

**REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO, HELD IN THE  
COUNCIL CHAMBERS, MUNICIPAL PLAZA  
BUILDING, THURSDAY, AUGUST 22, 1996**

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**96-34** The City Council convened in an informal "B" Session at 10:00 a.m., Municipal Plaza Building, "B" Room, for a Budget Work Session (FY 96-97 Proposed Budget and Revenues). The Council members present were: Flores, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster and Thornton

"B" Session adjourned 10:45 a.m.

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**96-34** The regular meeting was called to order at 1:19 p.m. by the Presiding Officer, Mayor William E. Thornton, with the following members present: Flores, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster and Thornton. **Absent:** None.

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**96-34** Invocation by Reverend Claude Black, Jr., Mt. Zion First Baptist Church

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**96-34** Pledge of Allegiance to the flag of the United States.

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**96-34** Minutes of the Regular City Council Meeting for June 27, 1996 were approved.

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**CEREMONIAL ITEMS**

**PRESENTATION TO RUTH JONES MCCLENDON**

The Mayor and City Council presented Ms. McClendon with flowers and a plaque for her service as Councilwoman of District 2. Mayor Thornton also presented her with the official name plate from her Council position as a memento.

Ms. McClendon read into the record, certificates of appreciation which are to be presented to members of her staff. Ms. McClendon thanked her staff and City staff for their support during her tenure as a council member.

Mayor Thornton commented on the contributions Ms. McClendon had made while serving on the City Council.

**ALCALDE PRESENTATION TO LIC. JESUS MURILLO KARAM,  
GOVERNOR OF HIDALGO, MEXICO**

Mayor Thornton welcomed the Governor and his delegation and presented an Alcalde to Governor Karam.

Governor Karam thanked the Mayor and City Council for the honor bestowed upon him and spoke to the good relationship between San Antonio and Mexico. Beth Costello, Director, International Affairs, translated the Governor's comments.

**SER JOBS FOR PROGRESS, INC.**

Jose Patterson, Jr., Chief Executive Officer, SER Jobs for Progress, Inc., addressed the Council regarding a recent, very successful, Summer Youth Award Ceremony for 983 students and their parents at the Nelson Wolff Municipal

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After consideration, the motion carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** None

AN ORDINANCE 84,564

ACCEPTING THE PROPOSAL OF THE AMDAHL CORPORATION TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT WITH HOST PROCESSOR RELOCATION FOR A TOTAL OF \$36,000.00.

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AN ORDINANCE 84,565

ACCEPTING THE LOW, QUALIFIED BID OF RICHMOND CAPITAL CORPORATION TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC LIBRARY AND INFORMATION SERVICES DEPARTMENTS WITH A MANAGED MODEM SYSTEM FOR A TOTAL OF \$38,195.00. (WBE)

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AN ORDINANCE 84,566

ACCEPTING THE LOW BID OF CAPPS RENT A CAR, INC. FOR THE LEASE OF VEHICLES FOR THE CITY OF SAN ANTONIO POLICE DEPARTMENT FOR A TOTAL OF APPROXIMATELY \$100,000.00 ANNUALLY.

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AN ORDINANCE 84,567

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR THE 1996-97 FISCAL YEAR FOR A TOTAL OF APPROXIMATELY \$1,025,000.00.

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AN ORDINANCE 84,568

DESIGNATING CLEAN ENVIRONMENTS, INC. TO PROVIDE ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH AN ASBESTOS AND LEAD PAINT SURVEY OF THE WEST CARGO BUILDING AND THE CENTRAL HVAC PLANT AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING NEGOTIATION OF A CONTRACT IN AN AMOUNT NOT TO EXCEED \$3,000.00; AUTHORIZING \$300.00 FOR A CONTINGENCY ACCOUNT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,569

ACCEPTING THE LOW, QUALIFIED BID OF SAN ANTONIO CONSTRUCTORS, INC. IN THE AMOUNT OF \$172,219.76 IN CONNECTION WITH THE ASHBY - FREDERICKSBURG TO KENSINGTON COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING A CONSTRUCTION CONTRACT; REVISING THE PROJECT BUDGET; AUTHORIZING \$13,623.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$800.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,570

AUTHORIZING AN ADDITIONAL \$9,236.78 IN 1994 GENERAL OBLIGATION DRAINAGE BOND FUNDS AND \$6,698.09 IN SAN ANTONIO WATER SYSTEM FUNDS PAYABLE TO GUTIERREZ ENGINEERING, INC. IN CONNECTION WITH THE CALLE MORELIA DRAINAGE PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,571

APPROVING FIELD ALTERATION NO. 5 IN THE AMOUNT OF \$26,242.50 PAYABLE TO H.B. ZACHRY COMPANY, INC. IN CONNECTION WITH THE WEST AVENUE - FREDERICKSBURG TO IH 10 CONSTRUCTION PROJECT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,572

APPROPRIATING FUNDS IN THE AMOUNT OF \$441,000.00 TO THE STREETS AND DRAINAGE MAINTENANCE AND IMPROVEMENTS FUND TO PROVIDE EQUIPMENT AND CITY FORCES FOR MAINTENANCE NECESSARY TO MAINTAIN THE SAFE AND EFFICIENT OPERATION OF THE SAN PEDRO CREEK AND SAN ANTONIO RIVER FLOOD CONTROL TUNNELS.

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AN ORDINANCE 84,573

AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE, A SANITARY SEWER EASEMENT AND A TEMPORARY EASEMENT FOR \$3,597.00 PAYABLE TO FIRST AMERICAN TITLE COMPANY AS ESCROW AGENT FOR EDMUND S. BECK AND WIFE, JUTTA A. BECK, IN CONNECTION

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WITH THE WESTERN AVENUE DRAINAGE PROJECT #74A, PHASE II B & C; AND ACQUIRING FEE SIMPLE TITLE TO ONE PARCEL FOR \$848.00 PAYABLE TO JULIO B. HERNANDEZ, SR. AND WIFE, MARY E. HERNANDEZ, IN CONNECTION WITH THE OCTAVIA PLACE DRAINAGE PROJECT #63; FOR A TOTAL OF \$4,445.00 OUT OF GENERAL OBLIGATION DRAINAGE BONDS.

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AN ORDINANCE 84,574

AUTHORIZING PAYMENT IN THE AMOUNT OF \$793.25 FOR TITLE SERVICES FOR THE CASTROVILLE ROAD RECONSTRUCTION PROJECT - GENERAL MCMULLEN TO ACME ROAD AND M.H. ZARZAMORA STREET PROJECT - CULEBRA ROAD TO COMMERCE STREET, A METROPOLITAN PLANNING ORGANIZATION PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,575

ACCEPTING THE TRANSFER OF TITLE TO VARIOUS PARCELS OF REAL PROPERTY LOCATED IN THE COLONIA SAN ALFONSO SELECT HOUSING TARGET AREA (SHTA) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT FROM THE SAN ANTONIO DEVELOPMENT AGENCY (SADA) TO THE CITY OF SAN ANTONIO; AUTHORIZING THE CONVEYANCE OF SAID PARCELS FROM THE CITY OF SAN ANTONIO TO THE SAN ANTONIO HOUSING AUTHORITY'S (SAHA) SAN ANTONIO HOMEOWNERSHIP OPPORTUNITIES CORPORATION.

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AN ORDINANCE 84,576

ACCEPTING THE TRANSFER OF TITLE TO A PARCEL OF REAL PROPERTY FROM THE SAN ANTONIO DEVELOPMENT AGENCY (SADA)

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TO THE CITY OF SAN ANTONIO; AUTHORIZING THE CONVEYANCE OF SAID PARCEL FROM THE CITY OF SAN ANTONIO TO THE SAN ANTONIO ALTERNATIVE HOUSING CORPORATION.

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AN ORDINANCE 84,577

AUTHORIZING PAYMENT FOR MEMBERSHIP DUES IN THE AMOUNT OF \$9,571.84 PER YEAR TO THE MAYOR'S UNITED ON SAFETY, CRIME & LAW ENFORCEMENT (MUSCLE) AND ALSO AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A ONE YEAR INTERLOCAL AGREEMENT WITH MUSCLE THROUGH SEPTEMBER, 1997.

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AN ORDINANCE 84,578

RATIFYING THE CONTRACT WITH SAN ANTONIO HOUSING AUTHORITY FOR THE ASSEMBLY AND INSTALLATION OF A 7 FOOT SECURITY FENCE IN CONNECTION WITH THE COLISEUM OAKS PROJECT; AND PROVIDING FOR PAYMENT OF AN AMOUNT NOT TO EXCEED \$20,000.00 FOR SUCH WORK.

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AN ORDINANCE 84,579

AUTHORIZING THE TEMPORARY CLOSURE OF BELKNAP PLACE BETWEEN COURTLAND AND ASHBY STREETS FROM 4:00 P.M. UNTIL 11:00 P.M., FRIDAY, OCTOBER 4, 1996 IN CONNECTION WITH THE CELEBRATION OF THE JEWISH HOLIDAY 'SIMCHAT TORAH, SPONSORED BY TEMPLE BETH-EL.

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AN ORDINANCE 84,580

AUTHORIZING THE TEMPORARY CLOSURE OF CAMINO SANTA MARIA STREET BETWEEN CULEBRA AND WESTMINSTER STREETS FROM 6:00 A.M. UNTIL 12:00 MIDNIGHT, SUNDAY, OCTOBER 13, 1996 IN CONNECTION WITH THE 1996 HOLY ROSARY ANNUAL CAMINO SANTA MARIA STREET FESTIVAL.

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AN ORDINANCE 84,581

APPROVING A RUN/WALK PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS FROM 6:00 A.M. UNTIL 1:00 P.M., SUNDAY, SEPTEMBER 8, 1996 IN CONNECTION WITH THE CONGREGATION AGUDAS ACHIM RELIGIOUS WALK.

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AN ORDINANCE 84,582

APPROVING A RUN/WALK PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS FROM 12:15 P.M. UNTIL 1:00 P.M., SATURDAY, SEPTEMBER 7, 1996 IN CONNECTION WITH THE ARCHDIOCESE OF SAN ANTONIO RELIGIOUS PROCESSION.

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AN ORDINANCE 84,583

APPROVING A RUN/WALK PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS FROM 6:00 P.M. UNTIL 9:30 P.M., FRIDAY, SEPTEMBER 13, 1996 IN CONNECTION WITH THE SAN ANTONIO ZOO RUN.

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AN ORDINANCE 84,584

APPOINTING VICTOR WRIGHT (DISTRICT 2) TO THE ZONING COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 1996.

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AN ORDINANCE 84,585

AMENDING ORDINANCE NO. 82321, PASSED ON JUNE 30, 1995, TO REPLACE COUNCILWOMAN RUTH JONES MCCLENDON AS CHAIR PERSON OF THE FOLLOWING COMMITTEES: COUNCILMAN HOWARD PEAK SHALL SERVE AS CHAIR OF COUNCIL COMMITTEE ON ETHICS; COUNCILMAN ROGER FLORES, II SHALL SERVE AS CHAIR OF MUNICIPAL COURT COMMITTEE; AND COUNCILMAN JEFF WEBSTER SHALL SERVE AS CHAIR OF STREET MAINTENANCE COMMITTEE, ALL FOR TERMS OF OFFICE TO RUN CONCURRENT WITH THE TERMS OF OFFICE AS MEMBERS OF CITY COUNCIL AND SHALL EXPIRE ON MAY 31, 1997.

**96-34**      **STATUS REPORT OF WATER RELATED ISSUES**

Mayor Thornton spoke to the major efforts which the City has already made toward water conservation. Among these were:

- reduction of water use from 190,00 acre feet in 1984 to 175,00 acre feet in 1995, while our population grew by 200,00.
- annual average per capita usages was reduced from 213 gallons per day to 155 gallons per day.
- water losses were reduced from about 20% to 7% -- the national average is 10% for similar systems.

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- peak summer pumpage is estimated to have been reduced from 208 million gallons per day, on average, to 200 million gallons per day
- San Antonio has been a leader in passing and enforcing Ordinances on water conservation
- the plumbing code was changed to require water conserving fixtures before the state law was changed to this same requirement.

Mayor Thornton additionally stated that the Edwards Aquifer Authority was the proper agency to manage the aquifer and that he would vigorously oppose a federal court takeover or intervention of the Edwards Aquifer.

Mike Beldon, Chairman of the Edwards Aquifer Authority made a presentation to City Council regarding the Proposed Critical Period Management Plan and rules authorized by the Board of Directors.

Mr. Webster made a motion to place a Resolution on the agenda for next week supporting the Edwards Aquifer Authority Plan which includes local regulation and management in stead of federal management.. Mr. Peak seconded the motion.

After consideration, the motion prevailed by the following vote:  
**AYES:** Flores, Billa Burke, Avila, Ross, Marbut, Peak, Webster, Thornton;  
**NAYS:** None; **Absent:** Solis, Herrera.

**96-34** The Clerk read the following Resolution:

A RESOLUTION 96-34-28

FORWARDING COMMENTS TO THE TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION (TNRCC) REGARDING PROPOSED

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AMENDMENTS TO THE CHAPTER 313 - EDWARDS RULES AS PART OF THE TNRCC'S ANNUAL PUBLIC HEARING PROCESS.

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Mr. Peak made a motion to approve the proposed Resolution. Mr. Avila seconded the motion.

Ms. Rebecca Cedillo, San Antonio Water System, explained the Resolution, a copy of her presentation is attached to the papers of this meeting.

Mr. Peak stated that he was extremely disappointed with the Austin TNRCC staff recommendations. Mr. Peak observed that the draft does not take into consideration previous Council actions and he volunteered to represent the Council at the next TNRCC meeting scheduled for September 4, 1996.

Mayor Thornton suggested Messrs. Ross, Marbut, Webster and Solis compose a committee to meet with TNRCC.

After consideration and discussion, the motion carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Flores, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Billa Burke, Avila.

96-34 The Clerk read the following Resolution:

A RESOLUTION 96-34-29

URGING THE TEXAS NATURAL RESOURCES CONSERVATION COMMISSION TO DENY ANY "WATER POLLUTION ABATEMENT PLANS" THAT CALLS FOR THE SEALING OF ANY SIGNIFICANT RECHARGE FEATURE OVER THE EDWARDS AQUIFER, AS REQUESTED BY COUNCILMAN BOB ROSS.

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Mr. Ross made a motion to approve the proposed Resolution. Mr. Peak seconded the motion.

### CITIZENS APPEARING TO SPEAK

Ms. Faye Sinkin, spoke in favor of the Resolution.

Ms. Danielle Milam, speaking in favor of the Resolution, acknowledged that a change in legislation may be needed.

Mr. Charlie Conner, spoke in favor of the Resolution.

Ms. Evelyn Bonavita, speaking for the League of Women Voters, echoed the remarks of support which had gone before her.

Mr. Tom Culbertson urged Council to approve the Resolution, but also to ensure that the City coordinate its actions with the County and other entities.

Ms. Mami Falcone of the Northwest Neighborhood Alliance, stated that she was shocked and disappointed that TNRCC said that it was not their job to enforce City of San Antonio Ordinances.

Ms. Bonnie Conner spoke in support of the Resolution and commended Councilman Ross for initiating it.

Mr. Ray Hamilton speaking in support of the Resolution also commended Councilman Ross for initiating the Resolution and further stated that the City must take measures to prevent any encroachment upon the Edwards Aquifer Recharge Zone, such as building over it.

Mr. Peak spoke to the possibility of amending Chapter 35 of the Uniform Development Code in the future which addresses significant recharge terrain features.

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After consideration, the motion carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** None.

**96-34** The Clerk read the following Ordinance:

**AN ORDINANCE 84,586**

**APPROVING \$100,000.00 AS THE AMOUNT OF TRUST FUNDS THAT WILL BE AVAILABLE FOR DISBURSEMENT BY THE CITY OF SAN ANTONIO HOUSING TRUST AS AN AWARD OF TRUST ASSISTANCE TO AN ELIGIBLE SPONSOR IN A "TARGETED FUNDING RESOLUTION."**

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Mr. Solis made a motion to approve the proposed Ordinance. Ms. Billa Burke seconded the motion.

Andrew W. Cameron, Director of Housing and Community Development, presented the Ordinance to Council.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** None.

(At this time, Mayor Thornton was obliged to leave the meeting, Mayor Pro Tem Billa Burke presided.)

**96-34** **ZONING HEARINGS**

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5A. CASE Z96138 - to rezone and reclassify 25.042 acres out of NCB 17750 6140 Stahl Road, from Temporary "R-1" Single Family Residence District to "P-1(R-1)" Planned Unit Development Single Family Residence District. Property is located on the Southeast side of Stahl Road, 251.09 feet northeast of the intersectin of Ross Oak and Stahl Road, having 752.17 feet on Stahl Road and a depth of 1,447.56 feet.

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

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

### CITIZENS APPEARING TO SPEAK ON THE CASE

Mr. David Dickson, the proponent, explained the proposed rezoning which he requested.

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

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Solis, Ross, Marbut, Peak, Webster; **NAYS:** None; **Absent:** Herrera, Thornton.

### AN ORDINANCE 84, 587

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 25.042 ACRES OUT OF NCB 17750 6140 STAHL ROAD FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "P-1(R-1)" PLANNED UNIT DEVELOPMENT SINGLE FAMILY RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION

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IS A FINE NOT TO EXCEED \$1,000.00”

5B. CASE Z96108 - to rezone and reclassify 0.025 acre out of Lot 3, Block 1, NCB 15829, 7655 Maltzberger Road, from “B-2” Business District to “B-3NA” Non-Alcoholic Sales Business District. Property is located on 54 feet south of Oblate Drive, 200 feet West of Jones Maltzberger Road and 58 feet east of Skipper Drive, having a width of 30 feet and depth of 36 feet.

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

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. John Farrell of Tetco Inc., speaking as the applicant, explained an agreement he had reached with the residents of adjoining properties regarding their concerns about noise, lights, traffic and visual impact.

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

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Solis, Ross, Peak, Webster; **NAYS:** None; **Absent:** Herrera, Thornton; **Abstain:** Marbut.

**AN ORDINANCE 84,588**

**AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 0.025 ACRE OUT OF LOT 3, BLOCK 1, NCB 15829, 7655 MALTSBERGER ROAD, FROM “B-2” BUSINESS DISTRICT TO “B-3NA” NON-ALCOHOLIC SALES BUSINESS DISTRICT.**

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"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

5E. CASE Z96126 - to rezone and reclassify Lot 57, save and except the south 74.6 feet, Block 18, NCB 9221, and the south 74.6 feet of Lot 57, Block 18, NCB 9221, 555 Mariposa, from "B" Residence District to "O-1" Office District and from "B" Residence District to "R-2" Two Family Residence District. Property is located on the North side of Mariposa Drive, 242 feet East of the intersection of Blanco Road and Mariposa Drive, having 60 feet on Mariposa Drive and a depth of 132.3 feet.

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

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

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

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster ; **NAYS:** None; **Absent:** Marbut, Thornton.

#### AN ORDINANCE 84,589

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 57, SAVE AND EXCEPT THE SOUTH 74.6 FEET, BLOCK 18, NCB 9221, AND THE SOUTH 74.6 FEET OF LOT 57, BLOCK 18, NCB 9221, 555 MARIPOSA, FROM "B" RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT AND FROM "B" RESIDENCE DISTRICT TO "R-2" TWO FAMILY RESIDENCE DISTRICT.

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“THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00”

5F. CASE Z96136 - to rezone and reclassify Lot 226, Block 10, NCB 15621, 7926 Dempsey Drive from Temporary “R-1” Single Family Residence District to “R-4” Manufactured Home Residence District. Property is located on the East side of Dempsey Drive, 256.17 feet South of the intersection of Hillburn Drive and Dempsey Drive, having 93.0 feet on Dempsey Drive and a depth of 200.97 feet.

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

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Avila made a motion to approve the recommendation of the Zoning Commission. Mr. Solis seconded the motion.

After consideration, the motion carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster; **NAYS:** None; **Absent:** Flores, Marbut, Thornton.

#### AN ORDINANCE 84,590

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 226, BLOCK 10, NCB 15621, 7926 DEMPSEY DRIVE FROM TEMPORARY “R-1” SINGLE FAMILY RESIDENCE DISTRICT TO “R-4” MANUFACTURED HOME RESIDENCE DISTRICT. “THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00”

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5G. CASE Z96141 - to rezone and reclassify a 0.0201 acre tract of land out of Block 14, NCB 8338 3212-14 West French Place from "B" Residence District to "B-2NA" Non-Alcoholic Sales Business District. Properties are located 164.45 feet Northwest of W. Ashby Place, 156.95 feet Southeast of W. French Place, 86.66 feet Southwest of Hickory Street and 226.45 feet Northeast of Bandera Road, having a width of 116.55 feet and depth of 7.50 feet.

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

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Ross made a motion to approve the proposed Ordinance. Mr. Avila seconded the motion.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster; **NAYS:** None; **Absent:** Flores, Marbut, Thornton.

#### AN ORDINANCE 84, 591

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 0.0201 ACRE TRACT OF LAND OUT OF BLOCK 14, NCB 8338 3212-14 WEST FRENCH PLACE FROM "B" RESIDENCE DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

5H. CASE Z96071 - to rezone and reclassify Lot 16 and the east 35 feet of Lot 1 and the east 35 of the north 21.67 feet of Lot 2, Block 1, NCB 7420, 401 Cupples Road, from "B-2NA" Non-Alcoholic Sales Business District and "R-

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5" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District. Properties are located Southwest of the intersection of Cupples Road and Morelia Street, having 75 feet on Cupples Road and 185 feet on Morelia Street.

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

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

### **CITIZENS APPEARING TO SPEAK**

Mr. Antonio Paiz, speaking as the proponent, described to the City Council his plans to build a car lot to support his "jail house Christian ministry".

Ms. Ofelia Buentello of the adjoining property, 108 Ricardo Street, spoke in opposition to the proposed rezoning.

Mr. John Arredondo, also of 108 Ricardo Street, also spoke in opposition to the rezoning request.

Mr. Petia Arredondo, the owner of the property on 108 Ricardo Street, spoke in opposition to the rezoning request.

There being no further citizens to speak, Mr. Herrera made a motion to approve the proposed Ordinance. Mr. Solis seconded the motion.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster; **NAYS:** None; **Absent:** Thornton.

### **AN ORDINANCE 84, 592**

**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 16 AND THE EAST 35 FEET OF**

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LOT 1 AND THE EAST 35 OF THE NORTH 21.67 FEET OF LOT 2, BLOCK 1, NCB 7420, 401 CUPPLES ROAD, FROM "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT AND "R-5" 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"

5I. CASE Z96143 - to rezone and reclassify the southwest irregular 168 feet of P-55A, NCB 18082, 7767 Culebra Road, from Temporary "R-1" Single Family Residence District to "B-3" Business District. Property is located Southeast of the intersection of Culebra Road and Joe Newton Street, having 282.22 feet on Culebra Road and 150 feet on Joe Newton Street.

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

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

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

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster; **NAYS:** None; **Absent:** Thornton.

#### AN ORDINANCE 84, 593

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 SOUTHWEST IRREGULAR 168 FEET OF P-55A, NCB 18082, 7767 CULEBRA ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

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“THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00”

5J. CASE Z95036 C - to rezone and reclassify the southwest 200 feet of P-44, NCB 18288; the northeast 200 feet of P-45, NCB 18288; the northeast 200 feet of the northwest 419 feet of Lot 7, NCB 18288 and the southwest 200 feet of the northwest 419 feet of Lot 8, NCB 18288, from Temporary “R-1” Single Family Residence District to “B-2” Business District; and the northwest 300 feet of P-44, save and except the southwest 200 feet, NCB 18288; the northwest 300 feet of P-45, save and except the northeast 200 feet, NCB 18288; the northwest 419 feet of Lot 7, save and except the northeast 200 feet, NCB 18288; the northwest 419 feet of Lot 8, save and except the southwest 200 feet, NCB 18288, from Temporary “R-1” Single Family Residence District to “B-3” Business District; and, P-44, save and except the southwest 200 feet and the northwest 300 feet, NCB 18288; P-45, save and except the northeast 200 feet and the northwest 300 feet, NCB 18288, in the 1300 Block of Reed Road and the 8300 Block of Potranco Road, from Temporary “R-1” Single Family Residence District to “I-1” Light Industry District .

Zoning Commission has recommended denial as requested and approval of “R-1” Single Family Residence .

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

#### CITIZENS APPEARING TO SPEAK

Mr. Mike Davison of 1623 Leander Street, spoke in opposition of the proposed rezoning request.

Mr. Terry Cross spoke in opposition of the proposed rezoning request.

There being no further citizens to speak on the case, Mr. Herrera made a motion to approve the proposed Ordinance. Mr. Peak seconded the motion.

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After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** None.

AN ORDINANCE 84, 594

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 P-44, P45, THE NORTHWEST 419 FEET OF LOT 7 AND 8 NCB 18288; IN THE 1300 BLOCK OF REED ROAD; IN THE REAR OF 8300 BLOCK OF POTRANCO ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-1" SINGLE FAMILY RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

5K. CASE Z95036 D - to rezone and reclassify P-1C, save and except the south 438.12 feet, NCB 17643, in the 1400 Block of Richland Hills Drive, from Temporary "R-1" Single Family Residence District to "R-1" Single Family Residence District. Property is located on the West side of Richland Hills Drive, between Fabens Drive and Rich Trace Drive, having 1600 feet on Richland Hills Drive and a depth of 350 feet.

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

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

**CITIZENS APPEARING TO SPEAK**

Alan Polunsky, speaking for the proponent, spoke in favor of the zoning request, however, in view of the opposition, he recommended that the Ordinance be amended to an "R-5" instead of an "R-1".

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Randall Myers, 1514 Richland Hills Drive, spoke in opposition to both the Ordinance, and the recommended amendment to "R-5", however, if the Ordinance is to be approved, it should be an "R-1".

Marie Myers, 1514 Richland Hills Drive, spoke in opposition to the recommended amendment to "R-5".

Juan Villalobos, 1010 Mansfield, spoke in opposition to the recommended amendment to "R-5", and recommended that the it be kept "R-1".

Mr. Herrera made a motion to approve the proposed zoning to "R-1". Mr. Webster seconded the motion.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote **AYES:** Flores, Lott, Billa Burke, Avila, Solis, Herrera, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Ross.

#### AN ORDINANCE 84, 595

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 P-1C, SAVE AND EXCEPT THE SOUTH 438.12 FEET, NCB 17643, IN THE 1400 BLOCK OF RICHLAND HILLS DRIVE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-1" SINGLE FAMILY RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

\* \* \* \*

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

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96-34 The Clerk read the following Ordinance:

AN ORDINANCE 84,596

SETTING A PROPOSED NEW TAX RATE OF \$0.057979 CENTS PER \$100.00 VALUATION, COMPRISED OF THE MAINTENANCE AND OPERATIONS PORTION AT \$0.34712 CENTS AND THE DEBT SERVICE PORTION AT \$0.23267 CENTS PER \$100.00 VALUATION FOR FISCAL YEAR 1996-97 (TAX YEAR 1996).

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

Terry M. Brechtel, Director of Budget & Management Analysis, explained the proposed Ordinance to the Council. A copy of this presentation is attached to the papers of this meeting.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Solis, Herrera.

96-34 The Clerk read the following Resolution:

A RESOLUTION 96-34-30

NOMINATING BAUSCH & LOMB, INC. AS AN ENTERPRISE PROJECT WITHIN THE SAN ANTONIO WEST - SOUTHWEST SIDE ENTERPRISE ZONE FOR DESIGNATION BY THE TEXAS DEPARTMENT OF COMMERCE (TDOC); AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT AN APPLICATION TO TDOC FOR DESIGNATION OF BAUSCH & LOMB, INC. AS AN ENTERPRISE PROJECT AND DESIGNATING THE ECONOMIC DEVELOPMENT DIRECTOR AS THE ENTERPRISE PROJECT LIAISON.

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Clinton Bolden, Director Of Economic Development, explained the proposed Resolution to the Council. A copy of his presentation is including with the papers of this meeting.

Mr. Avila characterized the proposed Resolution as a "win-win" situation and urged his Council colleagues to support it.

Mr. Avila made a motion to approve the proposed Resolution. Ms. Billa Burke seconded the motion.

After consideration, the motion carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Solis.

96-34 The Clerk read the following Ordinance:

AN ORDINANCE 84,597

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JOHN CHAMBERLIN, ATTORNEY AT LAW, FOR AN AMOUNT NOT TO EXCEED \$87,500.00 TO REPRESENT THE CITY OF SAN ANTONIO BEFORE THE U.S. DEPARTMENT OF LABOR'S OFFICE OF ADMINISTRATIVE LAW JUDGES ON THE APPEAL OF THE FINAL DETERMINATION ON THE U.S. DEPARTMENT OF LABOR'S OFFICE OF INSPECTOR GENERAL'S AUDIT OF THE ALAMO SERVICE DELIVERY AREA JOB TRAINING PARTNERSHIP ACT (JTPA) PROGRAM FOR THE PROGRAM YEARS 1989 AND 1990.

\* \* \* \*

Mr. Ross made a motion to approve the proposed Ordinance. Mr. Herrera seconded the motion.

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Octavio Peña, Director of Internal Review presented the proposed Ordinance to the Council.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Billa Burke, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Avila, Solis.

**96-34** The Clerk read the following Ordinance:

AN ORDINANCE 84,598

AUTHORIZING AN AGREEMENT WITH THE SAN ANTONIO MUSEUM OF ART FOR THE ALLOCATION OF 1994 PARKS GENERAL OBLIGATION BOND FUNDS FOR USE IN THE CONSTRUCTION OF THE NELSON A. ROCKERFELLER CENTER FOR LATIN AMERICAN ART; ESTABLISHING A BOND PROJECT BUDGET AND TRANSFERRING FUNDS; AND AUTHORIZING THE REIMBURSEMENT OF AN INITIAL \$500,000.00 FOR PROJECT CONSTRUCTION COSTS.

\* \* \* \*

Mr. Peak made a motion to approve the proposed Ordinance. Mr. Solis seconded the motion.

Ron Darner, Director of Parks & Recreation presented the Ordinance to the Council.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Solis, Ross, Marbut, Peak, Webster; **NAYS:** None; **Absent:** Herrera, Thornton.

**96-34** The Clerk read the following Ordinance:

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AN ORDINANCE 84,599

APPROVING THE SETTLEMENT OF TRIPARTY LITIGATION; APPROVING THE REALLOCATION OF UNSPENT TRIPARTY FUNDS RESULTING FROM THE SETTLEMENT AND THE AUDITS ON COMPLETED ACTIVITIES AND THE CLOSE OUT OF THE FEDERAL TRANSPORTATION ADMINISTRATION (FTA) GRANTS BY VIA METROPOLITAN TRANSIT; APPROPRIATING AND AUTHORIZING PAYMENT OF ADDITIONAL TRIPARTY FUNDS TO THE LAW FIRM OF SOULES AND WALLACE TO CONTINUE TO REPRESENT THE CITY IN TRIPARTY LITIGATION; APPROVING A PROFESSIONAL DESIGN SERVICES CONTRACT WITH THE FIRM OF BENDER WELLS CLARK FOR THE MODIFICATION OF DOWNTOWN WAYFINDING SIGNS; APPROPRIATING FUNDS AND AUTHORIZING THE NECESSARY PAYMENTS.

\* \* \* \*

Mr. Flores made a motion to approve the proposed Ordinance. Ms. Billa Burke seconded the motion.

Ron Darner, Director of Parks & Recreation, explained the proposed Ordinance to the Council.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Herrera, Ross, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Solis.

96-34 The Clerk read the following Ordinance:

AN ORDINANCE 84,600

WAIVING FEES IN THE AMOUNT OF \$500.00 FOR PROCESSING AND \$2,500.00 LICENSE FEE INCURRED DUE TO THE INSTALLATION OF PARK BENCHES AND RELATED LANDSCAPING IN THE PUBLIC RIGHT-OF-WAY (SIDEWALK) FRONTING THE CHURCH LOCATED AT 333

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MARTIN LUTHER KING DRIVE, AS REQUESTED BY COUNCILMAN JUAN F. SOLIS, III.

\* \* \* \*

Mr. Herrera made a motion to approve the proposed Ordinance. Mr. Avila seconded the motion.

Mr. Solis explained the proposed Ordinance to Council.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Herrera, Marbut, Peak, Webster, Thornton; **NAYS:** None; **Absent:** Solis, Ross.

96-34 The Clerk read the following Ordinance:

AN ORDINANCE 84,601

REQUESTING CITY PUBLIC SERVICE, IN CONJUNCTION WITH SOUTHWESTERN BELL TELEPHONE AND PARAGON CABLE, TO CONSIDER THE VILLAS DE ESPERANZA FALL PARADE OF HOMES (FRIO CITY ROAD SUBDIVISION AFFORDABLE HOUSING PROJECT) A UTILITY CONVERSION PROJECT; AND TO DETERMINE THE COST OF PROVIDING UNDERGROUND UTILITIES FOR SAID PROJECT, AS REQUESTED BY COUNCILMAN JUAN F. SOLIS, III.

Mr. Solis made a motion to approve the proposed Ordinance. Mr. Avila seconded the motion.

Mr. David Pasley, Director, Planning Department, presented the Ordinance to Council. A copy of this presentation is attached to the papers of this meeting.

A discussion followed regarding the use of underground utilities as a City wide standard.

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After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Thornton; **NAYS:** Webster; **Absent:** None

**96-34      CITIZENS TO BE HEARD**

Jesus V. Cardenas, 105 Monclova, presented a prepared statement to the City Council on his views of the consolidation of the City/County government. (A copy of his statement is on file with the papers of this meeting.)

\* \* \* \*

Karl Wurz, 820 Florida, read a prepared statement to the City Council entitled, "*Aquifer Pollution, Augmentation, and Movement of Bad Water Line Needed Together Solution. Pump out Bad Water.*" (A copy of Mr. Wurz' statement is on file with the papers of this meeting.)

\* \* \* \*

Peggy Day presented a packet of information to the Council on the Sierra Blanca Nuclear Waste Dump, a copy of which is on file with the papers of this meeting. She expressed concern about the dangers of nuclear plant radiation to the environment. She asked that the City Council pass a Resolution in opposition to the Sierra Blanca Nuclear Waste Dump.

\* \* \* \*

Norma Torres presented visitors from Tokyo, Japan, who were present in the audience and staying at her home.

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96-34 There being no further business to come before the Council, the meeting was adjourned at 6:05 p.m.

A P P R O V E D



WILLIAM E. THORNTON  
M A Y O R

Attest: *Norma S. Rodriguez*  
NORMA S. RODRIGUEZ, CMC/AE  
City Clerk