

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, MARCH 28, 1991.

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The meeting was called to order by the Presiding Officer, Mayor Pro Tem Wing, presiding in the absence of Mayor Cockrell, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, VERA, WOLFF, LABATT, HASSLOCHER (MAYOR COCKRELL ARRIVED TO PRESIDE LATER IN THE MEETING). ABSENT: NONE.

91-13

DESERT STORM FAMILIES

Mayor Pro Tem Wing introduced representatives of District 4 families with loved ones serving in the Persian Gulf area, including the families of: Jesse Arriaga, Anthony R. Cardenas, Preston Devillier III, Richard O. Herrera, Alonso Raul Huerta, Michael Anthony Ibarra, Mary C. Dyer, Robert A. Martinez Jr., Alexander A. Oldeda, Joe Henry Plata, Roy Reyes, Pat Roland Sanchez, Richard Galvan Sanchez, and Abel Zule Jr.

Representatives of the families present led the audience and City Council in the pledge of allegiance to the flag of the United States.

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

Mayor Cockrell and Mr. Wing jointly presented special Citations and yellow ribbons to the families present.

91-13

MEDAL OF HONOR DAY

Mayor Cockrell took note of the presence in the audience today of four recipients of the Congressional Medal of Honor, present to receive the official proclamation designating "Medal of Honor" Day in San Antonio. They included: James M. Logan, U.S. Army; Lucian Adams, U.S. Army; SFC Jose M. Lopez, U.S. Army (Retired); and Robert E. O'Malley, U.S. Marine Corps.

Mr. Wing identified and welcomed representatives of several veterans' groups, present in the audience.

Council

meeting.

91-13 CONSENT AGENDA

Mr. Hasslocher made a motion to approve Agenda Items 9 through 33, constituting the Consent Agenda, with Items 17 and 29 to be pulled for individual consideration. Mrs. Dutmer 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, Martinez, Thompson, Vera, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Wing, Wolff.

AN ORDINANCE 73,363

ACCEPTING THE PROPOSAL OF LEGENT CORPORATION TO FURNISH THE CITY OF SAN ANTONIO INFORMATION RESOURCES DEPARTMENT WITH DASD MANAGEMENT SOFTWARE LICENSE RENEWAL FOR A TOTAL OF \$8,100.00 ANNUALLY.

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AN ORDINANCE 73,364

ACCEPTING THE LOW QUALIFIED BID OF SNOBER INDUSTRIAL SERVICES TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH EXTERIOR CLEANING OF THE HERTZBERG CIRCUS MUSEUM FOR A TOTAL OF \$9,590.00.

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AN ORDINANCE 73,365

ACCEPTING THE LOW BID OF DOBBINS METAL PRODUCTS TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH MOUNTING CONSOLES FOR MOBILE RADIOS ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF APPROXIMATELY \$7,000.00.

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AN ORDINANCE 73,366

CANCELLING THE CONTRACT OF BAUR TAPE & LABEL COMPANY, INC. FOR BAR CODE LABELS AND AWARDDING IT TO WATSON LABEL PRODUCTS FOR A TOTAL OF \$5,204.76.

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AN ORDINANCE 73,367

ACCEPTING THE LOW QUALIFIED BIDS OF ALAMO FORD NEW HOLLAND, INC., MISSION EQUIPMENT COMPANY, Menco, INC., D/B/A GRAVELY SALES & SERVICES COMPANY, AND TEXAS EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH MOWING EQUIPMENT FOR A TOTAL OF \$57,567.60.

* * * *

AN ORDINANCE 73,368

ACCEPTING THE PROPOSAL OF E. J. WARD, INC. TO FURNISH THE CITY OF SAN ANTONIO WITH CAR WASH AUTOMATION FOR A TOTAL OF \$21,200.00.

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AN ORDINANCE 73,369

ACCEPTING THE LOW BID OF RICHTER'S BAKERY TO FURNISH THE CITY OF SAN ANTONIO HUMAN RESOURCES DEPARTMENT WITH BAKERY PRODUCTS FOR THE NUTRITION CENTERS FOR A TOTAL OF APPROXIMATELY \$18,841.50.

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AN ORDINANCE 73,370

ACCEPTING THE BIDS OF PRESTON DAIRY PRODUCTS, INC. AND TASTY ICE CREAM DISTRIBUTORS TO FURNISH THE CITY OF SAN ANTONIO HUMAN RESOURCES DEPARTMENT WITH DAIRY PRODUCTS FOR A TOTAL OF APPROXIMATELY \$106,020.00.

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AN ORDINANCE 73,371

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH MEDELLIN ENGINEERING, INC. IN THE AMOUNT OF \$8,286.95 TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE ZARZAMORA AUTO SHOP ELECTRIC UPGRADE PROJECT; AUTHORIZING \$1,000.00 FOR THE ENGINEERING CONTINGENCY; AUTHORIZING \$200.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,372

ACCEPTING THE LOW BID OF V. K. KNOWLTON PAVING CONTRACTORS, INC. IN THE AMOUNT OF \$1,104,980.20 TO

PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE CANTRELL-HILTON TO PLEASANTON ROAD PROJECT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$55,249.01 FOR THE CONSTRUCTION CONTINGENCY; AUTHORIZING \$13,338.04 FOR ENGINEERING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,373

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH SOUTHWESTERN LABORATORIES IN THE AMOUNT OF \$186,381.00 TO PROVIDE SAMPLING, TESTING, AND ANALYSIS FOR VARIOUS LANDFILL SITES UNDER THE JURISDICTION OF THE CITY OF SAN ANTONIO, AS REQUIRED BY THE TEXAS DEPARTMENT OF HEALTH AND OUTLINED UNDER THE NEW SUBTITLE "D" REGULATIONS FOR LANDFILL USE.

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AN ORDINANCE 73,374

ACCEPTING THE PROPOSAL OF AND AUTHORIZING AN ADDITIONAL \$5,850.00 PAYABLE TO SLAY ENGINEERING COMPANY, INC., FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE WOLLER CREEK SUBDIVISION OFF-SITE SEWER MAIN PROJECT; AUTHORIZING \$150.00 FOR BID ADVERTISING COSTS; AUTHORIZING \$400.00 FOR PLAN REVIEW PAYABLE TO THE TEXAS WATER COMMISSION; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,375

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH RABA-KISTNER CONSULTANTS, INC. IN THE AMOUNT OF \$631,590.00 FOR CONSULTING SERVICES IN CONNECTION WITH THE PERMIT AMENDMENT TO ALLOW FOR INCREASED HEIGHT AT THE NELSON GARDENS LANDFILL AND THE PREPARATION OF A LANDFILL APPLICATION FOR THE STANDARD INDUSTRIES SITE IF AND WHEN ACQUIRED; AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 73,376

AUTHORIZING THE CITY MANAGER OR ASSISTANT MANAGER TO EXECUTE FIELD ALTERATION NO. 3 IN THE AMOUNT OF \$53,973.43, AND FIELD ALTERATION NO. 4 IN THE AMOUNT OF \$77,304.13 IN CONNECTION WITH THE

WESTSIDE/CUPPLES ROAD EMERGENCY SEWER REPLACEMENT PROJECT; RATIFYING AND CONFIRMING ALL ACTIONS TAKEN BY CITY STAFF IN CONNECTION THEREWITH AND PROVIDING FOR FUNDING IN CONNECTION THEREWITH.

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AN ORDINANCE 73,377

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO A PORTION OF LOT 36, BLOCK 8, NEW CITY BLOCK 10217 IN SAN ANTONIO, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE, TO WIT: THE LOCATION, CONSTRUCTION, OPERATION, RECONSTRUCTION, IMPROVEMENT, REPAIR AND MAINTENANCE OF STREET IMPROVEMENTS AS PART OF THE DOLLARHIDE OUTFALL PROJECT.

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AN ORDINANCE 73,378

AUTHORIZING A FIVE MONTH LICENSE AGREEMENT WITH HIGHLAND INTERNATIONAL LITTLE LEAGUE, INC., A TEXAS NON-PROFIT CORPORATION, TO USE CERTAIN BALL FIELDS IN SOUTHSIDE LIONS PARK FOR LITTLE LEAGUE BASEBALL AND RECREATIONAL PURPOSES.

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AN ORDINANCE 73,379

AUTHORIZING THE ACCEPTANCE OF \$47,605.00 IN SUPPLEMENTAL FUNDING FROM THE U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE FOR THE HEALTH DEPARTMENT PRE-SCHOOL IMMUNIZATION PROJECT; AUTHORIZING BUDGET MODIFICATIONS; AND AUTHORIZING TWO ADDITIONAL PERSONNEL POSITIONS.

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AN ORDINANCE 73,380

AMENDING CHAPTER 19 (TRAFFIC REGULATIONS) OF THE CITY CODE SETTING FORTH LOCATIONS AT WHICH ELECTRONIC TRAFFIC CONTROL SIGNALS ARE IN FULL OPERATION; DESIGNATING STOP SIGN LOCATIONS; YIELD-RIGHT-OF-WAY LOCATIONS; PROHIBITING PARKING AT ALL TIMES ON CERTAIN STREETS; PROHIBITING CERTAIN TURNS; ESTABLISHING CERTAIN SCHOOL ZONES; AND PROVIDING THAT VIOLATIONS HEREOF BE PUNISHABLE BY A FINE OF NOT LESS THAN \$1.00 NOR MORE THAN \$200.00.

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AN ORDINANCE 73,381

AUTHORIZING THE EXECUTION OF A SANITARY SEWER SERVICE CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND MR. DAVID WOOD TO PROVIDE SEWER SERVICE TO A 1 ACRE TRACT GENERALLY LOCATED AT 4411 SOUTHCROSS INSIDE THE CITY LIMITS AND IN THE LOWER SALADO CREEK WATERSHED, INSIDE THE CITY REGIONAL AGENT BOUNDARY (IRAB).

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AN ORDINANCE 73,382

AUTHORIZING PAYMENTS OF REFUNDS TO PERSONS MAKING A DOUBLE PAYMENT, OVERPAYMENT OR AS A RESULT OF A VALUE CHANGE ON 40 TAX ACCOUNTS.

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AN ORDINANCE 73,383

AMENDING THE EXISTING COOPERATIVE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE BEXAR METRO 911 DISTRICT TO INCLUDE THE ADDITION OF FIVE (5) ADDITIONAL CALL-TAKERS AND CAPITAL IMPROVEMENTS TO THE 911 FACILITIES LOCATED IN THE POLICE HEADQUARTERS BUILDING.

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AN ORDINANCE 73,384

CLOSING W. JONES BETWEEN AVENUE B AND DALLAS ST. ON THURSDAY, APRIL 4, 1991, FROM 5:30 P.M. UNTIL 12:00 MIDNIGHT TO ALLOW THE SAN ANTONIO MUSEUM ASSOCIATION TO HOLD ITS GALA BLACK TIE DINNER CELEBRATING THE EXHIBITION, "MEXICO: SPLENDORS OF THIRTY CENTURIES"; AND DECLARING AN EMERGENCY.

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AN ORDINANCE 73,385

CLOSING THE 900 BLOCK OF COLITA ON SATURDAY, APRIL 6, 1991 FROM 4:00 P.M. UNTIL MIDNIGHT TO ALLOW CELIA GARCIA TO HOLD A BIRTHDAY PARTY; AND DECLARING AN EMERGENCY.

* * * *

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,386

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,048,640.40 ORIGINAL PRINCIPAL AMOUNT OF "CITY OF SAN ANTONIO, TEXAS TAXABLE AIRPORT SYSTEM SUBORDINATE LIEN REVENUE CERTIFICATES OF OBLIGATION, SERIES 1991"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES BY A LIEN ON AND PLEDGE OF THE NET REVENUES OF THE AIRPORT SYSTEM THAT IS SUBORDINATE AND INFERIOR TO CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS; PROVIDING THE TERMS AND CONDITIONS OF SAID CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID CERTIFICATES; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN INVESTMENT AND PURCHASE LETTER; AND DECLARING AN EMERGENCY.

* * * *

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

Ms. Nora Chavez, Director of Finance, explained finalization of the project to achieve a \$6.9 million savings on bond interest costs and spoke to the reasons for separating this project into two separate ordinances.

In response to a question by Mr. Webb, Mr. Milt Halpern, financial advisor to the City of San Antonio, explained the advantages of refunding in lieu of "swapping" airport bonds.

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

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,387

AUTHORIZING THE ISSUANCE OF \$73,785,000 "CITY OF SAN ANTONIO, TEXAS AIRPORT SYSTEM REVENUE REFUNDING BONDS, SERIES 1993" TO BE DELIVERED ON OR BEFORE APRIL 15, 1993 AND APPROVING THE ISSUANCE OF ESCROW RECEIPTS EVIDENCING THE FORWARD PURCHASE THEREOF;

PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS BY A FIRST LIEN ON AND PLEDGE OF THE GROSS REVENUES OF THE CITY'S AIRPORT SYSTEM EQUALLY AND RATABLY WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS; AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT, INCLUDING A SUPPLEMENT THERETO, PERTAINING TO THE OFFER AND SALE OF THE OBLIGATION AND RIGHT TO PURCHASE THE BONDS AND CERTAIN TREASURY NOTES AS EVIDENCED BY THE ESCROW RECEIPTS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AN AGREEMENT TO ENTER INTO AN ESCROW AND FORWARD PURCHASE AGREEMENT, AND AN ESCROW DEPOSIT LETTER; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Hasslocher took note of certain incorrect data in the agenda caption on this item.

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

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,388

AUTHORIZING THE EXECUTION OF A SANITARY SEWER SERVICE CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND MOTEL 6 OPERATING L. P. THROUGH ITS VICE PRESIDENT OF REAL ESTATE, RUSSELL D. MILLER, JR., TO PROVIDE SEWER SERVICE TO A 2.15 ACRE TRACT GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF I-10 AND OLD FREDERICKSBURG ROAD IN BEXAR COUNTY, TEXAS AND IN THE UPPER LEON CREEK WATERSHED, INSIDE THE CITY REGIONAL AGENT BOUNDARY (IRAB).

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

Ms. Rebecca Q. Cedillo, Director of Planning, explained

details of the proposed Motel 6 sewer service contract.

Mr. Jim Summers, attorney for Fulbright & Jaworski, representing Fiesta Texas, spoke to the history of development for the Fiesta Texas attraction and noted that his client's interest in this case deals with a matter of aesthetics in the immediate area of Fiesta Texas. He spoke to a number of meetings held with representatives of Motel 6 in order to discuss aesthetics in the area, including this property concerned today. He stated that problems still exist concerning plans for signage restrictions for the area, especially in light of the Motel 6 plans to erect a 110-foot-tall sign on this property. He asked that this contract being considered today be rejected because of signage questions in the area.

Mr. Ralph Bender, planning consultant representing United Services Automobile Association and the La Cantera development, displayed graphics of master-planning for the entire area and expressed his feeling that the motel signage should be placed well before the nearby freeway exits in order for motorists to have sufficient time to react to the motel's presence and exit from IH 10.

Mr. Larry Macon, attorney for Motel 6, noted that the ordinance under consideration today involves only a sewer service contract and has nothing to do with signage questions.

Ms. Cedillo noted that City of San Antonio regulations contain no height limitations for such signage, and for the City to do so at this point would require development of a new ordinance, which would take an estimated three to four months to develop.

Mr. Hasslocher spoke in support for approval of the sewer service contract and stated his belief that it is wrong to bring the signage matter into discussions at this stage.

Mr. Lloyd Garza, City Attorney, noted that the sewer service contract is the only matter before the Council at this time.

Mr. Gene Camargo, Director of Building Inspections, noted that height limitations exist in City Codes at the present time only as they apply to billboards, but not signage.

In response to a question by Mayor Cockrell, Mr. Garza stated that he could develop a signage height restriction for on-premise signage, separate and apart from the overall urban design planning regulations now under development by the City.

Ms. Berriozabal stated her belief that on-premise signage should be part of overall planning efforts, and expressed concern with impeding a process already underway on providing sewer service to this property.

Mr. Webb stated his opinion that these two issues are separate.

Mrs. Dutmer stated that she would support the ordinance before

Council at this time since these problems are separate and distinct.

Mr. Labatt spoke to his concerns with not acting on the signage question as part of the overall area development, and spoke in favor of a postponement of this issue for two weeks in order to allow negotiations between the two parties.

Mr. Labatt made a substitute motion to postpone consideration of this matter for two weeks. Mrs. Dutmer seconded the motion.

Mr. Macon spoke to his perceptions as to reasons for Fiesta Texas representatives' delaying tactics, noting that the sign contract with the Resolution Trust Corporation expires tomorrow. He stated that a postponement would cost Motel 6 some \$200,000.

After consideration, the Substitute Motion, failed by the following vote: AYES: Dutmer, Labatt; NAYS: Berriozabal, Webb, Wing, Martinez, Thompson, Hasslocher, Cockrell; ABSENT: Wolff; ABSTAIN: Vera.

In response to a question by Mr. Thompson, Mr. Camargo noted that the signage permit was issued by the City three days ago, and noted that the sign is to be 16 feet by 19 feet, and 110 feet in height above the ground.

Mr. Hasslocher noted that the proposed sign meets City specifications and is permitted by law, and he feels the sewer service contract before Council today should be approved.

A discussion then took place concerning development of the 'scenic corridor'.

Mr. Martinez spoke in support for the sewer service contract at issue today, and also spoke in support for comprehensive development of the scenic corridor in this area.

Mr. Wing asked both sides to compromise on the issue of signage for the motel.

Mayor Cockrell asked Motel 6 ownership to be apprised of the City Council's concerns in this area.

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, Cockrell; NAYS: None; ABSENT: None; ABSTAIN: Vera.

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91-13 ZONING HEARINGS

5A. CASE Z91013 (PP) - being a request of Samuel Asvestas for a change in zoning from "D" Apartment District to "B-3" Business

District on Lot 12 and the west 16.5 feet of Lot 11, Block 3, NCB 2964 (536 E. Courtland Place), with the Zoning Commission recommending denial, was taken up for discussion at this time.

Ms. Berriozabal spoke to the history of this rezoning request and noted that negotiations have not yielded any compromise solution since the case was postponed by the City Council several weeks ago.

Mr. Phil Garay, representing the proponent, spoke to plans for the use of this property and addressed negotiations held with neighborhood groups. He stated that he has in hand petitions containing the names of some 145 persons supporting the rezoning request.

Ms. Lisa Rochelle, representing the proponent, distributed photographs of the property and its immediate area.

Mr. James Isaman, area resident, spoke in support for the request.

Mr. Curt Brame, representing the Mahncke Park Neighborhood Association, distributed copies of a letter from the group's president concerning this issue, and spoke to the need to protect neighborhood residents from business intrusion.

Ms. Jo Claire Smith, representing the Tobin Hill Neighborhood Association, stated that she also is speaking for Ms. Jane Gaitan, Jefferson Area Neighborhood Association, and distributed copies of the proponent's present business location and an example of his advertising. She then spoke against the request.

Ms. Emily Thuss, San Antonio Coalition of Neighborhood Associations, spoke in support of rejection of the request in order to preserve the neighborhood.

Ms. Nancy S. Marioles, 526 East Courtland, stated that she opposes commercial intrusion into residential areas, and addressed other objections to this request.

Ms. Letitia Riley, area resident, distributed photographs of the immediate area and addressed the residential character of the neighborhood.

Mr. Charles Tribolay, representing the Monte Vista Neighborhood Association, spoke in support of the objection raised by other neighborhood association representatives today.

In rebuttal, Mr. Garay stated that he feels that the proponent will maintain the residential character of the property, and stated that no chemicals will be used on the property. He reiterated that the property will be used for administrative business purposes and for the parking of trucks.

(At this point, Mayor Cockrell was obliged to leave the

meeting. Mayor Pro Tem Wolff presided.)

Ms. Berriozabal spoke to the decay in the Tobin Hill area which residents currently are fighting against, and the adverse impact of nearby businesses on residential neighborhoods. She asked for denial of this rezoning request.

Several Council members spoke in opposition to the rezoning request.

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

Ms. Berriozabal made a motion to deny this case. Mr. Webb seconded the motion.

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

Case Z91013 PP was denied.

5B. CASE Z91030 - to rezone Lot 14, Block 19, NCB 9098, 702 Cavalier Avenue, from "B" Two Family Residence District to "B-1" Business District, located southwest of the intersection of Zarzamora Street and Cavalier Avenue, having 117.25 feet on Zarzamora Street and 59.5 feet on Cavalier Avenue.

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

Mr. Ruben M. Pena, representing the proponent, spoke to the planned usage of the property as a parking lot to serve the restaurant across the street.

Mr. Gene Toscano, attorney representing the proponent, spoke to the history of zonings in this area.

Ms. Rosie Rosales, 719 Cavalier, spoke to her objections to the property rezoning and distributed copies of petitions in opposition to the request.

Ms. Angelita Ramirez, 714 Cavalier, stated her opposition to commercial rezoning on the property.

Ms. Mildred Rodgers, 706 Cavalier, stated that she lives next door to the subject property and is against its rezoning.

In rebuttal, Mr. Pena spoke to other commercial ventures in the immediate neighborhood.

Mr. Martinez spoke to his concern with the heavy traffic in the area, even though he understands the proponent's need for additional parking.

Mr. Martinez made a motion to continue this case in three weeks. Mrs. Dutmer seconded the motion.

After consideration, the motion, to continue this case in three weeks, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Hasslocher.

Case Z91030 was postponed for three weeks.

It was the concensus of the City Council members present to undertake discussion of zoning case Z90145 at this time.

5J. CASE Z90145 - to rezone as follows:

"B", "C" and "J" to "R-1" CC for a University

- NCB 2727, All of NCB.
- NCB 2728, All of NCB.
- NCB 2729, All of NCB.
- NCB 2730, All of NCB.
- NCB 3972, Block 1, Tract A-19, Lots 1 thru 3 and 15 thru 18.
- NCB 6667, All of NCB.
- NCB 8176, Block 100, Lots 7 thru 11.
- NCB 8187, All of NCB, Block 1.
- NCB 8188, All of NCB, Block 2.
- NCB 8190, All of NCB, save and except the south 542' of NCB. (zoned R-4)

"B" "C" "E" and "B-3" to "R-1"

- NCB 3683, Block 103, Lots 1 thru 6.
- NCB 3683, Block 106, Lots 4 thru 6.
- NCB 3684, Block 107, Lots 1 thru 5.
- NCB 3684, Block 110, Lots 3 thru 5.
- NCB 3684, Block 111, Lots 1 thru 6.
- NCB 3972, Block 1, Lots 4 thru 14.
- NCB 3973, All of NCB, Block 2, save and except Lots 2, 13 and 18.
- NCB 3974, All of NCB, Block 3.
- NCB 6668, Block 104, Lots 13 thru 24.
- NCB 6669, Block 105, Lots 1, 3 thru 9, 17 thru 24 and Lot 28.
- NCB 6670, All of NCB, Block 108.
- NCB 6671, Block 109, Lots 1 thru 11, 13 thru 16, 18 thru 22 and Lot 24.

NCB 6943, All of NCB, save and except Lot 9.
NCB 6948, Tracts A and B.
NCB 6963, All of NCB.
NCB 7003, The north 412.41' of Lot 2.
NCB 7003, Lot 4 and the north 37.5' of Lot 3 and the west 132.91'
of Lot 2.
NCB 8176, Block 100, Lots 12 thru 15, 17 thru 20, 26 thru 34 and 36
37 and 39 thru 48.
NCB 8177, Block 113, Lots 1 thru 8, and the west 150' of Lot 19.
NCB 8178, Block 112, Lots 1 thru 11, 13 thru 16 and 18 thru 24.
NCB 11241, All of NCB, Block 1, save and except Lots 1 and 2.
NCB 11242, All of NCB, Block 2.
NCB 11243, Tract A.
NCB 11243, All of NCB, Block 3.
NCB 11244, All of NCB, Block 4, save and except Lot 23.
NCB 11245, All of NCB, Block 5.
NCB 11246, All of NCB, Block 6.
NCB 11247, All of NCB, Block 7, save and except Lot 65.
NCB 11248, All of NCB, Block 8.
NCB 11249, All of NCB, Block 9, save and except Lot 21.
NCB 11292, Block 13, Lots 1 thru 12 and Lot 27.
NCB 11294, Block 15, Lots 13 thru 23 and Lot 28.

"B" to "R-1" SUP for two houses on one lot

NCB 3684, Block 110, Lot 2.
NCB 3973, Block 2, Lots 2 and 18.
NCB 6669, Block 105, Lot 2.
NCB 6671, Block 109, Lots 17 and 23.
NCB 6943, Lot 9.
NCB 8176, Block 100, Lots 16 and 38.
NCB 8177, block 113, Lot 9.
NCB 8178, Block 112, Lot 17.
NCB 11244, Block 4, Lot 23.
NCB 11249, Block 9, Lot 21.

"B" to "R-1" SUP for a duplex

NCB 3973, Block 2, Lot 13.
NCB 7003, the south 37.5' of Lot 3.

"C" to "R-1" SUP for four houses on one lot

NCB 8178, Block 112, Lot 12.

"C", "J", "JJ" and "B-1" to "R-7"

NCB 6947, Lots 11 thru 22.
NCB 6949, All of NCB.
NCB 6951, All of NCB, save and except the west 70' of the east 207'
of Lot 10.
NCB 7004, Block 1, Lots 2 thru 12 and 14 thru 17.
NCB 8143, Block 3, Lots 6 and 8 thru 11.

NCB 8144, Block 2, Lots 6 thru 16.
 NCB 8149, All of NCB, Block 25, save and except Lots 1, 2, 11 and 20 thru 22.
 NCB 8150, All of NCB, Block 19, save and except Lots 11, 13 and the east 25' of Lot 10.
 NCB 8151, All of NCB, Block 13, save and except Lots 8, 10 and the west 25' of Lot 21.
 NCB 8153, Block 1, Lots 7 thru 17.
 NCB 8155, All of NCB, Block 9.
 NCB 8156, All of NCB, Block 7.

 NCB 8159, All of NCB, Block 12, save and except Lot 1, 12 thru 14, 16, 17 and 22.
 NCB 8160, All of NCB, Block 18, save and except Lots 11 and 12.
 NCB 8161, Block 24, Lots 3 thru 13, 17 thru 20, the east 25' of Lot 15, and the west 25' of Lot 16.
 NCB 8162, Block 23, Lots 4, 5, 8 thru 11, 14, 15, 18 thru 20, the west 25' of Lot 6, the east 25' of Lot 7, the east 25' of Lot 16 and the west 25' of Lot 17.
 NCB 8163, All of NCB, Block 17.
 NCB 8164, All of NCB, Block 11.
 NCB 8173, All of NCB, Block 10.
 NCB 8174, Block 16, Lots 1 thru 9.
 NCB 8175, Block 22, Lots 4, 5, 6, 9, 10, 11 and the west 25' of Lot 7.

 NCB 8195, Block 12, Lots 4 thru 21.
 NCB 8196, Block 9, Lots 4 thru 28 and Lots 33 thru 42.
 NCB 8199, All of NCB, Block 8, save and except Lots 25, 26, 27 and the east 25' of Lot 22.

 NCB 8200, All of NCB, Block 5, save and except Lots 27 and 28.
 NCB 8203, All of NCB, Block 4, save and except Lots 8, 9, 22, 23, 35, 36, 41 and 42.

 NCB 8530, All of NCB, Block 3.
 NCB 8531, All of NCB, Block 6.
 NCB 8532, All of NCB, Block 7.
 NCB 8533, Block 10, Lots 1 thru 6.
 NCB 8534, Block 11, Lots 1 thru 4.
 NCB 8646, All of NCB, Block 3.
 NCB 8648, Block 1, Lots 7 thru 20.
 NCB 8648, Block 2, Lots 9 thru 15, 21 and 22.
 NCB 8649, Block 3, Lots 1 thru 19.
 NCB 8649, Block 4, Lots 1 thru 17.
 NCB 8650, All of NCB, Block 5.
 NCB 8650, All of NCB, Block 6.
 NCB 8651, Block B, Lots 1 thru 12.
 NCB 8651, Block C, Lots 31 thru 36.
 NCB 8652, Block E, Lots 1 thru 12.
 NCB 8652, Block H, Lots 31 thru 36.
 NCB 8652, Block F, Lots 1 thru 12.
 NCB 8652, Block G, Lots 31 thru 36.
 NCB 8653, Block I, Lots 1 thru 8.
 NCB 8653, Block J, Lots 1 thru 6.
 NCB 8653, Block L, Lots 33 thru 35.

NCB 10008, All of NCB, Block 1.
NCB 10009, All of NCB, Block 2.
NCB 10010, All of NCB, Block 3.
NCB 10011, All of NCB, Block 4.
NCB 10012, All of NCB, Block 5.
NCB 10017, All of NCB, Block 1, save and except Lot 9.
NCB 10018, All of NCB, Block 2.
NCB 10019, All of NCB, Block 3.
NCB 10020, All of NCB, Block 4.
NCB 10021, All of NCB, Block 5, save and except Lot 58.
NCB 10229, All of NCB, Block 1.
NCB 10230, All of NCB, Block 2.

"C" to "R-7" SUP for two houses on one lot

NCB 6947, Lot 23.
NCB 6951, the west 70' of the east 207' of Lot 10.
NCB 7004, Block 1, Lots 13 and 18.
NCB 8143, Block 3, Lot 7.
NCB 8149, Block 25, Lot 11.
NCB 8150, Block 19, Lot 13.
NCB 8151, Block 13, Lots 8, 10 and the west 25' of Lot 21.
NCB 8153, Block 1, Lot 6.
NCB 8159, Block 12, Lots 1, 16 and 17.
NCB 8161, Block 24, the west 25' of Lot 15 and the east 25' of Lot 16.
NCB 8162, Block 23, Lots 12, 13, the east 25' of Lot 6, the west 25' of Lot 7, the west 25' of Lot 16 and the east 25' of Lot 17.
NCB 8174, Block 16, Lots 10 and 11.
NCB 8196, Block 9, Lots 29 and 30.
NCB 8199, Block 8, Lots 25, 26, 27 and the 25' of Lot 22.
NCB 8200, Block 5, Lots 27 and 28.
NCB 8649, Block 4, Lots 18 and 19.
NCB 8653, Block I, Lots 9 thru 12.
NCB 8653, Block L, Lots 30 thru 32.
NCB 8653, Block K, Lots 15, 16 and 17.
NCB 10017, Block 1, Lot 9.
NCB 10021, Block 5, Lot 58.

"C" to "R-7" SUP for a duplex

NCB 8144, Block 2, Lot 17.
NCB 8203, Block 4, Lots 8, 9, 22, 23, 35 and 36.

"C" to "R-7" SUP for three houses on a lot

NCB 8161, Block 24, Lot 14.

"C" to "R-7" SUP for a house and duplex on a lot

NCB 8196, Block 9, Lots 31 and 32.

"B" and "C" to "R-2"

NCB 6944, All of NCB.
NCB 6947, Lots 1 thru 10.
NCB 8175, Block 22, Lot 8 and the east 25' of Lot 7.

"C" to "R-3"

NCB 8139, All of NCB, Block 15.
NCB 8139, All of NCB, Block 27.
NCB 8141, All of NCB, Block 15.
NCB 8142, All of NCB, Block 9.
NCB 8143, Block 3, Lots 1 thru 5.
NCB 8144, Block 2, Lots 1 thru 5 and Lots 18 thru 22.
NCB 8145, All of NCB, Block 8.
NCB 8146, All of NCB, Block 14.
NCB 8147, All of NCB, Block 26.
NCB 8148, All of NCB, Block 26.
NCB 8152, All of NCB, Block 7.
NCB 8153, Block 1, Lots 1 thru 5 and Lots 18 thru 22.
NCB 8154, All of NCB, Block 10.
NCB 8157, All of NCB, Block 8.
NCB 8158, All of NCB, Block 6.
NCB 8165, All of NCB, Block 5.
NCB 8172, All of NCB, Block 4.

"C" to "R-4"

NCB 8190, the south 125' of Lot 9 and the west 198' and the south 167' of Lot 11.

"B" and "C" to "B-1"

NCB 6671, Block 109, Lot 12.
NCB 6668, Block 104, Lots 1 thru 12.
NCB 8533, Block 10, Lots 7 and 8.
NCB 11247, Block 7, Lot 65.

"C" to "B-2"

NCB 7003, the south 280' of the north 692.41' of Lot 2, save and except the west 132.91'.
NCB 8160, Block 18, Lot 11.

"C" "F" and "B-2" to "B-2NA"

NCB 6669, Block 105, Lot 27.
NCB 8150, Block 19, Lot 11 and the east 25' of Lot 10.
NCB 8159, Block 12, Lot 22.
NCB 8160, Block 18, Lot 12.
NCB 11294, Block 15, Lots 25, 26 and 27.

"B-3" to "B-3NA"

NCB 6669, Block 105, Lot 10.

"C", "F", "J" and "JJ" to "B-3R"

NCB 2725, Lots 1, 2 and Parcel 50.
NCB 3684, Block 114, Lots 1 and 2.
NCB 7003, The south 120' of Lot 2.
NCB 7004, Lots 19 thru 36.
NCB 8149, Block 25, Lots 1, 2, 20, 21 and 22.
NCB 8161, Block 24, Lots 1, 2, 21 and 22.
NCB 8162, Block 23, Lots 1, 2, 3, 21 and 22.
NCB 8175, Block 22, Lots 1, 2, and 3.
NCB 8176, Block 100, Lots 49 and 50.
NCB 8177, Block 113, Lots 13 thru 18, 20, 21 and the east 10' of Lot 19.
NCB 8189, All of NCB.
NCB 8196, Block 9, Lots 1A, 1, 2, and 3.
NCB 8203, Block 4, Lots 41 and 42.
NCB 8204, Block 1, Lots 1 thru 6, 16 thru 27, and 35 thru 42.
NCB 8529, Block 2, Lots 1 thru 8.
NCB 8647, Lots 5, 6 and 11.
NCB 8648, Lots 1A and 2.
NCB 8648, Block 1, Lots 21, 23, the east 50' of Lots 3, 4, 5 and 6.
NCB 8648, Block 2, Lots 3 thru 8.
NCB 8651, Block A, Lots 1 thru 12.
NCB 8651, Block D, Lots 31 thru 36.
NCB 11250, All of NCB.

"JJ" to "B-3R" SUP for a tavern

NCB 8195, Block 12, Lots 1, 2, and 3.

"F" and "I-1" to "B-3R" SUP for stone cutting monument manufacturing with outside storage

NCB 8177, Block 113, Lots 22 and 23.

"J" to "B-3R" SUP for a lumberyard and building materials with outside storage:

NCB 8204, Block 1, Lots 7 thru 15 and 28 thru 34.

The property is bounded by General McMullen Drive on the west, West Commerce Street on the north, Castroville Road on the south, and 24th Street, Elmendorf Lake and 21st Street on the east.

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

Mr. Andy Guerrero, Land Development Services, explained the large rezoning plan.

Mr. Nicoli Mesquiti, 4439 Durango, stated that he operates a small grocery store in the neighborhood on Lots 7 and 8, Block 10, NCB 8533, and would like to continue that usage.

Ms. Raquel Diaz, Communities Organized for Public Service, spoke to discussions held regarding the Centeno property in this area, and voiced her organization's support for City staff recommendations.

Ms. Olga Villa, 211 Holly, spoke in support of City staff recommendations.

Mr. Albert Romo, 3627 El Paso, noted that residents support City staff recommendations and spoke against certain types of business in the neighborhood.

Mr. Eloy Centeno, 610 Fulton, distributed an informational packet to Council members and stated his belief that there are misconceptions about the planned uses for his property. He spoke to the plans for its usage and stated that he will not allow sale of alcoholic beverages for takeout purposes from that property. He also agreed that any businesses entering this district should be for the betterment of that district.

Mr. Thompson commended the City staff for their work done in this particular area.

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

Mr. Thompson then spoke to Mr. Centeno's request and the community's objections to a B-3 zoning on his property. He urged the Council to support the pending motion.

A discussion then took place concerning the Zoning Commission recommendations and in particular the recommendation for Mr. Centeno's property. Discussion also centered upon non-conforming rights.

Mr. Labatt voiced his concerns with an arbitrary down-zoning of property in cases such as this.

Mrs. Dutmer noted that the Council cannot zone property based upon its land-use, and stated that she shares Mr. Labatt's concerns.

Mr. Thompson spoke to recent incidences of violence near the property in question and spoke in support for City staff recommendations.

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

AN ORDINANCE 73,389

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 "B", "C" AND "J" TO "R-1" CC FOR A UNIVERSITY: NCB 2727, ALL OF NCB. NCB 2728, ALL OF NCB. NCB 2729, ALL OF NCB. NCB 2730, ALL OF NCB. NCB 3972, BLOCK 1, TRACT A-19, LOTS 1 THRU 3 AND 15 THRU 18. NCB 6667, ALL OF NCB. NCB 8176, BLOCK 100, LOTS 7 THRU 11. NCB 8187, ALL OF NCB, BLOCK 1. NCB 8188, ALL OF NCB, BLOCK 2. NCB 8190, ALL OF NCB, SAVE AND EXCEPT THE SOUTH 542' OF NCB. (ZONED R-4); "B" "C" "E" AND "B-3" TO "R-1": NCB 3683, BLOCK 103, LOTS 1 THRU 6. NCB 3683, BLOCK 106, LOTS 4 THRU 6. NCB 3684, BLOCK 107, LOTS 1 THRU 5. NCB 3684, BLOCK 110, LOTS 3 THRU 5. NCB 3684, BLOCK 111, LOTS 1 THRU 6. NCB 3972, BLOCK 1, LOTS 4 THRU 14. NCB 3973, ALL OF NCB, BLOCK 2, SAVE AND EXCEPT LOTS 2, 13 AND 18. NCB 3974, ALL OF NCB, BLOCK 3. NCB 6668, BLOCK 104, LOTS 13 THRU 24. NCB 6669, BLOCK 105, LOTS 1, 3 THRU 9, 17 THRU 24 AND LOT 28. NCB 6670, ALL OF NCB, BLOCK 108. NCB 6671, BLOCK 109, LOTS 1 THRU 11, 13 THRU 16, 18 THRU 22 AND LOT 24. NCB 6943, ALL OF NCB, SAVE AND EXCEPT LOT 9. NCB 6948, TRACTS A AND B. NCB 6963, ALL OF NCB. NCB 7003, THE NORTH 412.41' OF LOT 2. NCB 7003, LOT 4 AND THE NORTH 37.5' OF LOT 3 AND THE WEST 132.91' OF LOT 2. NCB 8176, BLOCK 100, LOTS 12 THRU 15, 17 THRU 20, 26 THRU 34 AND 36 37 AND 39 THRU 48. NCB 8177, BLOCK 113, LOTS 1 THRU 8, AND THE WEST 150' OF LOT 19. NCB 8178, BLOCK 112, LOTS 1 THRU 11, 13 THRU 16 AND 18 THRU 24. NCB 11241, ALL OF NCB, BLOCK 1, SAVE AND EXCEPT LOTS 1 AND 2. NCB 11242, ALL OF NCB, BLOCK 2. NCB 11243, TRACT A. NCB 11243, ALL OF NCB, BLOCK 3. NCB 11244, ALL OF NCB, BLOCK 4, SAVE AND EXCEPT LOT 23. NCB 11245, ALL OF NCB, BLOCK 5. NCB 11246, ALL OF NCB, BLOCK 6. NCB 11247, ALL OF NCB, BLOCK 7, SAVE AND EXCEPT LOT 65. NCB 11248, ALL OF NCB, BLOCK 8. NCB 11249, ALL OF NCB, BLOCK 9, SAVE AND EXCEPT LOT 21. NCB 11292, BLOCK 13, LOTS 1 THRU 12 AND LOT 27. NCB 11294, BLOCK 15, LOTS 13 THRU 23 AND LOT 28; "B" TO "R-1" SUP FOR TWO HOUSES ON ONE LOT: NCB 3684, BLOCK 110, LOT 2. NCB 3973, BLOCK 2, LOTS 2 AND 18. NCB 6669, BLOCK 105, LOT 2. NCB 6671, BLOCK 109, LOTS 17 AND 23. NCB 6943, LOT 9. NCB 8176, BLOCK 100, LOTS 16 AND 38. NCB 8177, BLOCK 113, LOT 9. NCB 8178, BLOCK 112, LOT 17. NCB 11244, BLOCK 4, LOT 23. NCB 11249, BLOCK 9, LOT 21; "B" TO "R-1" SUP FOR A DUPLEX: NCB 3973, BLOCK 2, LOT 13. NCB 7003, THE SOUTH 37.5' OF LOT 3; "C" TO "R-1" SUP

FOR FOUR HOUSES ON ONE LOT: NCB 8178, BLOCK 112, LOT 12; "C", "J", "JJ" AND "B-1" TO "R-7": NCB 6947, LOTS 11 THRU 22. NCB 6949, ALL OF NCB. NCB 6951, ALL OF NCB, SAVE AND EXCEPT THE WEST 70' OF THE EAST 207' OF LOT 10. NCB 7004, BLOCK 1, LOTS 2 THRU 12 AND 14 THRU 17. NCB 8143, BLOCK 3, LOTS 6 AND 8 THRU 11. NCB 8144, BLOCK 2, LOTS 6 THRU 16. NCB 8149, ALL OF NCB, BLOCK 25, SAVE AND EXCEPT LOTS 1, 2, 11 AND 20 THRU 22. NCB 8150, ALL OF NCB, BLOCK 19, SAVE AND EXCEPT LOTS 11, 13 AND THE EAST 25' OF LOT 10. NCB 8151, ALL OF NCB, BLOCK 13, SAVE AND EXCEPT LOTS 8, 10 AND THE WEST 25' OF LOT 21. NCB 8153, BLOCK 1, LOTS 7 THRU 17. NCB 8155, ALL OF NCB, BLOCK 9. NCB 8156, ALL OF NCB, BLOCK 7. NCB 8159, ALL OF NCB, BLOCK 12, SAVE AND EXCEPT LOT 1, 12 THRU 14, 16, 17 AND 22. NCB 8160, ALL OF NCB, BLOCK 18, SAVE AND EXCEPT LOTS 11 AND 12. NCB 8161, BLOCK 24, LOTS 3 THRU 13, 17 THRU 20, THE EAST 25' OF LOT 15, AND THE WEST 25' OF LOT 16. NCB 8162, BLOCK 23, LOTS 4, 5, 8 THRU 11, 14, 15, 18 THRU 20, THE WEST 25' OF LOT 6, THE EAST 25' OF LOT 7, THE EAST 25' OF LOT 16 AND THE WEST 25' OF LOT 17. NCB 8163, ALL OF NCB, BLOCK 17. NCB 8164, ALL OF NCB, BLOCK 11. NCB 8173, ALL OF NCB, BLOCK 10. NCB 8174, BLOCK 16, LOTS 1 THRU 9. NCB 8175, BLOCK 22, LOTS 4, 5, 6, 9, 10, 11 AND THE WEST 25' OF LOT 7. NCB 8195, BLOCK 12, LOTS 4 THRU 21. NCB 8196, BLOCK 9, LOTS 4 THRU 28 AND LOTS 33 THRU 42. NCB 8199, ALL OF NCB, BLOCK 8, SAVE AND EXCEPT LOTS 25, 26, 27 AND THE EAST 25' OF LOT 22. NCB 8200, ALL OF NCB, BLOCK 5, SAVE AND EXCEPT LOTS 27 AND 28. NCB 8203, ALL OF NCB, BLOCK 4, SAVE AND EXCEPT LOTS 8, 9, 22, 23, 35, 36, 41 AND 42. NCB 8530, ALL OF NCB, BLOCK 3. NCB 8531, ALL OF NCB, BLOCK 6. NCB 8532, ALL OF NCB, BLOCK 7. NCB 8533, BLOCK 10, LOTS 1 THRU 6. NCB 8534, BLOCK 11, LOTS 1 THRU 4. NCB 8646, ALL OF NCB, BLOCK 3. NCB 8648, BLOCK 1, LOTS 7 THRU 20. NCB 8648, BLOCK 2, LOTS 9 THRU 15, 21 AND 22. NCB 8649, BLOCK 3, LOTS 1 THRU 19. NCB 8649, BLOCK 4, LOTS 1 THRU 17. NCB 8650, ALL OF NCB, BLOCK 5. NCB 8650, ALL OF NCB, BLOCK 6. NCB 8651, BLOCK B, LOTS 1 THRU 12. NCB 8651, BLOCK C, LOTS 31 THRU 36. NCB 8652, BLOCK E, LOTS 1 THRU 12. NCB 8652, BLOCK H, LOTS 31 THRU 36. NCB 8652, BLOCK F, LOTS 1 THRU 12. NCB 8652, BLOCK G, LOTS 31 THRU 36. NCB 8653, BLOCK I, LOTS 1 THRU 8. NCB 8653, BLOCK J, LOTS 1 THRU 6. NCB 8653, BLOCK L, LOTS 33 THRU 35. NCB 10008, ALL OF NCB, BLOCK 1. NCB 10009, ALL OF NCB, BLOCK 2. NCB 10010, ALL OF NCB, BLOCK 3. NCB 10011, ALL OF NCB, BLOCK 4. NCB 10012, ALL OF NCB, BLOCK 5. NCB 10017, ALL OF NCB, BLOCK 1, SAVE AND EXCEPT LOT 9. NCB 10018, ALL OF NCB, BLOCK 2. NCB 10019, ALL OF NCB, BLOCK 3. NCB 10020, ALL OF NCB, BLOCK 4. NCB

10021, ALL OF NCB, BLOCK 5, SAVE AND EXCEPT LOT 58. NCB 10229, ALL OF NCB, BLOCK 1. NCB 10230, ALL OF NCB, BLOCK 2; "C" TO "R-7" SUP FOR TWO HOUSES ON ONE LOT: NCB 6947, LOT 23. NCB 6951, THE WEST 70' OF THE EAST 207' OF LOT 10. NCB 7004, BLOCK 1, LOTS 13 AND 18. NCB 8143, BLOCK 3, LOT 7. NCB 8149, BLOCK 25, LOT 11. NCB 8150, BLOCK 19, LOT 13. NCB 8151, BLOCK 13, LOTS 8, 10 AND THE WEST 25' OF LOT 21. NCB 8153, BLOCK 1, LOT 6. NCB 8159, BLOCK 12, LOTS 1, 16 AND 17. NCB 8161, BLOCK 24, THE WEST 25' OF LOT 15 AND THE EAST 25' OF LOT 16. NCB 8162, BLOCK 23, LOTS 12, 13, THE EAST 25' OF LOT 6, THE WEST 25' OF LOT 7, THE WEST 25' OF LOT 16 AND THE EAST 25' OF LOT 17. NCB 8174, BLOCK 16, LOTS 10 AND 11. NCB 8196, BLOCK 9, LOTS 29 AND 30. NCB 8199, BLOCK 8, LOTS 25, 26, 27 AND THE 25' OF LOT 22. NCB 8200, BLOCK 5, LOTS 27 AND 28. NCB 8649, BLOCK 4, LOTS 18 AND 19. NCB 8653, BLOCK I, LOTS 9 THRU 12. NCB 8653, BLOCK L, LOTS 30 THRU 32. NCB 8653, BLOCK K, LOTS 15, 16 AND 17. NCB 10017, BLOCK 1, LOT 9. NCB 10021, BLOCK 5, LOT 58; "C" TO "R-7" SUP FOR A DUPLEX: NCB 8144, BLOCK 2, LOT 17. NCB 8203, BLOCK 4, LOTS 8, 9, 22, 23, 35 AND 36; "C" TO "R-7" SUP FOR THREE HOUSES ON A LOT: NCB 8161, BLOCK 24, LOT 14; "C" TO "R-7" SUP FOR A HOUSE AND DUPLEX ON A LOT: NCB 8196, BLOCK 9, LOTS 31 AND 32; "B" AND "C" TO "R-2"; NCB 6944, ALL OF NCB. NCB 6947, LOTS 1 THRU 10. NCB 8175, BLOCK 22, LOT 8 AND THE EAST 25' OF LOT 7; "C" TO "R-3": NCB 8139, ALL OF NCB, BLOCK 15. NCB 8139, ALL OF NCB, BLOCK 27. NCB 8141, ALL OF NCB, BLOCK 15. NCB 8142, ALL OF NCB, BLOCK 9. NCB 8143, BLOCK 3, LOTS 1 THRU 5. NCB 8144, BLOCK 2, LOTS 1 THRU 5 AND LOTS 18 THRU 22. NCB 8145, ALL OF NCB, BLOCK 8. NCB 8146, ALL OF NCB, BLOCK 14. NCB 8147, ALL OF NCB, BLOCK 26. NCB 8148, ALL OF NCB, BLOCK 26. NCB 8152, ALL OF NCB, BLOCK 7. NCB 8153, BLOCK 1, LOTS 1 THRU 5 AND LOTS 18 THRU 22. NCB 8154, ALL OF NCB, BLOCK 10. NCB 8157, ALL OF NCB, BLOCK 8. NCB 8158, ALL OF NCB, BLOCK 6. NCB 8165, ALL OF NCB, BLOCK 5. NCB 8172, ALL OF NCB, BLOCK 4; "C" TO "R-4": NCB 8190, THE SOUTH 125' OF LOT 9 AND THE WEST 198' AND THE SOUTH 167' OF LOT 11; "B" AND "C" TO "B-1": NCB 6671, BLOCK 109, LOT 12. NCB 6668, BLOCK 104, LOTS 1 THRU 12. NCB 8533, BLOCK 10, LOTS 7 AND 8. NCB 11247, BLOCK 7, LOT 65; "C" TO "B-2": NCB 7003, THE SOUTH 280' OF THE NORTH 692.41' OF LOT 2, SAVE AND EXCEPT THE WEST 132.91'. NCB 8160, BLOCK 18, LOT 11; "C" "F" AND "B-2" TO "B-2NA": NCB 6669, BLOCK 105, LOT 27. NCB 8150, BLOCK 19, LOT 11 AND THE EAST 25' OF LOT 10. NCB 8159, BLOCK 12, LOT 22. NCB 8160, BLOCK 18, LOT 12. NCB 11294, BLOCK 15, LOTS 25, 26 AND 27; "B-3" TO "B-3NA": NCB 6669, BLOCK 105, LOT

10; "C", "F", "J" AND "JJ" TO "B-3R": NCB 2725, LOTS 1, 2 AND PARCEL 50. NCB 3684, BLOCK 114, LOTS 1 AND 2. NCB 7003, THE SOUTH 120' OF LOT 2. NCB 7004, LOTS 19 THRU 36. NCB 8149, BLOCK 25, LOTS 1, 2, 20, 21 AND 22. NCB 8161, BLOCK 24, LOTS 1, 2, 21 AND 22. NCB 8162, BLOCK 23, LOTS 1, 2, 3, 21 AND 22. NCB 8175, BLOCK 22, LOTS 1, 2, AND 3. NCB 8176, BLOCK 100, LOTS 49 AND 50. NCB 8177, BLOCK 113, LOTS 13 THRU 18, 20, 21 AND THE EAST 10' OF LOT 19. NCB 8189, ALL OF NCB. NCB 8196, BLOCK 9, LOTS 1A, 1, 2, AND 3. NCB 8203, BLOCK 4, LOTS 41 AND 42. NCB 8204, BLOCK 1, LOTS 1 THRU 6, 16 THRU 27, AND 35 THRU 42. NCB 8529, BLOCK 2, LOTS 1 THRU 8. NCB 8647, LOTS 5, 6 AND 11. NCB 8648, LOTS 1A AND 2. NCB 8648, BLOCK 1, LOTS 21, 23, THE EAST 50' OF LOTS 3, 4, 5 AND 6. NCB 8648, BLOCK 2, LOTS 3 THRU 8. NCB 8651, BLOCK A, LOTS 1 THRU 12. NCB 8651, BLOCK D, LOTS 31 THRU 36. NCB 11250, ALL OF NCB; "JJ" TO "B-3R" SUP FOR A TAVERN: NCB 8195, BLOCK 12, LOTS 1, 2, AND 3; "F" AND "I-1" TO "B-3R" SUP FOR STONE CUTTING MONUMENT MANUFACTURING WITH OUTSIDE STORAGE: NCB 8177, BLOCK 113, LOTS 22 AND 23; "J" TO "B-3R" SUP FOR A LUMBERYARD AND BUILDING MATERIALS WITH OUTSIDE STORAGE: NCB 8204, BLOCK 1, LOTS 7 THRU 15 AND 28 THRU 34. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5C. CASE Z91025 - to rezone Lots 1 thru 6, Block 3, NCB 8291, 2728 Culebra Road, FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, located southwest of the intersection of San Augustine Avenue and Culebra Road, having 122.9 feet on San Augustine Avenue and 150 feet on Culebra Road.

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

Ms. Vera made a motion to approve the recommendation of the Zoning Commission, subject to imposition of a non-access easement along San Augustine. Mr. Webb seconded the motion.

Mr. Phil Garay, representing the proponent, explained his client's request and spoke against imposition of the non-access easement.

A discussion then ensued concerning parking requirements of the proposed new zoning.

Ms. Vera, as maker of the motion, agreed to withdraw the non-access stipulation, with permission of Mr. Webb, seconder of the

motion.

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

AN ORDINANCE 73,390

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 THRU 6, BLOCK 3, NCB 8291, 2728 CULEBRA ROAD, FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5D. CASE Z91026 - to rezone Lot 6, NCB 10129, 1323 Goliad Road, from "B-2" Business District to "B-2" S.U.P. Business District with special use permit for a beauty school, located between Goliad Road and Clark Avenue approximately 305.46 feet southeast of the intersection of Goliad Road and Clark Avenue, having 239.44 feet on Goliad Road and 204.16 feet on Clark with 321.76 feet 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 to approve the recommendation of the Zoning Commission. Mr. Webb seconded the motion.

Mr. Bernard Kost, 8100 Broadway, spoke to the history of this property and his request for rezoning to allow a beauty school.

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

AN ORDINANCE 73,391

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 6, NCB 10129, 1323 GOLIAD ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-2" SUP

BUSINESS DISTRICT WITH SPECIAL USE PERMIT FOR A BEAUTY SCHOOL. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5E. CASE Z91029 (CC) - to rezone a 0.760 acre tract of land out of Block 2, NCB 13631, 5400 North Panam Expressway, from Temporary "R-1" Single Family Residence District to "I-1" CC Light Industry District with special City Council approval for a transmitting tower, located on the southeast side of Industry Park 215 feet south of the intersection of Goldfield and Industry Park, having approximately 210 feet on Industry Park with a maximum depth of 660 feet.

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

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

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

AN ORDINANCE 73,392

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.760 ACRE TRACT OF LAND OUT OF BLOCK 2, NCB 13631, IN THE 5400 BLOCK OF NORTH PAN AM EXPRESSWAY, FROM TEMPORARY 'R-1' SINGLE-FAMILY RESIDENCE DISTRICT TO 'I-1' CC LIGHT INDUSTRY DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A TRANSMITTING TOWER. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5F. CASE Z91032 - to rezone Lot 27, NCB 11693, 5318 Blanco Road, from "B-2" Business District to "B-3R" Restrictive Business District, located on the east side of Blanco Road 150 feet north of the intersection of Blanco Road and Dresden Drive, having 150 feet on Blanco Road and a depth of 150 feet.

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

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

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

AN ORDINANCE 73,393

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 27, NCB 11693, 5318 BLANCO ROAD, FROM 'B-2' BUSINESS DISTRICT TO 'B-3R' RESTRICTIVE BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5G. CASE Z91036 - to rezone the north 76 feet of the south 240 feet of the west 72.25 feet of Lot 90, NCB 11888, 7959 Broadway, from "O-1" Office District to "B-2" Business District, located off the north side of Terra Alta Drive, 297.43 feet west of the intersection of Terra Alta Drive and Broadway, being 160 feet off of Terra Alta Drive, having a width of 72.25 feet and a depth of 76 feet.

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

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

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

AN ORDINANCE 73,394

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTH 76 FEET OF THE SOUTH 240 FEET OF THE WEST 72.25 FEET OF LOT 90, NCB 11888, 7959 BROADWAY. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5H. CASE Z91039 - to rezone the east 30 feet of Lot 12, Block 4, NCB 7352, 1010 Fair Avenue, from "B-1" Business District to "B-3NA" Non-Alcoholic Sales Business District, located on the south side of Fair Avenue approximately 112 feet west of the intersection of Fair Avenue and south New Braunfels, having 56.2 feet on Fair Avenue and a depth of 120 feet.

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

Mr. Sherman Hinklebein, the proponent, explained plans for location of a shoe store on the property.

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

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

AN ORDINANCE 73,395

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE EAST 30 FEET OF LOT 12, BLOCK 4, NCB 7352, 1010 FAIR AVENUE, FROM 'B-1' BUSINESS DISTRICT TO 'B-3NA' NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5I. CASE Z91038 - to rezone Lots 39 and 40, Block 2, NCB 8227, from "R-1" Single Family Residence District to "B-1" Business District, and Lots 33 thru 38, Block 2, NCB 8227, from "R-1" single Family Residence District to "B-3" Business District, 100 Block of South San Augustine Avenue, located on the west side of San Augustine Avenue, 77 feet south of the intersection of Commerce Street and San Augustine Avenue, having 200 feet on S. San Augustine Avenue and a depth of 122.5 feet.

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

Mr. Thompson spoke in favor of a "B-3NA" zoning for this property.

Mr. Rudy M. Hettler, 1712 West Gramercy, stated that his

client, the proponent, requires a "B-3" zoning, but will accept the "NA" designation.

Mr. Thompson made a motion to approve the recommendation of the Zoning Commission, with "B-3NA". Mrs. Dutmer seconded the motion.

A discussion took place concerning the original rezoning request and permitted uses under that zoning classification.

Mr. Wing made a substitute motion to approve the recommendation with "B-3" Zoning. Mr. Martinez seconded the motion.

Mr. Martinez spoke to his concern with commercial zoning in a residential area.

Mr. Thompson noted that residents of the neighborhood are against the sale of alcoholic beverages in their residential area.

Mr. Martinez spoke of his preference of leaving the property zoned "R-1".

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

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

AN ORDINANCE 73,396

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 39 AND 40, BLOCK 2, NCB 8227, FROM 'R-1' SINGLE-FAMILY RESIDENCE DISTRICT TO 'B-1' BUSINESS DISTRICT, AND LOTS 33 THRU 38, BLOCK 2, NCB 8227, FROM 'R-1' SINGLE-FAMILY RESIDENCE DISTRICT TO 'B-3NA' NON-ALCOHOLIC SALES BUSINESS DISTRICT, IN THE 100 BLOCK OF SOUTH SAN AUGUSTINE AVENUE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

91-13 DISCUSSION OF EXCEL COMMUNICATIONS CABLE TELEVISION REQUEST

Mr. George K. Noe, Director of Management Services,

distributed to members of the City Council copies of a City staff report, a copy of which is made a part of the papers of this meeting.

Mr. Noe spoke to the history and status of the group's request for a cable television franchise, noting that he has been working with the firm on a draft franchise document, and he addressed a timetable for action on the request.

Mr. John C. Hagee, Cornerstone Church, spoke in support for Excel's franchise application and expressed concerns with Paragon Cable being the only cable television system in San Antonio.

A group of ministers accompanying Mr. Hagee introduced themselves.

Mr. Hagee then spoke of Paragon's cancellation of his use of the cable system and refusal to consummate a solution to the problem. He stated his opinion that San Antonio needs access to a cable television system.

Mayor Cockrell spoke to City staff's review of Excel's application and the next step in the process, creation of an ordinance.

In response to a question by Mr. Webb, Mr. Noe addressed several concerns with the application and spoke of the need to continue the investigation, as spelled out in the staff memorandum.

Mr. Fernando Centeno, Vice-President, Operations, Excel Communications, spoke to the status of his firm's response.

In response to a question by Mr. Webb, Mr. Angelo Drossos stated his opinion that Excel Communications will succeed in this venture.

A discussion then ensued concerning specific requests for information by City staff of Excel officials.

Mr. Webb expressed his opinion that the list of questions posed by City staff is obstructive to the process and asked that that process move forward.

Mr. Alex Briseno, City Manager, noted that Excel had applied to the City for the franchise and should be prepared to prove its financial abilities before an ordinance is brought before City Council for action.

In response to a question by Mr. Martinez, Mr. Noe discussed specifics of the staff request for more information from Excel.

Mr. Jeff Gangwer, President, Excel Communications, spoke to the financing plans for Excel and its network plans involving fiber optic systems. He then addressed a step-by-step plan for development of his cable television system.

In response to a question by Mr. Martinez, Mr. Lloyd Garza, City Attorney, discussed possible City actions at this point, short of creating an asset for the potential franchise.

In response to a question posed by Mayor Cockrell, Mr. Gangwer stated his opinion that it will cost about \$45-50 million to build Excel's proposed 2,800-mile cable television system. He then spoke to proposed plans and procedures and how he expects to raise the necessary funding for the project.

Mayor Cockrell noted that the majority of the Council members are interested in this proposal, but want the staff's assurances that the project is a viable one. She asked the firm to comply and respond to City staff's request for information, and to continue discussing the proposal with City staff representatives. She stated her opinion that the new company should be able to meet the same requirements and standards which were required of the original cable television franchise firm.

Mr. Wing asked Mr. Noe to report back on how long it took for UA Columbia to obtain their franchise with the City. He also asked for a time-line of all the requirements to be met by Excel.

Mr. Noe noted that it will take a minimum of 30 days to obtain the original franchise.

In response to a question by Mr. Wolff, Mr. Gangwer spoke to other companies' experience in venturing into existing cable TV markets.

A discussion ensued concerning the different programming which Excel proposes to offer.

Mr. Labatt stated that he would be willing to vote for a franchise, but only after all the required information is reviewed by the City staff.

Mr. Hasslocher spoke to the many complaints that he has received on an almost-daily basis concerning the present cable system, and stated that he looks forward to the new competition.

Ms. Berriozabal spoke to her concerns with previous statements and spoke in support for more competition in this field.

In response to a question by Ms. Berriozabal, Mr. T.J. Connally, representing Paragon Cable, stated that by September 1 of this year, the Tri-Party downtown area would be fully cabled. He then spoke to the timeframe for other cable connections in the city.

A discussion then took place on how Excel plans to install cable without ripping up the City streets.

Ms. Berriozabal asked Paragon Cable to be very sensitive to

the concerns of downtown merchants and residents in the promised downtown cabling operations.

Mayor Cockrell briefly summarized Council interest in the proposed new cable franchise and asked City staff to proceed with its investigation, then return later to Council with its report and recommendations.

Mr. Briseno stated that City staff would return later with an intermediate program.

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91-13 DISCUSSION CONCERNING TAYLOR'S TAVERN, 313 VANCE JACKSON

Ms. Vera briefly explained the sequence to be followed in this presentation.

Ms. Gilmore then narrated a videotaped presentation, outlining severe parking problems at the tavern which cause traffic problems in the surrounding neighborhood. She then spoke to other problems experienced by tenants of the Tarrytown Apartments, next door, and spoke to incidences of vandalism incurred by apartment residents and incidents that adversely affected those residents.

Ms. Gilmore than distributed photographs of alleged parking infractions in the area and asked for help by the City and by the District Attorney.

Ms. Vera noted that area citizens as well as the San Antonio Housing Authority are asking the City for help in this matter.

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

Mr. Lloyd Garza, City Attorney, explained the options available to the City Council that would allow the City Attorney to intervene in the tavern owner's request for issuance of a renewal for the firm's beer and wine license.

In response to a question by Mr. Hasslocher, Captain Jimmy Kopeck, San Antonio Police Department, stated that the tavern is not operated by a police officer, but is operated by his son.

A discussion took place concerning the surrender of the tavern's old liquor license and its request for a new one, and discussion of as-yet-unsupported allegations concerning incidents relating to the tavern.

In response to a question by Mrs. Dutmer, Mr. Garza addressed procedures required to have the tavern declared a nuisance.

Mr. Gene Camargo, Director of Building Inspections, spoke to

the history of the business in question, which enjoys non-conforming rights to operate. He also spoke to what is required for the City Council to take the case before the Board of Adjustment.

Mr. Garza stated that he would do as Council directs, and stated that he could approach this case must as the City did in the case of the 402 Icehouse.

Mr. Webb spoke to the matter of past battles against taverns in San Antonio.

Ms. Vera made a motion to (1) ask City staff to intervene in the process, and (2) prepare resolution as part of City's legislative package to have hearings locally. Mrs. Dutmer seconded the motion.

Mr. Wing spoke to possible legislation and the need to have such hearings in San Antonio.

Mr. Wolff asked that this matter be added to the City's legislative program for consideration.

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; NAYS: None; ABSENT: Cockrell. Approved.

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,397

APPROVING A CONTRACT FOR THE PURCHASE OF THE FORMER SEARS, ROEBUCK AND COMPANY ROMANA PLAZA STORE SITE, RESOLUTION TRUST CORPORATION AS CONSERVATOR OF ALAMO FEDERAL SAVINGS ASSOCIATION OF TEXAS FOR THE PURCHASE PRICE OF \$3,850,000.00, SAID PROPERTY TO BE USED FOR A NEW MAIN LIBRARY SITE; AUTHORIZING THE CITY MANAGER OR ASSISTANT CITY MANAGER TO EXECUTE A CONTRACT OF PURCHASE AND SALE, AS WELL AS, ANY AND ALL OTHER DOCUMENTS, APPROVED IN ADVANCE BY THE CITY ATTORNEY, NECESSARY FOR THE CLOSING OF SAID PURCHASE; AND APPROPRIATING THE SUM OF \$3,850,000.00 FROM THE 1989 GENERAL OBLIGATION LIBRARY BONDS FUND FOR SUCH PURCHASE.

* * * *

Mrs. Dutmer 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, Thompson, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Webb, Wing, Martinez, Hasslocher.

91-13 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE
AMENDING THE UNIFIED DEVELOPMENT CODE

Mayor Pro Tem Wolff declared the Public Hearing to be open.

Ms. Rebecca Q. Cedillo, Director of Planning, briefly described the proposed changes to the Unified Development Code.

There being no citizens signed to speak to this matter, Mayor Pro Tem Wolff declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 73,398

ADOPTING AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE CONCERNING ZONING FOR CHILD CARE INSTITUTIONS AND TEMPORARY HELP EMPLOYMENT CONTRACTORS; ESTABLISHING A FEE FOR ZONING CASES REQUIRING A REPORT FROM THE ENVIRONMENTAL PROTECTION OFFICER; APPROVING CHANGES TO CORRECT DISCREPANCIES BETWEEN VARIOUS SECTIONS AND TO RELOCATE CERTAIN PROVISIONS, CHANGING HEIGHT, AREA, AND YARD REQUIREMENTS FOR PROPERTY ZONED UNDER THE PRE-1965 ZONING CLASSIFICATIONS, AND REVISING R-5 AND R-7 DISTRICT ACCESSORY STRUCTURE AND STAGGERED FRONT YARD SETBACK PROVISIONS; AND AMENDING THE SUBDIVISION ARTICLE OF THE UNIFIED DEVELOPMENT CODE CONCERNING PLATTING REGULATIONS AND ADDING REGULATIONS CONCERNING SERVICE LATERAL INSPECTIONS OVER THE EDWARDS RECHARGE ZONE OUTSIDE THE CITY LIMITS, AND ADDING A PERMIT AND REINSPECTION FEE FOR SUCH SERVICE LATERALS; AND PROVIDING PENALTIES NOT TO EXCEED \$1,000.00 FOR VIOLATION OF THE SUBDIVISION PROVISIONS AND NOT TO EXCEED \$2,000.00 FOR THE ZONING PROVISIONS.

* * * *

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

In response to a question by Mr. Hasslocher, Ms. Cedillo discussed the proposed changes and their application in certain cases.

Mr. Labatt spoke to a continued tightening of regulations over the Edwards Aquifer Recharge Zone.

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

91-13 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE
ON APPEAL BY VAN DE WALLE AGRICULTURAL PROPERTIES, LTD.

Mayor Pro Tem Wolff declared the Public Hearing to be open.

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

Mr. Lloyd Garza, City Attorney, explained that this Public Hearing provides an opportunity for representatives of Van de Walle Agricultural Interests, Inc. to appeal a ruling of the Planning Commission.

Mr. Seagal Wheatley, attorney for Van de Walle Agricultural Interests, Inc., explained the background of the 391-acre development plan for van de Walle properties near Kelly Air Force Base, as developed by several consultants. He spoke to his client's interest in selling portions of this property and explained the adverse impact of Military Air Overlay Zone (MAOZ) prohibitions on the sale of that property. He asked the Council to approve the development plan as presented.

In response to a question by Mr. Wing, Ms. Rebecca Q. Cedillo, Director of Planning, spoke to problems identified in the development plan, over and above the restrictions under the MAOZ, such as planned uses that are prohibited by Council ordinance, as an example.

In response to a question by Mr. Wing, Mr. Jackson Hubbard, Real Estate Division, City Attorney's office, explained the background of the development plan and its noted discrepancies, by ordinance, including MAOZ regulations. He stated that the City Planning Commission had refused to approve the development plan on recommendation of the City staff, and representatives of van de Walle Interests wanted a venue through which to appeal to City Council on that decision.

A discussion then ensued concerning the City's options.

Mr. Lloyd Garza, City Attorney, reiterated staff's recommendations to the Council as to its possible actions today.

Mr. Wing made a motion to reaffirm the Planning Commission's decision in this case. Ms. Vera seconded the motion.

After consideration, the motion, to reaffirm the Planning

Commission's decision, prevailed by the following vote: AYES: Webb, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Cockrell; NAYS: Dutmer; ABSENT: Berriozabal, Hasslocher.

(The City Council recessed its regular session at 8:17 P.M., reconvening at 8:54 P.M. for Citizens To Be Heard.)

91-13

CITIZENS TO BE HEARD

MR. JESSE E. WRIGHT

Mr. Jesse E. Wright, of 4403 Chesapeake Drive, stated that he had been trying to clear his name and has not tried to be a lawyer. He requested that the City Council initiate an investigation of police brutality with regard to his case.

* * * *

MR. RAY PARKER

Mr. Parker, representing Alamo Asbestos Company, presented a written statement to City Council expressing his concern that the imposition of a "best-rated insurance" system for the City will have a major impact on small business and will virtually shut the door on the minority/disadvantaged business owner. A copy of his remarks is made a part of the papers of this meeting. He urged Council to review the impact of this decision and the cost factors.

* * * *

MR. PHILLIP MEDELLIN

Mr. Medellin, a mechanical contractor, spoke to the Council about the impact of the new requirements on his own business and urged Council members to ask for a feasibility study on the requirement for this insurance for City jobs.

Ms. Nora Chavez, Director of Finance, explained the recommendation of the City's Risk Manager for this type of insurance.

Mr. Joe Aceves, Director of Public Works, explained the reasoning for the requirement as an emergency-type situation. He also spoke of other jobs where the "best-rated insurance" policy will not be necessary. He then stated that other contracts for asbestos abatement will be put out for bid and eventually will be brought back to the City Council for action.

In response to a question by Mr. Martinez, Mr. Aceves stated that Mr. Parker was referring to the City's annual contract for

asbestos abatement, which will entail mostly emergency cases. He also spoke to the specifications contained in the annual contract.

* * * *

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,399

AMENDING A PROFESSIONAL SERVICE CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO SPORTS FOUNDATION AWARDED PURSUANT TO ORDINANCE NO. 71933 TO PROVIDE FOR THE REIMBURSEMENT OF ALLOWABLE EXPENSES INCURRED FROM JANUARY 1, 1990, TO SEPTEMBER 7, 1990, AND RATIFYING SUCH PAYMENTS; EXPANDING THE SCOPE OF SERVICES TO INCLUDE ASSISTANCE IN ESTABLISHING A LOCAL HOST COMMITTEE AS REQUIRED BY THE 1993 U. S. OLYMPIC FESTIVAL; AND PROVIDING FOR AN ADDITIONAL PAYMENT IN THE AMOUNT OF \$41,500.00.

* * * *

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

Mrs. Dutmer asked City staff to look into the request of San Antonio Sports Foundation for street banners.

Mr. Hasslocher spoke of his concern for several invoices on expenses incurred by the Sports Foundation.

Mr. Steve Moore, Director of the Convention and Visitors Bureau, explained several of the invoices in question and spoke to the expertise of the Sports Foundation in attracting certain events to San Antonio.

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

91-13 Item 35, being a proposed ordinance approving the acquisition from Center Street Joint Venture of the property located at 243 N. Center Street described as NCB 580, Block 11, Lots 3 thru 6, 10 thru 13, 6A and E, and 5 feet of 11A for the sum of \$530,000.00 for its continued use as the main office for the Parking Division of the Public Works Department; authorizing the City Manager or Assistant City

Manager to execute a purchase contract and any and all other instruments in connection therewith; and appropriating \$530,000.00 from Parking Fund No. 53-001 for this purchase, was pulled earlier from consideration by the City Manager.

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,400

AUTHORIZING FIVE ONE-YEAR LEASES TO CLEAR CHANNEL COMMUNICATIONS, INC. (WOAI RADIO), KSAT-TV, KENS-TV, SAN ANTONIO LIGHT, AND THE EXPRESS-NEWS CORPORATION, RESPECTIVELY, FOR USE OF FIVE LOFT OFFICES LOCATED ON THE SECOND FLOOR AT CITY HALL FOR A TOTAL ANNUAL REVENUE OF \$6,266.67.

* * * *

Mrs. Dutmer 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: Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Berriozabal, Webb.

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,401

AUTHORIZING THE CITY ATTORNEY'S OFFICE TO FILE AN INTERPLEADER SUIT TO RESOLVE THE CLAIMS OF BRADLEY W. BOEGNER AND ASSOCIATES AND OLMOS ENVIRONMENTAL SERVICES, INC. IN CONNECTION WITH THE ALAMODOME DEMOLITION PHASE I, PACKAGE 1A PROJECT; AND AUTHORIZING THE DEPOSITING OF THE SUM OF \$194,309.08 WITH THE CLERK OF THE COURT.

* * * *

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

Mr. Lloyd Garza, City Attorney, and Mr. Roland Lozano, Director of Dome Development, explained "interpleader" lawsuit details.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Dutmer, Wing,

Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Berriozabal, Webb.

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,402

AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH JOHNSON AND HIGGINS OF TEXAS, INC., IN AN AMOUNT NOT TO EXCEED \$10,000.00 PLUS OUT OF POCKET EXPENSES TO PROVIDE CONSULTING SERVICES FOR THE CITY'S RISK MANAGEMENT INSURANCE PROGRAMS.

* * * *

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

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

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,403

APPROVING THE REQUEST OF GALAXY BILLIARDS N. E. TO CONDUCT THE "THIRD ANNUAL FIESTA 9 BALL TOURNAMENT" ON APRIL 4, 5, 6, AND 7, 1991 ON A CONTINUOUS 24 HOURS PER DAY PLAYING SCHEDULE AS AN EXCEPTION TO THE 7:00 A.M. - 2:00 A.M. OPERATING HOURS RESTRICTION FOR BILLIARD PARLORS IMPOSED BY CITY CODE SECTION 16-31; AND DECLARING AN EMERGENCY; AND ALSO APPROVING THE "SUMMERTIME 9-BALL TOURNAMENT SCHEDULED FOR AUGUST 15, 16, 17, AND 18, 1991, AND THE ALAMO 9-BALL TOURNAMENT SCHEDULED FOR DECEMBER 5, 6, 7, AND 8, 1991.

* * * *

Mr. Thompson 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: Dutmer, Wing, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None;

ABSENT: Berriozabal, Webb, Martinez.

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,404

EXTENDING FOR NINETY DAYS THE PROVISIONS OF PARAGRAPH (G) OF SECTION 28-17 OF CHAPTER 28, ARTICLE I OF THE CITY CODE RELATED TO TEMPORARY PERMITS FOR THE PLACEMENT OF ON-PREMISE SIGNS ON PUBLIC RIGHT-OF-WAY WITHIN DOWNTOWN IMPROVEMENTS DISTRICT AND DECLARING AN EMERGENCY.

* * * *

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

Mr. Ron Darner, Director of Parks and Recreation, explained the need for an extension of the ordinance in order to allow temporary permits for placement of signs in downtown public right-of-way.

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

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,405

AMENDING ORDINANCE NO. 70819 SO AS TO EXTEND THE EFFECTIVE DATE OF CITY CODE CHAPTER 33, ("VEHICLES FOR HIRE"), ARTICLE 5 ("LIMOUSINES"), ARTICLE 7 ("TOUR VEHICLES"), AND ARTICLE 8 ("CHARTER VEHICLES") FOR 122 DAYS, TO BE IN FULL FORCE AND EFFECT ON AUGUST 1, 1991.

* * * *

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

Mr. Dale Jacobs, San Antonio Police Department, discussed the question of the City's right to regulate VIA's impact upon this ordinance, noting that this will allow VIA time to assess the situation.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Dutmer, Wing,

Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS:
None; ABSENT: Berriozabal, Webb.

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,406

AUTHORIZING PAYMENT IN THE AMOUNT OF \$8,000.00 IN
THE SETTLEMENT OF ALL CLAIMS OF ELIDA GARCIA AGAINST
THE CITY OF SAN ANTONIO.

* * * *

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: Dutmer, Wing,
Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS:
None; ABSENT: Berriozabal, Webb.

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,407

AUTHORIZING PAYMENT OF A JUDGMENT RENDERED AGAINST
THE CITY OF SAN ANTONIO IN DOLORES M. FLORES VS.
TOMAS LONGORIA AND THE CITY OF SAN ANTONIO PUBLIC
WORKS DIVISION, CAUSE NO. 87-CI-16099 IN THE AMOUNT
OF \$47,000.00 PLUS PRE- AND POST-JUDGMENT INTEREST
IN THE AMOUNT OF \$20,154.89 FOR A TOTAL OF
\$67,154.89; AND DECLARING AN EMERGENCY.

* * * *

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

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

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,408

RATIFYING AND APPROVING CHANGE ORDER NO. 24 TO THE CITY OF SAN ANTONIO/CLEARWATER CONSTRUCTORS, INC. CONSTRUCTION CONTRACT FOR TRIPARTY DOWNTOWN TRANSPORTATION IMPROVEMENTS IN THE NET INCREASED AMOUNT OF \$98,934.73; APPROPRIATING AND TRANSFERRING FUNDS; PROVIDING FOR PAYMENT OF THE CHANGE ORDER; AND APPROPRIATING FUNDS AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$5,728.00 TO CITY PUBLIC SERVICE FOR REMOVAL AND CONNECTION OF THREE PEDESTRIAN LIGHT CIRCUITS.

* * * *

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: Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Berriozabal, Webb.

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,409

APPOINTING CORKY CRISCI TO SERVE ON THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 1992.

* * * *

Mr. Labatt 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: Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Berriozabal, Webb.

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,410

APPOINTING GEORGE M. DAWSON TO SERVE ON THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY.

* * * *

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: Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Berriozabal, Webb.

91-13 The Clerk read the following Resolution:

A RESOLUTION NO. 91-13-20

EXPRESSING SUPPORT FOR NEGOTIATING THE TRI-LATERAL FREE TRADE AGREEMENT UNDER THE FAST TRACK PROCESS, AND URGING CONGRESSIONAL APPROVAL OF SAME.

* * * *

Mayor Cockrell briefly explained the "fast track" negotiating process on Tri-Lateral Free Trade Agreement provisions.

Mr. Martinez spoke to his concerns with the wording of the proposed Resolution and the lack of a full and detailed briefing of this matter. He stated that he is not sure that he supports the "fast track" process, even though he supports the Free Trade Agreement itself.

Mayor Cockrell noted some concerns expressed by organized labor on the matter of the "fast track" process.

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

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

91-13 The Clerk read the following Ordinance:

AN ORDINANCE 73,411

ACCEPTING THE LOW BID OF SYSCO FOOD SERVICES TO FURNISH THE CITY OF SAN ANTONIO HUMAN RESOURCES DEPARTMENT WITH GROCERY PRODUCTS, FROZEN FOODS, PAPER PRODUCTS AND JANITORIAL SUPPLIES FOR THE NUTRITION CENTERS FOR A TOTAL OF APPROXIMATELY

\$146,800.00.

* * * *

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

Mr. Labatt spoke to his concerns with changes to either price or quality on these items, and addressed the need to check the price against the invoice. He also noted that there is no penalty for non-performance by the supplier, and expressed his belief that the City might not be doing a good job in monitoring the contract. He spoke in favor of instructing City staff to insert a penalty for non-compliance in the contract provisions and addressed other concerns for a loss of tax funds.

Mr. Archie Titzman, Director of Purchasing and General Services, stated that City has the option to cancel the contract or withhold payment, and spoke to the process used.

Mr. Alex Briseno, City Manager, stated that staff would get the Council members a report on this matter.

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

91-13 There being no further business to come before the Council, the meeting was adjourned at 10:01 P.M.

A P P R O V E D

Lila Cockrell

M A Y O R

Attest:

Norma S. Rodriguez
C I T Y C L E R K