

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, FEBRUARY 26, 1998.

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98-08 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Howard W. Peak, with the following members present: Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster and Peak. **ABSENT:** None.

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98-08 Invocation by Dr. David Meriwether, Associate Minister of Congregational Care Presbyterian Church.

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98-08 Pledge of Allegiance to the flag of the United States.

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98-08 Minutes of the Regular City Council Meeting for January 22, 1998 were approved.

98-08 **CEREMONIAL ITEMS**

PRESENTATION: CITY EMPLOYEES CELEBRATING 30-35-40 YEARS OF SERVICE

Mayor Peak and City Manager Alexander E Briseño spoke to their appreciation of the City employees who have served for thirty, thirty-five, and forty years, who were present in the audience. City Manager Briseno also spoke to the gala to be held in honor of City employees who have served the City for ten, twenty, thirty, thirty-five, forty years. Mr. Dick Porter, Assistant City Clerk, then read the names of the honorees as they came forward to be personally congratulated by the City Manager, Mayor Peak and the Council.

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READ ACROSS AMERICA DAY PROCLAMATION

Mayor Peak read a proclamation in observance of March 2nd, "Read Across America Day," to call attention to the importance of reading. The Mayor then presented the proclamation to Ms. June Garcia, Library Director, who then introduced Ms. Rose Trevino, Children's Activities, who described the gift packets that each Councilmember received. Ms. Garcia gave details of the events planned for "Read Across America Day."

Mr. Webster spoke to the importance of encouraging children to read at an early age.

Mr. Menendez spoke to the benefits of all the services provided by the library.

Mr. Bannwolf thanked the library staff for their hard work and spoke to the proactive role the library maintains in promoting literacy.

Ms. Garcia noted that the library has been awarded a grant that will be used to provide computers for libraries in Districts 2, 4, and 5.

City Manager Briseño spoke to the benefits of Gates Foundation Grant and its use for the installment of computers. He then expressed his gratitude of the library staff.

Mr. Salas spoke to the benefits of the library and encouraged parents to read to their children.

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98-08 CONSENT AGENDA

Mr. Webster made a motion to approve Agenda Items 7 through 29f, constituting the Consent Agenda, with items 13, 14, 15 and 29a-f having been pulled for individual consideration. Mr. Bannwolf seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores.

AN ORDINANCE 87403

ACCEPTING THE LOW, QUALIFIED BID OF LANDATA GEO SERVICES, INC. TO PROVIDE THE CITY OF SAN ANTONIO PLANNING DEPARTMENT WITH 479 AERIAL PHOTOGRAPHS AND 479 FILES ON COMPACT DISCS TO PROVIDE EVIDENCE OF CURRENT LAND USE AND TRANSPORTATION PATTERNS, FOR A TOTAL OF \$39,862.00.

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AN ORDINANCE 87404

ACCEPTING THE LOW QUALIFIED BID OF PATHMARK TRAFFIC PRODUCTS TO PROVIDE THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH A ROAD MARKING MACHINE TO BE UTILIZED FOR STRIPING RUNWAYS, TAXIWAYS, AND TERMINAL PARKING LOTS, FOR A TOTAL OF \$38,050.00.

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AN ORDINANCE 87405

ACCEPTING THE LOW BID OF CREATIVE SWITCHING DESIGNS TO PROVIDE THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH A MULTI-CHANNEL DIGITAL RECORDING SYSTEM TO BE USED TO LOG AND RECORD TELEPHONE AND RADIO COMMUNICATIONS FOR SECURITY, PUBLIC SAFETY AND AIR TRAFFIC CONTROL OPERATIONS, FOR A TOTAL OF \$59,995.00.

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AN ORDINANCE 87406

ACCEPTING THE LOW BIDS OF 3M AND NIPPON CARBIDE INDUSTRIES, (USA), INC. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH TRAFFIC SIGN MATERIAL ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF APPROXIMATELY \$14,000.00 MONTHLY.

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AN ORDINANCE 87407

ACCEPTING THE LOW BID OF ENNIS PAINT, INC. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH ACRYLIC WATERBORNE TRAFFIC PAINT ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF APPROXIMATELY \$6,875.00 MONTHLY.

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AN ORDINANCE 87408

ACCEPTING THE LOW BID OF GENERAL NEON SIGN COMPANY TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH THE RELOCATION OF EIGHT (8) ELECTRICAL AND SEVEN (7) NON-ELECTRICAL SIGNS TO FREE RIGHT-OF-WAY FOR THE RECONSTRUCTION OF N. ZARZAMORA STREET, FOR A TOTAL OF \$19,708.00.

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AN ORDINANCE 87409

AUTHORIZING AN ADDITIONAL \$12,400.00 PAYABLE TO PYLE AND KLEIN ENGINEERING COMPANY, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE FOLYN/JERSEY/CUSTER/ORANGE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; REVISING THE PROJECT BUDGET; AUTHORIZING \$1,240.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 83621 DATED FEB. 22, 1996.)

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AN ORDINANCE 87410

RATIFYING THE EXECUTION OF AN OFFICE LEASE AGREEMENT WITH THE FREE TRADE ALLIANCE SAN ANTONIO, A TEXAS NON-PROFIT CORPORATION FOR USE OF 2,251 SQUARE FEET OF OFFICE SPACE AND 270 SQUARE FEET OF STORAGE SPACE AT THE INTERNATIONAL CENTER, LOCATED AT 203 S. ST. MARY'S STREET AT A TOTAL ANNUAL RENTAL OF \$31,495.20, PLUS COMMON AREA MAINTENANCE EXPENSES OF APPROXIMATELY \$4,537.80 ANNUALLY BEGINNING IN 1999, FOR A THREE

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YEAR TERM COMMENCING JANUARY 16, 1998 AND ENDING ON JANUARY 15, 2001, WITH ONE (1) THREE YEAR RENEWAL OPTION, SUBJECT TO CITY COUNCIL APPROVAL.

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AN ORDINANCE 87411

AUTHORIZING THE ACQUISITION OF TITLE TO TWO PARCELS AND AUTHORIZING THE EXPENDITURE OF \$500.00 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR SUCH ACQUISITION IN CONNECTION WITH THE SOUTHCROSS AT HURON COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 87412

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$13,504.00 FOR FEE SIMPLE TITLE TO ONE PARCEL IN THE BENRUS/WITT DRAINAGE PROJECT #1059 (\$1,474.00); ONE PARCEL IN THE ACME ROAD - OLD U.S. HWY 90 TO COMMERCE PROJECT (\$4,285.00); TWO PARCELS IN THE HILDEBRAND AVENUE - IH 10 TO BREEDEN PROJECT (\$7,640.00); AND ONE TEMPORARY EASEMENT IN THE CASA BLANCA - BROADWAY TO AUSTIN STREET PROJECT (\$105.00); APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 87413

AUTHORIZING PAYMENT IN THE AMOUNT OF \$11,416.56 FOR LEGAL SERVICES TO DAVIDSON & TROILO, P.C. ON THE PINN ROAD RECONSTRUCTION PROJECT - W. COMMERCE TO U.S. 90 WEST (\$60.00); THE 34TH STREET RECONSTRUCTION PROJECT - CULEBRA TO W. COMMERCE (\$195.00); THE BABCOCK ROAD AT HILLCREST PROJECT (\$1,405.33); THE BLANCO ROAD AT JACKSON-KELLER PROJECT (\$1,007.55); THE BASSE ROAD AT SAN PEDRO PROJECT (\$503.00); THE WEST AVENUE INTERSECTIONS

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PROJECT (\$1,642.76); THE BABCOCK ROAD INTERSECTIONS PROJECT (\$1,557.41); THE NACOGDOCHES ROAD - BROADWAY TO N. NEW BRAUNFELS PROJECT (\$4,258.01); AND THE MISSION TRAILS PARKWAY, PACKAGE I (\$787.50); APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 87414

AUTHORIZING THE EXPENDITURE OF \$13,000.00 FOR FEE SIMPLE TITLE AND \$1,173.00 FOR COURT COSTS INCURRED IN THE ACQUISITION OF ONE PARCEL IN THE NACOGDOCHES ROAD IMPROVEMENT - BROADWAY TO N. NEW BRAUNFELS METROPOLITAN PLANNING ORGANIZATION PROJECT, EACH PAYABLE TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 97-ED-0020, CITY OF SAN ANTONIO VS. EDWARD K. KOPFLOW AND PIERCE MCGRATH, ET. AL; AUTHORIZING \$15,950.00 TO NATIONAL CONVENIENCE STORES INCORPORATED FOR REIMBURSEMENT OF EXPENSES IN THE RELOCATION OF SIGNS AND VENT PIPES, FOR A TOTAL SUM OF \$30,123.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 87415

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS COMMISSION ON THE ARTS FOR FUNDS IN THE AMOUNT OF \$3,000.00 BY THE CITY OF SAN ANTONIO, LIBRARY DEPARTMENT TO SUPPORT THE HERTZBERG MUSEUM BY MODERNIZING AN EXHIBIT GALLERY, WHICH SHOWCASES THE HISTORICAL AMERICAN CIRCUS AND ITS STAR PERFORMERS, AND TO PRODUCE THREE PUBLIC PERFORMANCES UTILIZING THE THEMES IN THIS GALLERY.

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AN ORDINANCE 87416

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$7,500.00 TO THE TEXAS COMMITTEE FOR THE HUMANITIES (TCH) FOR FUNDS BY THE CITY OF SAN ANTONIO, LIBRARY DEPARTMENT TO SUPPORT THE HERTZBERG MUSEUM BY PRODUCING A PERMANENT EXHIBIT.

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AN ORDINANCE 87417

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$24,000.00 TO THE SAN ANTONIO AREA FOUNDATION FOR FUNDS BY THE CITY OF SAN ANTONIO, LIBRARY DEPARTMENT TO ENHANCE THE HERTZBERG CIRCUS MUSEUM.

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AN ORDINANCE 87418

AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE TO ENTER INTO AN INTERAGENCY AGREEMENT WITH THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE TO SHARE PROCEEDS, WHICH ARE ESTIMATED TO BE \$400,000.00 ANNUALLY, FROM ASSET FORFEITURE CASES PURSUANT TO CHAPTER 59 OF THE CODE OF CRIMINAL PROCEDURE AND THE TEXAS CONTROLLED SUBSTANCE ACT ON THE BASIS OF 75% FOR THE SAPD AND 25% FOR THE DISTRICT ATTORNEY'S OFFICE, FOR A TWO (2) YEAR TERM COMMENCING OCTOBER 1, 1997 AND ENDING SEPTEMBER 30, 1999.

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AN ORDINANCE 87419

AUTHORIZING THE CITY MANAGER OR HIS DESIGNATED REPRESENTATIVE TO ENTER INTO AN AGREEMENT WITH SANTA ROSA HEALTH CARE CORPORATION TO PROVIDE SEXUAL ASSAULT/ABUSE EXAMINATIONS FOR PERSONS SIXTEEN YEARS OF AGE AND YOUNGER FOR A ONE YEAR TERM COMMENCING JANUARY 1, 1998 AND ENDING DECEMBER 31, 1998, AT A COST OF \$100,500.00.

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The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to his desire for the City to purchase more motorcycles in hopes of providing better enforcement of speed limits.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

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98-08 The Clerk read the following Ordinance:

AN ORDINANCE 87423

ACCEPTING THE LOW, QUALIFIED BID OF APPLIED CONCEPTS, INC. TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH EIGHTEEN (18) PORTABLE RADAR UNITS TO BE USED IN THE PATROL PROGRAM TO MONITOR TRAFFIC AND ENFORCE SPEED LIMITS, FOR A TOTAL OF \$22,050.00.

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Mr. Webster made a motion to approve the proposed Ordinance. Mr. Flores seconded the motion.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to the benefits of the Ordinance.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

98-08 The Clerk read a proposed ordinance establishing the Botanical Center Improvement Project budget and authorizing the allocation of \$6,720.00 in 1994 Parks General Obligation Bond funds into this project budget for fence replacement.

Mr. Frank Stromboe, Interim Director of Parks and Recreation, explained the proposed ordinance describing the location of the proposed fence and the requirements for the drainage project.

The following citizen(s) appeared to speak:

Mr. Philip C. Yanoschik Jr., 540 Queen Anne Ct., does not want the fence to be moved and presented photos of the area in question. Mr. Yanoschik spoke to the loss of privacy near his home.

Mr. Thad Harkins, 405 N. St. Mary's, Suite 242, requested that the matter be tabled because of a pending lawsuit against the City. Mr. Harkins further explained the history of the land used as a parking area for the San Antonio Botanical Center's employees. He also stated that he would like to view alternative aesthetically-pleasing designs offered by the Parks and Recreation Department.

Mr. Stromboe explained that notices were sent out to residents in July explaining that the proposed ordinance is intended to enable the City to lay a much-needed drainage pipe along the fence. In response to a question from Mayor Peak, Mr. Stromboe explained that the activity in the area will not encroach on the other properties. In response to a question from Mr. Bannwolf, Mr. Stromboe reiterated that the laying of the drainage pipe is the main rationale for the construction work.

In response to questions from Mr. Bannwolf, Mr. John German, Director of Public Works, estimated a time of thirty to sixty days for completion of the project. He also explained that bids have already been solicited and the item is time-sensitive.

Mr. Gabriel Perez, Project Manager-Public Works Department, explained that there is a two-week extension available on the contract to allow for a continuance of this item.

Mr. Harkins addressed problems with a carriage house and the soil surrounding the area near his home.

Mr. Bannwolf stated that he is familiar with the area although this is the first he has heard of any resident complaints concerning the impending construction. Therefore, Mr. Bannwolf made a substitute motion to continue this item for two weeks. Ms. Guerrero seconded the motion.

After consideration, the substitute motion prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

After consideration, the main motion, as substituted, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

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98-08 The Clerk read the following Ordinance:

AN ORDINANCE 87424

REAPPOINTING MARY BYERS (DISTRICT 8) TO THE ANIMAL CONTROL ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON APRIL 3, 2000.

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Mr. Salas made a motion to approve the proposed Ordinance. Mr. Prado seconded the motion.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, requested that the individual names of the board appointees be read aloud.

Mayor Peak then read the names of each of the proposed board appointees.

Mr. Jack M. Finger, P.O. Box 12048, questioned the time when the Independent Project Review Board (Convention Center Expansion) would begin the review process.

After consideration, on motion made and duly seconded, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Marbut, Peak; **NAYS:** None; **ABSENT:** Garza, Bannwolf, Webster.

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AN ORDINANCE 87425

APPOINTING STEPHEN AVERY (DISTRICT 7) TO THE BOARD OF ADJUSTMENT FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 22, 1999.

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AN ORDINANCE 87426

REAPPOINTING BONNIE CONNER (DISTRICT 8) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON MARCH 31, 2000.

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AN ORDINANCE 87427

REAPPOINTING CESAR HERNANDEZ (DISTRICT 8) TO THE TRANSPORTATION ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 26, 2000.

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AN ORDINANCE 87428

APPOINTING JESSE ZUNIGA, JR. (DISTRICT 6) TO THE TAX PHASE-IN ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON MAY 18, 1999.

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AN ORDINANCE 87429

APPOINTING EDGAR ZEPEDA (DISTRICT 6) TO THE INDEPENDENT PROJECT REVIEW COMMITTEE (CONVENTION CENTER EXPANSION PROJECT) FOR A TERM OF OFFICE TO EXPIRE UPON COMPLETION OF THE REVIEW PROCESS OF THE CONVENTION MANAGEMENT CONTRACT BETWEEN BARTLETT COCKE-INCORE-HARDIN (BIH) AND THE CITY OF SAN ANTONIO

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The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to an earlier suggestion he made concerning privatization of the Emergency Medical Services. He also spoke to the lack of response he has received regarding the purchase of new EMS vehicles.

Mr. Jack M. Finger, P.O. Box 12048, spoke in favor of the contract and then expressed his concern with the priority given to certain City services and not to others. He then referred to a newspaper article in stating his opinion that increased annexations will lead to slower response time for EMS.

Mr. Marbut explained that a joint service commitment will be beneficial to the City.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menendez, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Garza.

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98-08 **EXECUTIVE SESSION**

City Council recessed its regular meeting at 2:10 P.M., to convene in Executive Session for the purpose of discussing the following:

A) Attorney/Client consultation regarding the claim of Salvador Mora and Sylvia Mora regarding the zoning of property located at 2607 S. Zarzamora St.

City Council reconvened its regular session at 2:42 P.M., at which time Mayor Peak announced that staff had discussed the above mentioned item and had given staff direction, but had taken no formal action.

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98-08 On a point of personal privilege, Mr. Salas requested to move to item number 39 at this time.

The Clerk read the following Ordinance:

AN ORDINANCE 87432

RESCINDING ORDINANCE NO. 85986, PASSED AND APPROVED ON MAY 8, 1997, WHICH RENAMED THE "FREEDOM BRIDGE" LOCATED ON MARTIN LUTHER KING BOULEVARD TO THE "REVEREND R.A. CALLIES, SR.

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FREEDOM BRIDGE," BY REINSTATING ITS ORIGINAL TITLE, THE "FREEDOM BRIDGE"; AS REQUESTED BY COUNCILMAN MARIO M. SALAS.

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Mr. Salas made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke in favor of the Ordinance, although he believes that Rev. Callies is not getting his due recognition.

Ms. Ethel M. Minor, 142 Anderson Ave., addressed the Council and staff regarding her support of renaming of the bridge back to its original name.

Mr. Salas clarified that his intent is to correct a mistake in the process and not to demean Rev. Callies.

In response to a question from Mr. Salas, City Attorney Frank Garza explained that a policy is forthcoming that will clarify the renaming of streets and bridges process.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Webster.

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98-08 **ZONING HEARINGS:**

4A. CASE Z97239 - The request of Laddie Denton, Denton Development Company (owners), to rezone and reclassify 4.92 acres out of Block 1, NCB 12160 from "R-3" Multiple Family Residence District to "B-1" Business District, and 4.26 acres out of Block 1, NCB 12160, Oakwell Farms/Laurens Lane from "R-3" Multiple Family Residence District to "O-1" Office District. The proposed "O-1" zoning is located northwest of the intersection of Oakwell Farms and Laurens Lane, the proposed "B-1" zonings in on Laurens Lane, immediately north of the proposed "O-1" zoning. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

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The following citizen(s) appeared to speak:

Mr. Andy Guerrero, representing the applicant, explained that compromises have been agreed upon regarding the land restrictions.

Mr. Webster made a motion to approve the proposed Zoning Ordinance. Mr. Bannwolf seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Garza, Marbut.

AN ORDINANCE 87433

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 4.92 ACRES OUT OF BLOCK 1, NCB 12160 FROM "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT, AND 4.26 ACRES OUT OF BLOCK 1, NCB 12160, OAKWELL FARMS/LAURENS LANE FROM "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT.

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4B CASE Z97203- The request of Holliday Interest, Inc. (owner: Bexar County) to rezone and reclassify 1.9121 acres out of Block C, NCB 8711, Harry Wurzbach and Austin Hwy. from "A" Single Family Residence District to "B-3" Business District. The property is located north of Austin Highway, between Old Harry Wurzbach Road and New Harry Wurzbach Road, having 236.45 feet on Austin Highway, 599.28 feet on Old Harry Wurzbach Road and 569.96 feet on New Harry Wurzbach Road. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Bannwolf further explained the details of the request. He then made a motion to approve the proposed Zoning Ordinance. Ms. Guerrero seconded the motion.

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After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

AN ORDINANCE 87434

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 1.9121 ACRES OUT OF BLOCK C, NCB 8711, HARRY WURZBACH AND AUSTIN HWY FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

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4C. CASE Z978020- The request of Jeffery D. Katz, (owner: Charles M. Armstrong), to rezone and reclassify 0.758 acre tract out of NCB 8694, 1258 Austin Hwy, from "F" Local Retail District to "B-3NA" Non-Alcoholic Sales Business District. The property is located southeast of the intersection of Austin Highway and Seidel, having 110 feet on Austin Highway and a depth of 300.96 feet. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Webster made a motion to approve the proposed Zoning Ordinance. Mr. Bannwolf seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Salas.

AN ORDINANCE 87435

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 0.758 ACRE TRACT OUT OF NCB 8694, 1258 AUSTIN

HWY, FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT.

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4D. CASE NO. Z96266 CC- The City of San Antonio has under consideration changing the zoning from Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District and "B-2" ERZD Business Edwards Recharge Zone District to "P-1(R-1)" ERZD Planned Unit Development Edwards Recharge Zone District on 840.7 acres out of CB 4752, CB 4788 and "P-1(B-2)" ERZD, Planned Unit Development Business Edwards Recharge Zone District on 42.18 acres out of CB 4752, CB 4788 and "R-3" CC ERZD, Multiple Family Residence Edwards Recharge Zone District with special City Council approval for a Montessori School on 24.8 acres out of CB 4752, CB 4788, FM 1604. The properties are located on the north side of F.M. 1604, between N.W. Military Highway and Rogers Ranch Road. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request and stated that approval of this request is recommended, provided that recommendations of the Aquifer Studies Office are met.

Mr. Bannwolf made a motion to approve the proposed Zoning Ordinance. Mr. Webster seconded the motion.

Mr. Gene Dawson spoke to the details of the request and presented more details relating to the area to be rezoned.

The following citizen(s) appeared to speak in favor of the rezoning request:

Mr. Ray Hamilton, Northside Neighborhoods Organized for Development (NNOD), gave a brief history of the area to be rezoned and stated that his organization would like the development to move forward.

Ms. Bonnie Connor, 13306 Hunters Hollow, spoke in support of the development. She further stated that the Denton community has a history of quality developments and that this project will allow the opportunity to maintain green ways, nature trails and open space.

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Mr. Charlie Connor, Chairman of NNOD, reiterated statements by the previous proponents of the request and also spoke to the details of the request.

Mr. Ernani Falcone, representing the Northwest Neighborhood Alliance, spoke in support of the Roger's Ranch Project. He also clarified that the matter at hand is separate from the quarry issues.

Mr. Faris Hodge, Jr., 140 Dora, spoke to his concern with developing areas over the aquifer.

Mayor Peak clarified that Mr. Hodge's concerns have already been addressed.

Mr. Dawson reiterated that the development project is in compliance with all safeguard requirements.

Mayor Peak expressed his opinion that this project is a model of good land planning. He also explained that reducing density will benefit the entire City and not just this particular area.

Mr. Bannwolf thanked the proponents who spoke to the "model" aspect of planning among his district. He also addressed the impervious cover issue in more detail.

Mr. Marbut spoke in opposition to the proposed rezoning request due to his opinion that the Tree Ordinance is being ignored.

In response to a question from Mr. Marbut, Mr. Scott Halty, Director of Watershed Management, San Antonio Water Systems, explained that the water pollution plan that he spoke of does not apply to Shavano Park.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Prado, Vásquez, Menendez, Garza, Bannwolf, Webster, Peak; **NAYS:** Guerrero, Marbut; **ABSENT:** None.

AN ORDINANCE 87436

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 840.7 ACRES OUT OF CB 4782, CB 4787, CB 4788, CB

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4790 AND CB 4791 FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT AND "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT TO "P-1(R-1)" ERZD PLANNED UNIT DEVELOPMENT SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT; 42.18 ACRES OUT OF CB 4787 AND CB 4788 FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT AND "B-2" ERZD TO "P-1(B-2)" ERZD; 24.88 ACRES OUT OF CB 4788 FROM TEMPORARY "R-1" ERZD AND "B-2" ERZD TO "R-3" CC ERZD MULTIPLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A MONTESSORI SCHOOL.

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4E. CASE Z98025- The request of Allan Polunsky, c/o Andrew Guerrero (owner: Ricardo J. Rodriguez), to rezone and reclassify the east 90.2 feet of the west 181.2 feet of Lot 26, NCB 11888, 242 West Avenue from "A" Single Family Residence District to "B-2" Business District. The property is located southwest of the intersection of West Sunset and Everest Avenue, having 90 feet on West Sunset and 300 feet on Everest Avenue. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Bannwolf made a motion to approve the proposed Zoning Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez.

AN ORDINANCE 87437

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE EAST 90.2 FEET OF THE WEST 181.2 FEET OF LOT

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26, NCB 11888, 242 WEST AVENUE FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT.

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4F. CASE Z97199- The request of Anthony J. Ferro (owner), to rezone and reclassify Block B, NCB 10110, 112 Nova Mae Drive from "D" Apartment District to "B-3NA" Non-Alcoholic Sales Business District. Staff's recommendation was for approval.

The Zoning Commission has recommended denial of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Bannwolf made a motion to deny the proposed Zoning Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion to deny this rezoning case prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez.

Zoning Case Z97199 was denied.

— — —
4G. CASE Z98014- The request of Matt N. Molak (owner: Bird Creek Co., L.L.C.), to rezone and reclassify 05.553 (24,075 square feet) acre tract of land out of Tract 2, Block A, NCB 14653, 5862 Babcock Road from "B-2" Business District to "B-3NA" Non-Alcoholic Sales Business District. The property is located on the southwest side of Babcock Road, 845 feet northwest of the intersection of Babcock Road and Huebner Road, having 109.5 feet on Babcock Road and depth of 231. 21 feet. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Garza made a motion to approve the proposed Zoning Ordinance. Mr. Garza also stated that there is a written agreement with the neighborhood association which outlines provisions for a buffer zone in compliance with City Codes. Mr. Flores seconded the motion.

The following citizen(s) appeared to speak:

Mr. Matt Molak, 2626 Country Square, explained that the reason for the rezoning request was to build a veterinary office. He stated that compromises with the homeowner's associations in the area have been made.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

AN ORDINANCE 87438

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 05.553 (24,075 SQUARE FEET) ACRE TRACT OF LAND OUT OF TRACT 2, BLOCK A, NCB 14653, 5862 BABCOCK ROAD FROM "B-2" BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT.

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4H. CASE Z98007- The request of Air Force Village Foundation, Inc. (owners), to rezone and reclassify 61.023 acres out of NCB 15148, 4917 Ravenswood Drive from Temporary "R-1" Single Family Residence District to "B-1" Business District. The property is located northwest of New Valley Drive, between Ray Ellison Drive and Ravenswood Drive.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained that staff's recommendation was for denial as requested and approval of "B-1" on all of property, except the northwest 50 feet adjacent to the existing single family which is being recommended for "R-3".

Mr. Prado made a motion to approve the proposed Zoning Ordinance. Mr. Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Guerrero, Prado, Marbut, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Salas, Vásquez, Menendez, Garza, Webster.

AN ORDINANCE 87439

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 61.023 ACRES OUT OF NCB 15148, 4917 RAVENSWOOD DRIVE FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT.

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4I. CASE NO. Z97242- The request of Gloria Palacios (owner), to rezone and reclassify the north half of Lot 6, Block 1, NCB 7586, 2116 E. Southcross Blvd., from "D" Apartment District to "B-1" Business District. The property is located on the south side of E. Southcross Boulevard, being 150 feet east of the intersection of Imogen Street and E. Southcross Boulevard, having 110 feet on E. Southcross Boulevard and a depth of 198 feet. Staff's recommendation was for denial.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Ms. Guerrero made a motion to approve the proposed Zoning Ordinance. Mr. Bannwolf seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Guerrero, Prado, Garza, Marbut, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Salas, Vásquez, Menendez, Webster.

AN ORDINANCE 87440

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 NORTH HALF OF LOT 6, BLOCK 1, NCB 7586,

2116 E. SOUTHCROSS BLVD., FROM "D" APARTMENT DISTRICT TO "B-1" BUSINESS DISTRICT.

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4J. CASE Z97252- The request of Yolanda H. Colebank (owner), to rezone and reclassify the east 275 feet of Lot 248, Block 25, NCB 11124, Moursund Road from "R-1" Single Family Residence District to "B-2" Business District. The property is located on the west side of Moursund Road, 200 feet north of the intersection of Moursund Road and Villaret Boulevard, having 100 feet on Moursund Road and a depth of 225 feet. Staff's recommendation is for denial.

The Zoning Commission has recommended denial of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Ms. Guerrero made a motion to continue this case to the March 26, 1998 meeting. Mr. Flores seconded the motion.

After consideration, the motion to continue this case prevailed by the following vote: **AYES:** Flores, Guerrero, Menendez, Marbut, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Salas, Prado, Vásquez, Garza, Webster.

Zoning Case Z97252 was continued to the meeting of March 26, 1998.

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4K. CASE Z98022 (CC)- The request of Paesano's di San Antonio, Inc. (owner), to rezone and reclassify Lots 1 through 11, Block 9, NCB 1748, 1715 McCullough from "B-1" Business District and "B-2" UC Business Urban Corridor District to "B-2" UC CC Business Urban Corridor District with special City Council approval for a hospital. The properties are located northwest of the intersection of McCullough and Myrtle Street, having 130 feet on Ogden Street, 319.41 feet on Myrtle Street, 321.16 feet on McCullough and 125 feet on Locust Street. Staff's recommendation is for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Flores made a motion to approve the proposed Zoning Ordinance. Mr. Bannwolf seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Guerrero, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Salas, Prado, Vásquez.

AN ORDINANCE 87441

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 THROUGH 11, BLOCK 9, NCB 1748, 1715 MCCULLOUGH FROM "B-1" BUSINESS DISTRICT AND "B-2" UC BUSINESS URBAN CORRIDOR DISTRICT TO "B-2" UC CC BUSINESS URBAN CORRIDOR DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A HOSPITAL.

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4L. CASE Z98026- The request of Patricio & Sofia Cuellar (owner), to rezone and reclassify Lots 11 and 12, Block 128, NCB 7723, 3603 Blanco Road from "R-3" Multiple Family Residence District to "B-3NA" Non-Alcoholic Sales Business District. The property is located northwest of the intersection of Blanco Road and Wildwood, having 140 feet on Blanco Road and a depth of 100 feet. Staff's recommendation is for denial.

The Zoning Commission has recommendation approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Flores made a motion to approve the proposed Zoning Ordinance. Mr. Webster seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Guerrero, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Salas, Prado, Vásquez..

AN ORDINANCE 87442

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY

CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 11 AND 12, BLOCK 128, NCB 7723, 3603 BLANCO ROAD FROM "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT.

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— — —
98-08 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE
AMENDING ORDINANCE NO. 82135-(SEXUALLY ORIENTED BUSINESS)

Mayor Peak declared the Public Hearing to be open.

(Mayor Peak was obliged to leave the meeting. Mayor Pro Tem Webster presided in the Mayor's temporary absence.)

Mr. Steve Arronge, Deputy City Attorney, narrated a video presentation outlining the guidelines and background of the Ordinance. Mr. Arronge provided a map outlining the areas approved for "sexually oriented businesses" and stated that the Ordinance is not intended to put anyone out of business. (A copy of the presentation and the map is made part of the papers of this meeting.)

(At this point, Mayor Peak returned to the meeting and assumed the chair to preside.)

The following citizen(s) appeared to speak:

Mr. Michael Idrogo, 317 Rosewood, spoke to previous actions by Council which he believes imposed certain lifestyles on the citizens. He then read excerpts from the Open Meetings Act in an attempt to raise questions about the laws.

Mr. Faris Hodge, Jr., 140 Dora, spoke in favor of the proposed Ordinance and addressed other items of concern regarding sexually oriented businesses and pornographic publications.

Mr. Charles Vahn Schmidt, 2482 N.E. Loop 410, spoke on behalf of his business, the Palace Men's Club, in addressing his support of the Ordinance. He expressed his opinion that an Ordinance like this will help in maintaining a reputable level among other such businesses. He stated that businesses like his add to the tourism industry in the City. Mr. Schmidt also offered his assistance in controlling these matters.

Mr. Ray Hamilton, Vice Chair of the Crime Prevention Commission, expressed his desire to see stricter guidelines included in the Ordinance relative to those found in the studies used to draft this new Ordinance.

Mr. Danny Allen, 7783 Alverstone Way, spoke in favor of the changes to the Sexually Oriented Business Ordinance.

Julie Iris Oldham, Citizens Advisory Council, spoke in favor of the Ordinance. She then read a poem and gave examples of other undesirable businesses in her neighborhood.

Mr. Jerry Albert, 2027 Sable Lane, spoke in favor of the Ordinance, although he is opposed to the fact that areas located near the airport are excluded.

Ms. Sharron Browning, 14810 Ridge Hill, spoke in favor of the Ordinance and requested that the 1,000 foot barrier be extended ever farther.

Ms. Teresa Weaver, 18755 Stone Oak Parkway, spoke in favor of the Ordinance. She then gave statistics included in the study relating to sex crimes in areas around sexually oriented businesses and requested that the Council consider the findings in making the Ordinance more strict.

Mr. Jack M. Finger, P.O. Box 12048, spoke in favor of tying up loopholes in the current Ordinance. He spoke to the City being accountable for setting guidelines for the future of our children. He also spoke to examples of jobs sexually oriented businesses create.

Mr. Glenn Chase, the owner of a video store at 1031 NE Loop 410, spoke to his business being labeled as a "sexually oriented business," and requested clarification of the regulations pertaining to the 20% of inventory rule.

Mr. Robert N. Ray, attorney, 4502 Centerview, spoke to his representation of landlords and his opposition to the Ordinance in that it will not, as written in his opinion, achieve the results desired, which is to impede litigation. He then listed several items that the Ordinance doesn't specifically address which will open it up to different interpretations. He stated that the Ordinance needs more refinement.

There being no one else signed to speak to this matter, Mayor Peak declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 87443

AMENDING ORDINANCE NO. 82135, PASSED AND APPROVED APRIL 27, 1995, AND RE-ENACTING SAID ORDINANCE BY REGULATING THE LOCATIONS AVAILABLE FOR SEXUALLY ORIENTED BUSINESSES BY REQUIRING A DISTANCE OF 1000 FEET OR MORE FROM OTHER SEXUALLY ORIENTED BUSINESSES AND 1000 FEET FROM RESIDENTIAL PROPERTY, RELIGIOUS WORSHIP FACILITIES, SCHOOLS, AND PARKS; REQUIRING APPLICATION FOR NON CONFORMING RIGHTS; REQUIRING STATEMENT OF INTENT TO USE A LOCATION FOR SEXUALLY ORIENTED BUSINESS ON APPLICATION FOR CERTIFICATE OF OCCUPANCY, AND REQUIRING A CERTIFIED SURVEY OF DISTANCES FROM PROTECTED USES/ZONED PROPERTY AND AFFIDAVIT OF OWNERSHIP; REPLACING TWO AND ADDING ADDITIONAL DEFINITIONS APPLICABLE TO CITY CODE SECTION 35-3305, ENTITLED "ADULT ENTERTAINMENT," EXPANDING SUCH ZONING REGULATIONS TO INCLUDE ALL SEXUALLY ORIENTED BUSINESSES; PROHIBITING SUCH BUSINESSES IN THE CENTRAL BUSINESS DISTRICT; MAKING VIOLATIONS A MISDEMEANOR CRIME AND PROVIDING PENALTIES, NOT TO EXCEED \$2,000.00 PER VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE OF MARCH 10, 1998.(ALSO AMENDS CHAPTER 35 OF THE CITY CODE.)

* * * *

Mr. Salas made a motion to approve the proposed Ordinance. Mr. Marbut seconded the motion.

Mr. Marbut spoke in favor of the Ordinance, but stated that the guidelines need to be even stricter in order for it to hold up in a federal court.

In response to a question from Mr. Bannwolf, Mr. Arronge explained that the Ordinance does not apply to areas near colleges or universities. He also explained that to include these types of restrictions another study must be done. He further stated that, in the studies already conducted, time, place, and manner restrictions are reasonable and have the right to regulate First Amendment rights.

Mr. Bannwolf spoke to the regulations outlined in the Houston ordinance which defines the distance requirement as 1,500 feet, and stated that stricter guidelines need to be

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(Mayor Peak returned to the meeting to preside.)

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke in support of extra funding for EMS instead of the arts. He then gave examples of what he believes is questionable art.

Mr. Jack M. Finger, P.O. Box 12048, spoke in favor of established guidelines for arts funding and questioned who would be overseeing the process.

Ms. Maria J. Dominguez gave examples of other programs that could benefit from these funds.

Ms. Estelle H. Astrove, representing Class Acts, referred to a flyer she distributed to Council which outlined her program. She further stated that City Council should not mandate that art organizations make direct contributions to the City tourism industry to maintain funding.

Mr. Marbut complimented staff for their work in drafting the Resolution.

Mr. Flores thanked staff for their hard work but stated that he feels there is a problem with the part of the proposed Resolution that deals with tourism. He then read from a prepared statement which explained that there are several art organizations that do not directly contribute to the City's tourism, especially those which are community-based. Mr. Flores then made a motion to delete the tourism contribution requirement from the Resolution.

In response to a question from Mayor Peak, Mr. Diaz explained that the definitions of the Resolution are not inflexible.

Mr. Bannwolf spoke to the Children's Museum as an example of a San Antonio-based art program that deserves City funding.

In response to questions from Mr. Webster, Mr. Diaz clarified that this Resolution only addresses the general purpose fund appropriations.

Mr. Marbut requested clarification of the two different funds. He then expressed his desire to have a tracking system using zip codes of the visitors.

Mr. Flores spoke in disagreement to Mr. Marbut's ideas because he believes that every business and organization adds to the City's cultural experience to some degree and it would be difficult to track.

In response to a question from Ms. Guerrero, Mr. Frank Garza, City Attorney, clarified the details of the hotel/motel tax and its specified uses.

Mr. Vásquez stated that there are several areas of the city that could use part of the hotel/motel taxes other than art programs. He also stated that her programs receiving funding should be evaluated on an annual basis in order to spread the funds around to more programs.

Mr. Garza spoke to the drafted Resolution as being written too vaguely. He then offered his support of Mr. Flores' motion.

Council discussion ensued regarding the clarification of certain items in the proposed Resolution.

City Manager Briseño spoke to the possibility of amending the Resolution.

Ms. Grace Rose, 1442 Lynwood, explained why she feels that the tourism requirement of the Resolution is unfair. She gave examples of satellite programs around the city that deserve funding because they allow for cross-polarization.

Mr. Flores rescinded his motion and stated that he is now in support of adopting the Resolution as written.

After consideration, the pending main motion, carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

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The Clerk read the following Ordinance:

AN ORDINANCE 87445

REAPPOINTING AND APPOINTING MEMBERS TO THE DOWNTOWN ADVISORY BOARD TO SERVE TWO (2) YEAR TERMS, AS SUBMITTED BY THE COUNCIL NOMINATING COMMITTEE.

* * * *

(Nominees from the East Sector: Edward Karam for reappointment and Richard Tankerson and Eugene Simor for appointment; from the North Sector: Curtis Gunn, Jr. for reappointment; from the West Sector: Samuel Kirkpatrick for reappointment and Pamela Bain for appointment; from the Central Sector: Virginia Nicholas and Michael Edelman for reappointment and Dode Harvey and Otis Parchman for appointment.)

Mr. Webster made a motion to approve the proposed Ordinance. Mr. Prado seconded the motion.

(At this time Mayor Peak was obliged to leave the meeting. Mayor Pro Tem Webster presided.)

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, explained that Reverend Tankerson was not aware of his nomination as of the Tuesday VIA board meeting.

Mr. Jack M. Finger, P.O. Box 12048, spoke to the nomination of Richard Tankerson to the Downtown Advisory Board. He stated that the application on file is one that was date-stamped November 1996. He also expressed his opinion that Mr. Tankerson lacked experience in the downtown area due to his four year residency in the area.

(At this time, Mayor Peak returned to the meeting to preside.)

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Menendez, Garza.

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The Clerk read the following Ordinance:

AN ORDINANCE 87446

APPROVING THE TERMS AND CONDITIONS OF A PROFESSIONAL SERVICES CONTRACT WITH 3D/INTERNATIONAL TO PERFORM PROJECT MANAGEMENT SERVICES FOR THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT; AND APPROPRIATING FUNDS IN AN AMOUNT NOT TO EXCEED \$5,132,225.00 FOR PROJECT MANAGEMENT SERVICES.

* * * *

Ms. Guerrero made a motion to approve the proposed Ordinance. Mr. Prado seconded the motion.

Ms. Jelyne LeBlanc Burley, Director of the Convention Facilities Expansion Office, explained the details of the contract with 3D/International. (A copy of the presentation is made part of the papers of this meeting.)

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to his concern with the proposed Ordinance. He requested that certain members of Council abstain from voting due to their acceptance of campaign contributions from the firm involved in the contract.

Mr. Bannwolf suggested to Ms. Burley that a change in the terminology of the contract be made to better clarify the terms.

Ms. Burley stated that there is plenty of time to fine-tune the wording of the Ordinance.

Council discussion ensued concerning various aspects of the payment terms of the contract.

In response to a question from Mr. Prado, Ms. Veronica Zertuche, Asst. City Attorney, stated that the Legal Department has completed a thorough review of the contract.

Mr. Webster expressed his concern with performance measures.

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Mr. Joe Aceves, Consultant to the Convention Center Expansion Project, assured Council that the project is in line with what the Council desires. He also explained that the performance measures are appropriate and the project manager is responsible for completing the project on budget.

In response to a question from Mayor Peak, Ms. Zertuche explained that the Legal Department is comfortable with all of the firms involved and with 3D/International as the project manager.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Menendez, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez, Marbut.

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98-08 The Clerk read the following Ordinance:

AN ORDINANCE 87447

AUTHORIZING REIMBURSEMENT FROM THE DISTRICT 8 CONTINGENCY ACCOUNT FUND IN THE AMOUNT OF \$3,750.00 TO COUNCILMAN ROBERT G. MARBUT, JR. FOR AN ADMINISTRATIVE SERVICES CONTRACT WITH DEBORAH GRAY WARNER FROM FEBRUARY 16, 1998 THROUGH MARCH 31, 1998; AS REQUESTED BY COUNCILMAN ROBERT G. MARBUT, JR.

* * * *

Mr. Salas made a motion to approve the proposed Ordinance. Mr. Prado seconded the motion.

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke to his concern with the figures listed in the contract. He then addressed issues relating to the Open Meetings Act.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez, Menendez, Marbut.

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The Clerk read the following Ordinance:

AN ORDINANCE 87448

AUTHORIZING THE EXPENDITURE OF MONIES FROM VARIOUS CONTINGENCY ACCOUNT FUNDS, INCLUDING \$100.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND TO ASSIST THE INTERNATIONAL WOMEN'S DAY MARCH AND RALLY SCHEDULED FOR MARCH 8, 1998; AS REQUESTED BY COUNCILMAN ROGER FLORES, II.

* * * *

Mr. Flores made a motion to approve the proposed Ordinance. Mr. Salas seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, requested additional information on the groups involved in the Women's Day March, especially as to whether Planned Parenthood would be participating in the march.

Mr. Flores stated that all groups would be invited to participate.

Mr. Finger then proceeded to speak in opposition to the Planned Parenthood organization.

Mayor Peak explained that Planned Parenthood is not relevant to the matter at hand.

Mr. Flores then offered a donation of \$100 to the event and encouraged his colleagues to contribute accordingly.

The following additional contributions were made:

Mayor Peak	\$200
Mario Salas	\$100
Debra Guerrero	\$100
Raul Prado	\$100
Total Contributions	\$600

Mr. Salas spoke in support of the event and to the range of political philosophies to be represented by the participants.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez, Menendez, Marbut.

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98-08 The Clerk read the following Ordinance:

AN ORDINANCE 87449

AUTHORIZING THE EXPENDITURE OF \$300.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND FOR THE SAN ANTONIO YOUTH ENSEMBLE (SAYE) TO OFFSET THE COST OF TRANSPORTATION AND HOTEL ACCOMMODATIONS ON THEIR "MARCH 1998 SPRING TOUR"; AS REQUESTED BY COUNCILMAN MARIO M. SALAS.

* * * *

Mr. Salas made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez, Menendez, Marbut.

— — —
98-08 The Clerk read a proposed ordinance repealing the No Response Provision (Section 3) of Ordinance No. 86614, dated September 10, 1997; providing a four day grace period to obtain a permit for newly activated or re-activated alarm systems upon notification within twelve hours to the Police Department; providing for on site notification by responding Police Officer(s); providing for notification by mail or telephone on the occurrence of a fourth false alarm; providing for excluding false alarms caused by unusual occurrences; providing for issuing a citation or filing a complaint and a fine not less than three hundred dollars nor more than five hundred dollars for operating an alarm system without a valid permit; and providing for an effective date.

Mr. Prado made a motion to approve the proposed Ordinance Mr Webster seconded the motion.

Police Chief Al A. Philippus narrated a video presentation outlining the details of the Ordinance. (A copy of the presentation is made part of the papers of this meeting)

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The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to the need for thirty-five more police officers to handle these alarm calls.

Ms. Maria Dominguez spoke to her desire to hire more police officers and to the need to train security guards and have them supervised by the Police Department.

Mr. Jack M. Finger, P.O. Box 12048, spoke in favor of penalizing false alarm calls, but against the high fine levied for not having a permit.

Mayor Peak commended Chief Philippus for proposing this ordinance.

Mr. Webster offered suggestions on how to reduce the cost of the fees. He also expressed his desire of not raising taxes for hiring more police.

Chief Philippus explained that fifteen percent of police calls can be attributed to false alarms. He also stated that in comparison to other cities in the Continental United States, San Antonio has one of the lowest crime rates. Also in response to a question from Mr. Bannwolf, Chief Philippus clarified that the notification procedure includes written notification for the first three false alarm calls and after the fourth false alarm a phone call would also be made.

Mr. Salas suggested that a lower fine for the first offense be offered. He then made a motion to amend the ordinance to allow one free warning for not having a permit and then issue a fine on the second false alarm call. Mr. Bannwolf seconded the motion.

In response to a question from Mr. Menendez, Chief Philippus stated that it costs approximately \$200 to send an officer out on a false alarm.

After consideration, the amendment prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Menendez, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Prado, Vásquez, Marbut.

The main motion, as amended, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Menendez, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Prado, Vásquez, Marbut.

Mayor Peak noted that money does not influence the Council's decisions on any matters.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Prado, Vásquez, Menendez, Marbut.

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98-08 **MANAGER'S REPORT—SHOWCASE OF CITY PROGRAMS**

Mr. Tony Bosmans, Director of Community Relations, narrated a video presentation giving an update of the Showcase of City Programs event which is currently being held at various locations around the City. (A copy of the presentation is made part of the papers of this meeting.)

Mayor Peak stated that he is pleased with the progress of the event. He also noted that the showcase will help to promote and encourage the public to do more around the city.

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98-08 **EXECUTIVE SESSION**

City Council recessed its regular meeting at 7:21 P.M., to convene in Executive Session for the purpose of discussing the following:

- A) Attorney/Client consultation regarding Boeing Company lease of property at Kelly Air Force Base with the Greater Kelly Development Corporation and the City's security interest in said lease.**

City Council reconvened its regular session at 7:50 P.M., at which time Mayor Peak announced that staff had discussed the above mentioned matter and given staff direction, but had taken no formal action.

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98-08 **CITIZENS TO BE HEARD**

MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, requested that the board appointment for City Public Service be rescinded. He also spoke to several other items he has issues with, including street maintenance, zoning cases, police, and the recognition of Board and Commission members.

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MR. MICHAEL IDROGO

Mr. Michael Idrogo, 317 Rosewood, spoke to the upcoming trip to Paris that VIA is making to examine their rail transit system. He then spoke to the deteriorating condition of the Hays St. overpass and the hazards it imposes on the neighborhood.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazerite Ruben Flores Perez, 627 Hearne, spoke to an item in the City Council Meeting minutes of January 22nd where he referred to a memorandum to which he had concern.

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MR. AND MRS. JOSE GARCIA

Mrs. Garcia, 3835 San Fernando, spoke to an alleged incident involving their son. They believe that there has been a mistake in identity which has led to their eviction from the housing project where they have been living for several years.

Mr. Bannwolf referred them to Mr. Travis Bishop, Assistant to the City Manager, who explained to the couple that this is a Housing Authority matter. He also explained that the Housing Authority strongly enforces a "one strike" policy which leads to eviction.

In response to a question from Mr. Bishop, Lt. Raul Crisantez, Assistant to the Chief, San Antonio Police Department, spoke to the report of the incident and explained that one of the suspects in the case resides at the address of Mr. and Mrs. Garcia. Lt. Crisantez also clarified that he is listed only as a suspect and was not arrested.

Mr. Bishop stated that a representative from the Housing Authority will be informed of the situation.

Mr. Menendez explained that the staff will follow up with the Housing Authority to find out how to resolve this matter.

Ms. Garcia stated that the eviction may be in retaliation against them because of a call they made to police about an alleged drive-by shooting in the area.

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MR. DANNY ALLEN

Mr. Danny Allen, 7783 Alverstone Way, spoke to property rights and the U.S. Constitution. He then spoke to his belief that the Tree Preservation Ordinance is unconstitutional.

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98-08 There being no further business to come before the Council, the meeting was adjourned at 8:18 P.M.

A P P R O V E D



HOWARD W. PEAK
M A Y O R

Attest: 
NORMA S. RODRIGUEZ, CMC/AAE
City Clerk