZBACH ROAD, FROM "R-2" TWO FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, PROVIDED THAT A 6 FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ADJACENT TO THE SINGLE FAMILY DWELLINGS, A 50 FOOT PERMANENT GREENBELT IS PLANTED AND MAINTAINED ADJACENT THERETO, AND FURTHER PROVIDED THAT THE APPLICANT WORK WITH THE TRAFFIC ENGINEERING DIVISION FOR PROPER INGRESS AND EGRESS.

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Mayor Cisneros asked that the statement of Communities Organized for Public Service (COPS) be allowed to be presented at this time, relative to any future increase in rates for City Water Board.

Mr. Alderete moved to approve the consensus of City Council to allow the statement to be read at this time. Mr. Thompson seconded the motion. Consensus of City Council was given.

MRS. LINDA LEDESMA: My name is Linda Ledesma and I'm the Executive Vice President of Communities Organized for Public Service. I'm here addressing the City Water Board rate increase and the Bond.

In 1975 John Schaffer and the City Water Board promised C.O.P.S. and the families of San Antonio living inside 410 that the City Water Board would make replacement of all ancient and substandard water mains inside 410. The top priority during the years of 1976 and 1977. They had promised that they would spend \$10 million on this project. Well, the work was started and only \$4 million was spent during the two years. Where are the next \$6 million? They were lost. Since that time the City Water Board has made things worse by using public (sic) tubing that deteriorated at such a pace that the City Water Board could not keep up, thus leaving the East, Southeast, and Central sections of the City stuck with little or no water pressure. Higher fire insurance rates and breaking water mains. At the same time John Schaffer, Water Board, was taking millions of dollars from the City rate payers and stuffing it into the Community Water Development fund. A part of money used to bankroll the big developers outside of 410. By breaking its promise to the City the City Water Board has proved its incompetence. With the dismal track that the City Water Board has for incompetence you the City Council cannot in good conscience vote for such mockery. You need to take a long hard look at this City Water Board con game. The only just thing to be done would be to approve only enough money to begin replacing the substandard mains and the deteriorating plastic pipes.

We want you to vote on these three (3) C.O.P.S. points that I will present. We want you to vote on them at the next "B" Session before you consider the City Water Board rate increase.

1. Postponement for 90 days. Any action of the City Water Board's request for a rate hike and issuance of Water Revenue Bonds.

2. Hold at least three (3) public hearings in the communities with City Council people, City Water Board members and City Staff in attendance.

3. Direct City Finance Director, Carl White to do an audit of the City Water Board's last six years of expenditures and an analysis of the City Water Board the next four (4) years of projected expenditures.

Council people, consider this very seriously. Consider the points that C.O.P.S. has brought forward to you today. Consider that the people that you represent, the people in your community where you were elected, you made promises to them - consider that at this time like in Mr. Webb's area there are low pressures of water. Consider that in Mr. Alderete's neighborhood are running streets that look like rivers. Consider that the money that is being used outside 1604 are being paid by the people living within the inner City. The people that are suffering at this time with these injustices. Consider very seriously, Council people, that when you run for election don't worry about it, the communities - because the areas of your community at this time are leaking into oblivion. You won't have any areas to represent.

MAYOR CISNEROS: Thank you very much, Mrs. Ledesma. You're three (3) points again are, number 1.....

MRS. LEDESMA: A postponement for 90 days.

MAYOR CISNEROS: Number 2

MRS. LEDESMA: Public hearings in neighborhood areas, and three, that you and the Council direct Carl White to do an audit of the last six year's of the City Water Board's expenditures and an analysis of the next four years projected.

MAYOR CISNEROS: The Water Board request does not formally come here. We haven't started the scheduling process. I personally favor the public hearings. I think it's a good program and we'll recommend that when the time comes to schedule how we act on it. The analysis from the City side is likely to take some time. I don't know that it will take 90 days but I know that it's not going to be enforced immediately because we have our own City Utilities supervisor analysis to do of it. So at least on those two points, I think, we'll probably be prepared to answer. Okay, thank you very much for coming down.

MRS. LEDESMA: We'll be there when it does come up.

MAYOR CISNEROS: Thank you.

81-63 CASE 8393 - to rezone a 5.000 acre tract of land out of NCB 10917, being further described by field notes filed in the Office of the City Clerk, in the 9700 Block of Southton Road, from "B-2" Business District and "B-3" Multiple Family Residential District to "B-3" Business District located on the west side of Southton Road, being 351.8' south of the cutback between S.E. Loop 410 Expressway and Southton Road, having 718.86' on Southton Road and a depth of 300'.

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

Mr. Andy Guerrero, Planning Administrator, provided information on the number of notices mailed to property owners within 200 feet of the subject property.

Mr. Mike Munoz, 6811 S. Flores Street, representing Knights of Columbus Council 6757, gave a brief history of the rezoning request, stating that part of the property was to be used to construct a retirement home for Knights of Columbus members and that the rezoning also is needed to allow such activities as dances, bingo games, baseball, etc. He then distributed to City Council some 10 photographs of the area.

Mr. William Espinoza, 227 Proctor, spoke in favor of the request.

Mr. David Acosta, 139 Galway, noted that the Knights of Columbus is celebrating 100 years of service as a charitable organization, and outlined some of the benefits of K. of C. activities.

Mrs. Elise Casanova, 122 Pilgrim, representing the Ladies Auxiliary to the Knights of Columbus Council 6757, spoke of details of the project and its need.

Mrs. Dutmer stated that the City has received a petition filed in opposition to the requested rezoning, signed by some 100 residents of McCreless Meadows subdivision, nearby.

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Mrs. Barbara Billingsley, 3118 Laura Lee, stated that only two roads connect her subdivision with Loop 410, and the Knights of Columbus own both tracts on either side of one of those roadways, Nancy Carole. She expressed fears that heavy traffic, parking and even periodic closures of the street because of functions held on the Knights of Columbus property would cause problems for area residents. She presented Council with a copy of the petition signed by some 100 homeowners and residents in the area, which petition is attached to the papers of this meeting.

Mrs. Pauline Key, 3033 Cindy Sue Way, spoke in opposition because of heavy traffic and drainage problems in the area.

Raymond Gonzalez, 3043 Nancy Carole, asked that the case be sent back to the Zoning Commission, perhaps to work out some agreement in the matter.

Mr. Henry Devora, 3127 Nancy Carole, spoke of previous problems experienced by neighbors because of a turkey-shoot held on the Knights of Columbus property.

Speaking in rebuttal, Mr. Munoz stated that the Council plans no further turkey-shoots on the property, and distributed petitions containing the names of 77 persons favoring the rezoning request.

Mrs. Dutmer displayed a large map, showing the property in question in relation to nearby residential subdivisions, and noted that City staff had recommended denial of the request. She further stated that the City now is in the process of drafting new zoning regulations to be applied to the Missions National Historic area, where this property is located. Mrs. Dutmer spoke in opposition to the use of liquor on the property, of parking problems in the area, and asked the Council to deny the request.

Mr. Wing stated that liquor sales are conducted by businesses in the area already under B-3 zoning, and also spoke to uses allowed in nearby R-4 zoning areas.

Mrs. Dutmer then moved to approve the rezoning request. Mr. Alderete seconded the motion.

In response to a question by Mr. Alderete, Mr. Munoz stated that he is willing to speak with the neighbors on this issue, in order to try to reach an agreement.

Mr. Alderete made a substitute motion to postpone action on this case for three weeks. The motion died for lack of a second.

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

CASE 8393 was denied.

81-63 Mr. Andy Guerrero, Planning Administrator, stated that because of the registered opposition to Zoning Case 8620 P.P., due for consideration at this time, nine affirmative votes of the City Council would be required for approval, and less than nine members of Council were at this time in the Council Chamber.

Mayor Cisneros asked for Council consensus to bypass this case at this time and take up the following case, in its stead, until nine Council members are present in the Chamber. Council consensus was granted by voice vote.

81-63 CASE 8625- to rezone Lots 6 and 7, Block 3, NCB 14687, In the 8700 Block of Huebner Road from Temporary "R-1" Single Family Residential District to "B-3R" Restrictive Business District, located southeast of the intersection of Babcock Road and Huebner Road, having 396.88' on Huebner Road and 161.51' on Babcock 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, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved provided that street dedication is given in accordance with the Major Thoroughfare Plan. Mr. Hasslocher

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

AN ORDINANCE 54,687

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 6 AND 7, BLOCK 3, NCB 14687, IN THE 8700 BLOCK OF HUEBNER ROAD FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT STREET DEDICATION IS GIVEN IN ACCORDANCE WITH THE MAJOR THOROUGHFARE PLAN.

* * * *

81-63 CASE 8665 - to rezone tract A-20, NCB 13806, 325 Overlook Road, from Temporary "A" Single Family Residence District to "R-3" Multiple Family Residence District, located on the west side of the intersection of Overlook Road, being 1000' North of the intersection of Randolph Blvd. and Overlook Road, having 183' on Overlook Road and a depth of 200'.

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

Mr. Andy Guerrero, Planning Administrator, stated that petitions have been received in opposition to the requested zoning change.

Mr. George Ozuna, 8118 Broadway, consulting engineering representing the proponent, Mr. Vincent D'Angelo, stated that the proponent planned to construct some 20 apartments on the property.

Mr. Vincent D'Angelo spoke to the varied and conglomerate character of the immediate neighborhood, and outlined his plans for the property.

Mr. Jack Wills, 142 Jacques, spoke against the request and noted that the streets in the area have no lighting or sidewalks, and safety from traffic.

Mrs. Leroy Hague, 115 Suddith Drive, stated that residences in the area are generally well-kept, and spoke against the increased traffic that would be generated by apartments.

Mr. D'Angelo stated that there were many vacant lots and abandoned building in the area.

After discussion, Mr. Hasslocher moved to provide a permanent "R-1" Residential District zoning to the property, as recommended by the City staff. Mr. Harrington seconded the motion.

A discussion of uses allowed within R-1 zoning then took

place, during which Mr. Webb stated that the City needed to enforce its environmental controls in this area.

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

AN ORDINANCE 54,688

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 A-20, NCB 13806, 325 OVERLOOK ROAD, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT.

* * * *

81-63 CASE 8620 P.P. to rezone Lot 22, Block B, NCB 12109, In the 3100 Block of Nacogdoches Road, from "A" Single Family Residential District to "O-1" Office District, located southeast of the intersection of Valley View Lane and Nacogdoches Road having 175' on Valley View Lane and 208.2' on Nacogdoches Road.

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

Mr. Andy Guerrero, Planning Administrator, provided information as to the number of notices mailed to property owners within 200 feet of subject property, and noted that opposition is registered to speak against the case today, and as a result of the number of notices returned against the issue, nine affirmative Council votes would be required to approve the request.

Mr. John D. Baines, 7701 Broadway, asked that the property be rezoned for use as an office building site.

Ms. Judith Wood, 3231 Seven Oaks, spoke of petitions submitted in opposition to the request and noted that a commercial or office site at this location would be a traffic hazard to area school children walking to and from a nearby school. She spoke of the residential character of this area, and spoke against business or office zoning.

Mr. Maury Holden also spoke in opposition to the request.

Mr. Baines noted that commercial zoning exists across the street from the property, and that the character of Nacogdoches Road has changed over the years.

After discussion, Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved provided that a 1-foot non-access easement is imposed along Valleyview Lane and a 6-foot solid screen fence is erected and maintained along the south and east property lines. Further provided that the applicant work with the Traffic Engineering Division for proper ingress and egress, and that street dedication as per Traffic Engineering Division recommendation is provided. Mr. Alderete seconded the motion. After consideration, on roll call, the motion failed to carry by the following vote: AYES: None; NAYS: Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher Cisneros; ABSENT: Berriozabal.

Case 8622 P.P. was denied.

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24. CASE 8693 - to rezone the southwest 100' of Lot 23, NCB 10916, within the City of San Antonio, Texas, 3030 Shane Road, from Historic "B" Two Family Residential District to Historic "B-3" Business District, located on the southeast side of Shane Road, being approximately 1000' southwest of the intersection of Richey Otis Drive and Shane Road, having 100' on Shane Road and a maximum depth of 442.08'

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

Mr. Andy Guerrero, Planning Administrator, provided the results of notices mailed out to property owners within 200 feet of subject property, and noted that nine affirmative votes would be needed to approve the request. Mrs. Dutmer spoke of the similarity of this case with a previously denied zoning case today, and asked that it also be denied.

Mr. Mike Elrod, representing San Antonio Softball, Inc., provided a history of the rezoning request and stated that four softball fields would be constructed on the entire site, only a portion of which is within the City.

Mr. Wing noted that the City's Historical Preservation Officer has recommended denial of the request.

Mrs. Dutmer again spoke against the request, citing additional noise, alcoholic beverages and the proximity of the ballfields to nearby residences.

Mrs. Dutmer then moved that the recommendation of the Zoning Commission be approved. Mr. Wing seconded the motion. After consideration, the motion failed to carry by the following vote: AYES: None NAYS: Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Hasslocher, Cisneros; ABSENT: Berriozabal, Alderete.

Case 8693 was denied.

25. CASE 8656 - to rezone the west 214.3' of Lot 504, NCB 7913, 1552 Commercial Avenue, from "B"-Two Family Residential District to "B-2" Business District located on the east side of Commercial Avenue, being 310' North of the intersection of Commercial Avenue and Pyron Avenue, having 101.06' on Commercial Avenue and a depth of 214.3'

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

Mr. Andy Guerrero, Planning Administrator, provided information on the results of notices mailed to property owners within 200' feet of subject property.

Mr. Wing stated that although this area is in a period of transition from residential zoning to perhaps another character, he is against granting the zoning required to establish a business on this property at this time, citing traffic conditions in the immediate area.

Mr. John Hernandez, representing the proponent, Mr. Jose G. Hernandez, 2239 Abacus, stated that they wished to establish a food-to-go facility on the site.

In response to a question by Mr. Wing, Mr. Guerrero stated that the City staff recommended denial of the request because it was a residential neighborhood and would represent a strip development, if granted.

After discussion, Mr. Webb moved to deny the request. Mr. Thompson seconded the motion. On roll call, the motion to deny the

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requested rezoning prevailed by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Cisneros. NAYS: None. ABSENT: Berriozabal, Alderete, Archer, Hasslocher.

Case 8656 was denied.

81-63 The Clerk read the following Ordinance:

AN ORDINANCE 54,689

AUTHORIZING THE EXPENDITURE OF UP TO \$22,000.00 FOR EXPENSES RELATED TO A LAWSUIT STYLED "CITY OF SAN ANTONIO V. BURTEX CONSTRUCTORS, INC."

* * * *

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

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

81-63 The Clerk read the following Ordinance:

AN ORDINANCE 54,690

ACCEPTING THE LOW BIDS OF TOM BENSON CHEVROLET COMPANY, GILLESPIE MOTOR COMPANY, GRANDE FORD TRUCK SALES, INTERNATIONAL HARVESTER COMPANY, JORDAN FORD AND NORTH STAR DODGE TO FURNISH THE CITY OF SAN ANTONIO WITH TRUCKS TO BE USED BY VARIOUS DEPARTMENTS THROUGHOUT THE CITY; AND PROVIDING FOR THE CASTING OF LOTS TO DETERMINE THE AWARD OF TIE BIDS SUBMITTED BY JORDAN FORD AND NORTH STAR DODGE SALES.

* * * *

Mr. John Brooks, Director of Purchasing and General Services, explained the bid and the need for casting of lots to determine the successful bidder in the case of a tie bid.

Mayor Cisneros then explained that he would draw lots from the wheel provided by the City Clerk, and that the highest number drawn would be the successful bidder in this instance.

Mayor Cisneros then drew the number 53 for Jordan Ford and the number 57 for North Star Dodge; North Star Dodge was then declared the successful bidder.

Following a brief discussion of the purchases being made under this Ordinance, Mr. Harrington 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: Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Hasslocher, Cisneros; NAYS: None; ABSENT: Berriozabal, Alderete, Archer.

81-63 The Clerk read the following Ordinance:

AN ORDINANCE 54,691

ACCEPTING THE LOW BID OF RIATA
PETROLEUM CORPORATION TO FURNISH THE
CITY OF SAN ANTONIO WITH AN ANNUAL
CONTRACT FOR GASOLINE.

* * * *

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

81-63 The Clerk read the following Ordinance:

AN ORDINANCE 54,692

AMENDING ORDINANCE NO. 50511, GLASS
AND GLAZING ORDINANCE, REGARDING
SAFETY GLAZING MATERIAL REQUIREMENTS.

* * * *

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

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

81-63 The Clerk read the following Ordinance:

AN ORDINANCE 54,693

PROVIDING FOR EXPENDITURE OF AN AMOUNT
NOT TO EXCEED \$3,500 TO CAP AN ARTESIAN
WELL AT 1847 LYONS STREET.

* * * *

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

Mr. Thompson spoke of several earlier instances in which individual property owner requests for relief from problems such as lack of water hookups and standing water were denied by City Council, and asked that in like spirit, the Council should also deny this request. He spoke in favor of granting the request, so long as a tax lien is also placed against the property for later payback to the City.

Mrs. Dutmer spoke in favor of the Ordinance, noting that Mrs. Berriozabal has already helped to collect some \$2,000 needed by the property owners to cap the well on their property, by private donations.

Mr. Archer spoke against the matter, stating that the mortgageholder of the property in question has agreed to pay for having the work done.

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Mr. Thompson then made a substitute motion to postpone action on this matter for six weeks. Mrs. Dutmer seconded the motion. on roll call, the motion to delay action of six weeks failed to carry by the following vote: AYES: Dutmer, Thompson, Archer; NAYS: Webb, Wing, Eureste, Harrington, Hasslocher, Cisneros; ABSENT: Berriozabal, Alderete.

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

81-63 The Clerk read the following Ordinance:

AN ORDINANCE 54,694

AMENDING ORDINANCE 53293 OF JANUARY 22,
1981 PERTAINING TO ALARM SYSTEMS BY
ADDING FILING REQUIREMENTS.

* * * *

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

Mr. Hasslocher briefly explained that new regulations would require a person or firm seeking to install these alarm systems to file a copy of their required state license before being given permission to so install.

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

81-63 The Clerk read the following Ordinance:

AN ORDINANCE 54,695

RECOGNIZING AND SUPPORTING FIESTA SAN ANTONIO AS A CIVIC AND PATRIOTIC FESTIVAL OF MAJOR STATUS AND BENEFIT TO THE COMMUNITY; FIXING THE DATES OF FIESTA SAN ANTONIO FOR 1982 AND DESIGNATING FIESTA SAN ANTONIO COMMISSION, A NON-PROFIT CORPORATION, AS THE AGENCY FOR PLANNING, COORDINATING, PROVIDING AND ALLOCATING FINANCIAL SUPPORT TO THE EVENTS OF FIESTA SAN ANTONIO; GRANTING TO FIESTA SAN ANTONIO COMMISSION A LICENSE TO CONDUCT A CARNIVAL IN OR ADJACENT TO THE CENTRAL BUSINESS DISTRICT OR ELSEWHERE AND TO ASSIGN SUCH LICENSE; TO ASSIGN RIGHTS TO PLACE AND SELL SEATING ACCOMMODATIONS AT DESIGNATED LOCATIONS ON PARADE ROUTES AND TO GRANT CONCESSIONS FOR SALE OF FOOD, BEVERAGES, SOUVENIRS AT PARADES UPON CONDITIONS; TO ISSUE NECESSARY VEHICLE PERMITS; TO DESIGNATE THE OFFICIAL EVENTS AND SPONSORS OF FIESTA SAN ANTONIO AND TO APPROVE THE USE OF CERTAIN CITY PROPERTIES AND FACILITIES DURING FIESTA SAN ANTONIO; TO CONTRACT FOR TELEVISION AND RADIO COVERAGE OF EVENTS; PRESCRIBING CONDITIONS AND LIMITATIONS UPON THE AUTHORITY GRANTED TO FIESTA SAN ANTONIO COMMISSION; AND PROVIDING A SEVERABILITY CLAUSE.

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

Mr. Henry Eastman of The El Mercado Merchants Association stated that he was acting as a spokesman for his group and for the Market Square Association, and presented to City Council a Joint Resolution of the two groups dated December 17, 1981, a copy of which is filed with the papers of this meeting. Mr. Eastman then read from a prepared statement of the Joint Resolution, asking Council to grant the two groups the sole right and privilege to solely operate the concessions and related activities in Market Square during Fiesta Week 1982, and exclude Market Square from the present concessionaire's agreement.

At this point, Mayor Cisneros was obliged to leave the meeting, and Mr. Hasslocher, the Mayor Pro-Tem, presided.

After discussion, Mrs. Dutmer moved to approve an amendment to the main motion, approving the Joint Resolution of the Market Square Association and the El Mercado Merchants Association, with the provision that the City exercise a full-faith effort to work out the problem with the carnival concessionaire. Mr. Eureste seconded the motion.

Mrs. Dutmer spoke in favor of the Ordinance and the amendment, stating that profits from the Market Square concessions under the Joint Resolution would go toward upgrading Market Square.

In response to a question by Mr. Webb, Ms. Karen Davis, Executive Assistant to the City Manager, provided details of the Fiesta Commission's request for parade seating prices.

Mrs. Dutmer then offered another amendment to the main motion to amend Section 4 (c) to raise parade seating prices from \$2.50 per seat to \$3.50 per seat. Mr. Eureste seconded the motion.

In response to a question by Mr. Harrington, Ms. Davis spoke to the impact of these recommended changes to Market Square concessions.

Mr. Eureste spoke to granting the Market Square concessions to the two groups as a gain for the City, since the profits are pledged to new improvements to Market Square. He called this a good commitment.

In response to a question by Mr. Wing as to any increase in free viewing space for parades, Ms. Davis stated that areas reserved for sale of parade seats are spelled out in the ordinance, and City staff would get the information on free viewing areas out to the public, as well as the seating costs in reserved areas.

A discussion then took place concerning the use of free viewing areas and the projected revenue return through ticket sales for parade seating.

Mr. Thompson stated that he favors more free viewing areas for the parades of Fiesta Week, and spoke against an increase in seating charges. He also asked for a plan of proposed capital improvements for Market Square.

Mr. Pete Cortez, President of the Market Square Association, stated that his group could better do this after it is known how much revenue is generated during Fiesta Week in Market Square.

Mr. J. Rolando Bono, Assistant City Manager, stated that Market Square Department has a capital improvements program prepared for their facility.

Mr. Wilbur Littleton, representing Fiesta San Antonio Commission, provided a brief outline of discussions centering upon Fiesta Week 1982, and noted that time is running short for arrangements that needed to be made for that week's activities, stating that his organization needed to fund some 87 groups and organizations that work on Fiesta

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Week. He stated that after January 1, 1982, the parties concerned could begin working on Market Square and other areas of Fiesta.

Mr. Archer spoke in favor of splitting Market Square away from the present carnival concessionaire, but stated his concern that this could not be done now, and further voiced his concern that such a move now could cost the present concessionaire some \$30,000 in revenues.

Ms. Davis stated that the current motion only removes Market Square as one of the concessionaire's carnival sites, and doesn't necessarily take away any carnival site or its revenues.

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81-63 At this time, Mayor Cisneros returned to chair the meeting.
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In response to a question by Mrs. Dutmer relative to the changing of parade routes during Fiesta Week, Mr. Davis Burnett, Executive Director of the Fiesta San Antonio Commission, stated that the former loop-like parade route was shortened to a one-way route at the suggestion and recommendation of the Police Department in order that the center portion of the loop would not be without immediate access to emergency vehicles.

Mrs. Dutmer stated that the parade route should be reviewed with a view toward perhaps lengthening it.

Mr. Alderete spoke in favor of seeking some method of restoring any potential loss to the carnival concessionaire from removing Market Square as a carnival site under his control.

Mr. Eureste spoke to the possible impact of removing Market Square as a carnival site of the concessionaire, stating his belief that this proposed move is a good compromise and step toward equity in support of Fiesta activities.

After discussion, on roll call, the second amendment to raise parade seating prices prevailed by the following vote: AYES: Webb, Dutmer, Eureste, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: Wing, Thompson; ABSENT: Berriozabal.

After further consideration, the first amendment removing Market Square from the present concessionaire's agreement and granting the right to solely operate the concessions and related activities in Market Square during Fiesta Week 1982 to The Market Square Association and The El Mercado Merchants Association prevailed by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Berriozabal.

The main motion, as amended, then prevailed by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Berriozabal.

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81-63 The Clerk read the following Resolution:
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A RESOLUTION
NO. 81-63-108

STATING THE CITY COUNCIL'S OPPOSITION TO THE CONSTRUCTION OF AN OFFICE BUILDING PROPOSED ON N. ST. MARY'S STREET ADJACENT TO BRACKENRIDGE PARK.

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

Mr. Archer asked that the City investigate the possibility of purchasing the areas immediately adjacent to Brackenridge Park on N. St. Mary's Street.

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

81-63

COUNTY CONTRACTS

Mayor Cisneros stated that the discussion matter of City-County contracts need not be taken up at this time, because of a meeting he has scheduled with the County Judge on this matter tomorrow morning.

Mr. George Noe, Administrative Assistant to the City Manager, distributed a City staff report on the current status of City contracts with Bexar County and the discussions being held relative to EMS service, fire dispatch operations, library service, etc.

POWERED FLIGHT

81-63 Mrs. Dutmer stated that activities marking the 78th anniversary of powered flight are taking place at Stinson Field today.

POLITICAL ANNOUNCEMENT

81-63 Mr. Wing asked for a report on the status of any City Council-appointed Board or Commission member who announces for public office while still holding that appointive office.

Ms. Jane Macon, City Attorney, stated that it might be a matter of whether or not that person was an officer of a Board or Commission, but that at any rate, she would provide him with an answer in the next few days.

"B" SESSION

Mayor Cisneros stated that scheduled items for consideration on the informal "B" Session had been cancelled.

TECHNICAL ENERGY STUDY COMMITTEE

Members of the City Council were provided with a brief handout by City staff on possible suggestions for appointment to the Joint County-City Public Service Technical Energy Study Committee.

Mayor Cisneros asked Council members to provide recommended members' names later to Public Utilities Supervisor Mr. Roger Ibarra, so that information packets on each could be put together for Council study.

Mr. Alderete stated his concern for some of the names on the list of suggested possible members.

81-63

CITIZENS TO BE HEARD

MS. BONNIE BLAYNEY

Ms. Blayney, 1107 Highland Oaks, stated that some members of the Animal Control Advisory Board advocate removing animal control from the purview of the Metropolitan Health District and make it a separate and distinct function on its own.

MS. GLORIA BOCKE

Ms. Bocke, representing Man and Beast, Inc., stated her concern for proper handling of the animal control function, stating that she believes the current job is inefficient. She spoke to a report on this matter by the Animal Control Advisory Board, although there has been no formal action on this report by that group.

Mr. Alderete stated his belief that the animal control function presently is an ineffective operation which cannot be corrected until certain changes are made. He asked that the issue be placed on the Council's "A" Session agenda for a solution, noting that the City staff recommendation to leave animal control beneath the Health District has not worked effectively and needs to be improved. Mr. Alderete stated that the Animal Control Advisory Board has stated that a new arrangement should be made in this area, but the City staff has recommended against it.

Mr. Alderete and Mr. Thompson both spoke in favor of moving this matter to the "A" agenda, with City staff to make formal recommendations.

Mr. J. Rolando Bono, Assistant City Manager, stated that City Manager-Designate Louis J. Fox currently is studying a number of possible changes in City government operations in San Antonio, and recommended that City Council allow him to make this matter a subject for study by one of the current committees appointed by Mr. Fox, and ask for their recommendations before bringing the matter to the Council for formal consideration.

In response to a question by Mr. Eureste, Ms. Bocke spoke of several reported problems with the Animal Control Facility involving personnel, handling of animals and conditions at the Facility.

Mr. Eureste spoke to the possibility of establishing a bounty to be paid for stray animals.

A discussion took place concerning animal pickup methods used.

Ms. Blayney spoke against the idea of establishing a stray animal bounty, stating her belief that it would bring about an animal black market, and that this same system has been tried unsuccessfully elsewhere.

Mr. Hasslocher asked the Animal Control Advisory Board to submit its report to the City Council and City Manager, and recommended that this matter be made a "B" Session agenda item.

Mr. Archer spoke against the Animal Control Advisory Board.

MR. RAUL RODRIGUEZ

Mr. Rodriguez spoke of his concern with activities of the Urban Renewal Agency and the loss of homes to make way for HemisFair. He then displayed photographs taken in the Vista Verde North UR area, showing homes to be demolished by the agency, and spoke of specific instances. He also asked that a photo placard he displayed be allowed to be placed on a City Hall bulletin board.

Mr. Rodriguez questioned the need for the San Antonio Industrial Development Agency and its powers, and asked to be provided with the names and addresses of its directors.

Mrs. Dutmer stated that she sits on the Board of Directors of San Antonio Development Agency, the City's urban renewal agency, and would be watchful of any persons unduly displaced.

MS. MAXINE LERMA

Ms. Lerma, 206 Pastores, stated her concern with a small carnival allowed to set up on Mulberry Avenue near N. S. Mary's Street, near her home. She stated her opposition to its close proximity.

Mr. J. Rolando Bono, Assistant City Manager and Acting Director of Building Inspections, stated that the Elf Louise organization has asked for a Certificate of Occupancy for a 10-day carnival operation, with actual carnival operations to be held only on Friday, Saturday and Sunday of two consecutive weekends to raise money for the group's activities for Christmas.

Mr. David Cadena, Senior Inspector, explained the request and spoke of the requirements for such things as off-street parking that must be met before a Certificate of Occupancy can be granted.

Mr. Archer spoke of the carnival being for a good cause but in a bad location, and asked that it be monitored closely.

December 17, 1981

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MR. THOMAS BRERETON

Mr. Brereton, representing the River Road Homeowners Assn., stated that the zoning on the property in question does not permit operation of a carnival there, although the City staff administratively allows temporary carnival locations not allowed by zoning. He asked that the practice be stopped.

At this time, Mrs. Dutmer moved that staff be instructed to deny the Certificate of Occupancy because it conflicts with zoning regulations on the property. The motion died for lack of a second.

MR. LARRY DE MARTINO

Mr. De Martino, Chairman of the Fine Arts Commission, made a brief report on the commission's findings and recommendations regarding Beethoven Hall. He spoke of improper changes being made in the renovation of the hall, and stated that a full list of the errors made in the renovation would cause changes to virtually every action taken by the contractor, acting under direction of the staff of Centro 21. He provided the Council with a concensus listing of Fine Arts Commission recommendations for changes to the renovation of Beethoven Hall.

Mr. J. Rolando Bono, Acting Director of Building Inspections, stated that he would like the opportunity to review the report, cost it out, then report back to the City Council with a list of recommendations by City staff.

Mrs. Dutmer spoke to the many changes made to Beethoven Hall, down through the years.

81-63

The Clerk read the following Letter:

December 11, 1981

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

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

December 9, 1981

Petition submitted by Mrs. Evelyn Herrera, requesting that any re-alignment of district boundaries not affect their status as District 4 constituents.

/S/ NORMA S. RODRIGUEZ
City Clerk

NSR:gg
December 11, 1981

There being no further business to come before the Council, the meeting was adjourned at 7:07 P.M.

A P P R O V E D

Henry Cisneros
M A Y O R

ATTEST: *Norma S. Rodriguez*
City Clerk

December 17, 1981
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