

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO, HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, APRIL 25, 1991.

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The meeting was called to order by the Presiding Officer, Mayor Lila Cockrell, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, VERA, WOLFF, LABATT, HASSLOCHER, COCKRELL. Absent: NONE.

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91-17 Invocation - Sister Mary Boniface, Healy Murphy Center.

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91-17 Pledge of Allegiance to the flag of the United States.

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91-17 Minutes of the February 28, 1991 Regular City Council Meeting were approved.

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91-17 KING ANTONIO LXIX

Mayor Cockrell introduced King Antonio LXIX, Mr. Gene Ames, as he and his official entourage entered the Council Chambers.

King Antonio then introduced members of his entourage, including Mr. George Ames, his Day Aide; Mr. Dudley Synder, Night Aide; Ms. Laura Ramirez, Miss Charro; Ms. Tania Eichberg, Miss Fiesta; and Ms. Sh'dawn Sullivan, Miss Queen of Soul. He then spoke briefly to the history and background of Fiesta in San Antonio and the tradition of King Antonio, thanking the Council members for their support of Fiesta. He then spoke of the proceeds of Fiesta to San Antonio businesses.

Mayor Cockrell lauded the Council's Fiesta Committee, chaired by Councilman Webb, for its work with the Fiesta Commission to make for a growing and diverse Fiesta Week. She thanked King Antonio and El Rey Feo for their work with schoolchildren during their reigns.

Mr. Webb thanked King Antonio for his work with schoolchildren during Fiesta week, and of the 130 official visits made by King Antonio in this regard.

King Antonio then distributed Fiesta gifts to members of the Council and City staff.

91-17                    ROTARY INTERNATIONAL GROUP STUDY EXCHANGE

Mayor Cockrell noted that Rotary International sponsors mutual exchange teams between foreign nations and the United States, and San Antonio's Rotary Club is hosting the Rotary District 119 team from northwestern England. She stated that this is a six-week exchange program that includes personal, cultural and vocational experiences for those involved.

Mayor Cockrell then introduced the Team Leader, Alan John Woods of Windermere, England, in the heart of the English Lake District, and presented a Proclamation designating him an "Honorary Citizen". She then distributed gifts to all the members of the team present in the audience, and welcomed them to San Antonio and to City Hall.

Representatives of the group then presented momentos to the City Council.

Mayor Cockrell informed the group that Queen Elizabeth would be visiting San Antonio next month.

91-17                    CONSENT AGENDA

Mr. Hasslocher made a motion to approve Agenda Items 6 through 26 constituting the Consent Agenda with Item 19 being pulled earlier for individual consideration by the City Manager. Ms. Vera seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Webb, Dutmer, Wing, Thompson, Vera, Wolff, Hasslocher, Cockrell; NAYS: None; ABSENT: Berriozabal, Martinez, Labatt.

AN ORDINANCE 73,523

ACCEPTING THE PROPOSAL OF MACMILLAN PUBLISHING COMPANY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH LARGE PRINT BOOKS FOR A TOTAL OF \$5,220.50.

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AN ORDINANCE 73,524

ACCEPTING THE LOW BID OF ALAMO IRON WORKS TO FURNISH THE CITY OF SAN ANTONIO WASTEWATER MANAGEMENT DEPARTMENT WITH GAS MONITORS FOR A TOTAL OF \$5,250.00.

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AN ORDINANCE 73,525

ACCEPTING THE LOW BIDS OF ALAMO FORD NEW HOLLAND AND WATSON DISTRIBUTING COMPANY, INC. TO FURNISH THE CITY OF SAN ANTONIO WASTEWATER MANAGEMENT DEPARTMENT WITH MOWING EQUIPMENT FOR A TOTAL OF \$14,488.40.

\* \* \* \*

AN ORDINANCE 73,526

ACCEPTING THE LOW BID OF DARCO ENTERPRISES TO FURNISH THE CITY OF SAN ANTONIO WASTEWATER MANAGEMENT DEPARTMENT WITH MANUAL DIFFUSER CLEANING SERVICE FOR A TOTAL OF \$53,000.00.

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AN ORDINANCE 73,527

ACCEPTING THE PROPOSAL OF SCANTRON CORPORATION TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH AN OPTICAL MARK READER DATA TERMINAL AND TEST SCORER FOR A TOTAL OF \$3,738.08.

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AN ORDINANCE 73,528

ACCEPTING THE PROPOSAL OF SOFTWARE ENGINEERING OF AMERICA TO FURNISH THE CITY OF SAN ANTONIO INFORMATION RESOURCES DEPARTMENT WITH MANAGEMENT SOFTWARE MAINTENANCE FOR A TOTAL OF \$6,375.00.

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AN ORDINANCE 73,529

ACCEPTING THE LOW BID OF ESCO ELEVATOR, INC. TO FURNISH THE CITY OF SAN ANTONIO CONVENTION FACILITIES WITH ELEVATOR SERVICE AT THE MUNICIPAL AUDITORIUM ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF \$3,012.00 ANNUALLY.

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AN ORDINANCE 73,530

ACCEPTING THE PROPOSAL OF MOTOROLA C & E, INC. TO FURNISH THE CITY OF SAN ANTONIO CODE COMPLIANCE DEPARTMENT WITH PORTABLE RADIOS FOR A TOTAL OF \$5,330.00.

\* \* \* \*

AN ORDINANCE 73,531

ACCEPTING THE LOW BIDS OF TEXAS EQUIPMENT COMPANY AND AMA ENTERPRISES, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH TRUCK BODIES FOR A TOTAL OF \$125,813.05.

\* \* \* \*

AN ORDINANCE 73,532

ACCEPTING THE LOW BID OF STEVENS CONTRACTING IN THE AMOUNT OF \$59,500.00 FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE LEON CREEK WASTEWATER TREATMENT PLANT HYDROGEN CHLORIDE FACILITY; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$5,950.00 FOR THE CONSTRUCTION CONTINGENCY; AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 73,533

APPROVING FIELD ALTERATION NO. 5 IN THE DECREASED AMOUNT OF \$23,990.47 AS IT RELATES TO THE CUPPLES ROAD SANITARY SEWER EMERGENCY REPLACEMENT PROJECT.

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AN ORDINANCE 73,534

ACCEPTING THE LOW BID OF CYS CO., INC. IN THE AMOUNT OF \$384,408.60 TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE SINGLE COURSE BITUMINOUS SLURRY SEAL - 1991 PROJECT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$38,440.86 FOR THE CONSTRUCTION CONTINGENCY; AUTHORIZING \$200.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,535

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$109,921.50 OUT OF VARIOUS FUNDS FOR THE PURPOSE OF ACQUIRING TITLE TO ONE PARCEL AND PAYING FOR CLOSING COSTS IN CONNECTION WITH THE FITCH AVENUE RECONSTRUCTION PROJECT; ACQUIRING TITLE TO ONE PARCEL IN CONNECTION WITH THE BABCOCK ROAD IMPROVEMENT PROJECT - FREDERICKSBURG ROAD TO ST. CLOUD; ACQUIRING TITLE TO TWO PARCELS, ACCEPTING THE DEDICATIO OF TWO EASEMENTS, PAYING FOR CLOSING COSTS AND DAMAGES IN CONNECTION WITH THE RIP RAP #69 PROJECT, PHASE II-A; AND ACQUIRING TITLE TO THREE PARCELS IN CONNECTION WITH SCIENCE PARK DRAINAGE PROJECT #58H, I & J.

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AN ORDINANCE 73,536

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH JOE L. SCATES, FOR PREPARATION OF RIGHT-OF-WAY ACQUISITION APPRAISALS FOR THE SCIENCE PARK DRAINAGE PROJECT NO. 58H, I & J AND AUTHORIZING PAYMENT UP TO \$9,000.00.

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AN ORDINANCE 73,537

APPROVING AND AUTHORIZING A RELEASE BY THE CITY WATER BOARD OF ACCESS EASEMENT RIGHTS IN AND TO APPROXIMATELY 14.96 ACRES ON THE UHL PROPERTY NEXT TO IH-10 BOOSTER STATION SITE AND NORTHWEST OF THE INTERSECTION OF IH-10 AND OLD FREDERICKSBURG ROAD.

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AN ORDINANCE 73,538

APPROVING AN EXPENDITURE NOT TO EXCEED \$18,000.00 PAYABLE TO HAT DANCE RESTAURANT IN ORDER FOR THE SAN ANTONIO CONVENTION & VISITORS BUREAU TO HOST AN EVENT FOR CHICAGO-BASED MEETING AND TRAVEL INDUSTRY EXECUTIVES RESPONSIBLE FOR SELECTION DESTINATION, ON THURSDAY, MAY 16, 1991.

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AN ORDINANCE 73,539

APPROVING ASSIGNMENT OF THE CONCESSIONS CONTRACT FOR OPERATION OF TERRESTRIALSCOPES AT THE TOWER OF THE AMERICAS FROM THE LIONS CLUB OF SAN ANTONIO CHARITIES, INC., TO LIONS CLUB OF SAN ANTONIO

CHARITY FUND.

\* \* \* \*

AN ORDINANCE 73,540

AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH THE MARCH OF DIMES BIRTH DEFECTS FOUNDATION FOR USE OF THE RIVER WALK BY SAID FOUNDATION FOR ITS ANNUAL ARTS AND CRAFTS FESTIVAL DURING 1991 AND 1992.

\* \* \* \*

AN ORDINANCE 73,541

AMENDING ORDINANCE NO. 72181 PASSED ON AUGUST 30, 1990, BY AUTHORIZING THE CITY MANAGER TO ACCEPT AN ADDITIONAL \$1,497,916.00 IN JTPA TITLE II-A FUNDS FROM THE TEXAS DEPARTMENT OF COMMERCE, AND ALLOCATING SAID FUNDS TO APPROVED SERVICE PROVIDERS AND CATEGORIES AS APPROVED BY THE ALAMO PRIVATE INDUSTRY COUNCIL.

\* \* \* \*

AN ORDINANCE 73,542

CLOSING BOWIE STREET FROM THE OVERHEAD EXIT RAMP OF THE HEMISFAIR PARKING GARAGE TO THE TOWER OF THE AMERICAS PARKING LOT BEGINNING AT 12:01 A.M., FRIDAY, MAY 3, 1991, UNTIL 6:00 P.M. SUNDAY, MAY 5, 1991, SO THAT IT MAY BE USED BY THE SAN ANTONIO JAYCEES FOR THEIR CINCO DE MAYO EVENT.

\* \* \* \*

91-17 The Clerk read the following Ordinance:

AN ORDINANCE 73,543

AUTHORIZING PAYMENT IN THE AMOUNT OF \$15,000.00 IN SETTLEMENT OF DENIECE PEREZ VS. JUAN GOMEZ AND THE CITY OF SAN ANTONIO, CAUSE NO. 90-CI-09126.

\* \* \* \*

Mr. Webb made a motion to approve the proposed Ordinance. Mr. Hasslocher 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, Vera, Wolff, Hasslocher, Cockrell; NAYS: None;  
ABSENT: Berriozabal, Martinez, Labatt.

91-17 The Clerk read the following Ordinance:

AN ORDINANCE 73,544

AUTHORIZING PAYMENT IN THE AMOUNT OF \$7,500.00 IN SETTLEMENT OF ALL CLAIMS OF SYLVIA ESQUIVEL AGAINST THE CITY OF SAN ANTONIO.

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

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

91-17 The Clerk read the following Ordinance:

AN ORDINANCE 73,545

APPROVING THE RICHARD AND ANNETTE BLOCH CANCER SURVIVORS GARDEN PROJECT DESIGNATING A SITE IN HEMISFAIR PARK FOR SAID PROJECT, ACCEPTING A ONE MILLION DOLLAR (\$1,000,000) GRANT FROM THE R.A. BLOCH CANCER FOUNDATION, INC., FOR TOTAL FINANCING OF SAID PROJECT AND ESTABLISHING A PROJECT BUDGET.

\* \* \* \*

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

Mr. Ron Darner, Director of Parks and Recreation, explained the \$1 million gift to the City of San Antonio in order to fund establishment of a Cancer Survivors Park in San Antonio, to be located at HemisFair Park. He noted that the grant includes a \$150,000 maintenance fund, and he explained the background of the gift and the process used in the site selection at HemisFair Park by Mr. and Mrs. Richard Bloch.

Several City Council members congratulated the City staff for securing this grant to the City.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Webb, Dutmer, Wing, Vera, Wolff, Hasslocher, Cockrell; NAYS: None; ABSENT:

Berriozabal, Martinez, Thompson, Labatt.

91-17 The Clerk read the following Ordinance:

AN ORDINANCE 73,546

APPROPRIATING \$200.00 FROM THE DISTRICT 4 DISCRETIONARY FUND SO THAT THE CITY PUBLIC SERVICE BOARD SOFTBALL TEAM MAY USE THE OLMOS #1 AND OLMOS #2 SOFTBALL FIELDS ON SUNDAY, JUNE 19, 1991.

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

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

91-17 Item 31 being an Amendment No. 4 to the lease between the City of San Antonio and the Foundation for Cultural Arts in San Antonio doing business as Las Casas, and approving a comparable amendment to the Theater Lease and Management Agreement between Las Casas and Arts Center Enterprises, Inc. (ACE) was removed from consideration by the City Manager.

A RESOLUTION NO. 91-17-27

EXPRESSING THE POSITION OF THE CITY OF SAN ANTONIO ON LEGISLATION CURRENTLY PENDING BEFORE THE 72ND LEGISLATURE OF THE STATE OF TEXAS AND AMENDING THE CITY'S LEGISLATIVE PROGRAM TO INCLUDE SAID POSITIONS.

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

Mr. Marc Rodriguez, Director of Intergovernmental Relations, briefly explained each piece of legislation involved in the Resolution.

A discussion then took place concerning the legislation dealing with tire-shredding.

Mr. Joe Aceves, Director of Public Works, stated his desire to

have this particular bill provide funding to cities to pay for tire-shredding and to encourage citizens to shred old tires rather than discarding them. He then spoke of how shredded tires are burned in plants, and addressed other possible uses for this tire by-product.

A discussion then ensued concerning illegal dumping of old tires and other items.

A discussion also took place concerning the establishment of a psychiatric hospital in Bexar County.

(At this point, Mayor Cockrell was obliged to leave the meeting. Mayor Pro Tem Wolff presided.)

Dr. John Sparks, Bexar County Psychiatrist, stated his belief that the site in question will be on the city's east side for a 128-bed facility, with four clinics allied with the base facility.

Ms. Berriozabal stated her belief that proper notice must be given to the affected community.

Mrs. Dutmer spoke of her concern with proper notice being given before siting of this facility.

Mr. Aceves distributed a copy of a memorandum on another matter, a copy of which is made a part of the papers of this meeting. He then spoke to details of a Senate Bill dealing with creation of a solid waste management district in Bexar County, and stated that Senator Krier has promised that the City will be involved in the bill's processing. He stated his belief that the City Council should direct the City staff to oppose creation of another taxing entity such as this.

Mrs. Dutmer spoke to the opposition voiced by many area officials at the Alamo Area Council of Governments hearing on the bill, recently.

A discussion ensued concerning problems with the present legislation in question.

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

Mr. Thompson made a motion to express the Council's opposition to the taxing entity section of SB 1328 as presently stated, and to have City staff work with the bill's proponents on the issues. Ms. Berriozabal seconded the motion.

Mr. Labatt stated his belief that Senator Krier was misled about support for this legislation.

After consideration, the motion, carrying with it the passage of the Amendment, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell;

NAYS: None; ABSENT: Martinez.

After consideration, the motion, carrying with it the passage of the Resolution as amended, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Martinez.

91-17      ZONING HEARINGS

4A.      CASE Z91052 - to rezone a 27.04 acre tract and a 40.91 acre tract of land out of NCB 14866 from "B-2" ERZD Business Edwards Recharge Zone District to "B-3" ERZD Business Edwards Recharge Zone District, F.M. 1604 N.W. located northeast and southwest of the intersection of F.M. 1604 N.W. and Kyle Seale Parkway. The 27.04 acre tract being the northeast tract having 1,746.13 feet on F.M. 1604 and 950.29 feet on Kyle Seale. The 40.91 acre tract being the southwest tract having 1,757.69 feet on F.M. 1604 and 839.38 feet on Kyle Seale Parkway.

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

Mr. Keith Metz, Aquifer Protection Officer, spoke to his recommendations in this rezoning case, considering that no specific use has been established for this property.

Mr. Wolff noted that the proponent must file a water pollution abatement plan with the State of Texas when a decision is made on a use for this property.

A discussion then ensued concerning the approval steps that follow the formal filing of the water pollution abatement plan, which gives the City some control.

Mr. Wolff made a motion to approve the recommendation of the Zoning Commission. Mr. Wing seconded the motion.

In response to a question by Ms. Berriozabal, Mr. Metz discussed past records of notifications made to the City when sinkholes or caves are found on the property when it is being developed.

Ms. Berriozabal stated her intent to oppose this rezoning case because she feels that the City gives up a certain amount of its approval control.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Webb, Dutmer, Wing, Thompson, Vera, Wolff, Hasslocher, Cockrell. NAYS: Berriozabal; ABSENT: Martinez, Labatt.

AN ORDINANCE 73,547

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 27.04 ACRE TRACT AND A 40.91 ACRE TRACT OF LAND OUT OF NCB 14866 FROM "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT TO "B-3" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT, FM 1604 NW. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

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4B. CASE Z91042 to rezone a 0.147 acre tract of land out of NCB 13732 from Temporary "A" Single Family Residence District to "B-3" Business District an 8.926 acre tract of land out of NCB 13732 from Temporary "A" Single Family Residence District to "B-2" Business District, 12000 Block of Jones Maltsberger located on the southeast side of Jones Maltsberger Road, approximately 910 feet southwest of the intersection of Old Trail Drive and Jones Maltsberger Road, having 350 feet on Jones Maltsberger Road and a depth of 1,129.20 feet, with the "B-3" area located 55 feet southeast of Jones Maltsberger and having a width of 103 feet and a depth of 62 feet.

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

Mr. Hasslocher spoke to the coordination involved in zoning for a golf driving range.

Mr. Hasslocher made a motion to approve the recommendations of the Zoning Commission. Mrs. Dutmer seconded the motion.

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

AN ORDINANCE 73,548

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.147 ACRE TRACT OF LAND OUT OF NCB 13732 FROM TEMPORARY "A" SINGLE-FAMILY RESIDENCE TO "B-3" BUSINESS DISTRICT AN 8.926 ACRE

TRACT OF LAND OUT OF NCB 13732 FROM TEMPORARY "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, 12000 BLOCK OF JONES MALTSBERGER RD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4C. CASE Z91043 - to rezone Lots 15, 16, 17 and 18, Block 16, NCB 16526 from temporary "R-1" One Family Residence District to "B-3NA" Non-Alcoholic Sales Business District, 2330 Pinn Road located on the east side of Pinn Road, approximately 150 feet north of the intersection of Westfield Drive and Pinn Road, having 200 feet on Pinn Road and a depth of 150 feet.

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

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

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

AN ORDINANCE 73,549

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 15, 16, 17 AND 18, BLOCK 16, NCB 16526 FROM TEMPORARY "R-1" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 2330 PINN ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4D. CASE Z91046 - to rezone Lot H, NCB 14446 from "B-2" Business District to "B-3" Business District, 9510 Wurzbach Road located southwest of the intersection of Wurzbach Road and I.H. 10 West, having 109.65 feet on Wurzbach Road, 200 feet on I.H. 10 West and 117.41 feet on the cutback at that intersection.

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

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

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

AN ORDINANCE 73,550

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT H, NCB 14446 FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT, 9510 WURZBACH ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4E. CASE Z91047 - to rezone Lot 31, Block 32, NCB 10228 from "F" Local Retail District to "B-3NA" Non-Alcoholic Sales Business District, 3823 Fredericksburg Road located on the southwest side of Fredericksburg Road, being 300 feet northwest of the intersection of Williamsburg Pl. and Fredericksburg Road, having 100 feet on Fredericksburg Road and a depth of 349.4 feet.

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

Mrs. Dutmer made a motion to approve the recommendation of the Zoning Commission. Mr. Wing seconded the motion.

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

AN ORDINANCE 73,551

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 31, BLOCK 32, NCB 10228 FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 3823 FREDERICKSBURG ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED

\$1,000.00."

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4F. CASE Z91051 (CC) - to rezone Lots 10 and 11, Block 1, NCB 7912 from "B" Two Family Residence District and "C" Apartment District to "R-1" CC One Family Residence District for a day care center, 4507 Horton Place, located on the west side of Horton Place, being 464.7 feet north of the intersection of Division and Horton Place, having 100 feet on Horton Place and a depth of 161.7 feet.

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

Mr. Wing made a motion to approve the recommendation of the Zoning Commission. Mrs. Dutmer seconded the motion.

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

AN ORDINANCE 73,552

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 10 AND 11, BLOCK 1, NCB 7912 FROM "B" TWO-FAMILY RESIDENCE DISTRICT AND "C" APARTMENT DISTRICT TO "R-1" CC ONE-FAMILY RESIDENCE DISTRICT WITH CITY COUNCIL APPROVAL FOR A DAY-CARE CENTER, 4507 HORTON PLACE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4G. CASE Z91049 - to rezone the south 97.75' of Lot 37, Block A, NCB 16387, Tract B, Lots 1, 2, 3 and the south 32.5' of Lot 4, Block B, NCB 16388, Tract C, Lots 1, 2 and the south 32.5' of Lot 3, Block C. NCB 16389 from temporary "R-1" Single Family Residence District to "B-3R" Restrictive Business District located northwest of the intersection of Camp Bullis road and Shady Lane, having 112.15' on Camp Bullis Road and 97.75' on Shady Lane. The remaining lots are located on the northwest side of Camp Bullis Road between Shady Lane and Leon Creek Drive, having 222.07' on Camp Bullis Road, 408.98' on Shady Drive.

The Zoning Commission has recommended that this request of

change of zone be approved by the City Council.

Mr. Wolff made a motion to approve the recommendation of the Zoning Commission. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 73,553

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 97.75' OF LOT 37, BLOCK A, NCB 16387, TRACT B, LOTS 1,2,3 AND THE SOUTH 32.5' OF LOT 4, BLOCK B, NCB 16388, TRACT C, LOTS 1,2, AND THE SOUTH 32.5' OF LOT 3, BLOCK C, NCB 16389 FROM TEMPORARY "R-1" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4H. CASE 291050 - to rezone a 202.50 acre tract of land out of NCB 17673 further described by field notes filed in the Planning Department from temporary "R-1" Single Family residence District to "ED" Entertainment District located southeast of Westover Hills Blvd., northeast of the proposed Rogers Road, northwest of the proposed Military Drive and southwest of the proposed Wiseman Blvd.

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

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

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

AN ORDINANCE 73,554

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY

DESCRIBED HEREIN AS A 202.50 ACRE TRACT OF LAND OUT OF NCB 17673, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK FROM TEMPORARY "R-1" SINGLE-FAMILY RESIDENCE DISTRICT TO "ED" ENTERTAINMENT DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4I. CASE Z91061 - to rezone a 16.542 and a 7.322 acre tract of land out of NCB 17673 from temporary "R-1" Single Family Residence District to "B-3" Business District located east of the proposed Rogers Road, having approximately a total of 2,250' fronting onto the proposed Rogers Road.

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

Ms. Vera made a motion to approve the recommendation of the Zoning Commission. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 73,555

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 16.542 AND 7.322 ACRE TRACT OF LAND OUT OF NCB 17673 FROM TEMPORARY "R-1" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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91-17

NEW ZONING DESIGNATION

On a Point of Personal Privilege, Mr. Wing asked for City Council support to ask City staff to review the possibility of creating a new zoning designation, specifically for alcoholic beverage uses only, separate and apart from other uses under a B-3 Business zoning designation.

Mr. Andy Guerrero, Land Development Services, stated that such a designation might be accomplished by requiring City Council approval

and consent for any alcoholic beverage uses under a B-3 zoning designation.

Following discussion, it was the concensus of the Council to request that City staff review this matter and report back to the Council with its recommendations.

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91-17 The Clerk read the following Resolution:

A RESOLUTION NO: 91-17-28 .

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STATING THAT THE CITY COUNCIL AUTHORIZES AN  
EXTENSION OF THE CITY OF SAN ANTONIO GUIDELINES AND  
CRITERIA FOR TAX ABATEMENT AND REINVESTMENT ZONES  
WHICH EXPIRED ON FEBRUARY 16, 1991.

\* \* \* \*

Mr. Alex Briseno, City Manager, and Mr. Kevin Moriarty, Acting Director, Department of Economic and Employment Development, explained that a City staff review is underway on a new policy for tax abatement. They pointed out that the proposed Resolution would extend the present policy until the new policy has been decided upon.

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

A discussion then took place concerning the policy in effect when Alamo Iron Works applied for tax abatement.

Ms. Berriozabal spoke against the present policy and stated that she cannot vote to extend it. She cited the work needed to develop a new policy on tax abatement and asked for a "B" Session briefing on each new tax abatement, so that the City Council can be fully apprised on all issues relating to the proposed abatement.

A discussion ensued concerning tax abatement coordinating efforts with other governmental agencies, seeking a coordinated tax abatement policy.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Webb, Dutmer, Wing, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: Berriozabal; ABSENT: Martinez.

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91-17

EXCEL COMMUNICATIONS STATUS REPORT

April 25, 1991  
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Mr. George K. Noe, Director of Management Services, provided a brief status report on the application of Excel Communications, Inc. for a cable television franchise, and addressed the company's responses to questions dealing with financing of the system. He noted that City staff still is seeking to prove-up a \$15 million financing commitment from Mexico.

Mr. Lloyd Garza, City Attorney, spoke to the legal ramifications involved.

Mr. Hasslocher asked that Excel be treated fairly on its application, noting his belief that the citizens favor competition.

Mr. Jesse Poston, Consultant to Excel, spoke to results of meetings held with City staff and Excel's hopes to proceed to a First Reading on a franchise ordinance. He stated his belief that Excel has proven-up its financial data for the next three years, including letters of commitment totalling some \$27 million.

Mr. Noe spoke to a letter dealing with a \$15 million commitment from an entity in Mexico and of the City staff recommendation that no formal readings be brought before City Council until the overall \$27 million financing is proven-up.

Mr. Garza spoke to the legal reasons for City staff reluctance to produce a formal franchise ordinance document for City Council approval at this time, and addressed his concern that the Council not provide an asset for Excel. He stated his opinion that a letter of agreement could be developed as a good-faith effort on the part of the City.

Mr. Carlos Freymann, representing Excel, detailed the \$15 million letter from a Mexico City Bank, and stated his opinion that there has been a breakdown of communications in this matter. He stated his belief that the bank officials have been waiting for City staff to contact them about this matter, but have received no such communication.

Mr. Noe stated that City staff has experienced some difficulty in reaching the individual at the involved bank in Mexico City, and noted that staff needs some additional information from the people concerned.

Mayor Cockrell stated her understanding that City staff needs more detailed information on the matter of funding.

Mr. Jeff Gangwer, President, Excel Communications, stated his belief that this letter from the Mexico City bank is similar to those that the current franchise-holder produced in order to gain the initial cable television franchise in the city. He spoke to the need to begin the formal reading process in order to attain the next step in the franchising process.

Mr. Briseno spoke to the development of a Memorandum of

Understanding as the next step in this process, not the first formal reading as requested, because of the lack of sufficient financial commitments.

Mr. Noe stated that he understands that Excel cannot produce firm financial commitments without having a franchise in hand, first.

Mr. Webb spoke to the difficulty in achieving bank financing, and asked Mr. Freymann to assist City staff in contacting the bank in Mexico.

Mr. Wing addressed his concern with possibly requiring something of Excel that the City did not require of UA Columbia, the initial franchisee.

Mr. Gangwer stated that he would agree to meet all current provisions of the current franchise, and asked to have a First Reading of the franchise ordinance next week.

Ms. Berriozabal spoke in support of City staff recommendations and urged staff to contact bank officials in Mexico by tomorrow. She then urged all due diligence in this matter.

In response to a question by Mr. Martinez, Mr. Noe stated his belief that the City could have a Memorandum of Understanding on the Council agenda for next week, with a First Reading of a franchise ordinance the following week or the week after that.

Mr. Martinez made a motion to concur with City Staff recommendations and to have a Memorandum of Understanding on the Council Agenda for next week's Council Meeting with the first reading of a Franchise Ordinance to follow, based upon Excel Communications meeting all conditions required by City staff, with a target date of May 16, 1991. Mr. Labatt seconded the motion.

A discussion then took place concerning possible insertion into a franchise agreement an assurance that the franchise will not be sold, so that no harm can accrue to the City or the current franchise.

After consideration, the motion, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Wing, Thompson, Vera.

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91-17

DISCUSSION ON NEIGHBORHOOD ADVISORY BOARD

Mayor Cockrell spoke briefly to the background for her request for a Neighborhood Advisory Board.

Ms. Rebecca Q. Cedillo, Director of Planning, noted that she had met with the San Antonio Coalition of Neighborhoods on this matter, and spoke to the results of the meetings.

Ms. Mary Wallace, Chairperson, SACNA, spoke to the possible advantages of such a board and its potential makeup.

Mayor Cockrell noted that Ms. Cedillo is recommending a 30-day period in which to develop the enabling ordinance.

Ms. Berriozabal spoke in support for the idea, and suggested that housing be a part of the neighborhood plan. She stated her opinion that the board must be able to work in the neighborhoods where neighborhood groups may not take part. She voiced her concern with the small City staff available in the Planning Department to work with this group.

Mayor Cockrell spoke to her perceptions of this board and its responsibilities.

Mrs. Dutmer made a motion to direct City Staff to proceed with the creation of a Neighborhood Advisory Board. Ms. Berriozabal seconded the motion.

After consideration, the motion, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Martinez, Thompson, Hasslocher.

(City Council recessed its regular meeting to convene in Executive Session at 4:13 P.M., reconvening in regular session at 5:45 P.M.)

Mayor Pro Tem Wolff reconvened the "A" Session and announced that the City Council had been briefed on the status of the Spectacor Proposal and had given staff direction to continue their negotiations.

91-17

CITIZENS TO BE HEARD

Mr. Emmet C. Hubble, 9059 S. Presa, expressed concern that construction had begun on a building at 9006 Villamain although there is no building permit. He stated that the building site doesn't meet requirements of the fire, sewer or water departments. He then stated that he learned from the Historic Preservation Officer that construction has been halted for the time being. He spoke to the many reasons why this building should be erected. He then spoke about why he had been denied a building permit at his own home and that he had to meet all the city's regulations. He recommended that the building at 9006 Villamain be demolished and the site cleared.

In response to Mayor Pro Tem Wolff, Mr. Gene Camargo, Building Inspections Director, spoke of the requirements which still

need to met before a building permit can be obtained. He also stated that the construction has been halted.

Mr. Wing gave a history of what transpired in this particular case.

KAREN SEBESTA

Ms. Sebesta addressed the Council on their request to rename Stinson Field to Katherine Stinson. She gave a history of the impact which Ms. Katherine Stinson had on the community and the creation of the Stinson School of Aviation. She urged the efforts of the Women's Chamber of Commerce to recognize the impact of Katherine Stinson and rename Stinson Field to Katherine Stinson Airport for International Commerce.

Pat London read a Resolution passed by the Board of the Woman's Chamber of Commerce urging the City Council to rename Stinson Field in honor of Katherine Stinson, a copy of the Resolution is on file with the papers of this meeting.

Mrs. Dutmer stated that she had visited with Mr. Michael Kutchins, City Aviation Director what is opposed to this re-name. She also mentioned that several groups she has spoken to opposed this renaming. She also stated she is opposed to the name change because the entire family was involved in the establishment of the Stinson Aviation School. She expressed concern about excluding the family as a whole. She has no objection of erection of a plaque or a glass display case with memorabilia.

Mr. Wing also reiterated the role of the entire Stinson family in the history of aviation. He mentioned how Kelly AFB honors their military and aviation pioneers.

Mayor Pro Tem Wolff suggested that the idea of a plaque be pursued.

MRS. BARBARA FREEMAN

Mrs. Barbara Freeman, 2022 Nacogdoches Road, stated that she has lived in the City for ten years and yet she doesn't have water. She stated that City water is only a block away and yet they want to charge her \$10,000 to get her City water. She has been working with City Water Board staff on the different options. They decided to charge her \$27.00 a foot x \$93. She is also concerned about how water is being polluted.

City Manager Alex Briseno spoke about the hardship provisions under the City Water Board extension and stated that the Public Utilities Department staff will visit with her on the different options.

91-18 There being no further business to come before the Council, the meeting was adjourned at 6:25 P.M.

A P P R O V E D

*Lela Cockrell*

M A Y O R

Attest:

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