

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MAY 5, 1988.

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The meeting was called to order by the presiding officer, Mayor Henry Cisneros, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, VERA, WOLFF, LABATT, HASSLOCHER, CISNEROS. Absent: NONE.

88-20 The invocation was given by Father Hugo, Pastor of San Juan De Los Lagos Church.

88-20 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

88-20 ST. ANN'S CHURCH 75TH ANNIVERSARY

Mayor Cisneros read and presented a proclamation in honor of the 75th anniversary of St. Ann's Catholic Church in San Antonio. He welcomed church representatives to the meeting and briefly addressed the history of the parish.

A discussion then took place concerning the various activities of the 75th anniversary celebration of the Church.

88-20 911

Mayor Cisneros introduced Mr. Jerry Marshall, Executive Director of the 911 District, who was present to report on the 911 budget program.

Mr. Hasslocher, Chairman of the Council's 911 Committee, explained the State requirement that mandates the 911 District report periodically to the City Council and to County Commissioners.

Mr. Jerry Marshall spoke of having earlier distributed a 911 budget to the Council members.

Mayor Cisneros noted that the City Council would take their

budget under advisement and he spoke to the importance of the 911 program.

88-20

JUNGLE JIM'S PLAYGROUND

Mayor Cisneros introduced Mr. Dave Pickus, General Manager of Jungle Jim's Playground, a children's amusement center in San Antonio. Mr. Pickus stated that Jungle Jim's Playground would be San Antonio's first indoor children's playground and he briefly described the project. He invited City Council members to attend a special benefit for Santa Rosa Medical Center to be held this coming Sunday, 2 - 6 P.M. He then presented Mayor Cisneros with a special tee-shirt and invitations.

A brief discussion followed concerning the details of the playground.

88-20

TRIPLE A

Mayor Cisneros introduced Mr. Delrey LeFevre, of the American Automobile Association, in the City to present San Antonio with a 581 page Atlas and Guide Book, valued at more than \$200, which will be available at the San Antonio Public Library.

Mr. LeFevre briefly described and explained the 10-pound Atlas published by Rand McNally for the American Automobile Association.

Ms. Julia Knight, San Antonio Library Board Member, accepted the Atlas on behalf of the Library system, and introduced the Board's chairperson, Ms. Joan Mellard.

88-20

VISITING PROFESSOR

Mayor Cisneros recognized the presence in the audience today of Professor Takao Nambu, a teacher and instructor at the University of Kumamoto, Japan.

Professor Curtis Hayes, University of Texas at San Antonio, who was accompanying Professor Nambu, introduced him to the Council.

Professor Nambu spoke of his visit to San Antonio and to UTSA, noting that he is a visiting professor at Texas A&M teaching mathematics for a year and he hopes for a steady exchange of professors and students involving Texas, San Antonio and Kumamoto.

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Mayor Cisneros noted that Ms. Beth Costello, newly appointed Director of International Relations for the City of San Antonio, will leave for Kumamoto, Japan this month to help organize that City's International Relations office.

88-20

EARTH, TEXAS HIGH SCHOOL

Mayor Cisneros took note of the presence in the audience today of band members from Spring Lake High School, Earth, Texas, accompanied by their band director Mr. Richard Bradford and Mr. B. J. Lunsford of San Antonio. He asked the students to stand and introduce themselves and then welcomed them to City Hall.

Mr. B. J. Lunsford stated that the band was in town to perform a concert on the River Walk the next night.

Mr. Richard Bradford and various students from the band briefly spoke to their reasons for being in San Antonio.

88-20

DEFENSE LANGUAGE INSTITUTE

Mayor Cisneros recognized the presence in the audience of students from the Defense Language Institute. He asked the students to stand and identify themselves and their nations.

88-20

POLICE APPRECIATION WEEK

Mayor Cisneros spoke of Police Appreciation Week in San Antonio and introduced Police Chief Bill Gibson and Mr. Allen Wick, representing the Greater San Antonio Chapter of the American Society for Industrial Security, along with others who were present to receive the proclamation.

Mayor Cisneros also introduced Sheriff Harlon Copeland, Mr. Mike Kirkpatrick of the FBI, and Col. Tom Roberts, Director of Security for Health Services Command, Fort Sam Houston.

Mayor Cisneros then read the proclamation designating Police Appreciation Week in San Antonio.

Mayor Cisneros and members of the City Council jointly presented the proclamation to Chief Gibson and Mr. Wick.

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88-20 The minutes of the City Council Meeting of April 14, 1988 were approved.

88-20 CONSENT AGENDA

Mrs. Dutmer made a motion to approve Agenda Items 7 - 21, constituting the Consent Agenda, with Items 11, 13 and 21 to be pulled for individual consideration. Ms. Vera seconded the motion.

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

AN ORDINANCE 67,033

ACCEPTING THE LOW BID OF REFRIGERATION SERVICE COMPANY FOR REPAIR OF AIR CONDITIONING UNITS AT THE DENVER HEIGHTS RECREATION CENTER FOR A TOTAL OF \$8,843.12.

* * * *

AN ORDINANCE 67,034

ACCEPTING THE LOW QUALIFIED BIDS OF THE TORGERSON COMPANY AND THOMAS EQUIPMENT COMPANY, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH TRACTOR/MOWERS FOR A TOTAL OF \$120,311.71.

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AN ORDINANCE 67,035

ACCEPTING THE LOW BID OF DAVIS TRUCK & EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH TRUCK MOUNTED WATER DISTRIBUTORS FOR A TOTAL OF \$57,000.

* * * *

AN ORDINANCE 67,036

ACCEPTING THE LOW BIDS OF TEXAS SEED CO. AND DOUGLASS W. KING TO FURNISH THE CITY OF SAN ANTONIO ENVIRONMENTAL MANAGEMENT DEPARTMENT WITH HYDROMULCH/

SEEDING OPERATIONS FOR A TOTAL OF \$15,207.85.

* * * *

AN ORDINANCE 67,037

AUTHORIZING EXECUTION OF AND PROVIDING FUNDS FOR FIELD ALTERATION NO. 5 IN THE AMOUNT OF \$8,170.62 RELATED TO THE KELLER, REHMAN, STARK AND STRIBLING STREET PROJECT.

* * * *

AN ORDINANCE 67,038

AUTHORIZING AN ADDITIONAL \$5,000.00 FOR ENGINEERING FEES PAYABLE TO C.A. BOLNER & ASSOCIATES, INC., RELATED TO THE WESTERN AVENUE DRAINAGE PROJECT NO. 74.

* * * *

AN ORDINANCE 67,039

APPROPRIATING ADDITIONAL ENGINEERING FUNDS, PAYABLE TO POZNECKI-CAMARILLO & ASSOCIATES, TO PROVIDE ADDITIONAL SURVEY AND ENGINEERING SERVICES IN THE CONSTRUCTION PHASE OF THE APPLEWHITE 250 ACRE TRACT OFF-SITE SEWER PROJECT IN THE AMOUNT OF \$3,570.00 WITH AN ADDITIONAL \$1,230.00 FOR CONTINGENCY EXPENSES.

* * * *

AN ORDINANCE 67,040

AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT CHANGE ORDER NO. 6 IN THE AMOUNT OF \$200,480.96, PAYABLE TO FRU-CON CONSTRUCTION CORPORATION FOR THE DOS RIOS WASTEWATER FACILITY, CONTRACT NO. 4A.

* * * *

AN ORDINANCE 67,041

AUTHORIZING THE CITY MANAGER TO EXECUTE A LANDFILL GAS LEASE AND OPERATING AGREEMENT FOR CONVERSION SYSTEMS BETWEEN THE CITY OF SAN ANTONIO AND CAMBRIAN ENERGY SYSTEMS FOR THE PEARSALL ROAD LANDFILL.

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AN ORDINANCE 67,042

AUTHORIZING THE CITY MANAGER TO EXECUTE A LANDFILL GAS LEASE AND OPERATING AGREEMENT FOR CONVERSION SYSTEMS BETWEEN THE CITY OF SAN ANTONIO AND CAMBRIAN ENERGY SYSTEMS FOR THE NELSON GARDENS LANDFILL.

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AN ORDINANCE 67,043

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$25,330.00 OUT OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF ACQUIRING TITLE TO CERTAIN LANDS; ACCEPTING THE DEDICATION OF TITLE TO CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS. (PACIFIC DRAINAGE PROJECT; CHICAGO/FAIR/S. PRESA STREET PROJECT; HUEBNER ROAD - VANCE JACKSON TO FREDERICKSBURG ROAD PROJECT; TILLIE DRAINAGE PROJECT #114A (LATERALS))

* * * *

AN ORDINANCE 67,044

AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH KKYX RADIO STATION FOR USE OF EISENHOWER PARK AND THE GENERAL WILLIAM A. HARRIS PAVILION COMPLEX AS THE SITE OF THE 1988 KKYX 10TH ALMOST ANNUAL GREAT COUNTRY CHILI COOK-OFF.

* * * *

AN ORDINANCE 67,045

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE ECONOMIC DEVELOPMENT ADMINISTRATION FOR FUNDING FOR A THREE MONTH PHASEOUT GRANT APPLICABLE UNDER THE CITY OF SAN ANTONIO'S EXISTING EDA S 302(a) PLANNING ASSISTANCE GRANT IN THE AMOUNT OF \$13,000.00 FOR A GRANT AMENDMENT PERIOD BEGINNING JULY 1, 1988 TO SEPTEMBER 30, 1988; ACCEPTING SAID GRANT WHEN AWARDED; ADOPTING A BUDGET; AND AUTHORIZING A PERSONNEL COMPLEMENT.

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88-20 The Clerk read the following Ordinance:

AN ORDINANCE 67,046

AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH P.I. ENGINEERING, INC., TO PROVIDE PLANS AND SPECIFICATIONS FOR THE I.H. 37/FAIR AVENUE/LOOP 13 SANITARY SEWER RELOCATION PROJECT IN THE AMOUNT OF \$22,500.00; AUTHORIZING AN ADDITIONAL \$5,000.00 FOR ENGINEERING CONTINGENCY, AND \$250.00 FOR BID ADVERTISING.

* * * *

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

In response to a question by Mrs. Dutmer, Mr. Frank Kiolbassa, Director of Environmental Management, noted that the work will not be proceeding on these streets while additional work is underway on Southcross Avenue. He then briefly explained the details of the project.

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

88-20 The Clerk read the following Ordinance:

AN ORDINANCE 67,047

AUTHORIZING THE TRANSFER OF \$22,024.64 FROM THE CONSTRUCTION CONTINGENCY ACCOUNT TO THE ENGINEERING CONTRACT ACCOUNT FOR FINAL PAYMENT TO D.R. FRAZOR AND ASSOCIATES, INC. FOR THE PINE/PALMETTO/RIGSBY STREETS RECONSTRUCTION PROJECT.

* * * *

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

In response to a question by Mrs. Dutmer, Mr. Joe Aceves, Director of Public Works, addressed several of her concerns about slope engineering of intersections in the project.

00318

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

88-20 The Clerk read the following Ordinance:

AN ORDINANCE 67,048

APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PARKING AGREEMENT WITH THE SYMPHONY SOCIETY OF SAN ANTONIO, INC., TO RESERVE 100 - 350 PARKING SPACES IN INCREMENTS OF 50 AT HEMISFAIR GARAGE FOR USE BY THE SAN ANTONIO SYMPHONY ON NON-SPURS GAME NIGHTS FROM SEPTEMBER 1988 THROUGH MAY 1989.

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Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Labatt seconded the motion.

Mr. Joe Aceves, Director of Public Works, explained the Ordinance and the proposed agreement involved.

Mr. Stuart Fischer, Walter P. Moore & Associates, Engineers, representing the River Walk Marriott, stated that the River Walk Marriott is attempting to lease parking in the Marina Garage and he understands that no further block leasing negotiations are being allowed by the City. He asked the City Council to change this policy and to allow the River Walk Marriott to negotiate with the City for additional parking spaces.

Mayor Cisneros noted that the City Council will take this entire matter under advisement although this is not germane to the contract coming before City Council for approval.

Mr. Aceves noted that City staff is now working on an alternate plan for additional parking for the River Walk Marriott and will be bringing it shortly to City Council for approval.

Mr. Labatt spoke of his concerns with leasing 100% of a City parking garage to any one firm or group.

Mr. Aceves noted that the San Antonio Symphony needs additional parking as incentives to symphony patrons and he noted that the society is willing to pay for the spaces at the going market rate and is not leasing the entire garage.

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

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88-20 The Clerk read the following Ordinance:

AN ORDINANCE 67,049 .

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ACCEPTING THE HIGH BIDS RECEIVED IN CONNECTION WITH
CITY FUNDS AVAILABLE FOR DEPOSIT IN INTEREST-BEARING
CERTIFICATES OF DEPOSIT.

* * * *

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

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

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88-20 Agenda Item No. 31, being a proposed ordinance authorizing the closure of various completed capital project accounts, the transfer of surplus funds to the respective fund balances, and the transfer of these funds to the debt service fund, was earlier removed from consideration by the City Manager.

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88-20 The Clerk read the following Ordinance:

AN ORDINANCE 67,050 .

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AMENDING ORDINANCE NO. 66017 PASSED ON DECEMBER 10,
1987, THE MITCHELL LAKE PROPERTY ANNEXATION,
CONCERNING THE EXCEPTION FOR SALE OF FIREWORKS
WITHIN THE PROPERTY.

* * * *

In response to a question by Mrs. Dutmer, Mr. Lloyd Garza, City Attorney, stated that his office had reviewed the legal status of the previous ordinance on the Mitchell Lake Property Annexation and how it impacted fireworks dealers in the area. He noted that the new ordinance

repeals the so-called grandfather clause for all fireworks in the area.

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Thompson seconded the motion.

Mr. W. A. Wildman, fireworks dealer, spoke in support of the motion.

Mr. Valentin Ramirez, fireworks dealer, spoke to the effects of the previous ordinance and spoke against allowing other fireworks dealers the same right that he has enjoyed because he only sells fireworks from a single location.

Mr. Wing offered a substitute motion to approve City staff recommendation and to repeal a portion of the previous ordinance. Mr. Thompson seconded the motion.

A brief discussion then took place concerning the various aspects of the proposed ordinance.

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

The main motion, as substituted, was approved by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Webb.

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88-20 The Clerk read the following Resolution:

A RESOLUTION NO. 88-20-29 .

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 .
 EXPRESSING THE INTEREST OF THE CITY OF SAN ANTONIO
 IN HOSTING THE TEXAS MUNICIPAL LEAGUE INSTITUTE OF
 MAYORS, COUNCILMEMBERS AND COMMISSIONERS TO BE HELD
 IN JUNE 1990.

* * * *

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

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

88-20 The Clerk read the following Ordinance:

AN ORDINANCE 67,051

AUTHORIZING THE CO-SPONSORSHIP OF THE CINCO DE MAYO
CELEBRATION SCHEDULED FOR MAY 6, 7, AND 8, 1988.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Ms. Berriozabal seconded the motion.

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

88-20 The Clerk read the following Ordinance:

AN ORDINANCE 67,052

APPOINTING INDIVIDUALS TO SERVE ON THE HOUSING
AUTHORITY OF THE CITY OF SAN ANTONIO FOR TERMS TO
EXPIRE ON APRIL 6, 1990.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr. Thompson seconded the motion.

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

88-20 The Clerk read the following Ordinance:

AN ORDINANCE 67,053

APPOINTING INDIVIDUALS TO SERVE ON THE MARKET SQUARE
COMMISSION FOR TERMS TO EXPIRE ON MAY 5, 1990.

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00322

In response to a question by Mr. Martinez, Mr. Robert Tagle, Market Square Supervisor, spoke to how the various Market Square associations must comply with their individual by-laws.

Mr. Rolando Bono, Assistant City Manager, stated that City staff will be monitoring any internal problems of these associations including the matter of holding of elections within the legal limits as specified. He noted that City staff would be reporting to City Council on these election matters as well as those concerning the annual meetings of the boards, etc.

Mr. Lloyd Garza, City Attorney, noted that the staff is monitoring the groups as well as is possible at this time.

Ms. Berriozabal spoke to the need for proper notice and for holding regular meetings and she urged regular meeting dates be established by the three Market Square associations.

A discussion then took place concerning what constitutes monitoring within the provisions of the proposed ordinance .

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

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

88-20 The Clerk read the following Ordinance:

AN ORDINANCE 67,054

APPOINTING PAUL HOLDEN TO SERVE ON THE PLANNING COMMISSION FOR A TERM TO EXPIRE ON JULY 31, 1989.

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

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

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88-20 The Clerk read the following Ordinance:

AN ORDINANCE 67,055

APPOINTING HAROLD D. JOHNSON TO SERVE ON THE 201
AREA WASTEWATER ADVISORY COMMITTEE FOR A TERM TO
EXPIRE ON MARCH 6, 1989.

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

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

88-20 The Clerk read the following Ordinance:

AN ORDINANCE 67,056

AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF SAN ANTONIO AND THE AVENIDA GUADALUPE
ASSOCIATION FOR A LOAN OF \$322,000 FOR THE
CONSTRUCTION OF LAS TIENDAS AT PLAZA GUADALUPE;
AUTHORIZING PAYMENT OF \$17,675 TO AVENIDA GUADALUPE
ASSOCIATION AS AN INITIAL ADVANCE OF LOAN PROCEEDS
TO PAY DESIGN COSTS.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Mr.
Martinez seconded the motion.

Mr. Martinez briefly explained the ordinance designed to move
ahead quickly to the construction phase in compliance with the Economic
Development Administration grant requirements.

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

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00324

ZONING HEARINGS

23. CASE Z88032(P.P.) - to rezone Lot 1, Block 49, NCB 2743, 1516 Fredericksburg Road, from "F" Local Retail District to "B-3NA" Non-Alcoholic Sales Business District, located southeast of the intersection of West Summit Avenue and Fredericksburg Road, having 109.15' on Fredericksburg Road and 156' on West Summit Avenue.

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

Ms. Vera briefly explained negotiations that have taken place concerning outside storage on this property.

Mr. Thompson made a motion that the recommendation of the Zoning Commission be approved provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Thompson seconded the motion.

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

AN ORDINANCE 67,057

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 49, NCB 2743, 1516 FREDERICKSBURG ROAD, FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

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88-20 Agenda Items 24 and 25 were temporarily by-passed.

26. CASE Z88060 - to rezone Lots 1, 2, 3 and the north 15' of Lots 35 and 36, NCB 1156, Lots 11, 12, 13, 14, and 15, 20, 21 and 23, NCB 1155, in the 700 Block of Hood Street, in the 300 Block of Bee Street and in the 1600 Block of Ash Street, from "L" First Manufacturing District and "R-1" One Family Residence District, to "R-5" One Family Residence District,

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located on the southwest intersection of Hood Street and Ash Street, having 145.03' on Hood Street and 161.97' on Ash Street. The property in NCB 1155 is 111.12' east of the intersection of Hood Street and Ash Street, between Bee Street and Hood Street, having 250' on Hood Street and a total of 150' on Bee Street with a distance of 303.88' between these two streets.

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

Mrs. Dutmer made a motion that the recommendation of the Zoning Commission be approved provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 67,058

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, 2, 3 AND THE NORTH 15' OF LOTS 35 AND 36, NCB 1156; LOTS 11, 12, 13, 14 and 15, 20, 21 AND 23, NCB 1155, 712, 714, 716, 720 AND 724 HOOD STREET; 311, 315 AND 321 BEE STREET, 1615, 1619 AND 1623 ASH STREET, FROM "L" FIRST MANUFACTURING DISTRICT AND "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "R-5" ONE-FAMILY RESIDENCE DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

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27. CASE 288047 - to rezone Lots 4, 5, and 6, Block G, NCB 2565, 1100 S. Main Avenue, from "C" Apartment District to "I-1" Light Industry District, located on the southeast side of S. Main Avenue, being approximately 300' northeast of the intersection of S. Main Avenue and S. Alamo Street, having 154.1' on S. Main Avenue and a maximum depth of 245'.

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

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Ms. Berriozabal spoke to details of the negotiated settlement involved with this ordinance.

Mr. Bill Cothren and Mr. Richard DeGregorio, representatives of Pioneer Flour Mills, briefly explained the negotiations that had been held with neighborhood groups leading to a settlement of the proposed rezoning issue.

Ms. Isabel Zertuche, 228 Daniel Street, briefly explained the negotiated settlement.

Mr. Wing made a motion to approve the recommendation of the Zoning Commission provided that a 25-foot landscaped area is planted and maintained along South Main Avenue, and that a one-foot non-access easement is imposed along South Main Avenue. Ms. Berriozabal seconded the motion.

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

AN ORDINANCE 67,059

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 4, 5 AND 6, BLOCK G, NCB 2565, 1100 SOUTH MAIN AVENUE, FROM "C" APARTMENT DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT A 25-FOOT LANDSCAPED AREA IS PLANTED AND MAINTAINED ALONG SOUTH MAIN AVENUE, AND THAT A ONE-FOOT NON-ACCESS EASEMENT IS IMPOSED ALONG SOUTH MAIN AVENUE.

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28. CASE Z88050 - to rezone a 7.330 acre tract of land out of NCB 14699, from "P-1(B-3)" Planned Unit Development Business District to "P-1(R-1)" Planned Unit Development One Family Residence District, located on the eastside of Elm Creek Road, being approximately 3000' northwest of the intersection of Elm Creek Road and Wurzbach Road, having 1913.09' on Elm Creek Road and a maximum depth of 431.59'.

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

Mr. Wolff made a motion to approve the recommendation of the Zoning Commission provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mrs. Dutmer seconded the motion.

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

AN ORDINANCE 67,060

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 7.330 ACRE TRACT OF LAND OUT OF NCB 14699, FROM "P-1(B-3)" PLANNED UNIT DEVELOPMENT BUSINESS DISTRICT TO "P-1(R-1)" PLANNED UNIT DEVELOPMENT ONE-FAMILY RESIDENCE DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION.

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24. CASE 288062 - to rezone Lot 8, the east 12.5' of Lot 7 and the west 15' of Lot 9, Block 11, NCB 7019, 220 Thomas Jefferson Drive, from "R-1" One Family Residence District to "R-1" S.U.P. One Family Residence District, Special Use Permit for two dwellings on a lot, located on the southside of Thomas Jefferson Drive, being 237.28' east of the intersection of Thomas Jefferson Drive and Dickinson Drive, having 25' on Thomas Jefferson Drive and a maximum depth of 140'.

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

Mr. Andy Guerrero, Planner III, noted that nine affirmative votes will be needed to approve the proposed rezoning. He briefly explained the recent rezoning of the property to R-1.

Mrs. Alicia Reyes, 220 Thomas Jefferson Drive, stated that she is willing to move her fence in order to better protect her neighbors if the

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rezoning is granted and she explained plans for use of the garage apartment.

Mr. C. W. Steiger, 225 Alexander Hamilton, voiced his concern with the lack of escape from the garage apartment with only one entrance and exit and possible traffic problems in the narrow alley.

Mr. J. J. Burke, Jr., 229 Alexander Hamilton, briefly reiterated concerns expressed by Mr. Steiger.

Mr. Sam Kinsey, 207 Thomas Jefferson, stated that he was opposing any change in the zoning because of the size of the property and he noted that that property cannot sustain two dwellings. He then distributed photographs of the property stating he feels it will cause property values to drop.

Ms. Reyes stated that she feels some of the opponents to the proposed rezoning have apartments behind their homes as well.

Ms. Vera explained the zoning history of the property including the use of the rear apartment and she noted that the property may have non-conforming rights to continue such operations as occupancy of the rear apartment. She further stated she feels the proponent should retain use of the rear apartment, at the same time return the back fence to the property line and also agree not to use the alley for parking.

Ms. Vera made a motion to approve the recommendation of the Zoning Commission, provided that a six-foot solid screen fence is returned and maintained along the rear property line involved, restricting entrance to the property from the front. Mr. Thompson seconded the motion.

Mr. Wing briefly explained the special use provisions and restrictions involved.

A discussion then took place concerning the property meeting code requirements.

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

AN ORDINANCE 67,061

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 8, THE EAST 12.5' OF LOT 7, AND THE WEST 15' OF LOT 9, BLOCK 11, NCB 7019, 220

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THOMAS JEFFERSON DRIVE, FROM "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "R-1" SUP ONE-FAMILY RESIDENCE DISTRICT, SPECIAL USE PERMIT, PROVIDED THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE REAR PROPERTY LINE.

* * * *

25. CASE Z88046 - to rezone Lot 6, NCB 2588 (in the 100 Block of Helena Street), from "C" Apartment District to "O-1" Office District.

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

Mr. Andy Guerrero, Planner III, briefly explained that the proponent has verbally requested withdrawal of this case.

Zoning Case Z88046 was withdrawn from consideration.

29. CASE Z87252 - to rezone the following:

FROM: Temporary "R-1" ERZD One Family Residence Edwards Recharge Zone District

TO: "R-1" ERZD One Family Residence Edwards Recharge Zone District

- C.B. 4782-B, Block 20, Lots 37 thru 73.
- C.B. 4782-B, Block 41, Lots 27 thru 72.
- C.B. 4782-B, Block 47, NCB 17033, Block 47, Lots 2 and 3.
- C.B. 4782-B, Block 47, Lots 4 thru 11.
- C.B. 4782-B, Block 48, Lots 10 thru 20, 25 thru 61.
- C.B. 4782-B, Block 49, All.
- C.B. 4782-B, Block 50, All.
- C.B. 4782-B, Block 51, Lots 11 thru 26, 34 thru 62.
- C.B. 4782-C, Block 51, Lot 19.
- C.B. 4782-B, Block 54, All.
- C.B. 4782-B, Block 55, All.
- C.B. 4782-B, Block 56, All.
- C.B. 4782-B, Block 57, Lots 1 thru 22.
- C.B. 4782-B, Block 58, All.
- C.B. 4782-B, Block 59, All.
- C.B. 4782-B, Block 60, All.
- C.B. 4782-B, Block 62, All.

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FROM: Temporary "R-1" ERZD One Family Residence Edwards Recharge Zone District

TO: "R-5" ERZD One Family Residence Edwards Recharge Zone District

C.B. 4782-B, Block 20, Lots 28 thru 36.
 C.B. 4782-B, Block 42, Lots 14 thru 18.
 C.B. 4782-B, Block 43, Lots 9 thru 13, 22 thru 25.
 C.B. 4782-B, Block 52, Lots 7 thru 11.
 C.B. 4782-B, Block 53, All.

FROM: Temporary "R-1" ERZD One Family Residence Edwards Recharge Zone District

TO: "P-1(R-1)" ERZD Planned Unit Development One Family Residence Edwards Recharge Zone District

C.B. 4782-B, Block 61, NCB 17468, Lots 1 thru 8 and 61 thru 67.

FROM: Temporary "R-1" ERZD One Family Residence Edwards Recharge Zone District

TO: "P-1(R-6)" ERZD Planned Unit Development Townhouse Residence Edwards Recharge Zone District

C.B. 4782-B, Block 42, Lots 19 thru 113.

FROM: Temporary "R-1" ERZD One Family Residence Edwards Recharge Zone District

TO: "R-2" ERZD Two Family Residence Edwards Recharge Zone District

C.B. 4782-B, Block 51, Lots 1 thru 10.
 C.B. 4782-B, Block 52, Lots 1 thru 6.

FROM: Temporary "R-1" ERZD One Family Residence Edwards Recharge Zone District

TO: "B-2" ERZD Business Edwards Recharge Zone District

C.B. 4782, Parcel 14, save & except the southeast 300'.
 C.B. 4782, Block 32, Lot 24, save & except the southeast 200'.
 C.B. 4782, Block 32, Lot 25, save & except the southeast irregular 200'.
 C.B. 4782, Block 32, Lot 28, save & except the southeast 200'.
 C.B. 4782-B, Block 61, Lots 68 and 69.

FROM: Temporary "R-1" ERZD One Family Residence Edwards Recharge Zone District

TO: "B-3" ERZD Business Edwards Recharge Zone District

C.B. 4782, Block 32, the southeast 200' of Lots 24, 25 and 28.
 C.B. 4782-B, Block 61, Lots 70 and 71.

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FROM: Temporary "R-1" One Family Residence District
TO: "I-1" Light Industry District

C.B. 4775, All.

C.B. 4782-A, Block 102, Lots 32 thru 49, Lot 52, save & except this east irregular 200' of 52.

C.B. 4782-A, Block 103, Lots 21 thru 26, 38 thru 40.

FROM: Temporary "R-1" ERZD One Family Residence Edwards Recharge Zone District

TO: "B-3NA" ERZD Non-Alcoholic Business Sales Edwards Recharge Zone District

C.B. 4782-A, Block 101, All.

C.B. 4782-A, Block 102, Lots 1 thru 31, Lots 50 and 51.

C.B. 4782-A, Block 103, Lots 9 thru 13, Lots 29 thru 37.

C.B. 4782, The southeast 300' of Parcel 14, Abs. 482.

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

Mr. Andy Guerrero, Planner III, briefly explained the requested rezoning.

Mr. Mike Lozano, the proponent, who lives at 4742 Shavano Oaks, stated that he occupied a commercial site in the area before nearby residential development occurred.

Ms. Lynn Huskes, 4531 Hawthorn Woods, distributed copies of a map of the area and stated that she opposes the rezoning along with 116 persons who signed their names on petitions opposing the zoning. She then took issue with the claim that the commercial firm was there before the neighborhood was established. She further stated she would like the Council to install a noise buffer between the current I-1 zoning and the R-1 residential areas and she spoke to safety concerns with industrial uses in the area. She then briefly played a tape recording of the noise allegedly made in testing race car engines on the nearby property, which is some 500 feet away from her property.

Mr. Lance Oberg, 14334 Indian Woods, asked that a B-3NA be granted in his area in lieu of B-3 in order to eliminate alcohol.

A representative of Shavano Joint Venture, developers of the area, asked that the seven acre tract in question be exempted from rezoning along DeZavala Road and he stated that his group would like to have a B-2 with a buffer on that property.

In response to a question by Mr. Labatt, Mr. Fred Myers, Aquifer Protection Officer, stated that his office has not as yet looked over the area.

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Mr. Guerrero addressed recommended changes in the proposed rezoning and noted that the City of San Antonio considers this to be a special case. He stated that he will have the Aquifer Protection Officer report in the future on any changes that occur over the recharge zone.

In response to a question by Mr. Wolff, Mr. Myers stated that he feels I-1 zoning areas can be handled in the future and he further stated that he feels that in such cases as this, restrictions would be in order to limit outside storage.

Mr. Wolff made a motion to approve the recommendation of the Zoning Commission to have the area zoned I-1 over the recharge zone be changed to B-3NA with continued non-conforming rights for those uses that are allowed; also that B-3NA is used on the corner next to the Catholic Church; and that Lot 27 be deleted from the rezoning. Mr. Labatt seconded the motion.

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

AN ORDINANCE 67,062

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 FROM: TEMPORARY "R-1" ERZD ONE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO: "R-1" ERZD ONE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT: C.B. 4782-B, BLOCK 20, LOTS THRU 73; C.B. 4782-B, BLOCK 41, LOTS 27 THRU 72; C.B. 4782-B, BLOCK 47, NCB 17033, BLOCK 47, LOTS 2 AND 3; C.B. 4782-B, BLOCK LOTS 4 THRU 11; C.B. 4782-B, BLOCK 48, LOTS 10 THRU 20, 25 THRU 61; C.B. 4782-B, BLOCK 49, ALL; C.B. 4782-B, BLOCK 50, ALL; C.B. 4782-B, BLOCK 51, LOTS 11 THRU 26, 34 THRU 62; C.B. 4782-C, BLOCK 51, LOT 19; C.B. 4782-B, BLOCK 54, ALL; C.B. 4782-B, BLOCK 55, ALL; C.B. 4782-B, BLOCK 56, ALL; C.B. 4782-B, BLOCK 57, LOTS 1 THRU 22; C.B. 4782-B, BLOCK 58, ALL; C.B. 4782-B, BLOCK 59, ALL; C.B. 4782-B, BLOCK 60, ALL; C.B. 4782-B, BLOCK 62, ALL; FROM: TEMPORARY "R-1" ERZD ONE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO: "R-5" ERZD ONE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT: C.B. 4782-B, BLOCK 20, LOTS 28 THRU 36; C.B. 4782-B, BLOCK 42, LOTS 14 THRU 18; C.B. 4782-B, BLOCK 43, LOTS 9 THRU 13, 22 THRU 25; C.B. 4782-B, BLOCK 52,

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LOTS 7 THRU 11; C.B. 4782-B, BLOCK 53, ALL; FROM: TEMPORARY "R-1" ERZD ONE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO: "P-1(R-1)" ERZD PLANNED UNIT DEVELOPMENT ONE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT; C.B. 4782-B, BLOCK 61, NCB 17468, LOTS 1 THRU 8 AND 61 THRU 67; FROM: TEMPORARY "R-1" ERZD ONE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO: "P-1(R-6)" ERZD PLANNED UNIT DEVELOPMENT TOWNHOUSE RESIDENCE EDWARDS RECHARGE ZONE DISTRICT; C.B. 4782-B, BLOCK 42, LOTS 19 THRU 113; FROM: TEMPORARY "R-1" ERZD ONE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO: "R-2" ERZD TWO FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT; C.B. 4782-B, BLOCK 51, LOTS 1 THRU 10; C.B. 4782-B, BLOCK 52, LOTS 1 THRU 6; FROM: TEMPORARY "R-1" ERZD ONE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO: "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT; C.B. 4782, PARCEL 14, SAVE & EXCEPT THE SOUTHEAST 300'; C.B. 4782, BLOCK 32, LOT 24, SAVE & EXCEPT THE SOUTHEAST 200'; C.B. 4782, BLOCK 32, LOT 25, SAVE & EXCEPT THE SOUTHEAST IRREGULAR 200'; C.B. 4782, BLOCK 32, LOT 28, SAVE & EXCEPT THE SOUTHEAST 200'; C.B. 4782-B, BLOCK 61, LOTS 68 AND 69; FROM: TEMPORARY "R-1" ERZD ONE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO: "B-3" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT; C.B. 4782, BLOCK 32, THE SOUTHEAST 200' OF LOTS 24, 25 AND 28; C.B. 4782-B, BLOCK 61, LOTS 70 AND 71; FROM: TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO: "I-1" LIGHT INDUSTRY DISTRICT; C.B. 4775, ALL; C.B. 4782-A, BLOCK 102, LOTS 32 THRU 49, LOT 52, SAVE & EXCEPT THIS EAST IRREGULAR 200' OF 52; C.B. 4782-A, BLOCK 103, LOTS 21 THRU 26, 38 THRU 40; FROM: TEMPORARY "R-1" ERZD ONE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO: "B-3NA" ERZD NON-ALCOHOLIC BUSINESS SALES EDWARDS RECHARGE ZONE DISTRICT; C.B. 4782-A, BLOCK 101, ALL; C.B. 4782-A, BLOCK 102, LOTS 1 THRU 31, LOTS 50 AND 51; C.B. 4782-A, BLOCK 103, LOTS 9 THRU 13, LOTS 29 THRU 37; C.B. 4782, THE SOUTHEAST 300' OF PARCEL 14, ABS. 482.

* * * *

88-20 The Clerk read the following Ordinance:

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AN ORDINANCE 67,063

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, RELATING TO THE ISSUANCE AND SALE OF \$49,576,000 "CITY OF SAN ANTONIO, TEXAS, GENERAL IMPROVEMENT BONDS, SERIES 1988" AND \$16,200,000 "CITY OF SAN ANTONIO, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 1988-A", INCLUDING THE APPROVAL AND DISTRIBUTION OF A NOTICE OF SALE AND OFFICIAL STATEMENT IN CONNECTION WITH THE ISSUANCE AND SALE OF SAID BONDS AND CERTIFICATES; AND THE AUTHORIZATION TO PROCEED WITH THE GIVING OF NOTICE OF INTENTION TO ISSUE SAID CERTIFICATES; AUTHORIZING THE PUBLIC ADVERTISEMENT FOR THE SALE OF THE BONDS AND CERTIFICATES; AND DECLARING AN EMERGENCY.

* * * *

Mr. Thompson made a motion to approve the proposed Ordinance. Mrs. Dutmer seconded the motion.

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

88-20 The Clerk read the following Ordinance:

AN ORDINANCE 67,064

RELINQUISHING AND RELEASING CERTAIN HEREINAFTER DESCRIBED TERRITORY FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO; EXPRESSING THE INTENTION OF THE CITY OF SAN ANTONIO NOT TO OPPOSE ANY ACTIONS ON THE PART OF THE CITY OF HELOTES TO EXERCISE EXTRATERRITORIAL JURISDICTION OR RIGHTS OF ANNEXATION WITHIN SUCH HEREINAFTER DESCRIBED PROPERTY; AND AMENDING IN PART ORDINANCE NO. 53852 DATED MAY 28, 1981 TO THE EXTENT SAME IS IN CONFLICT WITH THIS ORDINANCE.

* * * *

Mr. Hasslocher, Chairman of the City Council Annexation Committee, noted that City staff and the committee both recommend against releasing this ETJ to the City of Helotes. He noted that certain persons

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are present in the audience asking that their property be withheld from release to Helotes.

Mrs. Dutmer made a motion to approve passage of this Ordinance. Mr. Martinez seconded the motion.

Mr. Hasslocher then addressed the possible exclusion of Areas 4A, 4B, and a segment of Area 1B.

Mayor Cisneros questioned how such property exclusion would affect Helotes' plans for future development.

Ms. Vivian Hulse, Mayor of the City of Helotes, asked to keep the entire area intact and to release to Helotes ETJ.

Mayor Cisneros stated that he favors release of this extra territorial jurisdiction to Helotes with a possible time limit involved so that the area is not lost to possible annexation by the City of San Antonio if Helotes cannot annex it.

Mr. Emil Gavlick, 11403 Mount Morey, spoke against release of the ETJ to Helotes and he noted that if annexation is necessary, he favors staying with San Antonio. He then voiced his fears for certain restrictions against future development of his property if it is annexed by Helotes.

Mr. Glenn Howard, of Helotes, stated that he and certain of his neighbors oppose release of this ETJ to Helotes.

Mr. Kyle Seale, attorney and land owner in the area, stated that he had been promised by the Helotes Transportation Committee that they would never want to grow or to have an ETJ. He then reiterated statements made by previous speakers and he asked that Helotes be held to their original promise and that, if nothing else, at least his property be excluded from being released to Helotes. He then asked that this matter be postponed until it is given proper consideration.

A discussion then took place by the City Council concerning the steps which will be necessary by the City of Helotes to actually annex this area.

Mr. Hasslocher offered an amendment to delete from consideration areas 4A, 4B and what has been labeled 4C following discussion. Mr. Thompson seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Roland Lozano, Director of Planning, spoke to the reasons why the City staff is against releasing this ETJ to Helotes, including a potential tax base for the City of San Antonio.

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

Mrs. Dutmer stated that a Council cannot bind a future City Council as has been alluded to by previous property owners who spoke today. She stated that the issue will be with the City of Helotes not the City of San Antonio and she spoke in behalf of her original motion.

Mr. Louis J. Fox, City Manager, stated that he too recalls discussions of the Helotes Incorporation Committee that they would never ask for additional land.

Ms. Vera then spoke against the motion to release the City's ETJ to Helotes.

(Mayor Cisneros returned to the meeting to preside.)

Mr. Labatt also spoke against the motion.

In response to a question by Mr. Thompson, Mr. Lozano briefly explained the manner in which the parcels were delineated.

Mr. Thompson and Mr. Wolff both spoke against releasing the ETJ to Helotes.

The amendment failed to carry by the following vote: AYES: Thompson, Hasslocher; NAYS: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Cisneros; ABSENT: None.

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

88-20 The Clerk read the following Ordinance:

AN ORDINANCE 67,065

SCHEDULING PUBLIC HEARINGS ON THE REGIONAL WATER RESOURCE PLAN AND ON THE PROPOSED APPLEWHITE RESERVOIR.

* * * *

Mr. Rebecca Q. Cedillo, Assistant Director of Planning, spoke to the City staff recommendation to allow the joint committee to complete the regional water resources plan before taking up the matter of the Applewhite Reservoir at a later date in June.

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Mr. Martinez made a motion to set two public hearings; one on the Regional Water Resource Plan for June 21, 1988 and the next on the proposed Applewhite Reservoir on June 28, 1988. Mrs. Dutmer seconded the motion.

Mayor Cisneros acknowledged the presence in the audience of all those individuals who had signed up interested in speaking on the aquifer matter and he stated that the proper time to speak on the issues would be at the public hearings.

Mr. Martinez noted that Congressman Bustamante has spoken in favor of public hearings on this issue.

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

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88-20 APPEAL OF MR. SANTOS TORRES FROM THE TRANSPORTATION ADVISORY BOARD

Mr. Roger Ibarra, Supervisor of Public Utilities, spoke to two alleged incidents involving Mr. Santos Torres, the proponent, at the Airport during the months of January and February and he noted that City staff recommends a 60 day suspension of his taxi cab license.

Lt. Bill Smith, Administrator of Airport Police, described details of the two alleged instances involving the appellant which began with a parking violation. He noted that on January 8th the appellant sped off from the scene and was stopped after a brief chase by police and resisted arrest. He noted that other San Antonio police officers were called upon to help subdue the man and he was later booked into County Jail for resisting arrest. Lt. Smith stated that on February 15th similar traffic parking problems occurred involving the appellant and he noted that cabs were requested to leave the area at the time. He stated that one taxi cab refused to leave and the driver was ordered to step out of the cab. He noted that in the ensuing discussion and attempt to remove the cab driver from the cab, one of the police officers was kicked. The man was subdued and later booked for aggravated assault on a police officer.

Mr. Bernard Buker, attorney, stated that he feels the officers involved should be present today to testify and he stated further that he feels that the officers assaulted Mr. Torres after traffic violations not the reverse.

(At this point Mayor Cisneros was obliged to leave the meeting. Mayor Pro Tem Dutmer presided.)

Mr. Said Pourkhabadi, driver for Yellow Cab Company, spoke to details of the second incident as he saw it. He stated that the taxi cab line was cut in half by police and he described the incident in which the officer spoke into his loud speaker while no one in the cabs could understand him. He noted that the police officer then attempted to pull Mr. Torres from his cab and he feels that the police officers have pulled pistols on taxi cab drivers at the Airport in the past.

Mr. Jesus Antonio DeLuna, taxi cab driver, spoke of the second incident and its details, stating that he feels Mr. Torres never kicked the officer but in turn was manhandled by the police officer involved.

Mr. Torres noted that he speaks little English but he has had no difficulty in communicating with his taxi cab passengers in the past. He noted that he uses a map to locate the site where his cab passengers are seeking to go. He then gave his own version of both incidents noting that in his opinion the first time, the policeman put a pistol to his head. He stated on the second occasion he was afraid and thus fled the scene. He then briefly described his version of his being stopped and pulled from the taxi cab and subsequently injured stating that he feels he made no effort to resist.

Mr. Ibarra noted that City staff recommendation is based only on the allegation that he resisted arrest from the police officer.

A discussion then took place concerning the alleged details of the two incidents.

In response to a question by Mr. Webb, Officer Smith outlined his policies on debriefing of officers following incidents at the Airport and also asked for his reasons for using force in these cases.

Mr. Webb stated that he supports City staff recommendation.

Mr. Wing noted that the appellant can complain to Internal Affairs officers of the San Antonio Police Department if he feels that he was mishandled by police officers.

Mr. Labatt made a motion to uphold City staff recommendation on the suspension. Mr. Wing seconded the motion.

After consideration the motion prevailed by the following vote:
AYES: Webb, Dutmer, Wing, Martinez, Wolff, Labatt: NAYS: Vera; ABSENT: Berriozabal, Thompson, Hasslocher, Cisneros.

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CITIZENS TO BE HEARD

DON WILKINS

Mr. Don Wilkins, 1512 Jane Street, spoke to the Council about past police action against him and his mother. He stated that he has been harrassed since 1983.

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BARBARA THOMAS

Ms. Barbara Thomas, Fox Run Apartments #708, again spoke to the City Council about Harold Flammia, President of the San Antonio Police Officers Association, and his relationship to the Fire and Police Pension Fund. She submitted a copy of a prepared statement (a copy of which is on file with the papers of this meeting).

* * * *

RUTH THERESA BERLANGA

Ms. Ruth Theresa Berlanga, 206 El Monte Blvd., spoke to the Council about several incidents which occurred at the parade route site. She related to the Council an incident which occurred that prevented her from beginning her operation until after 11:45 A.M.

Mr. Labatt stated that he has not received any complaints from vendors other than Mrs. Berlanga's. He stated that one complaint out of the many hundreds of vendors is not bad. The City will continue to try to improve the Fiesta operation. He stated, however, that the Council will not change the present ordinance because of one person's complaint.

Mr. Wing stated that the City is very accommodating. He stated that the vendors who sell all year do experience losses of revenue during Fiesta Week. He agreed with Mr. Labatt's comments.

A discussion then took place on regulating vendors and vendors operating on private property.

* * * *

JUAN A. DE LUNA

Mr. Juan A. De Luna, 1133 Cecilia, spoke to the Council about an incident which occurred involving a police officer and the issuance of tickets which he felt were unfairly issued. He was found guilty on three charges and proceeded to give the Council a detailed account of what had transpired.

Mr. Tom Bailey, Assistant City Attorney, stated that evidence was presented and Mr. De Luna was found guilty. The fines are within the proper range. He explained why this case cannot be appealed, because Mr. De Luna did not request a court reporter or a jury trial.

Mrs. Dutmer stated that the City Council cannot do anything at this point.

In response to a question by Mr. Wing, Mr. Bailey stated that there is an ordinance which allows police officers to stop and detain persons who are in violation of the City's taxi cab ordinance.

* * * *

KAY FORTUNE

Ms. Kay Fortune, 1802 N. Pan Am, stated that she has had to resort to begging for money in order to buy medicines. She has not received any help from the City Council or from her Council representative, neither did she receive any assistance nor direction to any particular agency. She has been forced to seek work in order to receive her food stamps in spite of her disabilities. She then read from a doctor's statement substantiating her remarks on her disabilities.

She then asked that the City Council review the Mittman Project. She also complained about the lack of police protection.

Mr. Webb stated that Ms. Fortune's request was forwarded to the proper agency. He also stated that Ms. Fortune never gave her last name and the request to pay her mortgage payment was unreasonable.

Mrs. Dutmer referred Ms. Fortune to Mrs. Julia Castellano-Hoyt to direct her to the proper agency.

88-20 The Clerk read the following Letter:

April 26, 1988

Honorable Mayor and Members of the City Council of the City of San Antonio
The following petition was received in my office and forwarded to the City Manager for investigation and report to the City Council.

April 20, 1988

Petition submitted by Mr. Esteban G. Garza, 3262 Rock Creek Run, San Antonio, Texas 78230, requesting that the problem of water collecting at the curb areas in front of 1234 Santa Ana

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be corrected.

* * * *

/s/Norma S. Rodriguez
City Clerk

There being no further business to come before the Council, the meeting was adjourned at 6:05 P.M.

A P P R O V E D

Henry Cisneros

M A Y O R

ATTEST

Norma S. Rodriguez
City Clerk

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