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REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, APRIL 15, 1982

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Pro-Tem Bob Thompson, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, HARRINGTON, ARCHER, HASSLOCHER, Absent: CISNEROS:

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82-17 The invocation was given by Father Tom Lyssy, Associate Pastor of St. Joseph's Catholic Church.

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82-17 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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82-17 RESOLUTION OF RESPECT
NO.82-17-19

Mayor Pro-Tem Bob Thompson read the following Resolution of Respect:

WHEREAS, the City Council has learned of the death of Mrs. Emma Schneider, the beloved mother-in-law of Councilwoman Maria Antonietta Berriozabal, and

WHEREAS, her passing will be sorely felt by the members of her family and her many friends and associates; NOW, THEREFORE:

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

that the Mayor and members of the City Council hereby express their heartfelt regrets and extend, to the family and relatives of Mrs. Schneider, deep and sincere sympathy

BE IT FURTHER RESOLVED:

That this Resolution be inscribed in the minutes of this meeting and a copy be delivered to the members of the bereaved family.

Mr. Hasslocher moved to approve the Resolution. Mrs. Dutmer seconded the motion. On roll call the motion carried by the following vote: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Hasslocher; NAYS: None. ABSENT: Alderete, Cisneros.

Ms. Berriozabal then thanked the members of City Council and described briefly highlights of Mrs. Schneider's life.

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82-17 Mayor Pro-Tem Bob Thompson then expressed condolences to Mrs. Dutmer and her family upon the loss of her mother-in-law. Mrs. Dutmer thanked the members of the Council for their condolences and floral arrangement.

KEEP AMERICA BEAUTIFUL WEEK

Mayor Pro-Tem Bob Thompson read the following Proclamation:

WHEREAS, the City of San Antonio has been blessed with an abundance of resources and natural beauty, and

WHEREAS, each citizen should do what he can to maintain this heritage, to join together in an effort for clean air, clean water and a decent living environment for everyone, and

WHEREAS, for the last eleven years, millions of concerned Americans have participated in Keep America Beautiful Day, working to restore beachfronts, rivers, establish arboretums, plant trees and other green, living things and to prevent littering, and

WHEREAS, Keep America Beautiful, Inc. is a non-profit, public service organization working to stimulate individual involvement in environmental improvement, on Keep America Beautiful Day and with on-going community programs, and

WHEREAS, the City of San Antonio, sponsors, participates, and endorses the local Keep America Beautiful, Inc. program and San Antonio-Clean and Beautiful,

NOW, THEREFORE, I, HENRY CISNEROS, Mayor of the City of San Antonio, in recognition thereof, do hereby proclaim April 18-24, 1982, as

"KEEP AMERICA BEAUTIFUL WEEK"

in San Antonio, Texas, and I urge all citizens to work with civic groups, government agencies and businesses to help preserve the natural splendor of the City of San Antonio, during Keep America Beautiful Week and every week.

Mayor Pro-Tem Bob Thompson then presented the Proclamation to Ms. Bonita Turner, Executive Director of San Antonio Clean and Beautiful.

Ms Turner then thanked the Mayor Pro-Tem and members of the Council. Ms. Turner then introduced "Smokey the Bear" and spoke about the Clean Community Commission and their role in preserving the city beautiful and their efforts in this matter.

Ms. Berriozabal then noted that students from Tech, Lanier and other high schools, as part of a beautifying project will clean off the graffitti on the walls of the San Antonio River and downtown.

PRESENTATION OF MEDALS

Mr. Wilbur Littleton, President of the Fiesta Commission, presented to Mayor Pro-Tem Bob Thompson, and members of the Council beautiful medals symbolizing the kick-off of Fiesta Week. Mayor Pro-Tem and City Council thanked Mr. Littleton for this gesture.

Also, Mr. Paul Venema, Rey Feo XXXIII, presented the traditional medals to Mayor and Council. Mr. Venema stated that the "Rey Feo" contest this year had been very successful and that they had made over \$26,000 to be used for scholarships to be given to deserving students.

Mr. Wing then thanked Mr. Venema for the work done for our youth.

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82-17

HIGHLANDS HIGH SCHOOL BAND AND BRIGADE

Mrs. Dutmer read the following Citation:

In recognition of their outstanding performance and contributions made as official representatives of the City of San Antonio and the State of Texas to the recent annual National Band Competition held in St. Petersburg, Florida. Their accomplishment in placing first in the nation in symphonic music competition, third in parade, and fourth in March merits recognition by the City Council.

The City Council on behalf of its citizens, is proud to have been represented by this group of excellent musicians and commends them for a job well done.

Mrs. Dutmer then presented the Citation to Ms. Patty Hyatt and other members of the high school band. Mr. Morris then stated that Mayor Corinne Freeman from St. Petersburg, Florida, had extended greetings to the Mayor of San Antonio and its citizens. Mr. Morris thanked the Council for the support of the City and invited them to the Drum & Bugle Second Annual Performance to be held July 5, 1982.

82-17

The minutes of regular meeting of April 1, 1982 and the special meeting of March 18, 1982

82-17

The Clerk read the following Resolution:

A RESOLUTION
NO. 82-17-20

EXPRESSING THE APPRECIATION OF THE CITY COUNCIL FOR THE PARTICIPATION OF THE DALLAS HOOPSTERS IN THE RECENT BASKETBALL GAME HELD FOR THE BENEFIT OF CHARITIES.

* * * *

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

Mr. Archer then asked that the Resolution be amended to include Mr. Dennis O'Mally and the Halo Distributing Co.

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

82-17

ZONING HEARINGS

6. CASE 8798 to rezone the west 40' of Lot 31, Block 38, NCB 3697, 2166 S.W. 19th Street, from "B" Residence District to "B-3R" Restrictive Business District, located southeast of the intersection of U.S. Hwy 90 West Expressway and S.W. 19th Street, having 40' on S.W. 19th Street and 40' on U.S. Hwy. 90 West Expressway.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Alderete moved to overrule the recommendation of the Zoning Commission and grant the rezoning. Mrs. Dutmer seconded the motion. On roll call, the motion carrying with the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher; NAYS: None; ABSENT: Cisneros.

AN ORDINANCE 55,199

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE WEST 40' OF LOT 31, BLOCK 38, NCB 3697, 2166 S.W. 19TH STREET, FROM "B" RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT.

* * * *

82-17 CASE 8793 to rezone Lot 13, Block 8, NCB 9121, 5101 San Pedro Avenue, from "O-1" Office District to "B-2" Business District, located to the Northwest of the intersection of Mariposa Drive and San Pedro Avenue, having 73.48' on Mariposa Drive and 130' San Pedro Avenue.

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

Mrs. Dutmer moved to overrule the Zoning Commission and grant the the rezoning. Mr. Wing seconded the motion.

In response to Mr. Archer, Mr. George Gaiser, the applicant, stated that he represents the client in the case. He stated that the neighborhood area residents are in favor of the change and described the area.

Mr. Archer stated he will be opposed to the change because of the traffic situation.

In response to Mrs. Dutmer, Mr. Andy Guerrero, Planning Administrator, stated that curb cuts could result in ingress and egress only on San Pedro.

In response to Mrs. Dutmer, Mr. Carl Braunig stated that the Traffic Department is not concerned with the present parking arrangement and feels that present curb cuts are satisfactory.

In response to Mrs. Dutmer, Mr. Gaiser outlined the parking plan which they have devised.

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

CASE 8793 was denied.

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8. CASE 8779 to rezone Lot 27, Block 14, NCB 15577, 7137 W. Military Drive from Temporary "R-1" One Family Residence District to "B-1" Business District, located on the southside of Westshire Drive, between Westmar Drive and S.W. Military Drive, having 136' on Westshire Drive 50' on Westmar Drive and 40' on S.W. Military.

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

No citizen appeared to speak in opposition.

Mr. Jim Berg, P. O. Box 2740 stated that they are requesting the change in zoning in order to expand working the working area. Ms. Connie Andrews also spoke in favor of Mr. Berg's request.

After consideration, Mr. Hasslocher moved to overrule the recommendation of the Zoning Commission and grant the rezoning Mr. Wing seconded the motion. On roll call, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Hasslocher, NAYS: None. ABSENT: Alderete, Cisneros.

AN ORDINANCE 55,200

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 27, BLOCK 14, NCB 15577, 7137 SOUTH-WEST MILITARY DRIVE FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT.

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9. CASE 8816 to rezone Lot 197C and the east 15' of 197B, Block 20, NCB 11119, 107 West Mally Blvd., from "B" Two Family Residential District to "B-2" Business District, located northwest of the intersection of Moursund Blvd., and Mally Blvd., having 110.4' on Moursund Blvd. and 165' on Mally Blvd.

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

Mr. Andy Guerrero, Planning Administrator, stated that 17 notices had been mailed, in return they received 3 in favor and 1 in opposition.

Mrs. Dorothy N. Grant, 107 West Mally Blvd., stated that she is requesting for the change in zoning because she would like to sell her property as this area has become very congested with heavy traffic. She furthermore stated that surrounding her property has transitioned to business. She also stated that she has had two inquiries from a dentist and a chiropractor about purchasing the property.

In response to Mr. Wing's question, Ms. Jane Macon, City Attorney stated that 300 feet is considered from door to door.

After consideration, Mr. Wing moved to overrule the recommendation of the Zoning Commission and grant B-1 zoning in lieu of B-2. On roll call, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher; NAYS: None; ABSENT: Cisneros.

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AN ORDINANCE 55,201

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 197C AND THE EAST 15' OF 197-B, BLOCK 20, NCB 11119, 107 WEST MALLY BLVD. FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT.

* * * *

82-17 CASE 8789 S.R. to rezone Lot 77, NCB 9283, 146 Harding Blvd, from "C" Temporary Apartment District to "R-3" Multiple Family Residence District for a day-care center with over twenty (20) children, located on the Southside of Harding Blvd., being 542.12' West of the intersection of S. Flores St. and Harding Blvd having 125.23' on Harding Blvd and a maximum depth of 521.7'.

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

Mr. Andy Guerrero, Planning Administrator, noted that they had received 1 notice in favor and 1 in opposition.

Ms. Maria B. Garza, 146 Harding stated that she is requesting the change of zoning because she proposes to open a day care center for caring for twenty or more children. She stated that the house or property is large enough.

Mrs. Dutmer stated that this property is not fit for a Day Care Center and spoke in opposition.

Mrs. Virginia Allan, 143 W. Harding, presented a notice against granting a rezoning case, and also spoke in opposition.

In response to Mr. Alderete's question, Mr. Andy Guerrero, Planning Administrator, explained that the special classification for Day Care Centers had been approved previously and explained why a B-3 is necessary in this case.

In response to Mr. Wing, Mr. Andy Guerrero, Planning Administrator, stated that a petition has been received which may constitute a 20% opposition.

At this point the City Council concurred to delay Case 8787 S.R. until a later time. (See page 15)

11. CASE 8790 to rezone Lot 13, NCB 12731, 843 Lockhill Selma Road, from "O-1" Office District to "B-3R" Restrictive Business District, located on the Northeast side of Lockhill Selma Road, being 165' Southeast of the intersection of Lockhill Selma Road and Northcrest Dr., having 80' on Lockhill Selma Road, and a maximum depth of 357.14'.

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

Mr. Stewart Alexander, 110 Sprucewood Lane, presented an appeal to move and amend the petition to B-1 zoning in lieu of "B-3R" in order to get the proper tenants in the building without offending any of the area residents.

In response to Mr. Thompson, Mr. Andy Guerrero, Planning Administrator, outlined the uses allowed in B-1 zoning and B-3R zoning.

Mrs. Janet Sims, 118 Northcrest spoke in opposition and read a letter from another citizen, also opposed to the rezoning.

Mr. Steward Alexander, representing the proponent, feels that the change will be minimal and does not believe that there is any infringement on other business and that this business will go well with the other businesses in the area.

After discussion Mr. Harrington moved to uphold the recommendation of the Zoning Commission and deny the rezoning. Mr. Archer seconded the motion.

In response to Ms. Berriozabal, Mr. Andy Guerrero, Planning Administrator, stated that this property has been cited for violation recently as well as in the past.

Mr. Eureste expressed concern on how a business in violation can still be operating.

In response to Mr. Eureste, Mr. Andy Guerrero, Planning Administrator stated that this property has been cited for violations recently as well as in the past.

Mr. Eureste expressed strong opposition to this rezoning because of the history of this property.

Mr. Thompson reiterated the concern expressed by Mr. Eureste, and asked for a full report on this case.

Ms. Berriozabal stated that the Municipal Court Committee is now dealing with environmental issues. She also spoke about other businesses being in violation of the Zoning laws.

Mr. Stewart Alexander stated that there is no underhanded dealing, he does not represent the present tenant.

Mr. Wing stated that the committee expressed concern about the present tenant's rights and that the tenant does have the right to due process.

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

CASE 8790 was denied.

82-17 Mr. Alderete asked that a B Session be set-up in the future to deal with businesses in violation of Zoning laws.

82-17 CASE 8797 to rezone the south 66.56' of the east 125' of Lot 12, NCB 11635, 4401 Vance Jackson Road, from "B-2" Business District to "B-3R" Restrictive Business District located on the west side of Vance Jackson Road, being 116.44' south of the intersection of Kerry Brook Court, having 66.56' on Vance Jackson Road and a depth of 66.56'.

The Zoning Commission has recommended that this request of

change of zone be denied by the City Council.

No citizen appeared to speak in opposition.

After consideration, Mr. Harrington moved to overrule the recommendation of the Zoning Commission and grant the rezoning. Mrs. Dutmer seconded the motion. On roll call, the motion carrying with the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Hasslocher; NAYS: Archer; ABSENT: Cisneros.

AN ORDINANCE 55,202

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 66.56' OF THE EAST 125' OF LOT 12, NCB 11636, 4401 VANCE JACKSON ROAD, FROM "B" RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT.

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82-17 CASE 8792 to rezone a 1.9 acre tract of land out of Lots 1 and 2 NCB 12962 being further described by field notes filed in the Office of the City Clerk, in the 7000 Block of San Pedro Avenue, from "F" Local Retail District and "B" Two Family Residence District to "O-1" Office District, located west of San Pedro Avenue, being 490.59' north of the intersection of W. Maple Wood Lane and San Pedro Avenue having 50' on San Pedro Avenue, a maximum depth of 589.40' and a width of 377.69'.

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

After consideration, Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved provided that a one-foot non-access easement is imposed along the west property line and the west 90 feet of the north property line. Further provided that a 6-foot solid screen fence is erected and maintained along this same west and north property line. Mr. Archer seconded the motion.

Mr. P. L. Hamilton, the proponent asked that the City Council reconsider the imposition of a 1 foot non-access easement along the west property line and the west 90' of the north line. He further asked that the 6 foot fence be removed.

After discussion Mr. Hasslocher moved to amend the motion by removing the 6 foot solid screen fence along the north property line. The motion died for lack of a second.

After further discussion by the applicant and City Council Mr. Archer moved to amend the motion stipulating that a one foot non-access easement be imposed along the west property line of the 50 foot ingress and egress easement and the north part of the property which was to have fencing be removed. On roll call, the amendment carried by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher; NAYS: None. ABSENT: Cisneros.

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

AN ORDINANCE 55,203

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 1.9 ACRE TRACT OF LAND OUT OF LOTS 1 AND 2, NCB 12962, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 7000 BLOCK OF SAN PEDRO AVENUE, FROM "F" LOCAL RETAIL DISTRICT AND "B" TWO FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT, PROVIDED THAT A ONE-FOOT NON-ACCESS EASEMENT IS IMPOSED ALONG THE WEST PROPERTY LINE OF THE 50-FOOT INGRESS AND EGRESS EASEMENT. FURTHER PROVIDED THAT A LANDSCAPED AREA IS PROVIDED ADJACENT TO THE NORTH LINE OF THE 50-FOOT INGRESS AND EGRESS EASEMENT.

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82-17 CASE 8781 to rezone a 13.087 acre tract of land out of NCB 10839 being further described by field notes filed in the Office of the City Clerk, from "A" Single Family Residence District to "R-5" One Family Residence District, located 116.59' south of the intersection of Dexired Drive and Summer Gold Drive, 254.24' north of Jo Marie Drive, being 1366.5' west of S.W.W. White Road and having a maximum depth of 823.08' and a maximum width of 1057.77'.

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

No citizen appeared to speak in opposition.

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

AN ORDINANCE 55,204

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 13.087 ACRE TRACT OF LAND OUT OF NCB 10839, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "A" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "R-5" SINGLE-FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT A ONE-FOOT NON-ACCESS EASEMENT IS IMPOSED ON THE NORTH PROPERTY LINE OF THE ONE-ACRE TRACT THAT FRONTS ONTO JO MARIE.

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82-17 The Clerk read the following Ordinance:

AN ORDINANCE 55,205

REVISING VARIOUS SECTIONS OF THE NEWLY ADOPTED
UNIFORM FIRE CODE AS AMENDED IN ORDER TO MAKE
MINOR CORRECTIONS, DELETIONS, AND ADDITIONS
THERE TO.

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

In response to questions from Mr. Hasslocher, Fire Chief
I.O. Martinez and Fire Marshall Charles Shaw discussed fire walls
in the newly-adopted Fire Code provisions.

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

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82-17 The Clerk read the following Ordinance:

AN ORDINANCE 55,206

REVISING VARIOUS SECTIONS OF THE NEWLY ADOPTED
UNIFORM BUILDING CODE AS AMENDED IN ORDER TO
MAKE MINOR CORRECTIONS, DELETIONS, AND ADDITIONS
THERE TO.

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

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

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82-17 The Clerk read the following Ordinance:

AN ORDINANCE 55,207

ACCEPTING A PROPOSAL FROM RABA-KISTNER
CONSULTANTS, INC., TO PERFORM CLOSURE
PLANS FOR WETMORE ROAD LANDFILL AND
RIGSBY LANDFILL.

* * * *

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

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

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82-17 The Clerk read the following Ordinance:

AN ORDINANCE 55,208

AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH MEDELLIN ENGINEERING, INC., TO DESIGN AND PREPARE SPECIFICATIONS FOR AN INSTALLATION OF TWO SIXTY (60) TON AIR COOLED CHILLERS AT THE POLICE DEPARTMENT, WEST WING.

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

In response to a question by Mr. Hasslocher, Mr. Frank Kiolbassa, Director of Public Works, spoke of the lack of effective air-conditioning in portions of the Police Headquarters building because of a breakdown in the system, and stated that it could well be the end of summer before the planned repairs are completed to correct the air-conditioning problems there.

Mr. Hasslocher stated his opinion that this matter should be a priority matter for City staff, to make certain that the problem is solved as quickly as possible.

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

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82-17 The Clerk read the following Ordinance:

AN ORDINANCE 55,209

EXTENDING THE PERIOD OF ELECTRICAL INSPECTION SERVICES PROVIDED BY J.M. DEHART FOR THE CITY AT THE RATE OF \$22.00 PER HOURS.

* * * *

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

In response to a question by Mr. Hasslocher, Mr. Frank Kiolbassa, Director of Public Works, explained the need to retain a specialist in this electrical area during the construction work involved.

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

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82-17 The Clerk read the following Ordinance:

AN ORDINANCE 55,210

ACCEPTING THE QUALIFIED BID OF FRED HENSLEY CONSTRUCTION INC. IN THE SUM OF \$735,240.75 ON THE EASTSIDE STREET IMPROVEMENTS PROJECT II CANTON & BLUEBONNET STREETS: AUTHORIZING EXECUTION OF A STANDARD PUBLIC WORKS CONTRACT; APPROVING A REVISED BUDGET: AND AUTHORIZING PAYMENTS.

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

In response to a question by Mr. Webb, Mr. Frank Kiolbassa, Director of Public Works, noted the difference in costs involved, between the lowest and second-lowest bidder on this project, and explained that the low bidder has thus far been unable to meet necessary bonding requirements.

Mr. Webb voiced his concern that the planned work on Blue Bonnet Street covers only the area between Walters Street and Gevers Street, and does not continue on to New Braunfels Avenue. He stated his opinion that the portion of Blue Bonnet Street between Walters and Gevers Streets needs to be considered for at least re-conditioning of the pavement, and recommended that this be considered by the staff, if possible.

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

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82-17 The Clerk read the following Ordinance:

AN ORDINANCE 55,211

AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH GARCIA ENGINEERING ASSOCIATES ON THE REMNANT WASTE PIPELINE-LEON CREEK, POLDER PROJECT: APPROPRIATING FUNDS AND AUTHORIZING PAYMENT.

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

In response to a question by Mrs. Dutmer, Mr. Frank Kiolbassa, Director of Public Works, explained the definition of a 'remnant waste pipeline' and spoke to its planned usage under this Ordinance. He stated that the pipeline will help solve the sludge-removal problem present at the Leon Creek wastewater treatment plant.

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

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82-17 BOY SCOUT TROOP 12

Mayor Pro-Tem Thompson acknowledged the presence in the audience today of members of Boy Scout Troop 12, sponsored by St. Leo's Catholic Church, and thanked them for their attendance.

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82-17 The Clerk read the following Ordinance:

AN ORDINANCE 55,212

ACCEPTING THE LOW QUALIFIED BID OF R.L. JONES CO., INC., IN THE SUM OF \$13,505.16 FOR THE CONSTRUCTION OF THE THIRTY ACRE OLIVER WENDELL HOLMES HIGH SCHOOL OFF-SITE SEWER; AUTHORIZING

EXECUTION OF A STANDARD PUBLIC WORKS
 CONTRACT: APPROPRIATING FUNDS AND
 AUTHORIZING PAYMENT.

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

Mr. Archer stated his objection to the naming of a sewer after a historical figure such as Justice Oliver Wendell Holmes, as in this case.

Mr. Frank Kiolbassa, Director of Public Works, stated that it has been accepted practice to name such public works projects after the area being serviced.

Mr. Alex Briseno, Assistant City Manager, stated that the naming of such projects serves only to provide a ready identification of the location of the projects, such as this one which serves the Oliver Wendell Holmes High School.

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

- - -
82-17 The Clerk read the following Ordinance:

AN ORDINANCE 55,213

ACCEPTING THE LOW QUALIFIED BID OF VILLARREAL CONSTRUCTION CO., INC., IN THE SUM OF \$10,343.00 FOR THE FRIESENHAHN PARK CONSTRUCTION PROJECT; AUTHORIZING EXECUTION OF A STANDARD PUBLIC WORKS CONTRACT; AND AUTHORIZING PAYMENTS.

* * * *

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

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

- - -
82-17 The Clerk read the following Ordinance:

AN ORDINANCE 55,214

AUTHORIZING SUBMISSION OF A REQUEST TO THE ALAMO AREA COUNCIL OF GOVERNMENTS FOR PROCUREMENT OF TRAINING FILMS FOR THE SAN ANTONIO POLICE DEPARTMENT, WITH \$8,063 OF THE COST PROVIDED FROM A GRANT TO AACOG FROM THE CRIMINAL JUSTICE DIVISION OF THE OFFICE OF THE GOVERNOR AND \$2,687 MATCHING FUNDS FROM THE GENERAL FUND.

* * * *

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

In response to a question by Mrs. Dutmer, Police Sgt. Robert Rudewick, representing the Police Training Bureau, stated

that future such funding now will come from those monies allocated to the states, and will come to San Antonio directly from the state.

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

- - -
82-17 The Clerk read the following Ordinance:

AN ORDINANCE 55,215

ACCEPTING THE HIGH BID (S) RECEIVED
IN CONNECTION WITH \$6,000,000.00 IN
INTEREST-BEARING CERTIFICATES OF
DEPOSIT.

* * * *

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

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

- - -
82-17 Agenda item 25, being an Ordinance authorizing execution of a contract with City Venture Corporation for consulting services relating to job creation and job accessibility in Vista Verde South, was removed for consideration.

- - -
82-17 The Clerk read the following Ordinance:

AN ORDINANCE 55,216

AUTHORIZING THE CITY ATTORNEY TO COMPROMISE AND SETTLE CAUSE NO. SA-80-CA-527, MARIA PONCE V. CITY OF SAN ANTONIO, ET AL

* * * *

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

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

- - -
82-17 TRAVEL AUTHORIZATION- Granted:

Councilmember Maria Antonietta Berriozabal to travel to Houston to attend a National League of Cities Conference April 28-30, 1982.

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82-17 At this point discussion of Case 8789 S.R. resumed.

At this point discussion took place between Council members on this particular case.

After discussion Mrs. Dutmer moved to approve the rezoning. Mr. Harrington seconded the motion. After much discussion, Mr. Wing made a substitute motion to postpone the case for 1 month so that the applicant can work with neighbors. Ms. Berriozabal seconded the motion.

After consideration, the substitute motion to postpone prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Euseste, Thompson, Hasslocher; NAYS: Dutmer, Harrington, Archer; ABSENT: Alderete, Cisneros.

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82-17 The Clerk read the following Ordinance:

AN ORDINANCE 55,217

APPOINTING ALAN WARRICK AS A MUNICIPAL JUDGE
AND BARBARA BRAME AS PART TIME MUNICIPAL COURT
JUDGE.

* * * *

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

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

82-17

CITY MANAGER'S REPORT

Mr. Alex Briseno, Assistant City Manager, spoke of a memo being distributed to members of the City Council concerning a hearing of the Sunset Commission on the Texas State Library and Archives Commission's funding and activities being held in the Third Floor Auditorium of the Main Library at 10:00 A.M. on April 16, 1982. He further stated that members of the Council are specifically invited to attend that hearing.

82-17

CRIMINAL ATTACKS

Mr. Webb read a letter he had received from Mrs. Lillie M. Williams, President of the Smith Elementary School Parent-Teachers Association, speaking of problems in the neighborhoods around the school and listing a number of street locations involving vacant houses and tall weeds and brush. Mrs. Williams related the rape of a first-grade student on her way to school on April 2, 1982 in one of the areas mentioned. Mrs. Williams asked that Mr. Webb look into the situations involving the street locations in order to protect the school-children from a similar incident in the future.

Mr. Webb then asked that the letter become a part of the permanent record of this Council meeting, and handed the letter to the City Clerk.

Mr. Webb spoke of the many problems involving vacant houses, heavy brush and tall weeds in numerous East side areas, and stated that many of the problems reported in previous months still have not been corrected. Mr. Webb then voiced his concern in this area.

82-17

POLICE MANAGEMENT STUDY

Mr. Hasslocher noted that a tentative report on the progress of the current Police Management Study has been released to the news media, and asked that in the future, any such preliminary reports be released first to members of the City Council and the Management Committee members before other distribution is made.

In response to a question by Mr. Eureste, Mr. Alex Briseno, Assistant City Manager, stated that the final report is due in June.

Mr. Eureste stated that he prefers that preliminary reports on the study not be released. He further stated that in

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his opinion, the information contained in that preliminary report is lacking in sufficient depth. He asked that such information in the future only be released when the entire final report is released, and stated his opinion that the City Council should have been briefed on the preliminary report before it was made public.

82-17

DR. BILL CRAIN

Mr. Wing, on a Point of Personal Privilege, introduced Dr. Bill Crain, St. Mary's University, present in the audience today.

82-17

PLASTIC PIPE

Mr. Eureste took note of a City staff report stating that plastic pipe laid between the water meter and the residence or business it serves is the responsibility of the property owner, not the City Water Board. He stated that this constitutes a serious problem in the city, since the Water Board in the past has ordered some water meters moved further out toward the street from the residence or business served and installed plastic pipe in the new space between the meter and the old pipe to the structure. Mr. Eureste stated that this plastic pipe is now deteriorating, causing water leaks, and the City Water Board refuses to accept responsibility for it, which is frustrating to the property owners, since they had nothing to do with installing the plastic pipe, in the first place. He spoke of one case where a leaking pipe was reported to City Water Board, workers several times came by the location to investigate, but no work was done to correct the leak. Some two weeks later, the homeowner's son repaired the leak himself, and the Water Board submitted the homeowner a bill for \$314 in water lost because of the leak in the deteriorating plastic pipe underground. Mr. Eureste stated that the property owner cannot pay this large bill, and stated his belief that the City Water Board should assume responsibility for these breaks.

Mr. George Noe, Assistant to the City Manager, stated that City staff is presently looking into this unique problem to determine its full extent, and plans to report to City Council on its investigation and subsequent recommendations. He further stated that this investigation and report also can address the matter of the water bill sent to the property owner, as a result of the leak in the plastic pipe.

In response to a question by Ms. Berriozabal, Ms. Jane Macon, City Attorney, stated that the City currently is involved in litigation with the City Water Board against certain plastic pipe manufacturers or suppliers because of the leaks, and will check into the possibility that private citizens might also seek legal remedies.

82-17

CITIZENS TO BE HEARD

SAN ANTONIO CONSERVATION SOCIETY

Mrs. Peggy Peshorn, President of the San Antonio Conservation Society, spoke to the City Council expressing their concern for development plans of the Republic Bank and also expressed strong opposition to demolition of the Texas Theatre. She related the history of their transactions with the owners and architects of this project. The Society is desirous of saving the entire structure. Mrs. Peshorn stated that they have determined that there is strong

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feelings toward the preserving of the structure by the citizenry of San Antonio.

Mrs. Lynn Bobbitt, Second Vice President of the Conservation Society, related the history of the Texas Theatre. She spoke about the Theatre District study which was made in 1979 which included a need for the use of the Texas Theatre. She stated that the projects could co-exist. She suggested that the City Council consider several issues including parking plans.

82-17

MR. JAMES ISAMAN

Mr. James Isaman, President of the Collegiate Preservation Society at UTSA, spoke of their petition drive in connection with the preservation of the Texas Theatre. He spoke of the sound construction of the Theatre and the possible uses for it in the future. He spoke about its ties to Texas history.

Mr. Webb related his experiences at the Texas Theatre. He does not particularly care to preserve it. He stated that the Theatre has been neglected for years and said he has no sympathy toward its demolition.

Mr. Hasslocher stated that he favors the Republic Bank project and said he had spoken with the developers of the project and they do not feel that the entire structure can be saved. He spoke about the project bringing in new jobs and will boost the economy.

Mr. Eureste stated that the Rand Building was saved and is now being renovated. He further stated that the San Antonio Conservation Society has set its mind to saving the Texas Theatre and feels that they will prevail as they did in the Rand Building. He further added that the City Council can not really do anything if the developers do not appeal to the Council on the delay of the demolition permit. He suggested that the San Antonio Conservation Society gear itself for a referendum on this issue because there is a strong feeling on demolition of this building.

Mrs. Berriozabal stated that the City does not have ordinances on the books to protect structures such as the Texas Theatre. She stated that until a system is devised she feels that there will be other such instances. She asked if all the options have been looked at.

In response to Mrs. Berriozabal, Mrs. Bobbitt stated that they spoke to developers of the project for many years, however, they had not seen the plans until December 8.

Mrs. Dutmer also expressed her concern about the demolition of a part of the history of San Antonio. She feels that the City of San Antonio has always preserved its past which contributes to its unique charm.

Mr. Harrington expressed concern about any delay in this project and would be willing to vote for the progression of the Republic Bank Project in lieu of the conservation of the Texas Theatre.

Mr. Alderete also expressed concern about demolition of the Texas Theatre. He asked if a moratorium could be imposed on demolition permits as was imposed on the Dullnig Building.

City Attorney, Jane Macon stated that the 120 day period in the City Code provides an opportunity to have concerned parties work together.

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Mr. Frank Wing stated that the San Antonio Conservation Society did not concern themselves with Spanish-speaking theatres which were demolished. He also spoke in favor of proceeding with the Republic Bank Project.

82-17

MR. LOWERY MAYS

Mr. Mays spoke to the City Council about upcoming Fiesta events. He stated that the Texas Cavaliers and Lulac are both concerned about possible constraints. He asked that these two entourages be designated for those seven days of Fiesta as processions. He stated it would be more expeditious in carrying out their duties. He then outlined the schedule which King Antonio must keep on a daily basis. He stated if Police Escorts cannot stop traffic, then they will not be able to stay on schedule. He also stated in terms of liability they would be totally responsible.

Assistant City Manager Alex Briseno stated that the City Manager's concern was if it is in the City's public interest that these two entourages proceed through traffic signal lights, and he felt it was not.

City Attorney, Jane Macon stated that state statutes only allow emergency vehicles to proceed through traffic lights. If the groups were designated as processions then the situation would be dealt under another section of the City Code.

Mr. Alderete feels that the request is a good one and moved that these two groups be designated as procession groups. Mrs. Dutmer seconded the motion.

In response to Mr. Hasslocher, City Attorney Jane Macon stated that the State statute is very specific.

Mrs. Dutmer stated that the City of San Antonio is a home rule city and can set its own rules with regard to processions.

In response to Mrs. Berriozabal, Mr. Mays stated that the escorts are off-duty police officers hired at their own cost. They intend to cover any liability.

The City Council then discussed the treatment of these two entourages as processions which would mean no speeding or sirens.

After consideration the motion carried by the following vote: AYES: Berriozabal, Dutmer, Wing, Eureste, Thompson, Alderete, Harrington, Archer, Hasslocher; NAYS: None; ABSENT: Webb, Cisneros.

82-17

MR. CLAUDE BEEMAN JR.

Mr. Claude Beeman asked that the City Council preserve the Texas Theatre as well as the Theatre on Alamo Street besides the Linkage Project. He stated he had read that a permit had been denied the owner of the "Remember the Alamo Theatre"

City Attorney, Jane Macon stated that the Remember the Alamo Theatre will be granted a permit and plans to demolish the building have been abandoned.

Mr. Beeman asked that the City Council speed up the "Loop" System in order that the hearing impaired may be able to attend Council Meetings.

He also asked that the City Council appoint members to the VIA Board who are sensitive to the disabled.

82-17 There being no further business to come before the Council, the meeting was adjourned at 6:40 P.M.

A P P R O V E D

Henry Cisneros
M A Y O R

ATTEST *Norma S. Rodriguez*
C i t y C l e r k

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