

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
TUESDAY, APRIL 9, 1991.

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

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91-15 Invocation - Pastor Dewey "Bud" Gardner, Faith Outreach Center.

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91-15 Pledge of Allegiance to the flag of the United States.

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91-15 DESERT STORM FAMILIES

Mr. Thompson introduced District 6 families with loved ones serving in Operation Desert Storm, including the families of Eliseo L. Alvarado, David Allen Fritz, Abel A. Mainez, Carlos Perez III, Charles Gregory Worley.

Ms. Vera introduced District 7 families with loved ones serving in Operation Desert Storm, including the families of Jerry Casillas, Damon A. Ellison, Alvin F. Ellison Jr., Daniel Andrew Flores, Darrell Martin Flores, Robert V. Garcia, Ramiro Guedea Jr., Sheila Lewis, Craig Anthony Marshall, Frank Rene Sanchez Jr., and Ernest Vargas.

In the temporary absence of Mr. Wolff, Mr. Labatt introduced District 8 families with loved ones serving in Operation Desert Storm, including the families of James W. Dean and James Roland Hoskinson.

Mr. Hasslocher introduced the family of Daniel Gamboa, District 10 constituent serving in Operation Desert Storm.

Mayor Cockrell and other Council members then presented each of the representative families with special Citations.

91-15 CONSENT AGENDA

Mr. Hasslocher made a motion to approve Agenda Items 8 through 37, constituting the Consent Agenda. Mr. Webb 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, Thompson, Vera, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Martinez, Wolff.

AN ORDINANCE 73,440

ACCEPTING THE PROPOSAL OF INTERGRAPH CORPORATION TO FURNISH THE CITY OF SAN ANTONIO INFORMATION RESOURCES DEPARTMENT WITH GEOPROCESSING SOFTWARE AND MAINTENANCE FOR A TOTAL OF \$3,120.00 ANNUALLY.

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AN ORDINANCE 73,441

ACCEPTING THE LOW BID OF KCI, INC. TO FURNISH THE CITY OF SAN ANTONIO INFORMATION RESOURCES DEPARTMENT WITH HOST CHANNEL EXTENDERS FOR A TOTAL OF \$29,640.00.

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AN ORDINANCE 73,442

ACCEPTING THE PROPOSAL OF UNIVERSITY PUBLICATIONS OF AMERICA TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH MICROFILM/MICROFICHE FOR A TOTAL OF \$8,099.00.

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AN ORDINANCE 73,443

ACCEPTING THE PROPOSAL OF ULVERSCROFT LP BOOKS LTD. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH LARGE PRINT BOOKS FOR A TOTAL OF \$5,441.62.

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AN ORDINANCE 73,444

ACCEPTING THE LOW BID OF MCNAUGHTON BOOK SERVICE TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH LEASED BOOKS ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF APPROXIMATELY \$14,000.00.

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AN ORDINANCE 73,445

ACCEPTING THE LOW BID OF TEXAS MINI BUS TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH A PASSENGER SHUTTLE BUS FOR A TOTAL OF \$34,415.00.

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AN ORDINANCE 73,446

ACCEPTING THE LOW BID OF DE LA GARZA FENCE COMPANY TO FURNISH THE CITY OF SAN ANTONIO WASTEWATER MANAGEMENT DEPARTMENT WITH FENCING MATERIALS FOR A TOTAL OF \$4,755.47.

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AN ORDINANCE 73,447

ACCEPTING THE LOW QUALIFIED BIDS OF ALZAR LIFTS COMPANY, INC., A.M.A. ENTERPRISES, INC. AND TEXAS EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH TRAILERS FOR A TOTAL OF \$31,176.51.

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AN ORDINANCE 73,448

AUTHORIZING PAYMENT TO WAUKESHA - PEARCE INDUSTRIES, INC. FOR THE RENTAL OF A SOIL COMPACTOR FOR THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT FOR A TOTAL OF \$5,400.00

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AN ORDINANCE 73,449

ACCEPTING THE PROPOSAL OF MOTOROLA C&E TO FURNISH THE CITY OF SAN ANTONIO WITH MAINTENANCE OF CERTAIN EQUIPMENT IN THE CITY'S RADIO SYSTEM ON AN ANNUAL CONTRACT BASIS AT A COST OF \$22,372.00 PER MONTH, PLUS \$350.00 PER MONTH FOR MAINTENANCE OF 44 PUBLIC ADDRESS SYSTEMS AT THE FIRE STATIONS, AND AN ADDITIONAL \$3,772.00 PER MONTH BEGINNING IN APRIL, 1992, FOR SYSTEM 4 MAINTENANCE.

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AN ORDINANCE 73,450

ACCEPTING THE PROPOSAL OF K.M. NG & ASSOCIATES, INC. IN THE AMOUNT OF \$56,986.45 FOR ADDITIONAL ENGINEERING SERVICES RELATING TO PLAN REVISIONS FOR THE CHERRY STREET DRAINAGE PROJECT #15 B; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,451

ACCEPTING THE PROPOSAL OF HALLENBERGER/TELFORD, INC. IN THE AMOUNT OF \$11,500.00 FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE MUD CREEK OUTFALL SANITARY SEWER, PHASE-III, STAGE-1B PROJECT; AUTHORIZING \$250.00 FOR BID ADVERTISING COSTS; AUTHORIZING \$700.00 PAYABLE TO THE TEXAS WATER COMMISSION FOR PLAN REVIEW; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,452

ACCEPTING THE PROPOSAL OF SEDA CONSULTING ENGINEERS, INC., IN THE AMOUNT OF \$45,226.00 FOR ADDITIONAL ENGINEERING SERVICES, RIGHT-OF-WAY SERVICES, AND SOIL ANALYSIS SERVICES IN CONNECTION WITH THE 36TH STREET AND BANGOR AVENUE SANITARY SEWER RELIEF LINE PROJECT; PROVIDING FOR BID ADVERTISING COSTS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,453

APPROPRIATING ADDITIONAL ENGINEERING FEES IN THE AMOUNT OF \$13,964.00 PAYABLE TO BROWN ENGINEERING COMPANY FOR ENGINEERING SERVICES IN CONNECTION WITH THE F. M. 1957 (POTRANCO ROAD) FROM CULEBRA TO LOOP 1604 SEWER RELOCATION PROJECT.

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AN ORDINANCE 73,454

APPROPRIATING ENGINEERING FEES IN THE AMOUNT OF \$8,000.00 PAYABLE TO BROWN ENGINEERING COMPANY TO PROVIDE PRELIMINARY PHASE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE LOOP 410 FROM IH 10 TO HONEYSUCKLE LANE SEWER RELOCATION PROJECT.

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AN ORDINANCE 73,455

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH FERNANDEZ, FRAZER, WHITE & ASSOCIATES, INC., IN THE AMOUNT OF \$206,550.00 FOR ENGINEERING SERVICES IN CONNECTION WITH THE NEAR NORTHSIDE AREA SANITARY SEWER REHABILITATION PROJECT; AUTHORIZING \$250.00 FOR BID ADVERTISING COSTS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,456

ACCEPTING THE LOW QUALIFIED BID OF DESIGN GENERAL CONTRACTING, INC., IN THE AMOUNT OF \$164,613.00 FOR BASE BID AND ADDITIVE ALTERNATES IN CONNECTION WITH THE PARK RANGER HEADQUARTERS RENOVATION PROJECT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$16,461.00 FOR THE CONSTRUCTION CONTINGENCY; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,457

ACCEPTING THE LOW QUALIFIED BID OF ALAMO ASBESTOS ABATEMENT, INC. IN THE AMOUNT OF \$2,900.00 FOR A BASE BID AND AN ADDITIVE ALTERNATE FOR CONSTRUCTION IN CONNECTION WITH THE PARK RANGER HEADQUARTERS ASBESTOS ABATEMENT PROJECT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$290.00 FOR THE CONSTRUCTION CONTINGENCY; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,458

RATIFYING A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$38,778.00 WITH C. A. BOLNER AND ASSOCIATES, INC. FOR THE PROVISION OF CERTAIN ENGINEERING SERVICES RELATED TO THE VISTA VERDE SOUTH URBAN DEVELOPMENT ACTION GRANT (UDAG) PROJECT; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,459

AUTHORIZING AMENDMENT NO. 1 TO THE LEASE AGREEMENT WITH K.J.C. ASSOCIATES, D/B/A SOFTBALL, FOR THAT FIRM'S USE OF 0.3849 ACRES SOUTH OF LOT 4-NCB 13032, SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR OPERATIONS OF COIN OPERATED SOFTBALL AND BASEBALL BATTING CAGES AND RELATED ACTIVITIES; SAID AMENDMENT INCLUDING A CHANGE OF LOCATION OF LESSEE'S OPERATION AND A CORRESPONDING REDUCTION OF RENT FROM THE CURRENT \$7,200 PER YEAR TO \$6,000 PER YEAR.

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AN ORDINANCE 73,460

CONSENTING TO THE ENCROACHMENT ON CITY-OWNED LAND OF A BASEMENT LEVEL GENERATOR EASEMENT IN THE MID-CITY GARAGE, GRANTED BY NCNB TEXAS NATIONAL BANK TO FOUNDATION FOR CULTURAL ARTS IN SAN ANTONIO IN CONNECTION WITH THE OPERATION OF THE MAJESTIC THEATER.

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AN ORDINANCE 73,461

AUTHORIZING THE ACCEPTANCE OF \$317,587.00 GRANT FROM THE U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE, TO CONTINUE FUNDING OF AN IMMUNIZATION INFLUENZA DEMONSTRATION PROJECT; ESTABLISHING A FUND; ADOPTING A BUDGET; AND AUTHORIZING PERSONNEL POSITIONS.

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AN ORDINANCE 73,462

AUTHORIZING KSAT TV, CHANNEL 12, TO BROADCAST A LIVE FIESTA SPECIAL ON APRIL 18, 1991, AND AUTHORIZING THE USE OF THE LANDING OF THE GRAND STAIRWELL AT THE HEMISFAIR PARKING GARAGE FOR THE BROADCAST WHICH PROVIDES A BACKDROP OF LA SEMANA ALEGRE.

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AN ORDINANCE 73,463

AUTHORIZING THE EXECUTION OF A SANITARY SEWER SERVICE CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND WOODLAKE HOLDING COMPANY, LTD. ACTING THROUGH DOUGLAS SOUNDERS, ITS GENERAL PARTNER, TO PROVIDE SANITARY SEWER SERVICE TO AN 0.978 ACRE TRACT

GENERALLY LOCATED ON THE NORTHEAST CORNER OF I.H. 10 EAST AND FOSTER ROAD, INSIDE THE CITY LIMITS AND IN THE LOWER SALADO CREEK WATERSHED INSIDE THE CITY REGIONAL AGENT BOUNDARY (IRAB).

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AN ORDINANCE 73,464

APPROPRIATING FUNDS AND ESTABLISHING A REIMBURSEMENT ACCOUNT IN THE AMOUNT OF \$31,290.65 PAYABLE TO WOODLAKE HOLDING COMPANY, LTD. AS REIMBURSEMENT FOR ELIGIBLE COSTS ASSOCIATED WITH THE CONSTRUCTION OF THE FOSTER SHAMROCK SUBDIVISION OFF-SITE SANITARY SEWER OUTFALL.

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AN ORDINANCE 73,465

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION AND ACCEPT A GRANT FOR \$603,437 FROM THE TEXAS DEPARTMENT OF HUMAN SERVICES FOR THE 1991 SUMMER FOOD SERVICE PROGRAM; APPROVING A BUDGET AND PERSONNEL COMPLEMENT; AND AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF SUPPLEMENTAL FUNDING FROM AFORESTATED AGENCY IN THE EVENT THE OPERATION OF ADDITIONAL OUTSIDE AGENCY SITES IS MADE POSSIBLE.

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AN ORDINANCE 73,466

CLOSING THE 1700 BLOCK OF CLOWER, BETWEEN BRAD AND THE SOUTH BOUND ACCESS ROAD OF I.H. 10, ON SUNDAY, MAY 5, 1991, FROM 6:00 A.M. UNTIL MIDNIGHT TO ALLOW ST. MARY MAGDALEN'S SCHOOL TO HOLD ITS ANNUAL SCHOOL FESTIVAL.

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AN ORDINANCE 73,467

CLOSING THE 100 BLOCK OF LAS MORAS BETWEEN WEST COMMERCE AND BUENA VISTA STREETS ON SUNDAY, APRIL 14, 1991, FROM 10:00 A.M. UNTIL 10:00 P.M. TO ALLOW KBUC RADIO RECUERDO TO HOLD A MAYORAL CANDIDATES INTRODUCTION AND DEBATE.

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AN ORDINANCE 73,468

CLOSING THE 100 BLOCK OF LAS MORAS BETWEEN WEST COMMERCE AND BUENA VISTA STREETS AT 2:00 P.M. ON FRIDAY, MAY 10, 1991, UNTIL MIDNIGHT ON SATURDAY, MAY 11, 1991, TO ALLOW KBUC RADIO RECUERDO TO HOLD THE FIRST ANNIVERSARY FOR INTERNATIONAL MOTHER'S DAY.

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AN ORDINANCE 73,469

CLOSING CASTLERIDGE STREET BETWEEN PINN ROAD AND MILITARY DRIVE WEST, ON SUNDAY, JUNE 2, 1991, FROM 7:00 A.M. UNTIL MIDNIGHT TO ALLOW THE RESURRECTION OF THE LORD CATHOLIC CHURCH TO HOLD ITS ANNUAL FESTIVAL.

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91-15 The Clerk read the following Ordinance:

AN ORDINANCE 73,470

APPROVING AN AGREEMENT WHICH ALLOWS FIESTA TEXAS THEME PARK, LTD. (THE DEVELOPERS) TO DESIGN, CONSTRUCT, MAINTAIN, AND USE CERTAIN FACILITIES OVER AND UPON DRAINAGE EASEMENTS PLATTED AS PART OF THE FIESTA TEXAS SUBDIVISION PLAT NO. 90-0167.

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

In response to a question by Mr. Labatt, Mr. Joe Aceves, Director of Public Works, stated that this complies with the water pollution abatement requirements.

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

91-15 The Clerk read the following Ordinance:

AN ORDINANCE 73,471

ACCEPTING THE LOW QUALIFIED BID OF LYDA, INC. AND
AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF
\$9,476,000.00 WITH A CONTINGENCY OF \$758,080.00 FOR
THE MULTIPURPOSE DOME FACILITY: PACKAGE 3C -
STRUCTURAL & MISCELLANEOUS METALS, FUNDED BY THE 1/2
PERCENT SALES TAX REVENUE COLLECTION.

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

Mr. Roland Lozano, Director of Dome Development, explained the bid's history, including its rebidding. He noted that the low bid is slightly above the staff estimate, but still \$643,000 below project estimates for the domed stadium, thus far.

A discussion then took place concerning the first bids received on this project and the re-bids, including the impact of those re-bids on the projected time-line for completion of the project.

Mr. Lozano noted that some 60 per cent of the project bids now have been let, and the domed stadium project is both under budget and on time.

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

Mr. Alex Briseno, City Manager, took this opportunity to introduce to the City Council Ms. Carolyn Darby, the new domed stadium director, who was formerly director of the Seattle Kingdome.

A discussion then ensued concerning Ms. Darby's housing study around the Kingdome site and the similarities between the Kingdome and the Alamodome.

Ms. Darby spoke briefly on her expectations in regard to her new job in San Antonio.

It was the concensus of the Council members present to undertake discussion on Agenda Item 44 at this time.

91-15 The Clerk read the following Ordinance:

AN ORDINANCE 73,472

APPROPRIATING \$10,000.00 FROM THE DISTRICT 2
DISCRETIONARY FUND FOR USE BY THE ELLA AUSTIN
COMMUNITY CENTER FOR ROOF AND AIR CONDITIONING
REPAIRS.

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Mr. Webb explained the need for repairs to the roof and air conditioning system of Ella Austin Community Center and introduced representatives from the Center, including incoming Executive Director Anthony E. Hargrove.

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

91-15 ZONING HEARINGS

5A. CASE Z91024 - to rezone a 3.02 acre tract of land out of Lot 42, Block 4, NCB 16125, 2000 Block of Thousand Oaks Drive from "R-3" ERZD Multiple Family Residence Edwards Recharge Zone District to "B-1 ERZD Business Edwards Recharge Zone District, located on the south side of Thousand Oaks Drive 263.89 feet east of the intersection of Broken Oak Drive and Thousand Oaks Drive, having approximately 1,129.81 feet on Thousand Oaks Drive and a maximum depth of 518.16 feet.

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

Mr. Hasslocher noted that the proponent wishes to amend his petition for rezoning.

Mr. Richard Suttle, representing the proponent, spoke to reasons why the property will not develop as a residential area, and addressed plans to protect nearby residential areas by creating office zoning as a buffer up to the drainage ditch, with the remainder of the property to remain "R-3".

Mr. Hasslocher made a motion to approve the amended petition. Mr. Labatt seconded the motion.

Mr. Keith Metz, Aquifer Protection Officer, addressed his three recommendations and discussed minor fractures in the rock, estimated to be on the property concerned.

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

AN ORDINANCE 73,473

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 3.02 ACRE TRACT OF LAND OUT OF LOT 42, BLOCK 4, NCB 16125, 2000 BLOCK OF THOUSAND OAKS DRIVE FROM "R-3" ERZD MULTIPLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "O-1 ERZD OFFICE EDWARDS RECHARGE ZONE DISTRICT, "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5B. CASE Z90155 - to rezone Lot 19, Block 5, NCB 9796, 4718 Blanco Road, from "B-2" Business District to "B-3NA" Non-Alcoholic Sales Business District, located southeast of the intersection of Blanco Road and Gaskin Drive having 57.92 feet on Gaskin Drive and 123.56 feet on Blanco Road.

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

AN ORDINANCE 73,474

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 19, BLOCK 5, NCB 9796, 4718 BLANCO ROAD, FROM 'B-2' BUSINESS 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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5C. CASE Z91028 - to rezone Lot 20, NCB 9726, 1200 Block of Rayburn Drive, to reduce a 70 foot building setback imposed along Rayburn Drive by Ordinance No. 45979 dated November 20, 1975, to a 50 foot building setback, located southwest of the intersection of I.H. 35 South and Rayburn Drive, having 145 feet on I.H. 35 North and 245 feet on Rayburn Drive and 130 feet on Hilton Avenue.

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

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

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

AN ORDINANCE 73,475

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 20, NCB 9726, 1200 BLOCK OF RAYBURN DRIVE, TO REDUCE A 70 FOOT BUILDING SETBACK IMPOSED ALONG RAYBURN DRIVE BY ORDINANCE NO. 45979 DATED NOVEMBER 20, 1975, TO A 50 FOOT BUILDING SETBACK. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5D. CASE Z91031 - to rezone Lot 7, Block 5, NCB 13569, 2119 N.E. Loop 410 Expressway, from "E" Office District, "F" Local Retail District and "JJ" Commercial District to "B-3" Business District, located on the north side of N.E. Loop 410 Expressway, 375 feet west of Village Drive and N.E. Loop 410 Expressway, having 344.31 feet on N.E. Loop 410 Expressway and a maximum depth of 579.74 feet.

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

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

A discussion took place concerning possible solutions to parking problems in the area of the hospital.

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

AN ORDINANCE 73,476

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 7, BLOCK 5, NCB 13569, 2119 N.E. LOOP 410 EXPRESSWAY, FROM "E" OFFICE DISTRICT, "F" LOCAL RETAIL DISTRICT AND "JJ" COMMERCIAL DISTRICT TO "B-3" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5E. CASE Z91033 (SUP) - to rezone Lot 7, Block 15, NCB 2024, 826 Cincinnati, from "F" Local Retail District to "B-3NA" S.U.P. Non Alcoholic Sales Business District for a contractor with outside storage, located on south side of Cincinnati Avenue, 316 feet east of the intersection of N. Zarzamora Street and Cincinnati Avenue, having 50 feet on Cincinnati Avenue and a depth of 157.66 feet.

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

Ms. Penny Smith, the proponent, asked for removal of the five-year Special Use Permit provision in the Zoning commission recommendation, and spoke to her reasons for the request.

Ms. Berriozabal made a motion to approve the recommendation of the Zoning Commission, without the recommended five-year Special Use Permit provision. Mrs. Dutmer seconded the motion.

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

AN ORDINANCE 73,477

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 7, BLOCK 15, NCB 2024, 826 CINCINNATI, FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" S.U.P. NON ALCOHOLIC SALES BUSINESS DISTRICT FOR A CONTRACTOR WITH OUTSIDE STORAGE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5F. CASE Z91037 (SUP) - to rezone the northwest 50 feet of Lot 18, Block 11, NCB 13773, from Temporary "A" Single Family Residence District to "B-3" Business District and "B-3" S.U.P. Business District with special use permit for a contractor with outside storage; and the southeast 75 feet of Lot 18, Block 11, NCB 13773, from Temporary "A" to "B-3" SUP for a contractor with outside storage, 10318-10322 I.H. 35 North, located on the southeast side of I.H. 35 North approximately 122.15 feet southwest of the intersection of Starlight and I.H. 35 North, having 115.16 feet on I.H. 35 North and a depth of 125 feet.

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

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

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

AN ORDINANCE 73,478

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 NORTHWEST 50 FEET OF LOT 18, BLOCK 11, NCB 13773, FROM TEMPORARY "A" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT AND "B-3" S.U.P. BUSINESS DISTRICT WITH SPECIAL USE PERMIT FOR A CONTRACTOR WITH OUTSIDE STORAGE; AND THE SOUTHEAST 75 FEET OF LOT 18, BLOCK 11, NCB 13773, FROM TEMPORARY "A" TO "B-3" SUP FOR A CONTRACTOR WITH OUTSIDE STORAGE, 10318-10322 I.H. 35 NORTH. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5G. CASE Z91040 - to rezone Lot 48, Block 3, NCB 11714, 7206 Blanco Road, from "F" Local Retail District to "B-3" Business District, located on the east side of Blanco Road, 9502 feet north of the intersection of Lockhill Selma Road and Blanco Road, having 51.63 feet on Blanco Road and a depth of 125 feet.

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

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

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

AN ORDINANCE 73,479

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 48, BLOCK 3, NCB 11714, 7206 BLANCO ROAD, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5H. CASE Z91044 - to rezone a 1.19 acre tract of land out of P-26, NCB 15363, 7800 Block of Marbach Road, from Temporary "R-1" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District, located on the north side of Marbach Road, approximately 1,619.90 feet east of the intersection of N.W. Loop 410 Expressway and Marbach Road, having 125 feet on Marbach Road and a depth of 415 feet.

The Zoning Commission has recommended that this request of change of zone be denied as "B-3NA" Non-Alcoholic Sales Business District and approved, instead, as "B-2" Business District.

Mr. Phil Garay, representing the proponent, explained plans to locate a Sonic Restaurant on the property, and spoke to the need for B-3 zoning. He then circulated to the Council members a number of letters of recommendation from other schools who have Sonic Restaurants in their immediate areas.

Mr. Gary Gerrard, representing Sonic Restaurants, noted that the firm owns some 34 such installations, eight of which are in San Antonio, with 13 more planned for construction. He then quoted from several letters of recommendation and spoke of the firm's good reputation.

Mr. Jerry Conway, partner in the firm, explained the firm's good relations with schoolchildren.

Mr. Jack Anderson, 7827 Marbach, stated that he lives west of the property concerned, and voiced his opposition to any business zoning on the property in question.

Mr. William Ricks, 7818 Marbach, distributed copies of a

handout and photographs of the area to the Council, and asked that the R-1 zoning remain on the property. He addressed his concerns for increased traffic in the area as well as his fears for another failed business venture.

Mr. Alfonso Lozano, 7810 Marbach, spoke of his concern for noise generated by a drive-in restaurant.

Mr. C.W. Littrell, 7826 Marbach, spoke against the noise and litter caused by drive-in restaurant uses.

Mr. Sterling Christy, Vice Principal, John Jay High School, spoke against the proposed rezoning request because of traffic problems around the 3200-student campus. He then addressed instances of crime in and around the school grounds and addressed his fears that a drive-in restaurant would only compound the problems.

Mr. Howard Peak, 238 Medford, spoke in refutation of arguments made by the opponents.

Mr. Thompson stated that he opposes rezoning of this property and addressed the pros and cons of such rezoning, citing opposition by school officials.

Mrs. Dutmer also spoke in opposition to the rezoning request.

Ms. Vera noted that this segment of Marbach Road is a commercial area, and spoke to the opposition registered by school officials. She asked Sonic officials to consider relocating this drive-in to another area.

Ms. Vera made a motion to approve the recommendation of the Zoning Commission of "B-2". Mrs. Dutmer seconded the motion.

Mr. Thompson spoke against business zoning in this area until a definite use is established.

Mr. Gerrard stated that his firm can use a B-2 zoning for a type of Sonic Drive-In, if necessary, and spoke to the difference between this type and the one planned.

Mayor Cockrell spoke in opposition to the proposed business zoning on this property because of its impact upon the school and homeowners in the area.

Ms. Berriozabal addressed her concern with creating a place for young people to congregate after school hours.

Mr. Wing spoke against B-2 zoning because of its allowance of alcoholic beverage usage.

Following discussion, Ms. Vera amended her pending motion to B-2NA, with approval of the motion's seconder, Mrs. Dutmer.

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

AN ORDINANCE 73,480

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 1.19 ACRE TRACT OF LAND OUT OF PARCEL 26, NCB 15363, IN THE 7800 BLOCK OF MARBACH ROAD, FROM TEMPORARY 'R-1' SINGLE-FAMILY RESIDENCE DISTRICT TO 'B-2NA' NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5I. CASE Z91045 - to rezone a 0.190 acre tract of land out of NCB 18285, 7200 Block of Culebra Road, from Temporary "R-1" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District, located on the southwest side of Culebra Road, approximately 625.30 feet northwest of the intersection of Potranco Road and Culebra Road, having 51 feet on Culebra Road and a depth of 162 feet.

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

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

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

AN ORDINANCE 73,481

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 0.190 ACRE TRACT OF LAND OUT OF NCB 18285, 7200 BLOCK OF CULEBRA ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED

\$1,000.00."

* * * *

5J. CASE Z90139 - to rezone The south 75' of Lot 3, Block 8, NCB 18320, from Temporary "R-1" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District; and Lot 3, Block 8, NCB 18320, save and except the south 75', In the 5300 Block of St. Hedwig Road, from Temporary "R-1" Single Family Residence District to "I-1" Light Industry District, located on the northside of St. Hedwig Road, being 3,485 feet east of the intersection of S. E. Loop 410 Expressway and St. Hedwig Road, having 620' on St. Hedwig Road and a depth of 2,230 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. Mrs. Dutmer seconded the motion.

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

AN ORDINANCE 73,482

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 75 FEET OF LOT 3, BLOCK 8, NCB 18320, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT; AND LOT 3, BLOCK 8, NCB 18320, SAVE AND EXCEPT THE SOUTH 75', IN THE 5300 BLOCK OF ST. HEDWIG ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, LOCATED ON THE NORTHSIDE OF ST. HEDWIG ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

91-15 PUBLIC HEARING - MAJOR THOROFARE PLAN AMENDMENTS

Mayor Cockrell declared the Public Hearing to be open.

No citizen was registered to speak on this matter.

Mayor Cockrell then declared the Public Hearing to be closed.

Ms. Rebecca Q. Cedillo, Director of Planning, briefly explained the proposed two changes to the Major Thoroughfare Plan.

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

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

A RESOLUTION NO. 91-15-23

AMENDING THE MAJOR THOROUGHFARE PLAN IN ORDER BOTH TO ESTABLISH A THIRD CATEGORY OF SECONDARY ARTERIALS, SECONDARY ARTERIAL TYPE C, TO RECOGNIZE THAT CERTAIN STREETS WITHIN THE INNER-CITY AREA FUNCTION AS THOROUGHFARES, BUT HAVE RIGHT-OF-WAY LIMITATIONS WHICH PRECLUDE THEM FROM MEETING THE STANDARDS FOR SECONDARY TYPE B ARTERIALS; AND TO PROVIDE FOR NEW DESIGNATIONS AND REVISIONS FOR MOST OF THE THOROUGHFARES WITHIN THE DOWNTOWN AREA.

* * * *

91-15 Ordinance 73,483 was voided.

91-15 The Clerk read the following Ordinance:

AN ORDINANCE 73,484

AUTHORIZING PAYMENT IN THE AMOUNT OF \$7,694.66 IN THE SETTLEMENT OF CAUSE NO. 193556, STYLED SEVERIANO EGUIA VS. THE CITY OF SAN ANTONIO, COUNTY COURT AT LAW NO. 7, BEXAR COUNTY TEXAS.

* * * *

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

91-15 The Clerk read the following Ordinance:

AN ORDINANCE 73,485

PROHIBITING THE POSSESSION OF GLASS CONTAINERS IN BRACKENRIDGE, KOEHLER PARK AND ASSOCIATED PARK LANDS, EXCEPTING THE SAN ANTONIO ZOO, WITTE MUSEUM AND PIONEER HALL FROM SAID BAN, ESTABLISHING A MAY 1, 1991 EFFECTIVE DATE FOR SAID BAN, AND SETTING A FINE NOT TO EXCEED \$500.00 UPON CONVICTION OF ANY VIOLATION OF THAT BAN.

* * * *

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

91-15 The Clerk read the following Ordinance:

AN ORDINANCE 73,486

APPROVING THE ACQUISITION FROM CENTER STREET JOINT VENTURE OF THE PROPERTY, INCLUDING IMPROVEMENTS, LOCATED AT 243 N. CENTER STREET DESCRIBED AS 1.42 ACRES OF LAND BEING LOTS 3 THROUGH 6, 10 THROUGH 13, 6A AND THE EAST 51 FEET OF 11A, BLOCK 11, NEW CITY BLOCK 580, 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 EXECUTION OF A PURCHASE CONTRACT AND ANY AND ALL OTHER INSTRUMENTS IN CONNECTION THEREWITH; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

In response to a question by Mrs. Dutmer, Mr. Joe Aceves, Director of Public Works, stated that parking fees will pay for the purchase, and the City will also save a large amount of rent.

Mr. Thompson stated that he favors having a Master Plan for purchases of property for the City of San Antonio and discussed previous

purchases. He further stated that he cannot support this requested action in the absence of an overall land-use Master Plan for the City.

Mr. Alex Briseno, City Manager, spoke to a study for disability access of City buildings which will be part of an overall land-use study for municipal buildings, and noted that a study of asset management recommends purchase of this building.

Ms. Berriozabal addressed her concern for the impact of such a purchase on the City's parking fund and asked for an assessment of parking needs in the area around Market Square and City Hall.

In response to a question by Mr. Hasslocher, Mr. Aceves noted that a space study is scheduled to come before City Council in about five weeks.

Ms. Vera stated that she feels a space study needs to be completed, and addressed her concerns that such a study will not include certain areas, but only the area around City Hall itself. She spoke of the need for a comprehensive space study and spoke against making piecemeal purchases of buildings.

Mr. Labatt spoke to the rationale for this purchase.

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

91-15 The Clerk read the following Ordinance:

AN ORDINANCE 73,487

APPROPRIATING \$2,500.00 FROM THE DISTRICT 1 DISCRETIONARY FUND FOR USE BY OUR CASAS RESIDENT COUNCIL TO SEND REPRESENTATIVES TO THE 1991 NATIONAL PEOPLE'S ACTION 20TH ANNUAL WORKSHOP IN WASHINGTON, D.C.

* * * *

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

In response to a question by Mrs. Dutmer, Ms. Berriozabal explained the workshop designed to train public housing residents in management of their own public housing projects.

Mr. Lloyd Garza, City Attorney, stated that his office feels that this expenditure of public funds has a public purpose.

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

91-15 The Clerk read the following Ordinance:

AN ORDINANCE 73,488

APPROPRIATING \$352.50 FROM THE DISTRICT 7 DISCRETIONARY FUND TO FUND THREE FIELD TRIPS TO THE "MEXICO: SPLENDORS OF THIRTY CENTURIES" EXHIBIT FOR 150 STUDENTS FROM THREE SCHOOLS IN DISTRICT 7.

* * * *

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

In response to a question by Mr. Wing, Mr. Lloyd Garza, City Attorney, stated that his office finds that this is in the realm of expenditures for a public purpose.

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.

91-15 The Clerk read a proposed ordinance designating and identifying \$414,418.62 to establish the 1991 Summer Recreation Program at 36 daytime and 6 night owl locations; accepting contributions of \$13,093 and an estimated \$15,000.00 from the San Antonio Parks Foundation and the San Antonio Jaycees respectively; authorizing 196 personnel positions to operate said program; approving a program budget; and authorizing expansion of the program in the event additional funds are made available.

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

In response to a question by Mr. Labatt, Mr. Ron Darner, Director of Parks & Recreation, noted that this list includes fewer sites than were in use last year for this program.

Ms. Berriozabal made an amendment to the motion to add Edison High School as a site at a cost of \$1,735 to be paid from District 1 discretionary funds. Mr. Hasslocher seconded the motion.

Mr. Webb made a second amendment to the motion to add

Highlands High School as a site, with \$1,200 of the cost to be paid from District 3 discretionary funds, and \$1,200 of the cost to be paid from District 2 discretionary funds. Mrs. Dutmer seconded the motion.

After consideration, the amendment, to add Highlands High School as a site, with \$1,200 of the cost being paid from District 3 discretionary funds, and \$1,200 of the cost to be paid from District 2 discretionary funds, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Thompson, Hasslocher.

After discussion, the vote on the first amendment to add Edison High School as a site at a cost of \$1,735, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Thompson, Hasslocher.

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

Mr. Wing then made an amendment to the motion to add McCollum High School as a 'night owl' site at a cost of \$2,400 to be paid from District 4 discretionary funds. Mr. Labatt seconded the motion.

The amendment to the motion to add McCollum High School as a 'night owl' site at a cost of \$2,400 to be paid from District 4 discretionary funds, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Wolff, Labatt; NAYS: None; ABSENT: Vera, Hasslocher, Cockrell.

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

AN ORDINANCE 73,489

DESIGNATING AND IDENTIFYING \$420,953.62 TO ESTABLISH THE 1991 SUMMER RECREATION PROGRAM AT 36 DAYTIME AND 6 NIGHT OWL LOCATIONS; ACCEPTING CONTRIBUTIONS OF \$13,093 AND AN ESTIMATED \$15,000.00 FROM THE SAN ANTONIO PARKS FOUNDATION AND THE SAN ANTONIO JAYCEES RESPECTIVELY; AUTHORIZING 196 PERSONNEL POSITIONS TO OPERATE SAID PROGRAM; APPROVING A PROGRAM BUDGET; AND AUTHORIZING EXPANSION OF THE PROGRAM IN THE EVENT ADDITIONAL FUNDS ARE MADE AVAILABLE.

* * * *

91-15 The Clerk read the following Ordinance:

AN ORDINANCE 73,490

AUTHORIZING A STANDARD THREE-PARTY SUMMER YOUTH PROGRAM COOPERATIVE AGREEMENT BETWEEN THE UNITED WAY OF SAN ANTONIO AND BEXAR COUNTY, COMMUNITY AGENCIES, AND THE CITY OF SAN ANTONIO, SAID AGREEMENT BEING NECESSARY TO EFFECTUATE UNITED WAY OF SAN ANTONIO AND BEXAR COUNTY FINANCIAL SUPPORT OF THE 1991 COMMUNITY AGENCY SUMMER RECREATION PROGRAM.

* * * *

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

91-15 The Clerk read the following Ordinance:

AN ORDINANCE 73,491

AUTHORIZING EXECUTION OF A THREE-MONTH AGREEMENT TO RENT OFFICE SPACE FROM OUR LADY OF SORROWS CHURCH FOR USE IN CONNECTION WITH THE ADMINISTRATION OF SAID SUMMER RECREATION PROGRAM.

* * * *

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

91-15 The Clerk read the following Ordinance:

AN ORDINANCE 73,492

AUTHORIZING PAYMENT OF A \$12,000.00 SETTLEMENT FROM THE CITY'S GENERAL FUND TO A FORMER PRIVATE INDUSTRY COUNCIL (PIC) EMPLOYEE.

* * * *

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

Mr. Kevin Moriarty, Acting Director, Department of Economic & Employment Development, briefly explained the case of a former employee of the Private Industry Council who claimed to be wrongfully discharged, and he spoke to the eventual settlement of the case. He stated that he would be seeking reimbursement from state funds, since the City is responsible for actions of the Private Industry Council.

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

Mr. Lloyd Garza, City Attorney, explained the City's liability as the administrator of the grant which funds the PIC.

A discussion then took place concerning details of this case and the options available, as well as the relationship between the City and the PIC, and the administrators of the Job Training Partnership Act (JTPA) funds.

At this point, Mr. Garza advised the City Council to recess their meeting and to convene into Executive Session for further discussion of this pending matter.

(City Council then recessed its regular meeting at 5:15 P.M. and convened in Executive Session to discuss the status of pending litigation in the matter, reconvening in regular session at 5:30 P.M.)

Mayor Cockrell explained that, during the Executive Session, the City Attorney had further explained certain legal questions surrounding this issue.

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

91-15

CITIZENS TO BE HEARD

OLMOS CREEK FLOODING

Mr. Joe Aceves, Director of Public Works, distributed to Council members copies of a staff report concerning the flooding situation which occurred on Thursday, April 4, 1991, a copy of which is made a part of the papers of this meeting. He spoke to three major areas of flooding during those heavy rains, to wit: Sleepy Hollow and Orsinger Road; Mary Knoll Drive; and Jackson Keller Road. He addressed the estimated probability of flooding in this area, which is

within the 100-year floodplain.

Mr. Hasslocher addressed past instances of flooding in the Olmos Creek areas and stated his opinion that the City has a legal question here, since Castle Hills had reported problems in the past.

Mr. Aceves noted that the floodplain widens and narrows according to the channel needs of the area, noting that it flattens out in the Mary Knoll Drive area. He spoke to the Vance Jackson/Olmos Creek area as a 'chokepoint'.

Mr. Hasslocher spoke of the flooding experienced in the Los Patios area, near Loop 410 and the creek.

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

Mr. Hasslocher suggested talks with the City of Castle Hills.

Mr. Aceves noted that the flood channel carried the floodwaters as it was designed to do, but the 'chokepoints' forced the waters out of the channels.

Mr. Wolff spoke to the problems involved in the floodplain and in the notification process. He noted that only one person in the affected and flooded area had flood insurance.

A discussion then took place involving District Fire Chief Joe Candelario, Emergency Management Coordinator for the City, concerning the flooding problems. He addressed the matter of emergency assistance to those affected by this flooding, noting that Red Cross assistance requires a minimum of 25 homes affected with at least 40 per cent damage, and noted that in this case, only nine homes were flooded. He further noted that a Presidential Declaration of a disaster can be applied for.

Mr. Wolff asked that this matter of initiated, if the Council approves such a move.

Mr. Aceves noted that the Public Works Department has helped in clearing the front areas of the affected homes, but not the rear areas, yet.

Ms. Berriozabal expressed her interest in hearing from the affected citizens on this matter. She stated that she is concerned about whether this flooding represents a problem with an especially heavy rainfall, or perhaps represents something happening with the environment that could cause further problems.

Mrs. Dutmer spoke to the width of the channels involved in this area and in her area of the city.

(At this point, Mayor Cockrell returned to the meeting to

preside.)

A discussion then took place concerning details of the flooding, during which Mr. Aceves noted that the area of Huebner Road and Wurzbach is the area where the City had construction, but surmised that it was the abundance of floodwater that caused the problem with flooding in the area. It was further noted that businesses around Jackson Keller and Olmos Creek were hard-hit by this flooding, but the area was saved from even further damage by major flood control work performed by the City in 1986.

In response to a question by Ms. Vera, Mr. Aceves stated that the City had no estimates of private property damage from this flooding, since this is done by insurance companies.

Responding to further Council questioning, Mr. Aceves noted that there has been very little development within the 100-year floodplain. He noted that the City has spent some \$100 million already in this area, and anticipates spending another \$115 million to complete the entire project. He stated his opinion that it would be cheaper for the City to buy out homes located within the floodplain and allow no more building within its boundaries.

Ms. Joyce Hodges, 10506 Cedar Elm, and Mr. Marvin Hodges both spoke to the fact that they had lived in their area since 1964 and addressed the major damage from flooding there, noting that some homeowners in the area were wiped out by the flooding, many now in dire need of help. They spoke to details of the flooding of their area and addressed their need for cleanup assistance and protection against looting.

Mr. Les Mendelsohn, attorney, 300 Convent, addressed his concerns for public safety, lack of flood warning to citizens, and lack of a plan to cope with such an event.

Mr. Lloyd Garza, City Attorney, spoke to the technology of hydrology and the City's computer-driven early warning system. He stated that the City is working to develop an even better system.

Mr. Aceves spoke to details of the early warning flood control system and its 83 monitoring stations which provide flood-level information. He also spoke to the fact that the city has more than 180 low-water crossings.

Mayor Cockrell noted that, in cases such as this, the Fire Department is the agency to notify in emergency.

In response to a question by Mr. Labatt, Mr. Garza explained that Mr. Mendelsohn had chosen this forum to address the Council on this matter.

Ms. Teddy McLeod, 10611 Mary Knoll, addressed her concerns with not being able to get flood insurance and the fact that she was put

into a mandatory floodplain area without being notified about the change of status. She stated that area residents believe the new construction had something to do with the flooding problem, since they have lived there 10 years and never experienced such a problem in the past.

In response to a question by Mayor Cockrell, Mr. Alex Briseno, City Manager, stated that any disaster declaration can be initiated, and he described the criteria which would need to be followed.

Chief Candelario explained the process which can be followed to see if the City meets the criteria for disaster relief.

Mr. Wing made a motion, giving direction to City staff to initiate the process of declaring a disaster in connection with the flooding situation. Mr. Labatt seconded the motion.

In response to a question by Mr. Wing, Chief Candelario spoke to the responses to requests for help in the area.

Mr. Wing spoke to the improvements that have been made to the City's early-warning system.

A discussion then took place concerning the responsibilities of the Federal Emergency Management Agency in such cases as this.

Mr. Wing spoke to the difficulties in buying out homeowners in such areas, including many who do not want to move.

Mr. Wolff spoke to the matter of insurance and responsibility for notifying homeowners who are in floodplain areas. He spoke to the need for follow-up to this problem and a longrange solution.

Ms. Carole Ogden, 10319 Mary Knoll, spoke to the flooding situation at her residence, the danger involved, and the fact that they were never notified that they lived in a floodplain, even though they have lived at that location for some 22 years.

Ms. Leann Arnold, 10619 Mary Knoll, spoke of the need for help to people such as her mother, and noted that both an engineer and the Railroad Commission had stated that there was no problem in that area. She spoke to her losses from the flooding.

Ms. Berriozabal spoke to the application for assistance that the City Manager has been asked to apply for.

In response to a question by Ms. Berriozabal, Mr. Aceves addressed the City's drainage master plan and spoke to the flooding on all city creeks as the floodwaters moved north to south with the flow of gravity. He noted that he would return to the Council in 4-6 weeks with a further report on this situation. He stated that the City needs to know when the contours of the 100-year floodplain change, so that the City can assist its citizens.

A further discussion ensued concerning areas flooded by the recent heavy rains and floodwater runoff, during which Mr. Aceves noted that development to the north creates problems in flooding to the south.

Ms. Vera expressed her opinion that the City should act to purchase those homes in the floodplain right-of-way.

Mayor Cockrell stated that a staff review of the situation is needed quickly so people can make decisions on future actions and plans.

A discussion took place concerning the matter of how to finance such plans and actions in such matters as this during which City Manager Briseno noted that another review of the City's ongoing bond projects is due in October.

Mrs. Dutmer spoke to flooding damage on the city's south side, and stated that she would not vote on more bonds solely for the north side. She noted that San Antonio always has been subject to flooding because the many creeks and rivers in the area are subject to that flooding. She stated her belief that it is not feasible to purchase those homes in the floodplain, and spoke to the need for interested citizens to contact the governor to apply pressure to the State Insurance Board for not requiring insurance companies to protect the people affected by the floodplain problems.

Mayor Cockrell briefly summarized the situation and noted that emergency help has been made available. She asked the Department of Human Resources and Services to research the help available and keep Council advised. She also asked the Public Works Department to help out as it can, and addressed the need for security in the floodstricken areas.

After consideration, the motion, giving direction to City staff to initiate the process of declaring a disaster in connection with the flooding situation, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Martinez, Hasslocher.

* * * *

MR. KARL WURZ

Mr. Wurz, 820 Florida, spoke to his concerns about water and development of a water system, noting that there are some 97 water companies with 72,000 connections.

* * * *

MR. ARTURO B. SUAREZ

Mr. Suarez, representing 70001, 302 South Flores Street, spoke to the Public Broadcasting System feature "All Our Children", which featured the success stories of programs for young people, including 70001. A

copy of the document speaking to this feature is made a part of the papers of this meeting.

91-15 CITY WATER BOARD APPLEWHITE TV PRESENTATIONS

Mrs. Dutmer noted that certain pro-Applewhite Reservoir announcements were being aired on KSAT-TV, sponsored and paid for by City Water Board, and stated her opinion that if taxpayer dollars are being used to pay for these announcements, they must stop.

Mr. Lloyd Garza, City Attorney, noted that the law prohibits public funds being used for commercials for or against a particular item, but are permitted when the announcements are made for the purpose of instruction and education.

91-15 City Council recessed its regular meeting at 7:40 P.M. in order to convene in Executive Session to discuss the status of pending litigation in the matter of Vista Verde Plaza Joint Venture.

91-15 Mayor Cockrell reconvened the "A" Session and announced that the City Council had discussed the Vista Verde Plaza Joint Venture and gave the staff direction to proceed with negotiations.

91-15 There being no further business to come before the Council, the meeting was adjourned at 9:26 P.M.

A P P R O V E D

Lila Cockrell

M A Y O R

Attest:

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