

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, FEBRUARY 12, 1998.

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98-06 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building, "B" Room, to consider the following items(s):

A) Staff Presentation of the Proposed Arts and Cultural Funding Process.

The Council members present were: Flores, Guerrero, Prado, Vásquez, Garza, Marbut, Bannwolf, and Peak. **ABSENT:** Salas, Menendez, Webster.

The "B" Session adjourned at 10:43 A.M.

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98-06 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Howard W. Peak, with the following members present: Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster and Peak. **ABSENT:** None.

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98-06 Invocation by Reverend Michael J. Meissner, Associate Pastor, Shepherd of the Hills Lutheran Church.

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98-06 Pledge of Allegiance to the flag of the United States.

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98-06 Minutes of the Regular City Council Meeting for January 8 and January 15, 1998, were approved.

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CEREMONIAL ITEMS

RESOLUTION: NORA W. CHAVEZ-BARRERA

Mayor Howard W. Peak explained that Ms. Nora Chavez-Barrera is retiring from public service after serving the City of San Antonio as Assistant Director and Director of the Finance Department. He then read a resolution outlining her accomplishments as a City employee.

Ms. Nora W. Chavez-Barrera recognized members of her family and her staff who were present in the audience. She commended her staff and colleagues for their support. She personally thanked City Manager Briseño for his friendship and support through the years.

City Manager Briseño and various members of council spoke to Ms. Chavez-Barrera's accomplishments and outstanding work.

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98-06 On a point of personal privilege, Mr. Prado recognized a group of Government honor students from Edison High School who were present in the audience. Mr. Prado then introduced the class' teacher and sponsor, Mr. Terri Bowers, and stated that he knew some of the students from when he was principal at Whittier Middle School.

Two representatives of the group presented Mayor Peak with a plaque on behalf of the students in recognition of his hard work as Mayor of the City.

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98-06 CONSENT AGENDA

Ms. Guerrero made a motion to approve Agenda Items 6 through 21b, constituting the Consent Agenda, with items 6, 7, 8, 13, 16 having been pulled for individual consideration. Mr. Bannwolf seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

AN ORDINANCE 87330

AUTHORIZING THE EXPENDITURE OF SAN ANTONIO WATER SYSTEM (SAWS) FUNDS IN THE AMOUNT OF \$33,550.00 FOR THE OVERSIZING OF A CUSTOMER WATER MAIN EXTENSION FROM EIGHT (8) INCHES TO TWELVE (12) INCHES AT 15833 BULVERDE ROAD.

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AN ORDINANCE 87331

AUTHORIZING THE EXPENDITURE OF SAN ANTONIO WATER SYSTEM (SAWS) FUNDS IN THE AMOUNT OF \$87,073.00 FOR THE OVERSIZING OF DEVELOPER CUSTOMER WATER MAIN EXTENSIONS FROM TWELVE (12) INCHES TO SIXTEEN (16) INCHES IN CONNECTION WITH THE BLAZING STAR R.V. RESORT COMMERCIAL LOT.

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AN ORDINANCE 87332

AUTHORIZING THE EXPENDITURE OF SAN ANTONIO WATER SYSTEM (SAWS) FUNDS IN THE AMOUNT OF \$237,600.00 FOR THE OVERSIZING OF DEVELOPER CUSTOMER WATER MAIN EXTENSIONS FROM EIGHT (8) INCHES TO TWELVE (12) INCHES IN CONNECTION WITH THE EASTMOST SUBDIVISION COMMERCIAL LOT.

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AN ORDINANCE 87333

AUTHORIZING ADDITIONAL FACILITIES IMPROVEMENTS AND MAINTENANCE PROGRAM (FIMP) FY 1996-97 FUNDS IN THE AMOUNT OF \$2,950.00 PAYABLE TO JDM ASSOCIATES FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE PLAZA DE ARMAS EXTERIOR REHABILITATION AND WEATHERIZATION PROJECT. (AMENDS ORDINANCE NO. 85239 DATED DEC. 5, 1996)

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AN ORDINANCE 87334

AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,220.00 FOR APPRAISAL SERVICES TO ECKMANN, GROLL, RUNYAN & WATERS, INC. IN CONNECTION WITH THE OCTAVIA PLACE DRAINAGE PROJECT #63 AND THE AMOUNT OF \$3,275.00 TO DUGGER, CANADAY, GRAFE & WOELFEL, INC. IN CONNECTION WITH THE BASSE ROAD AT SAN PEDRO INTERSECTION PROJECT, FOR A TOTAL SUM OF \$5,495.00; AND PROVIDING FOR PAYMENT

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AN ORDINANCE 87335

AUTHORIZING PAYMENT IN THE AMOUNT OF \$440.00 TO FIRST AMERICAN TITLE INSURANCE CO. OF TEXAS FOR TITLE CHARGES IN CONNECTION WITH THE WESTERN AVENUE DRAINAGE PROJECT #74; AND \$1,797.22 TO TICOR TITLE AGENCY OF SAN ANTONIO FOR THE BABCOCK ROAD INTERSECTIONS PROJECT (\$871.74) AND BENRUS WITT DRAINAGE PROJECT (\$925.48); FOR THE TOTAL SUM OF \$2,237.22; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 87336

AUTHORIZING AN AGREEMENT WHICH AMENDS A LEASE WITH BERNARD FOURRIER, D/B/A AEROSKY FOR LEASE ON AN MONTH-TO-MONTH BASIS AN ADDITIONAL 47,575 SQUARE FEET OF GROUND SPACE AND AUTHORIZING A RENTAL CREDIT OF \$3,765.15 FOR RENTAL OVERPAYMENT AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A TERM ENDING MAY 31, 2000 AND INCREASING THE ANNUAL RENTAL BY \$9,515.00.(AMENDS ORDINANCE NO. 82300 DATED MAY 31, 1995)

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AN ORDINANCE 87337

AMENDING ORDINANCE NO. 84509, PASSED AND APPROVED AUGUST 8, 1996, TO REVISE THE LIST OF CITY PERSONNEL AUTHORIZED TO SIGN CHECKS FOR THE DISBURSEMENT OF CITY OF SAN ANTONIO, TEXAS FUNDS.

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AN ORDINANCE 87338

CONSENTING TO THE MERGER OF MCI COMMUNICATIONS CORPORATION (MCIC), THE ULTIMATE PARENT COMPANY OF MCI METRO ACCESS TRANSMISSION SERVICES, INC. AND TC INVESTMENTS CORP., A WHOLLY OWNED SUBSIDIARY OF WORLDCOM, INC., AS REQUIRED BY THE FRANCHISE AGREEMENT BETWEEN THE CITY AND MCI METRO ACCESS TRANSMISSION SERVICES, INC., WHICH WAS AUTHORIZED BY ORDINANCE NO. 86559, PASSED AND APPROVED ON SEPTEMBER 4, 1997, SEPTEMBER 25, 1997 AND OCTOBER 9, 1997.

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AN ORDINANCE 87339

AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$170,147.00 FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR THE CREATION OF EARLY INTERVENTION FOR WOMEN LIVING IN DOMESTIC VIOLENCE PROJECT; ESTABLISHING A FUND; ADOPTING A BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

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AN ORDINANCE 87340

APPOINTING JANET A. KENNISON (DISTRICT 1) TO THE AIR QUALITY TASK FORCE FOR A TERM OF OFFICE TO EXPIRE ON MARCH 31, 1999.

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AN ORDINANCE 87341

APPOINTING WILLIAM HILL (DISTRICT 10) AND BENNIE E. NEWMAN (MAYOR) TO THE INDEPENDENT PROJECT REVIEW COMMITTEE (CONVENTION CENTER EXPANSION PROJECT) FOR TERMS OF OFFICE TO EXPIRE UPON COMPLETION OF THE REVIEW PROCESS OF THE CONSTRUCTION MANAGEMENT CONTRACT BETWEEN BARTLETT COCKE-INCORE-HARDIN (BIH) AND THE CITY OF SAN ANTONIO.

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98-06 The Clerk read the following Ordinance:

AN ORDINANCE 87342

CANCELING CONTRACTS WITH ALL COUNTIES PROFESSIONAL SECURITY TO PROVIDE SECURITY SERVICES FOR VARIOUS CITY-OWNED FACILITIES; AND RATIFYING THE AWARD OF SAID CONTRACTS TO THE NEXT LOWEST BIDDERS, FOR A PERIOD THROUGH SEPTEMBER 30, 1998; AS FOLLOWS: DETECTIVE & SECURITY SAN ANTONIO TO PROVIDE SECURITY SERVICES FOR THE SAN ANTONIO POLICE DEPARTMENT TRAINING ACADEMY; SAN ANTONIO DETECTIVE & SECURITY TO PROVIDE SECURITY SERVICES FOR THE MUNICIPAL COURTS BUILDING AND THE ALAMODOME; AND GUARDCO SECURITY TO PROVIDE SECURITY SERVICES FOR THE DWYER AVENUE CENTER, FOR A TOTAL COST OF \$29,000.00 PER MONTH. (AMENDS ORDINANCE NO. 86393, DATED AUGUST 14, 1997 AND ORDINANCE NO. 86439, DATED AUGUST 21, 1997)

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Mr. Bannwolf made a motion to approve the proposed Ordinance. Ms. Guerrero seconded the motion.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to problems he has with the pay scale for security guards and suggested increasing their wage.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Menendez.

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98-06 The Clerk read the following Ordinance:

AN ORDINANCE 87343

DESIGNATING ENSR CORPORATION TO PROVIDE ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH THE ENVIRONMENTAL ASSESSMENT AND REMEDIATION OF THE FORMER SCHNECK AVIATION, INC. SITE AT STINSON MUNICIPAL AIRPORT; AUTHORIZING NEGOTIATION OF A CONTRACT IN AN AMOUNT NOT TO EXCEED \$34,926.00; AUTHORIZING \$3,494.00 FOR A CONTINGENCY ACCOUNT; AUTHORIZING AN ADDITIONAL AMOUNT OF \$2,000.00 FOR ADMINISTRATIVE EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to his concern over the cleanup of Stinson Airport and the possible use of federal monies to fund the project.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

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98-06 The Clerk read the following Ordinance:

AN ORDINANCE 87344

AUTHORIZING THE CITY MANAGER TO EXECUTE AN “AGREEMENT FOR THE FURNISHING AND INSTALLING OF TRAFFIC SIGNAL EQUIPMENT BY A MUNICIPALITY” WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND AUTHORIZING A FORCE ACCOUNT FUND IN THE AMOUNT OF \$9,136.00 FOR UPGRADING OF TRAFFIC SIGNAL EQUIPMENT, RENTAL AND

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LABOR ON WURZBACH ROAD AT VANCE JACKSON ROAD, LOCATED IN COUNCIL DISTRICT 8.

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

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, addressed his concern with traffic problems occurring on Vance Jackson.

Mr. Marbut addressed the process of getting MPO funds to cover the cost of the street repair, but noted that those funds are running low.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Salas.

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98-06 The Clerk read the following Ordinance:

AN ORDINANCE 87345

AUTHORIZING THE ALLOCATION OF 23RD YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$10,500.00 FOR START-UP COSTS ASSOCIATED WITH THE ADVERTISEMENT FEES IN CONNECTION WITH VARIOUS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS; REVISING THE APPROPRIATE PROJECT BUDGETS; AND PROVIDING FOR PAYMENT.

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

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to his concern with the use of CDBG funds on certain projects.

Mayor Peak explained the process of awarding and approving CDBG projects before Council terms are expired.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Salas.

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98-06 The Clerk read the following Ordinance:

AN ORDINANCE 87346

AUTHORIZING PAYMENT IN THE AMOUNT OF \$21,169.74 FOR LEGAL SERVICES TO WELLS, PINCKNEY & MCHUGH ON THE WESTERN AVENUE DRAINAGE PROJECT #74 (\$497.55); THE HI-LIONS DRAINAGE PROJECT #80 (\$2,956.92); THE OCTAVIA PLACE DRAINAGE #63 (\$2,301.50); THE BASSE ROAD AT SAN PEDRO INTERSECTION PROJECT (\$8,202.65); THE WEST AVENUE INTERSECTIONS PROJECT (\$4,095.22); THE CALLAGHAN ROAD - OLD U.S. HIGHWAY 90 TO COMMERCE (\$3,073.40); AND THE LARKSPUR DRIVE DRAINAGE PROJECT (\$42.50); AND PROVIDING FOR PAYMENT.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Salas; **ABSTAIN:** Bannwolf.

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ZONING HEARINGS:

4A. CASE Z98001- The request of Craig Moyer (owner: Mariposa Developers Ltd. - NA), to rezone and reclassify Lots 12 and 13, NCB 15722, Nacogdoches Road from "B-2" Business District to "B-3" Business District. The property is located on the southeast side of Nacogdoches Road, 125 feet northeast of the intersection of Nacogdoches Road and El Charro, having 300 feet on Nacogdoches Road and a depth of 200 feet. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

In response to a question from Mr. Webster, Mr. Ray Lozano, Planning Department, explained the reasons behind the request for a "B-3" instead of a "B-3NA."

Mr. Webster made a substitute motion to approve a "B-3NA" on the property. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Guerrero, Prado, Menendez, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Salas, Vásquez, Garza.

AN ORDINANCE 87347

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 12 AND 13, NCB 15722, NACOGDOCHES ROAD FROM "B-2" BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT.

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4B. CASE Z97251 CC: The request of Vickrey & Associates, Inc. (owners: Bryant A. Harris Family Enterprises, Ltd.) to rezone and reclassify 3.287 acres out of NCB 13837, 2550 Thousand Oaks Drive from "B-3" Business District and "B-3" ERZD Business Edwards Recharge Zone District to "B-3" CC Business District with special City Council approval for a mini-warehouse facility on over two and one half acres and "B-3" ERZD CC Business Edwards Recharge Zone District with special City Council

approval for a mini-warehouse facility on over two and one half acres. The property is located on the southwest side of Thousand Oaks Drive, 513.42 feet southeast of the intersection of Thousand Oaks Drive and Henderson Pass, having 208.23 feet on Thousand Oaks Drive and a depth of 613.86 feet. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Bannwolf made a motion to approve the proposed Zoning Ordinance. Ms. Guerrero seconded the motion.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke in opposition of the zoning request and any other developments over the aquifer.

Mr. Bannwolf explained the dimensions of the proposed lot to be rezoned and noted that only part of it sits over the recharge zone. He further stated that the request is in compliance with San Antonio Water Systems and the Edwards Aquifer Authority and that he is willing to provide Mr. Hodge with any other information concerning this request.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

AN ORDINANCE 87348

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 3.287 ACRES OUT OF NCB 13837, 2550 THOUSAND OAKS DRIVE FROM "B-3" BUSINESS DISTRICT AND "B-3" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT TO "B-3" CC BUSINESS DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A MINI-WAREHOUSE FACILITY ON OVER TWO AND ONE HALF ACRES AND "B-3" ERZD CC BUSINESS EDWARDS RECHARGE ZONE DISTRICT WITH SPECIAL CITY

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COUNCIL APPROVAL FOR A MINI-WAREHOUSE FACILITY ON OVER TWO AND ONE HALF ACRES.

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4C. CASE Z97230: The request of Ima Speights (owner), to rezone and reclassify Lots 6 and 7, Block 1, NCB 14711, 11714 and 11922 Huebner Road from "B-2" Business District and "B-2" ERZD Business Edwards Recharge Zone District to "B-3" Business District and "B-3" ERZD Business Edwards Recharge Zone District. The property is located south of the intersection of Honeycomb Drive and Huebner Road, having 122.85 feet on Honeycomb Drive and 201 feet on Huebner Road. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Marbut made a motion to continue this zoning case to the meeting of April 23, 1998. Mr. Webster seconded the motion.

After consideration, the motion to continue this case prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menendez, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Garza.

Zoning Case Z97230 was continued until the meeting of April 23, 1998.

4D. CASE Z98003: The request of J. Marvin Smith, III, M.D. (owner), to rezone and reclassify Lot 41, Block 1, NCB 12811, Louis Pasteur and Clinic Drive from Temporary "A" Single Family Residence District to "B-2" Business District. The property is located southwest of Clinic Drive, between Louis Pasteur Drive and Oak Manor Drive, having 193.65 feet on Clinic Drive, 83.12 feet on Louis Pasteur Drive and 78.08 feet on Oak Manor Drive. Staff's recommendation was for approval

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menendez, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Garza.

AN ORDINANCE 87349

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 41, BLOCK 1, NCB 12811, LOUIS PASTEUR AND CLINIC DRIVE FROM TEMPORARY "A" SINGLE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT.

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4E CASE Z98014: The request of Matt N. Molak (owner: Bird Creek Co., LLC), to rezone and reclassify the southeast 109.5 feet of the north 189.5 feet of the northeast 242.35 feet of Lot 2, Block A, NCB 14653, 5862 Babcock Road from "B-2" Business District to "B-3NA" Non-Alcoholic Sales Business District. The property is located 451.68 feet northwest of the intersection of Bandera Road and Eckhert Road, being 210 feet northeast of Bandera Road. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Garza made a motion to continue this case to the meeting of February 26, 1998. Mr. Prado seconded the motion.

After consideration, the motion to continue this case prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores.

Zoning Case Z98014 was continued to the meeting of February 26, 1998.

4F. CASE Z98021: The request of Marion & Marilyn Toepperwein (owners), to rezone and reclassify Parcel 16 and 17, NCB 17973, (rear) of 7540 Bandera Road from Temporary "R-1" Single Family Residence District to "B-3" Business District. The property is located 451.68 feet northwest of the intersection of Bandera Road and Eckhert Road, being 210 feet northeast of Bandera Road. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Garza made a motion to approve the proposed Zoning Ordinance. Ms. Guerrero seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores.

AN ORDINANCE 87350

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 PARCEL 16 AND 17, NCB 17973, (REAR) OF 7540 BANDERA ROAD FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

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4G. CASE Z97244: The request of Manuel R. Lopez (owner), to rezone and reclassify the east 204.5 feet of Lot 1-K, Block 6, NCB 8779, 1605 Somerset Road from "I-2" Heavy Industry District to "B-3" Business District. The property is located southwest of the intersection of Price Avenue and Somerset Road, having 100 feet on Somerset Road and 204.5 feet on Price Avenue. Staff's recommendation was for approval.

The Zoning Commission has recommended denial of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Vásquez made a motion to approve the proposed Zoning Ordinance. Mr. Salas seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

AN ORDINANCE 87351

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE EAST 204.5 FEET OF LOT 1-K, BLOCK 6, NCB 8779, 1605 SOMERSET ROAD FROM "I-2" HEAVY INDUSTRY DISTRICT TO "B-3" BUSINESS DISTRICT.

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4H CASE Z98006: The request of San Antonio Alternative Housing Corporation (owners), to rezone and reclassify the south 149.72 feet of Lot 9, Block 1, NCB 11318, 701 and 705 Menefee Blvd from "O-1" Office District to "R-5" Single Family Residence District. The property is located northwest of the intersection of Cupples Road and Menefee Boulevard, having 134.84 feet on Cupples Road and 115.82 feet on Menefee Boulevard. Staff's recommendation was for approval

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores.

AN ORDINANCE 87352

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 149.72 FEET OF LOT 9, BLOCK 1, NCB 11318, 701 AND 705 MENEFE BLVD FROM "O-1" OFFICE DISTRICT TO "R-5" SINGLE FAMILY RESIDENCE DISTRICT.

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4I. CASE Z98018: The request of Robert White (owner: Fred & Sylvia Baca), to rezone and reclassify Lots 1 and 4, Block 4, NCB 16201, 2502 and 2514 Crater Drive from "R-1" Single Family Residence District to "R-4" Manufactured Home Residence District. Lot 1 is located southeast of the intersection of Crater Drive and Keasler Avenue and Lot 4 is located on the east side of Crater Drive, 180 feet south of the intersection of Crater Drive and Keasler Avenue, both having 60 feet on Croater Drive and a depth of 140 feet. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

The following citizen(s) appeared to speak:

Mr. Ricardo Mendoza, 2502 Bermuda St., spoke the strides the residents have made in cleaning up the neighborhood, and stated that the proposed rezoning request would lower the value of their homes.

In response to questions from Mr. Salas, Mr. Mendoza clarified that the majority of the residents in the community is against having any more trailer or manufactured homes in the area. He further explained that the residents would be in favor of single family homes which would lead to higher taxes in the area.

In rebuttal, Mr. Robert White, representing the owners, explained that there was no threat of depreciation in value to the surrounding properties. The owners are merely trying to improve their own property and provide new dwellings to bring their family closer together.

Mr. Salas spoke to problems with current City services being offered in the area and noted that rezoning the area to "R-4" Manufactured Home Residence District would not help matters. Mr. Salas then made a motion to deny the rezoning request. Mr. Vásquez seconded the motion.

After consideration, the motion to deny the rezoning request prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Prado.

Zoning Case Z98018 was denied.

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4J. CASE Z97002-J - The City of San Antonio (owner: J.R. Ramon & Sons, Inc.) has under consideration the rezoning and reclassification of Lots 1 and 2; NCB 7224; the southwest triangle of Lot 17 and 20 feet of a drainage alley, Block 7, NCB 6774, Frio City Road from "F" Local Retail District to "B-2NA" Non-Alcoholic Sales Business District. The properties are located at 1325 Frio City Road. Staff's recommendation was for approval.

The Zoning Commission has recommended approval of this request.

Mr. Gus Cuellar, Land Development Services, explained the proposed rezoning request.

Mr. Vásquez made a motion to deny the case and to direct staff to study the highest and best use for the property. Mr. Menendez seconded the motion.

The following citizen(s) appeared to speak:

Mr. Phil Garay, representative of the applicant, explained the planned use of the property as a contractor's office without the salvage operation.

After consideration, the motion to deny the case and to direct staff to study the highest and best use for the property prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Prado.

Zoning Case Z97002-J was denied.

98-06

The Clerk read the following Ordinance:

AN ORDINANCE 87353

CONSENTING TO THE TRANSFER OF THE CABLE FRANCHISE AGREEMENT WITH KBL CABLESYSTEMS OF THE SOUTHWEST, INC. (D/B/A PARAGON CABLE COMPANY), TO PARAGON COMMUNICATIONS, INC; AND WAIVING THE PROCEDURAL REQUIREMENTS OF SECTION 6 OF THE CABLE FRANCHISE AGREEMENT REGARDING THE TRANSFER OF RIGHTS THROUGH A BILL OF SALE SINCE BOTH ENTITIES ARE WHOLLY OWNED CORPORATIONS OF TIME WARNER CORPORATION.(AMENDS ORDINANCE NO. 49433 DATED SEPT. 7, 1978 AND ORDINANCE NO. 81991 DATED APR. 6, 1995)

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

Mr. Octavio Peña, Acting Director of Finance, explained the proposed Ordinance.

In response to a question from Mr. Salas, Mr. Peña explained the procedural requirements for advertising public hearings.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke in support of the Ordinance. Mr. Hodge also addressed his desire for the "B" Sessions and the "Citizens To Be Heard" segment of the meeting to be aired on television.

Mr. Nazarite R. F. Perez, 627 Hearne Ave., spoke in support of the Ordinance and also in support of airing "B" Sessions and "Citizens To Be Heard" on television.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Marbut.

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The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke against the Ordinance stating he lacks understanding of the reason behind the study.

Mayor Peak clarified the reason for the Ordinance.

Mr. Marbut thanked colleagues and committee members for their support and he also noted the benefits of the study.

Mayor Peak commended the committee and stated that he looks forward to reviewing the results of the study.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Menendez, Bannwolf.

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98-06 TRAVEL AUTHORIZATION - Granted:

For Councilwoman Debra Guerrero of Council District 3, for a trip taken to Indianapolis, Indiana to attend a civic leaders tour to learn firsthand of the privatization efforts of the City's wastewater treatment facilities and the airport from Sunday, February 8, 1998 through Monday, February 9, 1998.

* * * *

Mr. Prado made a motion to approve the proposed Travel Authorization. Ms. Guerrero seconded the motion.

After consideration, the motion to approve the Travel Authorization prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Garza, Marbut, Webster, Peak; **NAYS:** None; **ABSENT:** Flores, Menendez, Bannwolf.

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BOARD APPOINTMENTS

The Clerk read the following Ordinance:

AN ORDINANCE 87356

APPOINTING JAMES BRITTON AND NORMAN RENFRO TO THE AIR QUALITY TASK FORCE FOR TERMS OF OFFICE TO EXPIRE ON MARCH 31, 1999.

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Ms. Yolanda Ledesma, City Clerk's Office, explained that the vacancies to be filled are due to the resignation of Ms. Judy Wolf and Mr. Martin Bartlett.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Flores.

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The Clerk read the following Ordinance:

AN ORDINANCE 87357

APPOINTING ROBERT H. BOMER TO THE GREATER KELLY DEVELOPMENT CORPORATION FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 1999.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Vásquez, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** None.

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Mr. Flores nominated Mr. Charles Munoz for the second vacant position on the board. Mr. Salas seconded the nomination.

After consideration, a roll call vote was taken with the following results:

Flores	Munoz
Salas	Munoz
Guerrero	Munoz
Prado	Munoz
Vásquez	Absent
Menendez	Munoz
Garza	Munoz
Marbut	Clamp
Bannwolf	Clamp
Webster	Clamp
Peak	Clamp

Mr. Flores then made a motion to approve the appointments of Mr. Charles Munoz and Mr. Jesse Bielefeld to the Metropolitan Transit Authority. Mr. Salas seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Menendez, Garza, Marbut, Bannwolf, Webster, Peak; **NAYS:** None; **ABSENT:** Vásquez.

AN ORDINANCE 87359

APPOINTING CHARLES MUNOZ AND REAPPOINTING JESSE BIELEFELD TO THE METROPOLITAN TRANSIT AUTHORITY FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 31, 1999.

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98-06 The Clerk read the following Ordinance:

AN ORDINANCE 87360

APPOINTING COUNCILMEMBERS ROGER FLORES OF DISTRICT 1, MARIO SALAS OF DISTRICT 2, RAUL PRADO OF DISTRICT 4 AND JEFF WEBSTER OF DISTRICT 10, AS COUNCIL REPRESENTATIVES TO THE COMMUNITY ACTION ADVISORY BOARD FOR TERMS OF OFFICE TO EXPIRE ON MAY 30, 1999.

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Mr. Bannwolf made a motion to approve the proposed Ordinance. Mr. Marbut seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Salas, Guerrero, Prado, Menendez, Garza, Marbut, Bannwolf, Peak; **NAYS:** None; **ABSENT:** Vásquez, Webster.

98-06 **CITY PUBLIC SERVICE BOARD OF TRUSTEES APPOINTMENT**

The Clerk read the following Ordinance:

AN ORDINANCE 87361

APPROVING THE NOMINATION MADE BY THE CITY PUBLIC SERVICE BOARD OF SAN ANTONIO OF CLAYTON GAY TO SERVE AS A MEMBER OF THE CITY PUBLIC SERVICE BOARD OF TRUSTEES FOR A FIVE YEAR TERM IN ACCORDANCE WITH THE TERMS OF THE ORDINANCES AUTHORIZING THE CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS NEW SERIES BONDS.

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Ms. Guerrero made a motion to approve the proposed Ordinance. Mr. Bannwolf seconded the motion.

The following citizen(s) appeared to speak:

Mr. John H. Sanders, spoke against the nomination of Mr. Clayton Gay. He also addressed grievances he has with the leadership qualities of various members of Council.

Mr. Faris Hodge, Jr., 140 Dora, distributed a copy of a press release to the Council and City Clerk to be made part of the official papers of the meeting. Mr. Hodge then spoke against the method of nominating and appointing individuals to boards and commissions.

Ms. Doris Driver, 15 Bluebonnet, spoke in support of nominating of Jureta Marshall to the board. She gave a brief explanation of Ms. Marshall's experience and abilities.

Ms. Lillie Harris, 1101 Gibbs, spoke to the many accomplishments of Ms. Marshall as a community activist. She further spoke in opposition to the nomination of Mr. Gay due to, in her opinion, his lack of participation in public meetings.

Mr. Nazarite R. F. Perez, 627 Hearne Ave., spoke to several reasons why he is in favor of Salas' nomination of Ms. Jureta Marshall to the board.

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Mayor Peak clarified that the reason a new member is needed is because of the expiration of Dr. Frank Bryant's term. He further explained the nomination and selection process in detail. He also stated that he supports the nomination of Mr. Gay based on his achievements and experience in the field of accounting and community service. Mayor Peak noted that he is entirely comfortable with the nomination.

Mr. Salas expressed his concern that the concept of the "quadrant method" was misconstrued in its original presentation to the council. He then stated that he would entertain the idea of bringing back the original method of representation for this board. Mr. Salas then listed several issues that he feels need to be addressed by the board and the new appointee: pollution, air policies, utility conversion and basic services available to all parts of the city. He spoke to his concern with what Mr. Gay's agenda will include. He requested that when Council votes on this matter that it remember that the decision is for and about the citizens, not about a "power game."

(At this point, Mayor Peak was obliged to leave the meeting. Mayor Pro Tem Webster presided in the Mayor's temporary absence.)

Mr. Menendez stated that the vote to be taken is merely whether to accept or reject the nomination of Mr. Clayton Gay. He also gave a detailed history of City Public Service and of the board which oversees the company.

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

Mr. Menendez continued by discussing his personal interviews with all of the candidates for the board position. He shared the responses he gathered from reference checks on Mr. Gay and various other applicants. He noted that he is in support of the nomination of Mr. Gay.

Ms. Guerrero thanked all the candidates for their applications. She noted that all were given the same opportunities to apply and interview for this position and to become candidates for any other open boards. Ms. Guerrero commended the manner in which Mr. Gay has handled the public scrutiny he has recently received. She noted that geographical representation is vital, but also stated that qualifications are of primary concern.

Mr. Webster thanked Mr. Menendez and Ms. Guerrero for their comments. He then spoke to allegations of racism among the Council. He stated his desire to move to the vote.

Mr. Marbut expressed his concern over what the board's elected process entails, being that Mr. Gay was once an employee of the company for which he is, if approved, to oversee. He stated he will be voting against the nomination of Mr. Gay.

Mr. Garza noted that a qualified candidate should not only have a strong business background but must also possess a community based perspective. He also spoke to his concern that the method the CPS Board of Trustees used in electing Mr. Gay as their nominee could have been in violation of the Texas Open Meetings Act.

Mr. Menendez spoke to Mr. Gay's past twenty years' experience as a contract analyst for Kelly AFB. He also asked for clarification on the issue of former employees serving on governing boards.

Discussion ensued among various Councilmembers concerning the alleged conflict of interest issue regarding Mr. Gay's past employment with CPS.

Mr. Prado and Mr. Vásquez stated their opposition to the proposed board appointment.

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Mr. Bannwolf offered his support of Mr. Gay for the board appointment.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Guerrero, Menendez, Bannwolf, Webster, Peak; **NAYS:** Salas, Prado, Vásquez, Garza, Marbut; **ABSENT:** None.

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CITY MANAGER'S REPORT

Mr. Clinton Bolden, Director of the Economic Development Department, gave a video presentation detailing the volunteer efforts of American Express and City of San Antonio employees who assisted in adding an irrigation system to Madison Square Park.

Mr. David Pettit, Special Projects Coordinator, narrated a video presentation outlining the history of the project. (A copy of the presentation is made part of the papers of this meeting.)

Mayor Peak spoke to the benefits of the project and how it is an opportunity for the City to participate in cooperation with the public sector. The Mayor suggested to Mr. Pettit that efforts should be made to encourage other businesses coming to the City to participate in similar volunteer events.

Mr. Clinton Bolden spoke in support of the Mayor's suggestion.

In response to a question from Mayor Peak, Mr. Steve Moore, Director of the Convention and Visitors' Bureau, spoke to a process whereby the Mayor's suggestion could be advertised in literature put out by his department.

Mr. Flores commended staff, especially Mr. David Pettit, for their work on the project.

Mr. Vásquez congratulated members of staff who were involved in the project.

City Manager noted that there have been other public/private volunteer efforts in the past years.

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EXECUTIVE SESSION

City Council recessed its regular meeting to convene in Executive Session at 4:47 P.M., for the purpose of discussing the following:

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A) Attorney/Client consultation regarding possible property acquisition for municipal use in the downtown area.

City Council reconvened its regular session at 6:00 P.M., at which time, Mayor Peak announced that staff had discussed the above mentioned, but had taken no action.

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CITIZENS TO BE HEARD

MR. JAIME MARTINEZ

Mr. Jaime Martinez, 1603 Babcock, spoke to the upcoming Cesar Chavez March for Justice. He gave a brief description of this year's event which promotes the legacy of Cesar Chavez. He explained his organization's ongoing plight to get Cesar Chavez' birthday recognized as a state holiday. Mr. Martinez also requested Council's support in adopting, as part of the budget, a fund to support the annual march.

Councilwoman Guerrero offered her support in funding of this event.

Mr. Menendez commended Mr. Martinez for his efforts and offered his support in funding future events.

In response to a question from Ms. Guerrero, Travis Bishop, Assistant to the City Manager, explained the process of creating a new line item to the budget

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MR. MIKE IDROGO

Mr. Mike Idrogo, 317 Rosewood, spoke in support of the right to petition in reference to his petition against the old Sunset Depot being converted into a saloon. He expressed his desire to see the building returned to its original use as a passenger train station. He then referred to photographs of various passenger railroads.

Mr. Menendez alerted Mr. Idrogo that the ribbon cutting ceremony for the new "saloon" has already occurred.

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MR. FARIS HODGE

Mr. Faris Hodge, Jr., 140 Dora, expressed his concern with the procedure for "Citizens To Be Heard." He also stated his desire to have "B" sessions televised. Mr. Hodge then noted various other items of concern.

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MR. NAZARITE R. F. PEREZ

Mr. Nazarite R. F. Perez, 627 Hearne Ave., spoke to his concerns with the cable Ordinance.

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MR. ANTONIO DIAZ

Mr. Antonio Diaz, 9145 Addison, spoke in support of the scheduled Cesar Chavez events.

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MR. ROBERT BELTRAN

Mr. Robert Beltran, 1639 Highland, spoke to the problems faced by councilmembers and commended Mayor Peak for treating the citizens fairly. He also spoke to VIA's contributions to the City for street repair and listed various downtown streets that are in need of repair. Mr. Beltran then commended City Manager Briseño for his decision to appoint Mr. Frank Garza as City Attorney. He stated that he is confident with Mr. Garza's abilities as proven thus far.

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98-06 There being no further business to come before the Council, the meeting was adjourned at 6:36.

A P P R O V E D



HOWARD W. PEAK
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AAE
City Clerk