

**REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN THE
COUNCIL CHAMBERS, MUNICIPAL PLAZA
BUILDING, THURSDAY, AUGUST 8, 1996**

*** * * ***

96-32 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building, "B" Room, to consider the following item(s). The Council members present were: Flores, McClendon, Avila, Solis, Ross, Peak, Webster, Thornton. **Absent:** Billa Burke, Herrera, Marbut.

Staff Presentation on the proposed Bicycle Helmet Ordinance - Council concurred that the staff proceed with a one-year public education program and an analysis of said program prior to adoption of the proposed Ordinance.

"B" Session adjourned 10:45 A.M.

*** * * ***

96-32 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor William E. Thornton, with the following members present: Flores, McClendon, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster, Thornton; **Absent:** None

96-32 Invocation by Reverend Stan Wright, Alamo Heights Christian Church

96-32 Pledge of Allegiance to the flag of the United States.

96-32 Minutes of the May 23, 1996 and June 30, 1996 Regular City Council Meetings were approved.

August 8, 1996

96-32

jtr

96-32

CEREMONIAL ITEMS

RESOLUTION OF RESPECT - BISHOP ERNEST T. DIXON,

JR.

Mayor Thornton spoke to the recent loss of a spiritual leader of the community, Methodist Bishop Ernest T. Dixon, Jr.

Ms. McClendon introduced members of the family, present in the audience, and spoke to Bishop Dixon's community leadership and integrity.

At the request of Mayor Thornton, Ms. McClendon read the Resolution of Respect, to wit:

A RESOLUTION 96-32-26

WHEREAS, life came to a close for Bishop Ernest T. Dixon, Jr. on Saturday, June 29, 1996; and

WHEREAS, an East Side native and Wheatley High School graduate, Bishop Dixon attended Samuel Huston College in Austin and earned his theological degree at Drew Theological Seminary in New Jersey; and

WHEREAS, prior to his election in 1972 as Bishop of The United Methodist Church, Bishop Dixon served many churches in Texas, New Jersey, New York, and Alabama and held a series of administrative positions within the United Methodist Church; and

WHEREAS, during 20 years as Bishop in Kansas and San Antonio, Bishop Dixon bore the heavy responsibility of office with distinction and honor; under his leadership in San Antonio, the Conference grew and prospered, attaining the rank of fourth in the nation in average worship and Sunday school attendance; and

WHEREAS, Bishop Dixon managed to merge his love of family, friends, church, and City into a complete and well-rounded life of commitment to all;
NOW, THEREFORE:

August 8, 1996

96-32

jtr

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. that with the death of Bishop Ernest T. Dixon, Jr. the City of San Antonio has lost a valuable asset to its past, present, and future.

SECTION 2. that the City Council joins with his family and friends in their sorrow over his death, and extends its sincerest sympathy and prayers of comfort to those who were near him.

SECTION 3. and it is hereby directed that a copy of this Resolution be spread upon the minutes of this meeting and a copy be presented to his family as a token of our deepest sympathy.

* * * *

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

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

Ms. McClendon then presented the Resolution of Respect to the Dixon family members present in the audience.

Ms. Ernestine Dixon spoke of the appreciation of her family for the honor bestowed by the Mayor and City Council .

KELLY AIR FORCE BASE SMALL BUSINESS INDUSTRY DAY

Mr. Bob Sanchez, Chairman of the Board, South San Antonio Chamber of Commerce and Chairman of the Small Business Industry Day at Kelly Air Force Base, introduced other members of the official delegation and spoke to the need to assist San Antonio's small businesses through the venue of this coalition

August 8, 1996

96-32

jtr

of chambers of commerce, local business, and economic development agencies. He stated that he looks for a broad effort of business diversification in this matter.

A representative of Kelly Air Force Base and the San Antonio Air Logistic Command briefly outlined plans for the event.

Members of the City Council applauded the impact of small businesses on the redevelopment of Kelly Air Force Base and spoke of the City's commitment to this effort.

AT YOUR SERVICE - MS. STACEY SHIPLEY

Mr. Alexander E. Briseño, City Manager, introduced Ms. Shipley and spoke to her background and field of work.

A brief video presentation outlined her work as the Environmental Protection Officer, Solid Waste Division, Department of Public Works.

Mr. Briseño noted that Ms. Shipley is the employee who created the Household Hazardous Waste Program.

Mayor Thornton read the Citation commending Ms. Shipley, and joined the City Manager in presenting her with a check for \$200.

Ms. Shipley spoke of the strong support she receives from her peers and supervisors.

Council members offered their individual congratulations.

96-32 CONSENT AGENDA

Ms. McClendon made a motion to approve Agenda Items 7 through 15. Mr. Flores seconded the motion.

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

AN ORDINANCE 84,501

AMENDING THE BUDGET OF THE COPERNICUS PARK IMPROVEMENTS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT BY DISENCUMBERING \$15,291.00 PREVIOUSLY ENCUMBERED FOR PARK LIGHTING PURPOSES; AUTHORIZING AN ADDITIONAL \$15,291.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AND PROVIDING FOR PAYMENT.

*** * * ***

AN ORDINANCE 84,502

RATIFYING AND CONFIRMING ALL ACTIONS TAKEN BY CITY STAFF IN CONNECTION WITH THE ASBESTOS ABATEMENT DURING THE CENTRAL PLANT REROOFING PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$8,691.10 TO ATEC ASSOCIATES, INC. FOR ASBESTOS ABATEMENT MONITORING SERVICES IN CONNECTION WITH SAID PROJECT.

*** * * ***

AN ORDINANCE 84,503

AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,900.00 FOR APPRAISAL SERVICES FOR THE SAN PEDRO AVENUE - WEST QUINCY TO ROMANA, A METROPOLITAN PLANNING ORGANIZATION PROJECT; FREDERICKSBURG ROAD PROJECT - SANDOVAL TO WOODLAWN; AND FIRE STATION NO. 8; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

*** * * ***

AN ORDINANCE 84,504

August 8, 1996
96-32
jtr

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH CALLAGHAN SQUARE INVESTMENTS, INC. FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT OF APPROXIMATELY 5,000 SQUARE FEET OF CLINIC AND OFFICE SPACE AT 4418 CALLAGHAN ROAD FOR THE PERIOD SEPTEMBER 1, 1996 THROUGH AUGUST 31, 2001 AT A RATE OF \$3,700.00 PER MONTH FOR YEAR ONE AND TWO AND \$4,000.00 PER MONTH FOR YEAR THREE, FOUR AND FIVE IN CONNECTION WITH THE WOMEN, INFANTS, AND CHILDREN (WIC) NUTRITION PROJECT; AND APPROVING PAYMENTS TO THE LESSOR IN CONNECTION THEREWITH.

* * * *

AN ORDINANCE 84,505

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH THE LAW OFFICE OF LAMB & LERCH OF NEW YORK, IN THE AMOUNT NOT TO EXCEED \$24,000.00 FOR LEGAL SERVICES IN CONNECTION WITH THE SAN ANTONIO FOREIGN TRADE ZONE (FTZ) EXPANSION APPLICATION.

* * * *

AN ORDINANCE 84,506

AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FROM ALLIED ADVERTISING TO PRODUCE AND PROVIDE BUS BENCH ADS PROMOTING THE WIC PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR SIX MONTHS AT 200 LOCATIONS FOR A TOTAL COST OF \$14,506.00; AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 84,507

August 8, 1996

96-32

jtr

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SARGEANT'S WHOLESALE BIOLOGICALS FOR THE PURCHASE OF FELINE CARCASSES FROM THE CITY ANIMAL CONTROL FACILITY.

* * * *

AN ORDINANCE 84,508

AUTHORIZING THE EXECUTION OF A PROFESSIONAL PROVIDER AGREEMENT WITH COMMUNITY FIRST HEALTH PLANS, INC. FOR THE PROVISION OF SELECTED HEALTH CARE SERVICES BY THE CITY'S SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO INDIVIDUALS COVERED UNDER THE CFHP MEDICAID HEALTH BENEFITS PROGRAM.

* * * *

AN ORDINANCE 84,509

AUTHORIZING THE CITY MANAGER, THE ASSISTANT CITY MANAGER, THE DIRECTOR OF FINANCE, THE ASSISTANTS TO THE CITY MANAGER, THE ASSISTANT DIRECTOR OF FINANCE, THE CONTROLLER, AND THE ASSISTANT CONTROLLERS TO SIGN CHECKS FOR THE DISBURSEMENT OF CITY OF SAN ANTONIO, TEXAS FUNDS; AND AMENDING ORDINANCE NO. 74364, PASSED AND APPROVED SEPTEMBER 9, 1991, AUTHORIZING THE CITY MANAGER TO DESIGNATE A REPRESENTATIVE TO PERFORM HIS DUTIES IN HIS ABSENCE.

96-32 **CITY MANAGER'S REPORT**

Mayor Thornton spoke to the several tracks being developed in conjunction with efforts to arrive at a regional water policy for the Edwards Aquifer, and noted Mr. Webster's memorandum concerning federal intervention in a states' rights matter. He also spoke to actions relative to the Sierra Club and its lawsuits which he feels seek to impose yet more restrictions on our use of City water.

August 8, 1996
96-32
jtr

Mr. Allan Parker, representing the Texas Justice Foundation, stated that this morning his group had filed a motion for declaratory judgment to intervene in the current federal court lawsuit on behalf of Rep. John Shields, thus joining San Antonio in the lawsuit. He stated that his group is challenging the lawsuit through the 11th Amendment to the United States Constitution, challenging the federal government's intervention into a state matter. He spoke to a Supreme Court ruling which struck down a federal law dealing with weapons in schools, noting that the Supreme Court in that case held that this was a state matter, not a federal matter. He then spoke to other like cases and court decisions, and stated his belief that the federal government and Sierra Club have gone too far. He reiterated that the Texas Justice Foundation wants to join San Antonio and others in the lawsuit.

Professor R. Clayton Trotter, legal counsel, Texas Justice Foundation, read the 10th Amendment to the U.S. Constitution, and stressed its impact upon local matters. He stated his desire for Texas to take the case of endangered species as a state matter, not a federal matter, and stated his belief that the federal government in such cases should only be involved where interstate commerce is affected.

Mr. Lloyd Garza, City Attorney, noted that, for the record, the City is using the agenda item "City Manager's Report", as the vehicle for this report.

Mr. Juan Patlan, Chairman, City Water Board, then introduced Mr. Russ Johnson of the legal firm of Davidson & Troilo, and Mr. Steven Quarles of the legal firm of Crowell & Moring.

Mr. Johnson, general counsel of SAWS, provided an update and summarized the Sierra Club lawsuit developments, to date, and spoke to anticipated future actions and other litigation. A copy of his report is made a part of the papers of this meeting. He then provided a brief background of Mr. Quarles.

Mr. Quarles spoke to Items IX and X of the report, begun by Mr. Johnson, and summarized the defense strategy and litigation in perspective. He then reviewed how various court cases and constitutional issues impact this case, and stated his belief that the Endangered Species Act, while legal, does not apply in this matter, since the cited endangered species are found only in Texas. He further stated his belief that the 5th Circuit Court of Appeals may be sympathetic to San Antonio's cause, and he spoke to other court actions around the nation against the Endangered

August 8, 1996

96-32

jtr

Species Act. He noted that San Antonio's case is only one battle in a war against inflexible federal law, and warned against the effects of "consulting" provisions of the Endangered Species Act. He expressed his belief that options for relief from the Act are limited, but include possible Congressional action through moderate new bills. He also noted that the courts are an option, or the "taking" action associated with the Fifth Amendment.

Mayor Thornton noted that today's court action is in line with San Antonio's case, and he spoke in support for the comments made here today. He also spoke in support for an appeal to the 5th Circuit Court of Appeals, should water use restrictions be levied on San Antonio's citizens.

Mr. Webster noted that the current drought has brought home to the citizens what a lack of water means

Ms. Billa Burke stated that she hopes that a strike can be made against the Sierra Club's pocketbook, noting that water drives our economy.

In response to a question by Mr. Ross, Mr. Johnson stated that San Antonio must first defend itself against the claims of the Sierra Club, then sue the organization for damages.

Mr. Ross questioned the definition of "discretionary water use", stating his belief that protecting one's house foundation against cracking is not "discretionary water use".

Mr. Johnson stated his agreement that it is the lack of rainfall, not water pumpage, that is the cause of low spring flow from the Edwards Aquifer, and stated his belief that two New Braunfels water wells could supplement spring flow, if used.

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

In response to a question by Mr. Avila, Mr. Johnson spoke to why all the defendants in the Sierra Club lawsuit are not taking part in a pro-active defense.

Mr. Flores stated his belief that congressional and state action are needed to get something done.

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

Mr. Peak noted that San Antonio is doing everything possible to conserve water, and he spoke in favor of having a water lawsuit briefing for City Council each week, during "A" Session.

Mayor Thornton asked that the segment of the Council meeting today involving this discussion and report on the water-related lawsuit matters be shown as often as possible on cable channel 21. He also asked that the chairman of the new Edwards Aquifer Authority, Mr. Beldon, be invited to City Council meeting next week to address this issue of water.

Mr. Ross asked that staff plan to involve the City Council in lawsuit strategy sessions and noted that San Antonio's per-capita water consumption has dropped over the years.

Mr. Peak also asked that the weekly report include long-term matters such as securing water from the Guadalupe-Blanco River Authority, water re-use, etc.

Former State Sen. Joe Bernal, a current Water Policy Committee member, spoke to the need to recognize the water needs of our neighbors to both east and west, as well, and spoke to the need for a true regional water plan.

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

96-32 **ZONING HEARING**

4A. CASE Z95233CC (CC) - to rezone 19.444 acres out of NCB 18393 from Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District, "B-2" ERZD Business Edwards Recharge Zone District and "B-

3NA" ERZD Non-Alcoholic Sales Business Edwards Recharge Zone District to "P-1(B-3)" ERZD CC Planned Unit Development Business District.

Mr. Andy Guerrero, Land Development Services, stated that City staff would like at this time to amend its recommendations in regards to this case, to wit: approval of "P-1(B-3)" ERZD Planned Unit Development Business Edwards Recharge Zone District on the east 200 feet of the subject property; "P-1(B-2)" ERZD Planned Unit Development Business Edwards Recharge Zone District on the north, west and south 25 feet of the subject property, save and except that portion zoned "B-3NA" ERZD Non-Alcoholic Sales Business Edwards Recharge Zone District; that a 25-foot building setback be imposed along the north and west property lines of the existing "B-3NA" ERZD Non-Alcoholic Sales Business Edwards Recharge Zone District; that the building setback be zoned "P-1(B-3NA)" ERZD Planned Unit Development Non-Alcoholic Sales Business Edwards Recharge Zone District; and that the remaining portion of the subject 19.44-acre property be zoned "P-1(B-3R)" ERZD Planned Unit Development Restrictive Business Edwards Recharge Zone District.

Mr. Peak stated that this is a complicated case, and asked the representative of the applicant to brief the City Council on the case.

Mr. David Earl, attorney representing the applicant, spoke to the background history of the subject property prior to and after annexation into the City of San Antonio, noting that the existing industrial park has been encroached upon by residential uses nearby. He spoke to the extensive negotiations that have taken place, and illustrated the compromise that will buffer the industrial area from the nearby residential uses. He then spoke to the agreed-upon 45 deed restrictions involved in this case, and the change of this industrial park into a business park. He then addressed plans for further B-3 development on the tract of land at the eastern end of the subdivision.

Mr. Bill Kaufman, attorney, stated that he has now reached further agreement with representatives of the nearby residential areas, and he recited those agreements.

Mr. Glen Deadman, 17418 Canyon Breeze, a representative of the residential areas concerned, spoke in agreement with the compromise.

August 8, 1996

96-32

jtr

Ms. Karen Stone, San Antonio Water System, briefly summarized the environmental concerns of her agency that now have been addressed.

After discussion, Mr. Peak briefly summarized the compromise agreement.

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

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

AN ORDINANCE 84,510

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 2.124 ACRES OUT OF NCB 18393 FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT, "B-1" ERZD EDWARDS RECHARGE ZONE DISTRICT, "B-2" ERZD EDWARDS RECHARGE ZONE DISTRICT AND "B-3NA" NON ALCOHOLIC SALES DISTRICT TO "P-1(B-3)" PLANNED UNIT DEVELOPMENT BUSINESS DISTRICT AND; 14.254 ACRES OUT OF NCB 18393 FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT, "B-1" ERZD EDWARDS RECHARGE ZONE DISTRICT AND "B-2" ERZD EDWARDS RECHARGE ZONE DISTRICT TO "P-1(B-3R)" ERZD CC PLANNED UNIT DEVELOPMENT RESTRICTIVE BUSINESS DISTRICT AND; 0.453 ACRES OUT OF NCB 18393 FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT, "B-1" ERZD EDWARDS RECHARGE ZONE DISTRICT AND "B-2" ERZD EDWARDS RECHARGE ZONE DISTRICT TO "P-1(B-3NA)" ERZD PLANNED UNIT DEVELOPMENT NON ALCOHOLIC SALES DISTRICT AND; 2.613 ACRES OUT OF NCB 18393 TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT, "B-1" ERZD EDWARDS RECHARGE ZONE DISTRICT AND "B-2" ERZD EDWARDS

August 8, 1996

96-32

jtr

RECHARGE ZONE DISTRICT TO "P-1(B-2)" ERZD PLANNED UNIT DEVELOPMENT BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

4B. CASE Z96139 - to rezone 0.088 acres out of Lot 58, Block 1, NCB 18035, west of Treeline Park Drive from "B-2" Business District to "B-3" Business District. Property is located 380 feet northeast of the intersection of Bassee Road and Treeline Park Drive, being 55 feet west of Treeline Drive having a width of 58.78 feet and depth of 24.42 feet.

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

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

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

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

AN ORDINANCE 84,511

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 0.088 ACRES OUT OF LOT 58, BLOCK 1, NCB 18035, WEST OF TREELINE PARK DRIVE FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

4C. CASE Z96118 - to rezone 2.232 acres out of NCB 14889, 7114 UTSA Boulevard, from Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "B-3" ERZD Business Edwards Recharge Zone District

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

Mr. Andy Guerrero, Land Development Services, stated that City staff is in receipt of a letter from the applicant, asking that the rezoning case be withdrawn.

Zoning Case Z96118 was withdrawn.

4D. CASE Z96144 - to rezone 22.16 acres out of NCB 14890, I.H. 10 Expressway and UTSA Blvd from "B-2" Business District and "B-2" UC Business Urban Corridor District to "B-3" Business District and "B-3" UC Business Urban Corridor District. Property is located northwest of the intersection of I.H. 10 Expressway and U.T.S.A Boulevard, having 986.72 feet on I.H. 10 Expressway and 2287.31 feet on U.T.S.A Boulevard.

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

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

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

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

AN ORDINANCE 84,512

August 8, 1996

96-32

jtr

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 22.16 ACRES OUT OF NCB 14890, I.H. 10 EXPRESSWAY AND UTSA BLVD FROM "B-2" BUSINESS DISTRICT AND "B-2" UC BUSINESS URBAN CORRIDOR DISTRICT TO "B-3" BUSINESS DISTRICT AND "B-3" UC BUSINESS URBAN CORRIDOR DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

4E. CASE Z96105 - to rezone 3.326 acres out of NCB 12107, save and except the southeast and northwest 100' feet, and "B-3NA" Non-Alcoholic Sales Business District on the southeast and northwest 100 feet of a 3.326 acres out of NCB 12107 from "B-3" Business District, "J" Commercial District and "A" Single Family Residence District to "I-1" Light Industry District .

Mr. Andy Guerrero, Land Development Services, informed City Council that since registered opposition to this rezoning case now represents more than 20 per cent of the property owners within 200 feet of the subject property, nine affirmative City Council votes would be necessary to approve the request.

Mr. Webster made a motion to continue this rezoning case for a period of 30 days. Ms. Billa Burke seconded the motion.

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

Zoning Case Z96105 was continued for a period of 30 days.

4F. CASE Z96132 - to rezone 1.929 acres out of Lot 11, Block 1, NCB 16862, 4100 Acorn Hill, from "B-2" Business District to "I-1" Light Industry

August 8, 1996
96-32
jtr

District. Property is located on the southeast side of Acorn Hill, 631.93 feet southwest of the intersection of Perrin Beitel Road and Acorn Hill, having 133 feet on Acorn Hill and a depth of 349.47 feet.

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

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

Mr. Webster made a motion to approve the recommendation of the Zoning Commission. Mr. Flores seconded the motion.

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

AN ORDINANCE 84,513

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 1.929 ACRES OUT OF LOT 11, BLOCK 1, NCB 16862, 4100 ACORN HILL, FROM "B-2" BUSINESS DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT . "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

4G. CASE Z96129 - to rezone Lot 8, Block 72, NCB 3668, 203 N.W. 24th Street, from "B" Residence District to "B-2NA" Non-Alcoholic Sales Business District. Property is located northwest of the intersection of Houston Street and S.W. 34th Street, having 50 feet on Houston Street and 123.72 feet on S.W. 34th Street.

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

August 8, 1996

96-32

jtr

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

Mr. Ross made a motion to approve the recommendation of the Zoning Commission. Ms. Billa Burke seconded the motion.

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

AN ORDINANCE 84,514

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 8, BLOCK 72, NCB 3668, 203 N.W. 24TH STREET, 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"

4H. CASE Z96131 - to rezone Lot 77B, Block E, NCB 11538, 2265 Bandera Road, from "A" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District. Property is located southeast of the intersection of Bandera Road and Wildflower Drive, having 288 feet on Bandera Road and a depth of 172.48 feet.

The Zoning Commission has recommend 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 recommendation of the Zoning Commission. Ms. Billa Burke seconded the motion.

August 8, 1996
96-32
jtr

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

AN ORDINANCE 84,515

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 77B, BLOCK E, NCB 11538, 2265 BANDERA ROAD, FROM "A" 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"

4I. CASE Z96124 - to rezone Lot 7, Block 8, NCB 15570, 7326 W. Military Drive, from "B-1" Business District to "B-2NA" Non-Alcoholic Sales Business District. Property is located on the east side of S.W. Military Drive, 147.85 feet southeast of the intersection of Remuda Drive and S.W. Military Drive, having 75 feet on S.W. Military Drive and a depth of 136 feet.

The Zoning Commission has recommend 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 recommendation of the Zoning Commission. Mr. Flores seconded the motion.

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

August 8, 1996

96-32

jtr

AN ORDINANCE 84,516

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 8, NCB 15570, 7326 W. MILITARY DRIVE, FROM "B-1" BUSINESS DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

4J. CASE Z96140 - to rezone 0.799 acres out of Lots 15, 18 and 20, Block 17, NCB 8991, 2707 Castroville Road, from "B-1" Business District to "I-1" Light Industry District. Property is located between S.W. 39th Street and S.W. 40th Streets, 72 feet north of the intersection of S.W. 39th Street, 394.22 feet on S.W. 40th Street and 665.82 feet between these two street.

The Zoning Commission has recommend 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 recommendation of the Zoning Commission. Mr. Solis seconded the motion.

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

AN ORDINANCE 84,517

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 0.799 ACRES OUT OF LOTS 15, 18

August 8, 1996

96-32

jtr

AND 20, BLOCK 17, NCB 8991, 2707 CASTROVILLE ROAD, FROM "B-1" BUSINESS DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

4K. CASE Z96142 - to rezone Lot 1, save and except the east 13 feet, Block H, NCB 10162, and to "O-1" Office District on the east 13 feet of Lot 1, Block H, NCB 10162, 1530 Goliad Road, from "B" Residence District to "B-2NA" Non-Alcoholic Sales Business District. Property is located southeast of the intersection of Goliad Road and Grecian Drive, having 163.50 feet on Goliad Road and 130.22 feet on Grecian Drive.

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

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

Ms. Billa Burke made a motion to approve the recommendation of the Zoning Commission. Mr. Webster seconded the motion.

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

AN ORDINANCE 84,518

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, SAVE AND EXCEPT THE EAST 13 FEET, BLOCK H, NCB 10162, AND TO "O-1" OFFICE DISTRICT ON THE EAST 13 FEET OF LOT 1, BLOCK H, NCB 10162, 1530 GOLIAD ROAD, 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"

August 8, 1996

96-32

jtr

4L. CASE Z96125 - to rezone Lots 5, 6, 7, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, Block 1, NCB 6679 and Lots 15 and 16, Block 6, NCB 13477, Industrial Street, from "LL" First Manufacturing District and "B" Residence District to "R-1" Single Family Residence District. Properties are located on the north side of Industrial Street, between General Hudnell Drive and Frio City Road, Having 1,426.73 feet on Industrial Street, 1,040.64 feet on General Hudnell Drive and 150 feet on Frio City Road.

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

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

In response to a question by Mr. Solis, Ms. Frances Gonzales, Special Projects Officer, narrated a brief video presentation of this rezoning case, vital to the 1996 Parade of Homes to be held in this area. She updated City Council on plans for the project, noting that two of the three major parcels of property needed for 'Via Esperanza' land plan have now been approved, and that only action by San Antonio Independent School District is needed to secure the third and final parcel. She then introduced those present in the audience who were instrumental in coordinating the land plan.

Mr. Solis thanked Mr. Oscar Elizondo, who owned this particular parcel of land for his donation of that land to the City for affordable housing.

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

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

AN ORDINANCE 84,519

August 8, 1996

96-32

jtr

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 5, 6, 7, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, BLOCK 1, NCB 6679 AND LOTS 15 AND 16, BLOCK 6, NCB 13477, INDUSTRIAL STREET, FROM "LL" FIRST MANUFACTURING DISTRICT AND "B" RESIDENCE DISTRICT TO "R-1" SINGLE FAMILY RESIDENCE DISTRICT . "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

* * * *

96-32 The Clerk read the following Ordinance:

AN ORDINANCE 84,520

AUTHORIZING THE ACCEPTANCE OF \$135,000.00 FROM THE SAN ANTONIO HOUSING AUTHORITY (SAHA) TO CONTINUE FUNDING OF THE SAHA ROVING LEADER PROGRAM IN THE DEPARTMENT OF PARKS AND RECREATION FOR THE PERIOD DECEMBER 1, 1995 THROUGH NOVEMBER 30, 1996; APPROPRIATING FUNDS AND AMENDING THE PROJECT BUDGET; AND AUTHORIZING THE CONTINUATION OF SIX PERSONNEL POSITIONS.

* * * *

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

Mr. Ron Darner, Director of Parks & Recreation, explained the donation by San Antonio Housing Authority of some \$135,000 to continue the funding for the SAHA Roving Leader Program.

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

August 8, 1996

96-32

jtr

96-32 The Clerk read the following Ordinance:

AN ORDINANCE 84,521

AMENDING ORDINANCE NO. 83891, PASSED AND APPROVED APRIL 4, 1996, WHICH APPROVED THE JOB TRAINING PARTNERSHIP ACT (JTPA) TITLES IIA, IIC, AND III MASTER PLAN FOR THE PROGRAM YEAR 1996 (JULY 1, 1996 THROUGH JUNE 30, 1997) BY AMENDING FUNDING ALLOCATIONS; AND AUTHORIZING THE MAYOR, AS THE CHIEF ELECTED OFFICIAL FOR THE CITY OF SAN ANTONIO, TO SIGN THE SAID MASTER PLAN.

* * * *

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

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

96-32 The Clerk read the following Ordinance:

AN ORDINANCE 84,522

AUTHORIZING THE EXPENDITURE OF \$325.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND TO ASSIST THE NORTHEAST KIWANIS PAY FOR ADMISSION AND MEALS FOR 200 MENTALLY-CHALLENGED ADULTS FOR A TRIP TO THE SAN ANTONIO ZOO, AS REQUESTED BY COUNCILMAN ROBERT A. HERRERA.

* * * *

August 8, 1996
96-32
jtr

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

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

96-32 **TRAVEL AUTHORIZATION - Granted:**

TRAVEL AUTHORIZATION FOR MAYOR WILLIAM E. THORNTON TO VISIT AND TOUR ALTOS HORNOS DE MEXICO, IN MONCLOVA, MEXICO ON AUGUST 17, 1996.

96-32 The Clerk read the following Ordinance:

AN ORDINANCE 84,523

AUTHORIZING REIMBURSEMENT IN THE AMOUNT OF \$3,757.50 FROM THE DISTRICT 9 CONTINGENCY ACCOUNT FUND TO COUNCILMAN HOWARD PEAK FOR AN ADMINISTRATIVE SERVICES CONTRACT WITH VIVIAN MANGOLD FROM AUGUST 1, 1996 THROUGH SEPTEMBER 30, 1996, AS REQUESTED BY COUNCILMAN HOWARD PEAK

* * * *

Mr. Peak 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:** McClendon, Billa Burke, Avila, Solis, Ross, Marbut, Peak, Webster; **NAYS:** None; **Absent:** Flores, Herrera, Thornton.

August 8, 1996

96-32

jtr

96-32 City Council recessed its regular session at 4:00 P.M. in order to convene in informal "B" Session for a staff presentation of the Downtown Strategic Plan.

(Mayor Thornton returned to the meeting during the staff presentation, to preside.)

City Council was briefed on the Downtown Strategic Plan.

Council adjourned the informal "B" Session and reconvened the regular session at 5:15 P.M.

96-32 CITIZENS TO BE HEARD

MARY JANE ALVARADO - spoke to the Council regarding her reporting the property at 620 S. Presa as a nuisance and the problems her family is now facing with regarding to the operation of a business on that residential property. She asked that the City Council do something about this situation. Mr. Martin Rodriguez, Director of Code Compliance, spoke with regard to the filings which have occurred at this location and what the City is doing in addressing the violations. Mrs. Alvarado then presented a copy of a paper entitled, "A Property Presentation for Hot Wells, San Antonio, Texas", a copy of which is made a part of the papers of this meeting.

* * * *

MS. KATHY SOSA - Presented to the City Council the results of a meeting she and other members of her company, KJS, had with Steve Moore, Director of the Convention and Visitors Bureau. A copy of her report is on file with the papers of this meeting.

* * * *

KARL WURZ - 820 FLORIDA read a prepared statement to the Council entitled, "Communicating an Interest in Lone Star Breweries Potable Water for the Citizens of San Antonio". A copy of his statement is on file with the papers of this meeting.

* * * *

RÓDRIGO GARCIA, JR., 742 SW 38TH Street- spoke to the Council regarding his concerns with the passage of the one percent for Art Ordinance. He stated that ordinances of this nature should always be placed on a ballot for citizens to vote for or against. He also advised the Council of a meeting he will be having with representatives of Union Pacific on a proposal for the Kelly Railroad.

* * * *

FRED RAMOS - Spoke to the city council on a variety of subjects including his request that the Council revoke the ordinance prohibiting solicitations on public rights-of-way.

City Council recessed its regular session at 6:15 P.M. in order to convene in Executive Session for the purpose of briefings on:

A. Attorney/Client consultation regarding litigation case styled Hazel Franklin, Individually, and as next friend of Kimberly Franklin, a minor vs. City of San Antonio, in the 45th District Court.

B. Attorney/Client briefing and report on the TRO Hearings held August 1, 1996 in Sierra Club vs. City of San Antonio, et al, and review of legal implications of filing additional suits against the Sierra Club and/or the Federal Government.

C. Attorney/Client briefing and report of the legal implications involving an Open Records Request submitted by the San Antonio Express & News and the City's proposed response.

D. Attorney/Client briefing and update on the intervention in lawsuit styled ICG Access Services, Inc. v.s City Public Service Board.

City Council adjourned the Executive Session and reconvened the regular session at 6:40 P.M., at which time Mayor Thornton stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

96-32 There being no further business to come before the Council, the meeting was adjourned at 6:41 p.m.

A P P R O V E D


WILLIAM E. THORNTON
MAYOR

Attest: 
NORMA S. RODRIGUEZ
City Clerk