REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, NOVEMBER 18, 1976.

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The meeting was called to order at 8:30 A. M. by the presiding officer, Mayor Lila Cockrell, with the following members present: PYNDUS, BILLA, CISNEROS, BLACK, HARTMAN, ROHDE, TENIENTE, NIELSEN, COCKRELL; Absent: NONE.

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76-54 The invocation was given by The Reverend Larry Adams, Highland Hills Church of the Nazarene.

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76-54 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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76-54 The minutes of the meeting of November 11, 1976, were approved.

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76-54 ZONING HEARINGS

1. CASE 6679 - to rezone Lot 11, Block 11, NCB 2071, 1243 Culebra Road, from "B" Two Family Residential District to "B-3" Business District, located on the north side of Culebra Road, being 100' east of the intersection of N. Hamilton Avenue and Culebra Road, having 50' on Culebra Road and a depth of 156.5'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

In response to a question by Mr. Pyndus on the Traffic and Transportation report, Mr. Camargo stated that before any building permits can be issued on a piece of property for new construction, the Traffic Department has to approve the on-site parking for the facility that is proposed. Consequently, if the proposed building is too large, then a permit will not be issued. There are also parking requirements for various types of businesses which must be met before a permit can be issued.

No one spoke in opposition.

After consideration, Mr. Billa made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained along the north property line. Mr. Rohde seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Teniente.

AN ORDINANCE 47,383

AMENDING CHAPTER 42 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 11, BLOCK 11, NCB 2071, 1243 CULEBRA ROAD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTH PROPERTY LINE.

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2. CASE 6683 - to rezone Lots 12 and 13 and the northwest 21.77' of Lot 11, Block 1, NCB 12963, in the 2300 Block of Danbury Drive, from "B" Two Family Residential District to "O-1" Office District, located east of the intersection of Broadway and Danbury Drive, having 137.79' on Broadway and 207' on Danbury Drive.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Dr. Nielsen made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished and that a six foot solid screen fence is erected and maintained along the northeast property line. Mr. Rohde seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Teniente.

AN ORDINANCE 47,384

AMENDING CHAPTER 42 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 AND THE NORTHWEST 21.77' OF LOT 11, BLOCK 1, NCB 12963, IN THE 2300 BLOCK OF DANBURY DRIVE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTHEAST PROPERTY LINE.

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3. CASE 6692 - to rezone the north irregular 98.8' of Lot 7, NCB 12167, in the 8200 Block of Vicar Drive, from "A" Single Family Residential District to "B-3" Business District, located on the northwest side of Vicar Drive, being approximately 425' northeast of the cutback between Perrin-Beitel Road and Vicar Drive, having 92.95' on Vicar Drive and a maximum depth of 120.40'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Rohde made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished. Mr. Billa seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Teniente.

AN ORDINANCE 47,385

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY

DESCRIBED HEREIN AS THE NORTH IRREGULAR 98.8' OF LOT 7, NCB 12167, IN THE 8200 BLOCK OF VICAR DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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4. CASE 6699 - to rezone a 0.783 acre tract of land out of NCB 12858, being further described by field notes filed in the office of the City Clerk, in the 9400 Block of Live Oak Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located on the southwest side of Live Oak Road, being 135.43' northwest of the intersection of Live Oak Road and Wurzbach Road, having 139.09' on Live Oak Road and a maximum depth of 251'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Rohde made a motion that the recommendation of the Zoning Commission be approved. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Teniente.

AN ORDINANCE 47,386

AMENDING CHAPTER 42 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 0.783 ACRE TRACT OF LAND OUT OF NCB 12858, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 9400 BLOCK OF LIVE OAK ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT.

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5. CASE 6701 - to rezone a 4.6018 acre tract of land out of NCB 15324, being further described by field notes filed in the office of the City Clerk, 5137 Pearsall Road, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District, located on the northwest side of Pearsall Road, being 1795.06' northeast of the cutback between Holm Road and Pearsall Road, having 313.05' on Pearsall Road and a maximum depth of 647.19'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Billa made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Teniente.

AN ORDINANCE 47,387

AMENDING CHAPTER 42 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 4.6018 ACRE TRACT OF LAND OUT OF NCB 15324, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 5137 PEARSALL ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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6. CASE 6680 - to rezone Lot 26, save and except the southwest irregular 145' of the southeast 120' of the northwest 281.32', Block 7, NCB 11911, in the 1000 Block of S. E. Military Drive, from "F" Local Retail District to "B-3" Business District, located northeast of the intersection of Quintard Street and S. E. Military Drive, having 334.09' on Quintard Street and 241.44' on S. E. Military Drive.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

In response to Mr. Pyndus' question, Mr. Camargo stated that the staff had recommended "B-3" since the subject property is already zoned "F" retail which has similar uses.

No one spoke in opposition.

After consideration, Mr. Hartman made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained along the north property line. Mr. Rohde seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None; ABSTAIN: Pyndus.

AN ORDINANCE 47,388

AMENDING CHAPTER 42 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 26 SAVE AND EXCEPT THE SOUTHWEST IRREGULAR 145' OF THE SOUTHEAST 120' OF THE NORTHWEST 281.32', BLOCK 7, NCB 11911, IN THE 1000 BLOCK OF S. E. MILITARY DRIVE, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTH PROPERTY LINE.

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7. CASE 6687 - to rezone Lot 8B, NCB 12099, 2955 Nacogdoches Road, from "B" Two Family Residential District to "O-1" Office District, located on the northwest side of Nacogdoches Road, being 660' southwest of the cutback between Bitters Road and Nacogdoches Road, having 116.71' on Nacogdoches Road and a maximum depth of 321.99'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Rohde made a motion that the recommendation of the Zoning Commission recommended be approved, provided that proper replatting is accomplished. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 47,389

AMENDING CHAPTER 42 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 8B, NCB 12099, 2955 NACOGDOCHES ROAD, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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8. CASE 6688 - to rezone the northeast 130' of the southwest 450' of Tract 70, NCB 11628, in the 7500 Block of Mockingbird Road, from "R-3" Multiple Family Residential District to "B-2" Business District, located on the northwest side of Mockingbird Road, being 320' northeast of the intersection of Fredericksburg Road and Mockingbird Road, having 130' on Mockingbird Road and a depth of 246.7'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Dr. Nielsen made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 47,390

AMENDING CHAPTER 42 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 NORTHEAST 130' OF THE SOUTHWEST 450' OF TRACT 70, NCB 11628, IN THE 7500 BLOCK OF MOCKINGBIRD ROAD, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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9. CASE 6689 - to rezone Tract M, save and except the south 200', NCB 13808, in the 5500 Block of Crestway Drive, from Temporary "A" Single Family Residential District to "B-3" Business District, located 200' north of Crestway Drive and approximately 380' west of Midridge Drive, having 100' in width and 678' in length.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Billa made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished. Mr. Teniente seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 47,391

AMENDING CHAPTER 42 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 TRACT M, SAVE AND EXCEPT THE SOUTH 200', NCB 13808, IN THE 5500 BLOCK OF CRESTWAY DRIVE, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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10. CASE 6700 - to rezone the west 82.4' of Lot 61, Block E, NCB 11543, in the 5000 Block of Callaghan Road, from "A" Single Family Residential District to "I-1" Light Industry District, located on the southeast side of Callaghan Road, being 215' southwest of the intersection of Parkway Drive and Callaghan Road, having 82.4' on Callaghan Road and a maximum depth of approximately 280'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

After consideration, Dr. Nielsen moved to uphold the recommendation of the Zoning Commission and grant the rezoning. Mr. Rohde seconded the motion.

Mr. Pyndus spoke against the motion to approve the rezoning based on staff's recommendation that "I-1" zoning should not be expanded to the southeast side of Callaghan Road. He then made a substitute motion to deny the rezoning. Mr. Hartman seconded the motion.

Dr. Nielsen stated that the adjacent property is zoned "I-1" and there is no residential development within 1/8th of a mile from the subject property.

In response to Mayor Cockrell's question regarding the Traffic Department's report, Mr. Camargo stated that the Zoning Commission had stipulated that the property be platted and at the time of the platting, the dedication of the right of way will be given in accordance with the Major Thoroughfare Plan that has been adopted by the City Council. As to the question of proper circulation for industrial use within the subject property, Mr. Camargo stated that they have been informed by the applicant that this property is to be used in conjunction with the adjacent "I-1" zoning which was granted a few months ago.

Mr. Pyndus noted for the record that the Zoning Commission recommended approval of "B-3" for a tract of land adjacent to the subject property and not an "I-1".

Mr. Rohde spoke against Mr. Pyndus' motion to deny the rezoning.

Mr. Teniente stated that the recommendation of the Zoning Commission pointed out that no one spoke in opposition at the public hearing and no notices were sent in opposition to the rezoning. He spoke in favor of the original motion.

Mr. Hartman stated that his concern was the staff's recommendation against further intrusion of industrial zoning along the southeast side.

No citizen appeared to speak in opposition.

On roll call, the motion to deny the rezoning failed to carry on the following vote: AYES: Pyndus, Hartman; NAYS: Billa, Black, Rohde, Teniente, Nielsen, Cockrell; ABSENT: Cisneros.

After consideration, Dr. Nielsen's previous motion to uphold the recommendation of the Zoning Commission and grant the rezoning provided that proper replatting is accomplished. Mr. Rohde seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Black, Rohde, Teniente, Nielsen, Cockrell; NAYS: Pyndus, Hartman; ABSENT: Cisneros.

AN ORDINANCE 47,392

AMENDING CHAPTER 42 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 WEST 82.4' OF LOT 61, BLOCK E, NCB 11543, IN THE 5000 BLOCK OF CALLAGHAN ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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11. CASE 6675 - to rezone Lots 9, 10 and 11, Block 5, NCB 6316, 2403-2411 S. Zarzamora Street, from "B" Two Family Residential District to "B-1" Business District, located on the west side of S. Zarzamora Street between "C" Street and U. S. Highway 90 Expressway, having 120' on S. Zarzamora Street and 85' on both "C" Street and U. S. Highway 90 Expressway.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

Mrs. Emma C. Valle, the applicant, stated that she and her husband are the owners of the subject property and are both retired. She would like the requested change in zone in order to operate a small thrift and gift shop. In her opinion, the business would enhance the neighborhood.

Mrs. Carmen Martinez stated that her property is adjacent to the property in question, and she is opposed to the requested change in zoning because "C" Street is a very narrow residential street. She stated the proposed use would only generate additional traffic on a residential street which would be hazardous to the children and residents of this neighborhood. Mrs. Martinez further stated that they are trying to improve their neighborhood and fears that this business would be a detriment to the area. She also expressed fears of the uses allowed under a "B-3" zoning.

Mr. Hartman stated that the request is for a "B-1" and not "B-3" and mentioned the uses permitted in "B-1" zoning.

Several Council members expressed the opinion that the gift shop could possibly improve the neighborhood.

Mrs. Valle then pledged that she would keep the property clean and that the business would be an asset to the neighborhood.

After consideration, Mr. Rohde made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished and that a six foot solid screen fence is erected and maintained along the north and west property lines, and that a 1' non-access easement is imposed along "C" Street. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros.

AN ORDINANCE 47,393

AMENDING CHAPTER 42 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 9, 10 AND 11, BLOCK 5, NCB 6316, 2403-2411 S. ZARZAMORA STREET, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTH AND WEST PROPERTY LINES, AND THAT A 1' NON-ACCESS EASEMENT IS IMPOSED ALONG "C" STREET.

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12. CASE 6676 - to rezone Lot 53, Block 3, NCB 12414, 602 Oban Drive, from "A" Single Family Residential District to "R-2" Two Family Residential District, located southwest of the intersection of Dorset Drive and Oban Drive, having 75' on Oban Drive and 120' on Dorset Drive.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Billa made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros.

AN ORDINANCE 47,394

AMENDING CHAPTER 42 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 53, BLOCK 3, NCB 12414, 602 OBAN DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-2" TWO FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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13. CASE 6682 - to rezone Lots 1 through 4 and the south 70.6' of Lots 6 and 7, Block 7, NCB 2228, from "C" Apartment District to "B-1" Business District; and Lot 5, Block 7, NCB 2228, in the 1300 Block of Morales Street, from "C" Apartment District to "B-3" Business District.

The "B-1" zoning is located southeast of the intersection of Morales Street and San Jacinto Street, having 176.1' on Morales Street and 162.9' on San Jacinto Street.

The south 70.6' of Lots 6 and 7, Block 7, NCB 2228 are located on the west side of Las Moras Street, 92.3' south of the intersection of Morales Street and Las Moras Street, having 70.6' on Las Moras Street and a depth of 88.1'.

The "B-3" zoning is located on the south side of Morales Street, 176.1' south east of the intersection of Morales Street and San Jacinto Street, having 44' on Morales Street and a depth of 162.9'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

After consideration, Mr. Teniente made a motion that the recommendation of the Zoning Commission be approved, provided that a 1' non-access easement is imposed along the entire north property line fronting on Morales Street. Dr. Nielsen seconded the motion.

In response to Mr. Pyndus' question, Mr. Camargo stated that under the present "C" classification, application can be made to the Board of Adjustment for an exception to utilize the property for non-commercial parking. It is the staff's position that the present zoning and commercial development in this area is on West Martin. There is very little, if any, commercial development to the north of Martin except for a non-conforming grocery store located at Morales and Las Moras. The property is being used in conjunction with the funeral home. The staff's recommendation was that the property be allowed to be used for the non-commercial property under the "C" zoning and that the expansion of commercial zoning into the residential area not be allowed.

Mr. Teniente stated that the two parking lots are just not adequate, and in view of the fact that no notices were sent in opposition, he would be in favor of the rezoning.

Mr. Pyndus spoke in opposition to the motion to approve the rezoning based on staff's recommendation.

No citizen appeared to speak in opposition.

After consideration, Mr. Teniente's previous motion to approve the rezoning, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: Pyndus; ABSENT: None.

AN ORDINANCE 47,395

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 THROUGH 4 AND THE SOUTH 70.6' OF LOTS 6 AND 7, BLOCK 7, NCB 2228, FROM "C" APARTMENT DISTRICT TO "B-1" BUSINESS DISTRICT; AND LOT 5, BLOCK 7, NCB 2228, IN THE 1300 BLOCK OF MORALES STREET, FROM "C" APARTMENT DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT A 1' NON-ACCESS EASEMENT IS IMPOSED ALONG THE ENTIRE NORTH PROPERTY LINE FRONTING ON MORALES STREET.

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14. CASE 6686 - to rezone Lots 7 and 8, Block 210, NCB 9663, 2410 Basse Road, from "B-1" Business District to "B-2" Business District, located on the south side of Basse Road, being 100' west of the intersection of Basse Road and Brad Street, having 100' on Basse Road and a depth of 173.35'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

Mr. Remigio Cobarruvias, the applicant, stated that he is the owner of the subject property and would like to have the property rezoned because he has a prospective purchaser who wants to operate an electronics shop. He stated that the subject property is surrounded by established businesses and he feels that the proposed use would not change the character of the area.

Mr. John McShaffey also spoke in favor of the proposed change and displayed some slides to the Council illustrating the current businesses in the area.

Mrs. L. N. Kouri, 815 Venice, stated she is not in favor or opposed to the change but merely wanted some information on the case.

Mr. Walter Tillman, the prospective purchaser of the subject property, stated that he has been in the electronic business for the past ten years, and proceeded to answer Mrs. Kouri's questions. He said that any electronic testing they will do will not affect any electric services to their neighbors' homes. He said that they must comply with all Federal Communications Commission regulations. He also stated that they plan to be opened Monday through Friday. The hours of operation will be from 9:00 A. M. to 6:00 P. M., except on Monday when they will be opened until 8:00 in the evening. Also in response to Mrs. Kouri, Mr. Tillman stated that they do not plan to utilize the alley but will plan to keep it clean and clear of all debris.

After consideration, Mr. Teniente made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained along the south property line. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Rohde.

AN ORDINANCE 47,396

AMENDING CHAPTER 42 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 7 AND 8, BLOCK 210, NCB 9663, 2410 BASSE ROAD, FROM "B-1" BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH PROPERTY LINE.

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15. CASE 6697 - to rezone Lot 16, NCB 1728, 200-202 E. Courtland Place, from "O-1" Office District to "B-2" Business District, located southeast of the intersection of E. Courtland Place and Ogden Street, having 160.65' on Ogden Street and 104.26' on E. Courtland Place.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished. Mr. Teniente seconded the motion.

Mr. Hartman expressed concern about this parcel going commercial and the impact on the neighborhood.

Mr. Camargo stated that this had been one of the staff's concerns and in studying this area, they have determined that this area is transitioning into light commercial.

No one appeared to speak in opposition.

On roll call, Mr. Pyndus's motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Teniente, Nielsen, Cockrell; NAYS: Hartman; ABSENT: Rohde.

AN ORDINANCE 47,397

AMENDING CHAPTER 42 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, NCB 1728, 200-202 E. COURTLAND PLACE, FROM "O-1" OFFICE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED.

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16. CASE 6694 - to rezone a 9.202 acre tract of land out of NCB 13664, being further described by field notes filed in the office of the City Clerk, in the 7800 Block of Oakdell Way Road, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District; an 8.750 acre tract of land out of NCB 13664, being further described by field notes filed in the office of the City Clerk, in the 7800 Block of Oakdell Way Road, from Temporary "R-1" Single Family Residential District to "B-1" Business District; and a 6.041 acre tract of land out of NCB 13664, being further described by field notes filed in the office of the City Clerk, in the 7800 Block of Oakdell Way Road, from Temporary "A" Single Family Residential District to "B-2" Business District.

The "R-3" zoning is located on the southwest side of Oakdell Way Road, being approximately 650' northwest of the intersection of Babcock Road and Oakdell Way Road; being 1005.13' southwest of Oakdell Way Road, having a width of 702.96' and a depth of 570'.

The "B-1" zoning is located on the southwest side of Oakdell Way Road, being approximately 650' northwest of the intersection of Babcock Road and Oakdell Way Road; being 450' southwest of Oakdell Way Road, having a maximum width of 702.96' and a maximum depth of 555.13'.

The "B-2" zoning is located on the southwest side of Oakdell Way Road, being approximately 650' northwest of the intersection of Babcock Road and Oakdell Way Road, having 572.04' on Oakdell Way Road and a depth of 450'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

Mr. Peter Parenti, representing Mr. Tom C. Martin, the applicant, described the subject property and the businesses in the area. He stated that the change would be in conformance with the existing uses. He asked the Council for favorable consideration of their request.

Mrs. Helen Newell stated she is opposed to the requested change because she wants to retain the residential character of the neighborhood and that there are enough strip centers already established in the immediate area. She also stated that this would constitute "spot zoning". She then presented a petition opposing the rezoning.

Mr. Russell Adams, 5827 Danny Kaye Drive, submitted a petition of 250 signatures living in Oak Hills Terrace in opposition to the rezoning. He said that Danny Kaye Street is not a City street, nor does it meet the City's standards and it is only 40 feet wide. There has been an increase in traffic since the completion of the Medical Center Apartments. Their main concern is the increase in traffic. He suggested as an alternative that the area adjacent to Oakdell Way be approved for "B-2" and the area which is proposed "B-1" be for Single family residences, or that Danny Kaye be made a non-access easement.

Dr. Nielsen said that he has investigated the problem of heavy traffic on Danny Kaye and can verify that it does exist.

In response to Mr. Pyndus' question, Mr. Camargo stated that Danny Kaye is on a Subdivision Plat which has been approved by the Planning Commission. The Subdivision Plat has not been recorded; it has been withheld pending either improvements required by the City or bonding of those improvements. At this time, the street is a private drive.

Mrs. Sue Adams, 5827 Danny Kaye, also spoke of the severe traffic problem on Danny Kaye.

Dr. Nielsen suggested that the zoning be approved, provided that access be restricted on Danny Kaye on the "B-1" or "B-2" portions, insuring that Oakdell Drive be used.

Mr. Pyndus then moved that the zoning be approved with the change that the middle section, the proposed "B-1" instead be zoned "R-3". Mr. Hartman seconded the motion with direction to Traffic Department for a solution to the traffic situation.

Mr. Parenti stated he would not agree to Mr. Pyndus' motion to zone the middle portion "R-3". He would agree to a non-access easement on Danny Kaye along the northwest boundary of the property proposed for "B-1" zoning. He stated that they have definite use for the subject property.

In response to Dr. Nielsen, Mr. Frank Kiolbassa of the Traffic Department explained the traffic situation to the Council on Danny Kaye Drive.

Mr. Hartman asked that a detailed report by the Traffic Department such as the one presented by Mr. Kiolbassa be included on future zoning cases.

Mr. Pyndus stated that in view of the proponent's agreement to a non-access easement on Danny Kaye, which will ease the traffic situation, he withdrew his motion. Mr. Hartman withdrew his second.

After further consideration, Mr. Pyndus moved to uphold the recommendation of the Zoning Commission and approve the rezoning, provided that proper replatting is accomplished, and that a non-access easement be imposed along the northwest boundary of the property zoned "B-1" Business District along Danny Kaye Drive. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros.

AN ORDINANCE 47,398

AMENDING CHAPTER 42 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 9.202 ACRE TRACT OF LAND OUT OF NCB 13664, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 7800 BLOCK OF OAKDELL WAY ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT; AN 8.750 ACRE TRACT OF LAND OUT OF NCB 13664, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 7800 BLOCK OF OAKDELL WAY ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT; AND A 6.041 ACRE TRACT OF LAND OUT OF NCB 13664, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 7800 BLOCK OF OAKDELL WAY ROAD, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED AND THAT A NON-ACCESS EASEMENT BE IMPOSED ALONG THE NORTHWEST BOUNDARY OF THE PROPERTY ZONED "B-1" BUSINESS DISTRICT ALONG DANNY KAYE DRIVE.

* * * *

Mayor Cockrell asked the staff to continue their efforts in the direction of making Danny Kaye a standard street.

17. CASE 6698 - to rezone Lots 3 and 5, Block 26, NCB 363, 920 San Pedro Avenue, from "H" Local Retail District to "B-3" Business District, located on the east side of San Pedro Avenue, being 56.23' southeast of the intersection of San Pedro Avenue and W. Evergreen Street, having 112.46' on San Pedro Avenue and a maximum depth of 189.4'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Teniente made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained along the east property line. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Black, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Cisneros, Hartman, Nielsen.

AN ORDINANCE 47,399

AMENDING CHAPTER 42 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 3 AND 5, BLOCK 26, NCB 363, 920 SAN PEDRO AVENUE, FROM "H" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE EAST PROPERTY LINE.

* * * *

18. CASE 6690 - to rezone a 23.761 acre tract of land out of NCB 15724, being further described by field notes filed in the office of the City Clerk, in the 12000 Block of O'Connor Road, in the 12100 Block of Independence Avenue, from "B-1" and "B-2" Business Districts to "R-3" Multiple Family Residential District, located on the northeast side of O'Connor Road, 450' northeast of the intersection of Independence Avenue and O'Connor Road, being 110' southwest of Valley Forge Avenue, being an irregular tract of land having a maximum width of 765.98', and a maximum length of 1657.14'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Teniente made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained adjacent to the commercial zoning to the northwest and southeast of the subject property. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Black, Hartman, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Billa, Cisneros, Nielsen.

AN ORDINANCE 47,400

AMENDING CHAPTER 42 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 23.761 ACRE TRACT OF LAND OUT OF NCB 15724, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 12000 BLOCK OF O'CONNOR ROAD, IN THE 12100 BLOCK OF INDEPENDENCE AVENUE, FROM "B-1" AND "B-2" BUSINESS DISTRICTS TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ADJACENT TO THE COMMERCIAL ZONING TO THE NORTHWEST AND SOUTHEAST OF THE SUBJECT PROPERTY.

* * * *

19. CASE 6018 - to rezone an 11 acre tract of land out of NCB 10846, being further described by field notes filed in the office of the City Clerk, in the 3500 Block of W. W. White Road, from "A" Single Family Residential District to "I-1" Light Industry District, located on the east side of W. W. White Road; being 3337.96' south of the cutback between Southcross Blvd. and W. W. White Road, having 472.88' on W. W. White Road and a maximum depth of 1034.20'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Teniente made a motion that the recommendation of the Zoning Commission be approved, provided that proper platting is accomplished, that a 50' building setback is imposed along the east property line, that a six foot solid screen fence is erected and maintained along the east property line, and that a non-access easement be imposed along the south property line. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Black, Rohde, Teniente, Cockrell; NAYS: None; ABSENT: Cisneros, Hartman, Nielsen.

AN ORDINANCE 47,401

AMENDING CHAPTER 42 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 AN 11 ACRE TRACT OF LAND OUT OF NCB 10846, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 3500 BLOCK OF W. W. WHITE ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED, THAT A 50' BUILDING SETBACK IS IMPOSED ALONG THE EAST PROPERTY LINE, THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE EAST PROPERTY LINE, AND THAT A NON-ACCESS EASEMENT BE IMPOSED ALONG THE SOUTH PROPERTY LINE.

* * * *

20. CASE 6671 - to rezone Lot 12 and the north 175' of Lots 30 through 33, Block 1, NCB 11253, 3552 S. W. Military Drive, from "B" Two Family Residential District to "B-2" Business District, located on the south side of S. W. Military Drive, being 126.33' east of the cutback between U.S. Highway 81 South and S. W. Military Drive, having 100' on S. W. Military Drive and a depth of 595.60'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

Mr. Camargo then stated that Mr. Norris E. Henley, the applicant, had submitted a letter at the Zoning Commission hearing requesting that the west 50' of Lot 33, and the east 50' of Lot 32, Block 1, NCB 11253 be excluded from the application for rezoning. It was the Zoning Commission's opinion that the application for rezoning would be the highest and best use of the subject property and they did not accept Mr. Henley's withdrawal of the subject property.

Mr. Pyndus announced that he will abstain from voting in this case because he has some interest in the Union State Bank.

Mr. Norris E. Henley, the applicant, stated he would like the requested change in zoning for the future expansion of the Union State Motor Bank and parking facility. There will be no buildings placed on the subject property.

In response to Mr. Teniente, Mr. Henley said that there is a drainage problem on Briggs. They will elevate 75 feet of the property forcing the water back towards the Bank and Military Drive.

Mr. Estanislao M. Contreras stated he had been opposed to the application but is now in agreement with the recommendations of the Zoning Commission.

Mrs. Carmen Sanchez stated she is opposed to the proposed rezoning because this is a residential area and also fears that the drainage will be worsened. She did not want her area rezoned.

Mayor Cockrell advised Mrs. Sanchez that the Zoning Commission had not recommended the rezoning of all the property down to Briggs.

In response to Mr. Hartman's comment on the drainage, Mr. Camargo stated that platting was one of the requirements imposed by the Zoning Commission. Mr. Camargo stated that there is also a drainage easement along the east property line which would indicate that the water would drain down to this easement.

There was a discussion of the drainage problem at this location during which it was pointed out by Mayor Cockrell that in the replatting process, drainage in this area will have to conform to the surrounding areas. This will be supervised by the Public Works Department.

After consideration, Mr. Teniente moved to approve the rezoning. Dr. Nielsen seconded the motion. The vote was held in abeyance pending the arrival of staff from the Public Works Department. At this point, Mr. Teniente temporarily withdrew his motion and Dr. Nielsen withdrew his second.

Mr. Sergio Rodriguez and Bob Hahn of the Public Works Department discussed the drainage problems of this area with the Council in detail.

After further discussion, Mr. Teniente moved to uphold the recommendation of the Zoning Commission and grant the rezoning, provided that proper platting is accomplished, and that a non-access easement is imposed along Luna Court and on the south boundary of the subject property recommended for approval. Dr. Nielsen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Cisneros, Black, Rohde, Teniente, Nielsen, Cockrell; NAYS: Hartman; ABSTAIN: Pyndus; ABSENT: None.

AN ORDINANCE 47,402

AMENDING CHAPTER 42 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 12 AND THE NORTH 175' OF LOTS 30 THROUGH 33, BLOCK 1, NCB 11253, 3552 S. W. MILITARY DRIVE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED, AND THAT A NON-ACCESS EASEMENT IS IMPOSED ALONG LUNA COURT AND ON THE SOUTH BOUNDARY OF THE SUBJECT PROPERTY RECOMMENDED FOR APPROVAL.

* * * *

21. CASE 6653 - to rezone Lot 11, Block 6, NCB 570, 514 N. Hackberry Street, from "D" Apartment District to "B-2" Business District, located on the east side of N. Hackberry Street, being 140' north of the intersection of N. Hackberry Street and E. Houston Street, having 62.75' on N. Hackberry Street and a depth of 208.33'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Dr. Nielsen made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, and that a six foot solid screen fence is erected and maintained along the east property line. Mr. Billa seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Rohde.

AN ORDINANCE 47,403

AMENDING CHAPTER 42 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 11, BLOCK 6, NCB 570, 514 N. HACKBERRY STREET, FROM "D" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE EAST PROPERTY LINE.

* * * *

22. CASE 6691 - to rezone Tract A, NCB 10918, 9151 S. Presa Street, from "B" Two Family Residential District to "I-1" Light Industry District, located on the southwest side of S. Presa Street, being approximately 2940' northwest of the cutback between S. Presa Street and Southton Road, having 214.4' on S. Presa Street and a maximum depth of 451.4'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be denied by the City Council.

Mr. Camargo also stated that the property in question lies within the Mission Parkway Plan, adopted by the City Council which indicates "R-A" Residence-Agriculture District for this area.

Mr. Camargo also mentioned that the City staff is working to delineate a certain area around Mission Parkway to be placed in a Historic District. The subject property falls within the staff's recommended boundaries, which does not address itself to uses.

Mayor Cockrell advised the Council that at the Mission Parkway hearing, the Chairman of the Committee was very concerned that the City protect the zoning of the Mission Park area.

Mr. Manuel Villegas, the applicant, spoke in Spanish to the Council. He stated that he would like to operate a flea market on the subject property which he intends to lease to his nephew.

Dr. Cisneros explained to Mr. Villegas the situation with the Mission Parkway Plan.

Mr. Billa suggested that this case be postponed until the official boundaries are set. He also mentioned that it could be possible that the value of Mr. Villegas' land might be increased if it is placed within the national designation.

Mr. Villegas stated he would be in favor of a postponement.

Mr. Camargo stated that the staff could be ready in about 90 days for the Council to take action on the City's Historic District of this area.

Mayor Cockrell stated that the Council is very anxious to take action on this matter.

Mrs. Pat Osborne, Historic Preservation Officer for the City, stated that this area is already within the National Historic District.

After consideration, Mr. Teniente moved to postpone the case indefinitely pending action by the City Council on the historic designation of the area. Mr. Hartman seconded the motion. On roll call, the motion to postpone carried by the following vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

Case No. 6691 was postponed.

23. CASE 6620 - to rezone Lot 72-C, Block B, NCB 11508, 208 W. Ligustrum Drive, from "A" Single Family Residential District to "R-3" Multiple Family Residential District for a day care center caring for over twenty (20) children, located on the northeast side of Ligustrum Drive, being 151.7' southeast of the intersection of Ligustrum Drive and W. Cheryl Drive, having 75' on Ligustrum Drive and 120' in depth.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be denied by the City Council.

Mr. Richard Cortez, representing his wife, the applicant, stated he is a school teacher; his wife started to baby-sit to help supplement his income. He stated since that time, a need for the proposed type of facility has arisen throughout the community, therefore, he feels the granting of this request would not change the character of the neighborhood or generate additional traffic in this particular area. Mr. Cortez further stated his driveway is large enough to accommodate six cars, therefore, no parking problems would be generated. In conclusion, Mr. Cortez stated he does not feel the proposed use would be detrimental or change the residential character of this area, on the contrary, he feels the proposed use would be a great service to the community. Mr. Cortez also stated that his wife will only be taking care of 10 to 12 children not 20, but that he does need "R-3" zoning for this. He submitted a petition with 15 signatures in favor of the rezoning request.

Mr. Pyndus spoke in opposition to the requested change based on both the staff's and Zoning Commission's recommendations. He then moved to uphold the recommendation of the Zoning Commission and deny the rezoning. The motion died for lack of a second.

After further discussion, Mr. Teniente moved to overrule the recommendation of the Zoning Commission and grant the rezoning. Mr. Rohde seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus, Cockrell; ABSENT: None.

AN ORDINANCE 47,404

AMENDING CHAPTER 42 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 72-C, BLOCK B, NCB 11508, 208 W. LIGUSTRUM DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT FOR A DAY CARE CENTER CARING FOR OVER TWENTY (20) CHILDREN.

* * * *

76-54 DAY CARE CENTERS

Councilman Billa suggested an investigation of the requirements of change in zoning for day care centers.

24. CASE 6630 - to rezone Lots 1 and 2, Block 49, NCB 3317, 702 Rigsby Avenue, from "B" Two Family Residential District to "B-2" Business District, located southeast of the intersection of S. New Braunfels Avenue and Rigsby Avenue, having 100' on Rigsby Avenue and 150' on S. New Braunfels Avenue.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be denied by the Zoning Commission

Mrs. Edgar R. Quinn, the applicant, stated she is the owner of the subject property, and submitted a petition with over 300 signatures in favor of the proposed change. She described the area and stated that a convenience store will be built on this property to serve the neighborhood. She said that there is no store within walking distance and this would be a great convenience.

Also speaking in favor of the request were:

Mr. Al Mendez, representing 7-11 stores
Mr. Albert Stalowski, 707 Rigsby
Mr. Otis Payton, 1039 Kayton
Mr. Larry Dorch, 604 Highland Blvd.

Mrs. Helen Dutmer, 739 McKinley, said that she was a spokesman for southside residents speaking in opposition. She said this is a dangerous intersection and a convenience store would make it worse. She also said that this would be an intrusion into a residential neighborhood and would also be spot zoning. She asked that the request be denied.

After consideration, Councilman Nielsen moved that the recommendation of the Zoning Commission be overruled and the request for rezoning be approved. The motion was seconded by Councilman Rohde. On roll call, the motion failed to gain the necessary seven affirmative votes: AYES: Black, Hartman, Rohde, Teniente, Nielsen; NAYS: Pyndus, Billa, Cisneros, Cockrell; ABSENT: None.

The rezoning was denied.

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25. CASE 6665 - to rezone Lot 8, Block 13, NCB 11400, 2518 Delgado Street, from "C" Apartment District to "B-2" Business District, located on the south side of Delgado Street, being 213.9' west of the intersection of N. W. 28th Street and Delgado Street, having 52' on Delgado Street and a depth of 162.6'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be denied by the City Council.

Mr. Camargo said that seven affirmative votes would be required to overrule the recommendation of the Zoning Commission in this case.

Mr. Miguel Castillo, 2518 Delgado, said that he wanted to rezone his property so he could have an upholstery shop in his garage. It would be a one man business.

Mr. Richard Guerra, 2439 Delgado and Mr. Joe Hernandez, 2519 Delgado, spoke in opposition. They described the area as being a well kept residential neighborhood and said they were opposed to any business rezoning. They urged the Council to deny this request.

Mr. Castillo spoke in rebuttal saying that he did not plan to have a big business and did not plan to sell his property.

After consideration, Councilman Billa moved that the recommendation of the Zoning Commission be upheld and the rezoning denied. The motion was seconded by Councilman Pyndus and carried by the following roll call vote: AYES: Pyndus, Billa, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros.

The rezoning was denied.

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28. CASE 6610 - to rezone the remaining portion of Lots 21 and 22, NCB 6799, in the 1400 Block of N. W. 24th Street, from "B" Two Family Residential District to "B-3" Business District, located southeast of the intersection of N. W. 24th Street and Blueridge Street, having 90' on N. W. 24th Street and 98.75' on Blueridge Street.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be denied by the City Council.

Mr. Ramiro Ashton, the applicant, said that he wanted this property rezoned so that it could be sold for use as an auto parts store.

Mr. Danny Vara also spoke in favor of the request.

Mr. Jesse M. Flores, 1406 N. W. 24th Street, spoke in opposition. He submitted a petition signed by 24 persons living in the neighborhood who opposed the rezoning. He said this is a neighborhood of modest, well kept homes and they wanted to keep it that way. They urged the Council to deny the request.

Speaking in rebuttal, Mr. Ashton said that this would not be a machine shop. The only machine work would be the resurfacing of brake drums. Otherwise, it would just be a retail store.

After consideration, Mr. Billa moved that the recommendation of the Zoning Commission be upheld and the request denied. The motion was seconded by Councilman Rohde and carried by the following roll call vote: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

The rezoning was denied.

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29. CASE 6650 - to rezone the west 65' of Lot 248, NCB 7846, 106 W. Mayfield Boulevard, from "B" Two Family Residential District to "B-2" Business District, located on the south side of W. Mayfield Blvd., being 187' west of the intersection of W. Mayfield Blvd. and Pleasanton Road, having 65' on W. Mayfield Blvd. and a depth of 343.4'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be denied by the City Council.

Mr. Miguel Hernandez, Sr., the applicant, was not present for this hearing. An effort was made to locate him by telephone but he could not be reached.

Mrs. Juanita Ramirez who resides next door to this property spoke in opposition. She submitted a petition bearing 24 signatures of neighbors who also opposed the rezoning.

Also speaking in opposition were:

Mrs. Jean Dubois
Mr. Al Nott
Mr. Erwin Marshall
Mrs. Janie Gonzales

After consideration, Councilman Teniente moved that the recommendation of the Zoning Commission be upheld and the rezoning denied. The motion was seconded by Councilman Hartman and carried by the following roll call vote: AYES: Pyndus, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Billa.

The rezoning was denied.

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76-54 The meeting was recessed for lunch at 12:20 P. M. and reconvened at 2:10 P. M.

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76-54 ZONING HEARINGS (Continued)

26. CASE 6667 - to rezone Lot 78, Block 2, NCB 11314, 1601 S. Gen. Clements McMullen Drive, from "F" Local Retail District to "I-1" Light Industry District, located northwest of the intersection of S. Gen. Clements McMullen Drive and Menefee Blvd.; having 516.84' on S. Gen. Clements McMullen Drive, and a total of 620.38' on Menefee Blvd.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be denied by the City Council.

Mr. Camargo advised the Council that seven affirmative votes would be needed to overrule the Zoning Commission in this case.

Mr. Sidney Epstein, the applicant, said that he presently maintains an office at the location under consideration. His business is building houses and he asked for rezoning so he could place a lumber yard there. He said there is ample room and would not interfere with anyone.

Mrs. Delia Galindo spoke as a representative of the Edgewood Independent School District saying that a lumber yard would create traffic problems and would disturb the residential character of the neighborhood.

Mr. Manuel Chavarria submitted a petition signed by nine residents in the neighborhood opposing the rezoning.

Also speaking in opposition were:

Mrs. Ophelia Franco
Mrs. Maria Trevino
Mrs. Maria Chavarria

Mr. Epstein spoke in rebuttal and urged the Council to approve his request.

After consideration, Councilman Teniente moved that the recommendation of the Zoning Commission be upheld and the rezoning be denied. The motion was seconded by Mr. Rohde and carried on the following roll call vote: AYES: Pyndus, Billa, Black, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: Cisneros, Hartman.

The rezoning was denied.

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27. CASE 6672 - to rezone Lots 25 and 26, and the east 12.5' of Lot 24, Block 25, NCB 1947, 1600 W. Summit Avenue, from "B" Two Family Residential District to "B-1" Business District, located southwest of the intersection of W. Summit Avenue and N. Calaveras Street, having 70.8' on W. Summit Avenue and 144.5' on N. Calaveras Street.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be denied by the City Council.

Mr. Camargo said a beauty shop had been in operation at this location several years and was brought to the staff's attention during a recent zoning hearing.

Mrs. Lupe Flores, the applicant, said that she has had a beauty shop in operation at this location since 1970. It had previously been occupied by a doctor and she just assumed that it was zoned for business. She asked that the property be rezoned so that she could continue to operate there.

Mrs. Elvira Cantu, 1601 W. Huisache, also spoke in favor of the rezoning.

Mrs. Mary Bailey, 1614 W. Summit and Mrs. Carmen Rodriguez, 1632 W. Summit, spoke in opposition saying that they did not want business to encroach into the single family residential neighborhood. They urged the Council to deny the request.

Mr. George Vann, Director of Building and Zoning Administration, said that under the City's old zoning regulations, a doctor's office could be operated as a home business. That is no longer the case. There are no provisions in the law to operate a beauty shop as a home business either.

Dr. Nielsen reminded the Council that about a year ago the matter of permitting a one chair barber or beauty shop to operate as a home business was discussed and turned down. He suggested that the Council might wish to reconsider its past action and consider amending the zoning code to permit beauty shops as a home occupation by special permission of the Council.

After consideration, Mr. Billa moved that the recommendation of the Zoning Commission be overruled and the request for rezoning be granted. The motion was seconded by Mr. Rohde.

Mr. Pyndus offered a substitute motion to deny the request for rezoning. The motion died for lack of a second.

Mr. Hartman then offered a substitute motion to postpone action on this case for 90 days during which time the staff be directed to prepare an amendment to the zoning ordinance to provide for one operator barber or beauty shops as a home occupation. The motion was seconded by Mr. Rohde and on the following roll call vote, was passed and approved: AYES: Pyndus, Billa, Cisneros, Black, Hartman, Rohde, Teniente, Nielsen, Cockrell; NAYS: None; ABSENT: None.

Case No. 6672 was postponed for 90 days.

76-54

CITIZENS TO BE HEARD

RAUL RODRIGUEZ

Mr. Raul Rodriguez addressed the Council concerning the appointment of a new City Manager. He then focused his comments on one individual and began to give reasons why he felt this person should not be appointed.

Mayor Cockrell advised Mr. Rodriguez that the Council's policy is not to permit personal remarks and comments and ruled him out of order.

MRS. HELEN DUTMER

Mrs. Helen Dutmer, 739 McKinley Avenue, stated that a zoning case had been approved in the Steves and Walters Avenue area. She stated that approval of this case is against the public good and citizens will be required to spend their hard-earned money to fight the case in District Court.

MRS. KAY BROWN

Mrs. Kay Brown spoke of the proposed master plan and stated that this plan does not reflect new schools and hospitals. She said growth generators are needed in the Southside and other segments of the City other than the Northside. She felt that there was not enough citizen input into the master plan.

Mayor Cockrell stated that this master plan project was started over a year ago. The growth sketch presented by the Planning Commission shows the beginning of trying to make direction and incentive of having more balanced growth in the City.

Mr. Hartman agreed with Mayor Cockrell and stated that the growth sketches presented by the Planning Commission is a first phase, as a yardstick, so to speak, of a planning process that is going to take some months to finish. The next phase will be a fiscal analysis which will look at the cost factors. This represents merely the first level upon which some sound decisions can be made.

MR. PHIL KOEHNE

Mr. Phil Koehne, 402 Mary Louise Drive, stated he had been to Peoria, Illinois to attend the semi-annual Board of Directors' Meeting of the National Buffalo Association and were the guests of the Metropoliton Sanitary District of Greater Chicago. The Metropolitan Santiary District of Chicago utilizes an anaerobic sewage process which Mr. Koehne described in detail to the Council.

Mayor Cockrell asked Mr. Koehne to contact the Department of Public Works to discuss this system with them.

76-54 The meeting recessed at 3:40 P.M. and reconvened at 5:00 P.M.

PUBLIC HEARING REGARDING INTERIM STANDARDS OVER THE AQUIFER

MAYOR COCKRELL: This is a public hearing that has been called to consider testimony from the public regarding the possibility of establishing interim requirements over the Aquifer. It's a joint meeting with the City Planning Commission and on behalf of the Council I want to state that this is a public hearing. We will hear the testimony. Several members of the Council have already indicated that they would prefer not to take any final action today but to hear the testimony and have the opportunity to review it carefully. I wanted to advise you of that as we start into the hearing. As we begin our public hearing I want to start out by calling on City Council member Dr. Cisneros to review the background of the study that the committee has done and to report to us on just what the proposal is that is pending.

DR. HENRY CISNEROS: Madam Mayor, I'll be very brief. I would like your permission to use some charts and I think that'll speed the process up and perhaps make it even more clear.

MAYOR COCKRELL: Fine.

DR. CISNEROS: Madam Mayor, after the Council decided earlier this year to consider zoning cases over the Aquifer on a case by case basis it became fairly obvious early on that there was a need for some additional information to prevent each zoning case from being a re-fight of basic policy questions on the Aquifer. We had commissioned a study, which study was proceeding but would not be complete for a certain period of time and it became apparent that we needed some more factual basis on which to base policy over the Aquifer. So we began to look at possible places where such standards might be available. It became obvious early on and there was a good deal of support across the community that, as an interim policy, something like the standards utilized in the Ranch Town case might be applicable. The logic was basically that if a federal district court judge decided that a particular mix of standards would serve to protect the water supply to a reasonable degree in the absence of firmer information in one part of the Aquifer namely, that part under the Ranch Town area, then presumably such standards would be equally effective in other parts of the Aquifer.

The San Antonio Ranch Town rules address four major sources of water pollution in an urban area. They talk about solid waste, they describe urban runoff and dangerous liquid that might occur from accidental spills. The authority for enforcement of the Ranch Town regulations come from a number of different sources. They are the San Antonio Ranch and HUD commitments which are part and parcels of the financing team under which the Ranch Town proceed. There's the Texas Water Quality Board Edwards Order which is the same one that applies to other parts of the Aquifer. There's the Texas Water Quality Board San Antonio Ranch Phase I Subdivision Regulations Special Standards developed for the Ranch Town by the Texas Water Quality Board. Then there are deed restrictions and covenants in place for San Antonio Ranch and they cover these four different possible areas of pollution.

For the rest of the City and the rest of the area of the area within the City limits and over the Aquifer there are similar sets of regulations that cover these problems. The problems of domestic sewage is pretty well covered in the rest of the City over the Aquifer, not the Ranch Town, but thre rest of it by the Texas Water Quality Board Order. The Solid Waste provision of the Texas Water Quality Board Order at least within the same tolerances that are allowed in the Ranch Town enforcement apply to the rest of the area as well. The dangerous liquids and spills issue is one that we discussed last year when we passed an ordinance ourselves dealing with the zoning overlays for the area within the City limits over the Aquifer.

So, between the Texas Water Quality Board Edwards Order, the City's own zoning ordinance, the platting and subdivision review authority that we have and the City's Aquifer Protection office, we pretty well have these three areas covered. We're notably weak, however, in the problem of addressing urban storm water runoff that appears to be in the minds of most experts to be the most serious issues to be dealt with

relative to possible pollution of the Aquifer. Urban storm water runoff, basically, is the flow of drainage from property and in streets to possible entry into recharge points. The danger is that such runoff carries with it street debris, grease, artificial fertilizers, pesticides, herbicides and other by-products of development. The Ranch Town expert said that such items are constituted of non-biodegradable organic carbons, bacteria virus and toxic chemicals. The recommended solution in the Ranch Town case was to urge a detailed geological and hydrological mapping of the entire Ranch Town site to locate sensitive areas to conduct extensive monitoring of surface water runoff and to attack the sources of urban runoff pollutants.

What was necessary, then, was for the City to deal with the problem of urban storm water runoff, but the initial problem was that in attempting to devise standards that approach the restrictiveness of the Ranch Town rule, we found that the law in that area was pre-empted by the state. However, the City Attorney was able to find a section of the Texas Water Quality Act which states that if a City proceeds, not on the basis of developing an overall pollution abatement program to deal with storm water runoff, then the state law allowed that municipality to develop such a program and not be pre-empted by the state law. So, and very briefly, the language of that section, I'll not read it all, but the language section says the following: "Every city in this state having a population of five thousand or more inhabitants shall or may establish a water pollution control and abatement program for the city. The water pollution control and abatement program shall encompass the entire city and may include areas within the extraterritorial jurisdiction." That's an important point because it gives us some authority within the ETJ that we didn't have before.

It goes on to describe the things the city can do. The development and maintenance of an inventory of all significant waste discharges. The regular monitoring of all significant waste discharges. The collecting of sampling and conducting a periodic inspection, etc.

So, what we did, basically, was to put together a program which would be called a pollution abatement program to deal with the problem of urban storm water runoff which was notably left unattended in the present array of .....inaudible..... and there are several elements to that pollution abatement program which I will now run through.

Number One: Applicants for zoning cases for property located over the Recharge Zone or related areas within the city limits and applicants for platting within the city limits or the city's extraterritorial jurisdiction be required to submit a certified engineering report. This report would include: a) An on-site survey of property to determine possible recharge or sensitive areas, its relationship to nearby sensitive areas and the depth of the top soil on the site. b) It would include the definition of the contours of the land, its slope and drainage characteristics on the site as well as drainage flow from the site. c) It would include some note of the flow characteristics of storm water runoff from the site and its destination as it reaches the nearby sensitive point. Finally, the relationship of the site to the Water Quality Board well monitoring program. This report should be submitted by the developer from a professional registered engineer and must be re-checked by the city Aquifer protection office to be verified against information held in the Edwards office in the USGS.

Second, the committee proposed an increase in platting fees would be required for all property within the scope of the pollution abatement program in order to pro-rate the cost of augmenting the city's Aquifer Protection office to monitor that process recommended.

Thirdly, it is recommended that an intensive anti-pollution municipal street sweeping program, such as recommended in the Ranch Town case, be developed. The cost of that program would be charged on a monthly basis, the cost of services basis in the program area.

Fourth, the Director of Public Workds would develop a surface water monitoring system to do a scientific analysis of the first flush of flood water to determine just how laden it is with chemical herbicides,

bacteria virus that sort of thing. Finally, the zoning uses prohibited in the city zoning overlay be prohibited in the ETJ as well, which we cannot do with zoning powers but we could do under the onus of the platting provision in the pollution abatement program.

So to sum up, Madam Mayor, what we end up with then is this: we put together a pollution abatement program which would constitute an additional enforcement authority in addition to those that already exist over the Aquifer. The Texas Water Quality Board Edwards Order, the City Zoning Ordinance, Platting Subdivision Review, City Aquifer Protection Office and a pollution abatement program. What that would do then is fill in the missing gap by providing some measure of interim standards at that point. The interim standards then would cover the problem to the extent that present law and present technical information and present scientific analysis suggests. Now, obviously, the main argument to be made against any interim standards is that they ought not proceed at a time that we are spending $250,000 to do a study which is to determine finally on a scientific basis just how much potential and probability exists for pollution and when we have that question answered no standard that could be proposed would be adequate and that's a pretty good argument. But on the other hand the Council doesn't have that study ready. The Council has not seen fit to this point to deal with the question of not dealing with zoning cases at all and so we are dealing with zoning cases and what applies in one area to the Aquifer seems to me would be applicable in another area of the recharge zone and that is the purpose of the interim standards.

It has not been possible to put together a package in one ordinance as we originally thought and so what the Council is considering now is a set of three, I believe, different ordinances put together by the Public Works staff which together constitute a pollution abatement program and carry out the recommendations of the committee.

I might add that the committee included developers Stanley Rosenberg and Charles Dempsey. It also included representatives, too, from the C.O.P.S. organization, Father Benavides and Brother Gelhard and Lanny Sinkin from the Aquifer Protection Association. None of those people are entirely happy with this but it was as close as we could get to anything like consensus and the Council has to realize that that's what we're working with.

MAYOR COCKRELL: Thank you. Mr. Hartman.

MR. HARTMAN: Dr. Cisneros, before you leave, the basic purpose, I think, for which the Metcalf - Eddy was initiated, of course, was to hopefully once and for all get over the, my expert is better than your expert syndrome we've been running around with for the past few decades is that, I think, perhaps the basic point of departure on the Metcalf - Eddy study. In fact we would have one single expert. I would like to, therefore, raise several questions, one which relates to the matter of expertise. On the first provision wherein we have a certified engineering survey, of course, that would be the developers engineer. I would assume that he would select an engineer who he would employ and who he would identify as one that he could perhaps predict the efficacy of the standards. So that part of the problem we still have to deal with. Now I don't know what else might be done to tighten that part up.

DR. CISNEROS: Well, I think there are a couple of ways to deal with it. Honestly, if the problem is the creditability of the engineers there is really not alot that you're going to be able to do about that other than maybe to establish a preferred list. I hadn't really thought about it, but put forth a list of people that would be acceptable to the Aquifer protection office of the City or something of that sort. I do not know the legality of that and I have not thought it through but that's one way that seems to me to be obvious to deal with the credibility part because if you don't have confidence in the credibility of a professional registered engineer then the whole process breaks down.

MR. HARTMAN: Okay, what I'm doing is just identifying some areas that I think we need to tighten up on. The second area is one involving street sweeping which I think you quoted a case from the Ranch Town study. Now, the Texas Water Quality Board has, to coin a phrase, hot and cold on this - we have in the meantime had street sweeping is the greatest thing

since Hadacol and the next time they say don't worry you don't have to buy them they're no good. I think that we're currently at that stage where they say they're no good. I don't know if the street sweeping per se, I don't think there's any evidence that necessarily indicates this helps with regards to getting rid of certain pollutants but I think from now on we ought to look more specifically at the .....inaudible..... of that provision.

The third point is with regard to the surface water monitoring. Now, we do have correct me - is Mel somewhere around here - Mel we have currently, what are the monitoring wells that we have, how many, but where the Metcalf - Eddy study is envisioning, I believe, a total of 40 which actually addresses the whole matter of flow. Now, with our present monitoring what is the degree that we can get, what does this now tell us?

MR. SUELTENFUSS: The existing monitoring wells, of course, have been placed and identified by the USGS and the Water Board and the Edwards Underground jointly. Now what do they tell us by sampling these wells you obviously can get chloroform count and, of course, all of your chemical analysis that is what is presently being done. I don't know if I'm answering your question.

MR. HARTMAN: Yes, but actually have we found that this method really, have we really found it to be effective with the number of wells we now have.

MR. SUELTENFUSS: Well, it indicates in those particular wells, again I think this is part of the Metcalf - Eddy study to indicate that they feel, particularly in the recharge zone itself, now they feel that the other wells in the water bearing stratas are sufficient. It is in the recharge zone that they are concerned about.

MR. HARTMAN: They have said in effect that they feel in order to get an adequate or accurate picture they're going to have some additional wells so I'm just wondering how far of that degree of accuracy they have indicated can we now achieve by the well monitoring program.

MR. SUELTENFUSS: I think their additional wells were primarily concerned with transmissibility and this sort of thing. I think they feel that the existing wells that we have for monitoring are probably adequate for quality determination.

MR. HARTMAN: Okay, thank you.

MAYOR COCKRELL: All right, before we proceed there are five citizens registered to speak and before we proceed with them I want to ask if there is any member of the Planning Commission who has any comment or question at this point. All right, yes.

DR. CISNEROS: Mr. Hartman asked a question. I feel I must say that I don't pretend to be an expert at all in this area. I have absolutely no engineering or hydrological training that would suggest that. The only thing I attempted to do was to get the issue off of dead center in terms of having just an arbitrary basis of information to make decisions on cases by moving the standards at least a slight distance further toward presumably what some technically competent people have said is an acceptable and reasonable measure of standards and that is the Ranch Town case. Now, what would we have if we accepted these interim standards would be basically an application of those rules applying in the Ranch Town case to the whole area over the Aquifer. I'm not saying that's adequate, I'm not saying it's not adequate, I'm saying it's at least that and it would provide the Council with a better set of information for making discretionary decisions on individual cases which I think is a little bit better than the condition in which we find ourselves now. Presumably, it's not as good as we will have when we finish with Metcalf - Eddy, nor is it perhaps as acceptable to some as having no controls at all, nor is it as acceptable to others as having a moratorium on all zoning but it is better than what we have now which is a case by case analysis with little information on the runoff problem.

MAYOR COCKRELL: Thank you, Dr. Cisneros. We'll now go to the citizens

who are registered to speak. The first one is Seagal Wheatley.

MR. SEAGAL WHEATLEY: Thank you, Madam Mayor. My name is Seagal Wheatley. I'm here today as a member of the Chamber of Commerce, actually a member of the Community Development subcommittee of the Chamber. Byran Leflore, who is our chairman could not be here today so I happen to be in the office and was asked to come and make their statement to you. The Chamber's Board of Directors has not had an opportunity to efficiently review the question of interim standards. The Community Development subcommittee has at a meeting which we recently held and because your meeting came along at this particular time the Chamber's Board has just not had time to review them on a formal basis, however, the Community Development Council of the Chamber which does formulate policy and recommendations for the growth related issues has discussed the proposals submitted by Councilman Cisneros and earlier this month approved a resolution approving the establishment of these standards and our recommendation and resolution from our committee is presently on its way to the Chamber's Board of Directors which we hope and have every reason to believe it will be formally approved.

I would like to comment on the items listed on the agenda today in terms of possible ordinances that you may be considering. The proposed ordinances call for engineering reports to be submitted as a part of application for subdivision, platting and zoning approvals in the Recharge Zone. We think that's a very sound suggestion and I concur in that suggestion as it has previously been noted. It raises the pool knowledge, I think, that this Council needs to have available to it in making recommendations for approving development in this area. I would only suggest that such a course be submitted to the City staff persons who obviously on an expertise basis are qualified from an engineering standpoint to evaluate the technical data and to those staff members who would then bring forward recommendations to the Council based on their report. I certainly think that the action that is proposed today is in keeping with what the Community Development Council of the Chamber has in mind and we wholeheartedly endorse the proposed ordinances.

MAYOR COCKRELL : Mr. Wheatley, I'd like to ask you a question or two. I'm asking for something where I'm really just asking your predication about something. Should the Council, by a majority vote, adopt the interim standards there has been concern expressed that, in effect, this will just open the door for sort of a wholesale stampede to get rezoning. Now, what do you see as a predication in this way? Do you think that from your contact in the Chamber do you think that there will be a number of persons - it's going to be a year and 3 months at least before we have the report of the consultants and probably it will take several months thereafter to develop the final Council policy. That's a year and a half off. The concern is how many zoning cases would be processed and would be approved and what possible degree of danger there could be should the consultants report, say, these standards really weren't good enough, what would we have done to ourselves in that period ot time? What do you foresee?

MR. WHEATLEY: Well, in the first place I obviously do not have precise feel for the question of will there be a flood of zoning applications. I do think though that there probably will be a slow down in the process which is warranted, I think, in terms of the reviews that are going to be taking place when those are filed. I think, too, that possibly developers though in this particular area of town are going to slow down a little in terms of what they're going to have to do in order to get their applications ready for recommendation or disapproval by the City Council. So I think that while in one hand you might feel developers would have a flood, as you say, in rezoning I think the process itself in the time that it's going to take in that review is going to lend a good sense of balance of it and I don't see an onslaught, if you will, of those being kicked out of the Council.

MAYOR COCKRELL: Of course, since the referendum there has not been a large number of cases. There have been some cases, not a large number. I'm just trying to get a feel of what would be the probable result of the Council passing the interim standards.

MR. WHEATLEY: In terms of the increases I really don't know, Madam Mayor. I do think that the developers just from my observation would appreciate knowing some certainty to the process and in terms of that certainty I don't think they would object to having to live up to the interim standards and to go to the extent that is necessary.

MAYOR COCKRELL: Thank you, sir. Dr. Nielsen.

DR. D. FORD NIELSEN: I have one question. Do you have any kind of idea, being related to some development in this County, as to whether or not the whole uncertainty of eventual so called final standards is going to influence people just basically to stay out of that gray area. It's sort of another side of the question that she asked.

MR. WHEATLEY: Oh, I think you see a slow down already in the economy, I do. Particularly land owners not knowing what's going to happen out there.

DR. NIELSEN: Thank you.

MAYOR LILA COCKRELL: Thank you. Rowena Rodgers.

MS. ROWENA RODGERS: I'm Rowena Rodgers, President of the League of Women Voters of the San Antonio area. I'd like to say that the League of Women Voters of the San Antonio area, as you know, has consistently asked for a moratorium on the zoning of property over the recharge zone of the Edwards Aquifer since the January, 1976 referendum. The League still asks that all zoning changes be delayed until after the Metcalf study, Metcalf and Eddy study of the Aquifer is completed. The Council can take action based on the study findings. We do realize this means another year like 1976 without zoning changes to individual pieces of property.

We recognize the value the proposed interim standards for the platting of subdivisions, and would support the use for that, provided that they are truly interim standards and are approved with the provision that there be an automatic expiration of these once the Metcalf and Eddy study has been received and implementation of the findings is a fact. And, of course, then hopefully whatever they recommend would be instituted.

The League of Women Voters wishes to thank the City Council and City Planning Department for the scheduling of this hearing and opportunity to make a statement.

MAYOR COCKRELL: Let me be sure I understand your position. Number one, you still support the concept of no zoning change until after the study is complete and, number two, you approve the interim standards for subdivision plats. Is that correct?

MS. RODGERS: Yes, we think the interim standards for the subdivision plats as long as they are interim, would be a good thing. If you're going to go ahead and zone you better have some standards.

MAYOR COCKRELL: Yes, all right.

MS. RODGERS: We would like to see a moratorium on the zoning.

MAYOR COCKRELL: So, in other words your first preference is for the moratorium and then in the absence of moratorium then this would be a second choice. Is that what you are saying? Dr. Nielsen.

DR. NIELSEN: We're really not dealing with any standard as such. We're talking about requirements. Standards, as such, are still so vague that we don't really know what they're finally going to be.

MAYOR COCKRELL: Thank you, very much. Faye Sinkin.

MRS. FAYE SINKIN: It's five minutes. I better rush. We are thoroughly confused by the two ordinances that are proposed. Prior conversation with proponents of interim standards were all addressed to Ranch Two standards, which included vacuum sweeping and holding ponds and runoff regulations as well as an engineering report. The two ordinances that I read are not Ranch Town standards, but require only a engineering report. Report on what? With that kind of required substantial information and proof, I don't see that there are any on that. What we need is Ranch Town standards or whatever for existing zoning on the recharge and drainage area of the Edwards and for subdivision platting in the ETJ, both of them. A power that will strengthen the two available to the Council to protect the quantity and the quality of the water.

In addition, we foresee continued pressure on the Council for additional rezoning in the recharge and drainage area. Another case is to be heard before the Zoning Board next week. The only true way out of the dilemma is to untable the moratorium and to vote affirmatively for it. Among the items of study for Metcalf and Eddy is the question are certain lands in the recharge and drainage zone of the Aquifer so susceptible to pollution entry that they should be purchased and placed in the public domain for purposes of protection? At this time we do not know the answer to this question. We do know that a study performed by a member of the APA Board in cooperation with the Bureau of Economic Geology at the University of Texas indicated there were approximately 15,000 acres that were sensitive and should be purchased. While this study was no where near as detailed as the Metcalf and Eddy study will be, the rough indication that substantial sensitive land is a good starting point for discussion.

But if you up-zone further land, may risk granting a zoning on sensitive areas. Up-zoning a tract which Metcalf and Eddy recommends for purchase later may mean the City will have increased the price it has to pay for the land by granting the zoning, since a charge upward in zoning substantially increases the value of the land. We saw that in a number of cases. Up-zoning may lead to construction on land Metcalf and Eddy later recommends for purchase. If such construction takes place the purchase price would be raised tremendously.

The City Council decided to do the Metcalf and Eddy study as the direct result of the Aquifer referendum. The reason given by the Mayor was that she interpreted the vote to mean the general citizenry did not have confidence that decisions were being made based on adequate information. The Council generally accepted that line of reasoning. To continue zoning while the study is under way is inconsistent with the reasons of the study. If there is not adequate information for proper decisions to be made then how can decisions continue to be made.

There is a price to pay for continued zoning. First, the actions of a moratorium means continual confrontation at City Hall over every zoning change in the drainage and recharge zone. If the interim standards are adopted with no moratorium we fully expect the zoning battle to escalate as developers try to get new zoning by satisfying the interim standards before the Metcalf and Eddy suggests something more substantial. This escalation could destroy the efforts of those land owners who are now urging restraint in the seeking of new zoning. Such confrontation is not in the best interest of the City.

There's a second price to be paid for continued zoning. APA is the totally volunteer organization with limited amount of energy to expend. If we are required to extend energy fighting zoning cases, then there will be less energy available for seeking money sources for purchase, and for educating the general public in other counties, which we intend to do.

On the money for purchase issue it should be noted that both the Department of Interior and the State Parks and Wildlife, have confirmed to us that purchase of the sensitive area of the recharge zone are legitimate uses for the funds available. In addition President Ford has recently signed a bill tripling the land the water conservation funds for 1980. With strong advocacy by the Council and citizen groups we can, can I ask for just a few more minutes?

MR. BOB BILLA: That's all right Mayor, let her go ahead.

MRS. SINKIN: I'll hurry, we can with strong advocacy of the Council and the citizens group, we can respect the constitutional guaranty of property rights by purchasing those sensitive areas identified by the Metcalf and Eddy study. The City Attorney has given his opinion that the City Council can safely enact a moratorium for a time period during which the machinery of zoning is in the process of change. The fifteen months for the completion of the Metcalf and Eddy project is such a time period and logically could be adopted by the Council. This City Council can resolve the moratorium question and lift the burden of zoning confrontations from the next Council. We know the difficulties of the moratorium route for some of you. But weighted out with other difficulties and accepting it on its merits for the future we do hope you will be convinced it's the right thing to do. Thank you so much.

MAYOR COCKRELL: Thank you. Father Benavides.

FATHER BENAVIDES: We from C.O.P.S. would like to point out that every citizen based organization and every consumer oriented group that has appeared before this Council on this topic has advocated a moratorium - complete and a total moratorium during the time of Metcalf and Eddy study. It has been only the developers and their lawyers that have embraced these interim standards completely. I feel that it is they who are chomping at the bite. It is they who, when the interim standards are accepted, will come engineering reports in hand asking to develop the recharge area.

If you remember the City Water Board issues and the fact that when the City Water Board was contemplating changing the price of its wholesale water - changing the Community Water Development Fund that in the midst of that controversy there was at the City Water Board many more requests for wholesale water contracts and approach mains under the Community Water Development Fund than what they ordinarily had. That there was a run on the City Water Board in order to get the contracts and get the approach mains before anything was changed. We feel that the same thing will happen here.

It's only they who are asking that these standards be accepted. Every citizen based organization, every consumer group has advocated strongly a complete and total moratorium. We feel that the best course to follow is before a decision is made that you have every bit of information possible. We feel that the information that is being developed by the Metcalf and Eddy reports should be information that you should wait upon before you make a decision. We feel that the consequences of not doing that might be very disasterous for our community. If you do declare a moratorium and if, after the one year, three months Metcalf and Eddy study, you can develop on the recharge area without damaging the integrity of the water, what will you have achieved - only a delay of a year and three months. But if the standards are adopted and if there is development and we predict that it will be extensive development and then the Metcalf and Eddy people come and say we're sorry but development will damage the integrity of the Aquifer then what will we have achieved - not only a time delay but the very strong possibility of having our principle water supply contaminated and the cost that will derive from that. We don't feel that that's a risk that this Council can take. We feel that if the Council has taken the step of first finding out what effect development will have on our water, that it should wait until it has those answers before it takes a step.

We feel that the precedence for this has been established. You took that step with junkyards. A moratorium of six months in order to study the issue more. So, we feel that our principle water supply is much more precious than our junkyards. We feel that the logic applied to one should be applied to the other. We want a complete and a total moratorium on all zoning cases until such time that the Metcalf and Eddy study has been completed. And we feel that to do otherwise would be to take a risk that could very well prove disastrous for San Antonio in the future. We ask that it be untabled. That the moratorium issue be untabled. That you reconsider it and that you enact the moratorium for the good of us now and for the good of us in the future. The Edwards Aquifer is simply too precious a resource to gamble with, and we strongly urge that that gamble not be taken. That we play it safe. San Antonio has been burned too many times and we feel that we should avert this latest tragedy if the standards are accepted.

MAYOR COCKRELL: Thank you, Father Benavides. That concludes the persons registered in the hearing.

DR. NIELSEN: May I ask Mr. Sueltenfuss a couple of questions here?

MAYOR COCKRELL: Yes, certainly.

DR. NIELSEN: Mel, one of the considerations we discussed when we had the "B" Session on this was that, and I assume now that this statement on whatever ordinance that is "the report shall be reviewed by City engineers for the...(inaudible)...shall be filed with the City's Aquifer Protection Office." This is the question I raise which is the, somewhat the same question Glen raised and that is, that we've got to put this as much as possible in the area of the professional. Granted there may be some difference of opinion but in the area of professional experience, expertise and what have you. And does this resolve that question, this statement right here. That I raise about addressing this insofar as practical and realistic at the point of engineers to engineers - the opponent's engineers and the City engineering staff. Is that, is this statement a result of that?

MR. MEL SUELTENFUSS: Right. I think administratively, I would envision going one step further. Also checking with USGS and the Edwards Aquifer Underground and other agencies on some of the authenticity if there is a question in our mind as to the accuracy of the report. Now, I don't know if that answers what you're saying, but I think that we have an obligation also even though we're dealing fellow professionals also to kind of look at the accuracy and the authenticity of what's.....

DR. NIELSEN: And your staff, whether there's one or two or three of these, would have, not only your own evaluative process relative to whatever has been going on, but USGS or TWQB or anybody else's engineers and so-called experts to boost the opinion of the proponents engineers also.

MR. SUELTENFUSS: Connection with subdivision plat, for example, that would also accompany the report to the TWQB as far as their rating. Because all subdivision plats over the Recharge Zone have to go to the Texas Water Quality Board. So there would be another protection.

MR. ROHDE: Mayor, I have a question.

MAYOR COCKRELL: Yes, fine.

MR. ROHDE: Mel, in your opinion, as an engineer, the report that's being required by this ordinance, what would it cost the developer to replat and get a report? Not the replatting, but just to get the engineering reports required under this ordinance?

MR. SUELTENFUSS: Obviously, it would vary with the size of the tract.

MR. ROHDE: Let's just say it was five or ten acre tract.

MR. SUELTENFUSS: And I would say that you're probably talking in the neighborhood of $400 to a $1000 in the neighborhood.

MR. ROHDE: I haven't gone through this in detail but supposing you have a subdivision already subdivided and you have land all around you and whatnot. Is that excluded from this and if it's not, why not? It's already been subdivided into lots.

MR. SUELTENFUSS: Well, if a subdivision has been subdivided into lots, there would be no further action that would come to the City. You would have not subdivision plats only in the case of rezoning, if there was a rezoning case.

MR. ROHDE: I'm asking but suppose you rezone the land into subdivisions that have already been subdivided and there's land, commercial land, around you already that, would that have to be, would that come under this ordinance?

MR. SUELTENFUSS: No, only that portion that was subject to rezoning.

MR. ROHDE: .....that's been replatted already, that's my question.

MR. SUELTENFUSS: But you'd still be subject to it under the zoning, the rezoning requirement.

MR. ROHDE: It would be.....

MR. SUELTENFUSS: Yes, it's under both. There are two ordinances. You have one on zoning and one on the new subdivision plat.

MR. HARTMAN: Any kind of use change.

MR. SUELTENFUSS: That's right. Any change is zoning. They would have to submit the same date on the zoning case and they would on the subdivision plat.

MR. HARTMAN: If it has not been previously submitted.

MR. SUELTENFUSS: If it has not been submitted in connection with the subdivision plat.

MAYOR COCKRELL: Dr. Nielsen.

DR. NIELSEN: In response to Mrs. Sinkin's concern that she used the word standard, which I have a problem with, but if we just ignore the consideration of standards and talk about requirements we spelled out here in terms of definition and location of sensitive areas, slope, top soil, what else did we have? Well, contour and slope go together. What other base perimeters are we talking about here?

MR. SUELTENFUSS: Also the relationship to the nearest receiving stream and then the ultimate destination of the surface water runoff is also a problem.

DR. NIELSEN: So, we do have some perimeters that we're dealing with very specifically in this ordinance.

MR. SUELTENFUSS: I might take just a minute to explain this so there's no confusion about it. We have two separate ordinances. One amends the zonin ordinance. One amends the subdivision regulations. There'll be a third ordinance that will cover those things on staff direction which will be incorporated in an ordinance establishing the water abatement control program. This is a legal deal. We did have to amend the subdivision regulations and the zoning ordinances. So, they will, in effect, be.....

REV. BLACK: ...(inaudible)...

MR. SUELTENFUSS: That's right. That will be covered in the Water Pollution and Maintenance Program, and that will be a third ordinance that will be a longer ordinance, that you have which....

MAYOR COCKRELL: Yes, Dr. Cisneros.

DR. CISNEROS: Yes, Madam Mayor. After a number of people had an opportunity to speak, I just want to state again the intention with which this was promulgated. You'll recall that immediately after the referendum there was

a vote on the moratorium and it didn't pass. And the result of that was that we did continue to have cases and a number of those cases did pass, several of them. I can't remember exactly the cases, but several did pass. Several failed. And it became very clear to me, rather I sensed that there was no particular logic, if you will, in which were passing and which were failing. No particular standards or criteria involved. It seemed to me at that time that this was in fact spring and early summer, that there was some value in putting forward tighter criteria as long as A) there was going to be no moratorium B) cases, some cases will not be passing. We'd at least have a better feel. It was not the intention to open up the floodgate, and I frankly don't believe that that would happen, and it would not, it was not the intention to, to remove any measure of discretion from the Council because the Council will still maintain discretion on each and every zoning case. And I, for one, have, will have absolutely no compulsion to vote "no" if it appears that a case, despite the engineer report such that are turned in, would be dangerous. A reasonable person, a reasonable judgement would indicate that it was dangerous. Which would be, which is exactly the same kind of mind logic that the Council has to go through every time we have a case right now. We all have to go through that judgement as to whether or not it'd be dangerous, and all that we'd be doing here would be tightening up the information that would have to be made available beforehand to make a better judgement as to whether or not more information to make that judgement with.

So, that's the way I'd view these standards. As to whether or not they'd open up the floodgates. I suppose one could make the case that developers would have a better, you know, the ...(inaudible)... will be given that they would have more certainty in getting these cases passed. But I'll tell you what, the first couple of cases through here are going to be the test. I just don't expect that without meeting some pretty clear standards, clear criteria, clear requirements, that they're going to have a very much easier shot than they do now, and they haven't come storming at the gates to this point.

I do feel this way about the moratorium. I thought about it a good deal. We just came from Dallas and talked to people all over the state of Texas where growth is occurring and rapidly. And it is not here. It is in Dallas. It is in Houston. It has caused some problems there. They have a subsidence problem in Houston, they've got sprawl problems in Dallas, but in Houston they have a five percent unemployment rate. In Dallas, they have a 4.6 percent unemployment rate and our unemployment rate here is 7.3 percent. That's 30,000 people out of work.

I do think that for the word to get out that for whatever reason, San Antonio has got a moratorium would be a serious proposition. Industries across the state would not be able to determine between Frio City Road and 1604. All they'd know is that somehow San Antonio has imposed a moratorium. Now, I don't care how we think about it or how the local press plays it, I do think there would be a serious question raised in the business journals and such across the state on that question.

Now, if the real issue is protection of the water, then I think we can protect the water with good requirements on a case-by-case basis. If the real issue is the water, then there's no sense in killing the golden goose, if you will, which is jobs and such as that on the way to protecting the water which can be protected in another way.

Now, I don't want, I don't want to make enemies out of my friends, but I do want to say this...that if the most critical issue in this town, and it is in my opinion the most critical issue, is jobs and economic development and income and wages and that sort of thing, then we cannot take actions that hurt us seriously in that area enroute to trying to solve

environmental problems which can be solved in another way. I have a real fear that the COPS agenda, for example, and I don't want to speak for the organization, but I do not believe the COPS agenda is served by 7.3 percent unemployment. I do not believe it is served by the word getting out around the state that San Antonio has shut the door. I don't believe that agenda is served by a moratorium. Neither is it served, however, by higher cost in water because we have to clean it up, but there's a way to deal with that problem by tough scientific analysis of each case without, in the process, getting the word out that San Antonio is not in the business of getting new industry and new jobs and I'm afraid that's what happened and that's a sincere fear on my part. If I'd said it once since I've been on the Council, I've said it a hundred times, the most critical priority in this town is wages and income from jobs and I don't want to see us do something by perception, by transmission of a message across this state that we are going to shut the door in any respect. And I do think that the word "moratorium" and the principle "moratorium" does that.

DR. NIELSEN: I do want to concur with the point, Henry, that unfortunately and I picked this up from big cities north of here and a few small towns to the south, unfortunately, the moratorium issue is seen as no growth, right, wrong or otherwise, that's the way the larger community views. I agree basically with your analysis that there are some tough trade-offs in this whole environmental thing, locally and everywhere else, but that there are ways. I talked to Mrs. Sinkin when this whole issue of the 1604 zoning came up and very practically, if there is enough pollution run-off danger, from huge parking lots, you simply just make sure that those sensitive areas where that run-off would enter the recharge zone, it doesn't enter. You either have to put a concrete...(inaudible)...all kinds of ways. I just hope that this Council will maintain some sort of a sense of struggle between both sides in this very serious issue and use reason wherever possible and keep some of the serious goals and objectives wherever possible out there where they should be, keep our eye on them.

MR. HARTMAN: Let me just be very brief of this and state very candidly what I think is on everybody's mind. Politically this is a no-win situation. Let's face it. I mean there's no way that you can win on this one. I think we've got to recognize that first and foremost and go from there. I recognize the fact from the economic development standpoint, that any kind of an indication of any kind of estoppel on development is always viewed as a bad sign, albeit the fact that we're talking, not about the whole area, but about a rather limited area. On the other hand, I think that if the time does arrive where by some sheer accident or otherwise we would have a pollution problem, then I would think that our 7 3/4% unemployment rate would look good by comparison. Because I think we would run a serious risk there. So, I think we're just going to have to very candidly look at this in terms of cold, hard options and neither one of which are good and choose accordingly. I don't think, however, that this Council should exercise its option today. I think there are some things that need to be looked at in terms of how safe a system that is proposed and I think that if we find that it's not exceptionaly safe and I think we have only one other option. I think we have to bite it there and go on, take whatever flak comes.

MAYOR COCKRELL: I'd like to ask the City Attorney a question. This is something I asked before and I'd like to ask it at this time. Relative to your interpretation of the legal side only, not the merits, but simply the legal side, in recent law cases, what do you feel the prognostication would be for the legality or challenge of a moratorium should a majority of the Council vote it for the period while the Metcalf and Eddie study is being done. That study is projected to be about 15 months.

CITY ATTORNEY PARKER: I think 15 months would probably be a little bit long for what the Court would, may hold reasonable.

MAYOR COCKRELL: Could you give us a review of what law there is that you are familiar with within the area.

CITY ATTORNEY PARKER: Well, the basic one, the latest pronouncement on it would be that case out of Dallas that involved a historic district question where there was a permit refusal there. They were in the process of reviewing their regulation. The Court said it was not unreasonable to, as long as it was a set period of time and the actual change in their regulation was in progress, under review. If you are doing it for the purpose of ascertaining whether you're going to purchase the land or not, then I think you're going to come dangerously close to the Garrett Brothers case that cost the City about 35 to $40,000 here recently as more or less tortuous interference with the right to develop. To that degree, you run a risk.

MAYOR COCKRELL: Now, if it would not be specifically for the purpose of purchase, but to the point that....

CITY ATTORNEY PARKER: Well, see, in the Garrett Brothers case, it was not for a purchase either, it was for the ascertainment of whether they were or were not going to need a certain piece of land or the part of it, or whether they even ended up needing any of it. And it was just to stall them as for a public project or public purpose, to that degree....it's a fine line...

MAYOR COCKRELL: You're having, I can see, a little bit of a hard time giving a final.....

CITY ATTORNEY PARKER: It's a fine line and I don't think anybody, nobody, I think, could give you a definite answer on it, Mrs. Cockrell, one way or the other.

MAYOR COCKRELL: May I ask that since the Council appears to wish to take this under advisement that you and your staff take another look at that question. Because I think it is an important question. I voted for the moratorium the last time because I felt that no matter what we did we were going to continue to have a crisis with every zoning case. The interim standards represent a lot of work. Admittedly, it is better than having no standards or lower standards and yet I still think it's going to be a situation where every zoning case is going to continue to be a decision and a crisis. So, I am just asking for that legal opinion as part of the Council consideration of the issue. Also, I would like to ask the Planning Commission, you have heard this with us, I would like to ask for any comments that the Planning Commission may wish to offer the Council, relative to the two issues really. One issue is adoption of interim standards. The other issue is relative to the requested moratorium and I would like to ask the Planning Commission to review that and again offer any advice or comment to the Council that you may wish to do so. And I wish to thank all the citizens and the Council, we have one...would you like to have another comment, Father Benavides?

FATHER BENAVIDES: (inaudible)

MAYOR COCKRELL: Excuse me, would you mind coming to the microphone, sir, so that we can, we're recording the session.

FATHER BENAVIDES: Since Mr. Cisneros made a couple of statements about COPS agenda, I'd like to ask him a couple questions about his agenda.

MR. CISNEROS: Sure.

FATHER BENAVIDES: Number one, do you mean to say that there is a relationship between what we do on the recharge area of the Aquifer and the unemployment rate of this City.

MR. CISNEROS: I mean to say that while the jobs that I am talking about would solve the unemployment problem might not themselves be over the Aquifer, that the use of a technique like a moratorium. Now, I'm not sure that I wouldn't vote for it again right now, myself. I'm very worried about it. I'm very worried about it. Because the use of a technique like the moratorium which is not a judgement issue, but a rather arbitrary use of a police power would seriously, I believe, cripple our efforts to bring new industry and such. In other words, it is not that the new industry would even be located in that area, its the perception, you're either a "go" town, a "boom" town, or you're not. Atlanta and San Jose and Denver, which were high-growth cities, for the last 5 years, didn't get there on "gray" situations, or gloomy situations. They got there by being a hot town. And that's what we're going to have to be.

FATHER BENAVIDES: Do you have any proof whatsoever or any industry not coming into San Antonio because of the.....

MR. CISNEROS: Unfortunately, yes.

FATHER BENAVIDES: You do, huh. You know, this is very unfair, this is very unfair that, and it happens over and over again and I question the sincerity of any person who brings into this question of whether or not we're going to have good water, the issue of unemployment. It's done over and over again. Issues that are not related, issues that are not related are brought into an issue to cloud it. And to make it seem like, like someone's the heavy, and someone is..it's the same old Becker no-growth type of thing that we've heard over and over again. The citizens of San Antonio have spoken and the citizens of San Antonio have spoken decisively. Do you mean to tell me that the citizens of San Antonio who have spoken on this issue and who are speaking on this issue are not concerned about the future of our City? Are you meaning to say that we're myoptic in our views and you're not? Then why is not our suggestion and our exhortation given the same amount of weight that you give some supposed straw argument that if we don't develop over the recharge area, it means we're going to be a no-growth City. But that's how you're going to be read.

DR. CISNEROS: I didn't say that if we don't....

FATHER BENAVIDES: Don't you agree...let me finish...

DR. CISNEROS: If we don't develop over the Aquifer that does not mean that there will be no jobs.

FATHER BENAVIDES: That's all I want to hear.

MR. CISNEROS: No, I don't believe that, I didn't believe that when I voted against the super mall and I didn't believe it when I voted for the moratorium I do believe that after serving as the Chairman of the Economic Development Committee for the last, well, it's now almost a year, and after having met with economic development experts all over that you have to convey a sense of being hot. We haven't done that in San Antonio and there's a lot of people at fault. When I say a lot of people at fault I include and single out the Chamber of Commerce. I think of all of the political power mongers in this town over the years who have not wanted an agressive climate in San Antonio. That should be changed.

FATHER BENAVIDES: ...(inaudible)..may I ask one more question?

MAYOR COCKRELL: Father, I'm sorry, I'm sorry.

MAYOR COCKRELL: Let me just ask - You evidently have some further discussion with Dr. Cisneros, and we now have completed the hearing on the issue and we are not permitting other people to come back and speak again. So I do have to ask you...

FATHER BENAVIDES: Thank you for letting me speak, but it seems to me that if the water is polluted that that would be a greater deterrent to industry coming into San Antonio than if it remains pure, and I think that...

MAYOR COCKRELL: Thank you, Father. Now, then, we have concluded the hearing and at this point the Council Members are taking under advisement. We have asked the City Attorney to review one aspect of the issue. We have asked the Planning Commission to review and offer any comment and advice based on the discussion which they have and then the Council will act at some time in the near future.

DR. NIELSEN: I would simply suggest that we can formalize this a little bit. I don't know, there may be a majority of the Council Members who are not ready to act now. I certainly am. I'm not opposed to the Planning Commission, but they certainly had some knowledge of this for some time. It's been discussed and it's been on our agenda for, I don't know, over a month and as far as the final legal resolve to the moritorium, this issue, the interim requirement are not totally tied to a question of a moratorium. It may be that a few months from now we'll decide to take up a moratorium issue, but they're not intimately related at this time, so I think it is just another question that we have to deal with in terms of legalities of it and the whole issue. If the majority of the Council wants to wait, that's fine, but I think we ought to formalize it.

MAYOR COCKRELL: Yes, Mr. Parker.

CITY ATTORNEY PARKER: Procedurally, from a legal standpoint, under the regulations of the Charter, the Planning Commission has to formally act to make the recommendation to the Council first before the Council can act and pass the ordinance. And it was only put on the agenda today in the event that the Planning Commission did that.

DR. NIELSEN: We decided to make it a joint meeting, remember?

CITY ATTORNEY PARKER: Joint meeting, but you still have to have the Planning Commission recommendation to the Council. It would have had to be on their agenda that they also act on it. I don't think that's been done. I think they will have to act on it next Wednesday.

MAYOR COCKRELL: All right, fine. Mr. Teniente.

MR. TENIENTE: Item 15 on our agenda today said the following public hearing, " the following ordinances may be considered." That means considered for adoption? Is that what this would normally mean?

CITY ATTORNEY PARKER: It was placed on there in anticipation that the other body may have already acted upon it and made the recommendation to the Council so that the Council could have acted. It was also placed on there in the event that the Planning Commission had met and considered it after the public hearing, and then the Council wanted to wait and then pass it the following week. That was the reason for it. So, the Council could have done it if all the other steps had been followed.

MR. TENIENTE: Well, you're saying, then, legally, we do have to...

CITY ATTORNEY PARKER: Legally, you should wait until you get the action of the Planning Commission and recommendation on it. There's additional technical problems as to the Zoning Commission. Under the statute, the Zoning Commission is also supposed to have had a public hearing. The notice of this particular public hearing did not include the Zoning Commission. In my opinion, the matter as is phrased for the Zoning

are amendments to Chapter 42 is not a regulatory matter, but a procedural matter that they should follow, There could be some legal question of that. It would be my recommendation that the Zoning Commission be requested to also have a publication notice and have a public hearing on it and the Council pass that ordinance after receiving their recommendation In the Zoning Commission the time element is not critical because of the fact that there is no time limit on the submission of a Zoning case and so, in that aspect, I think it is not critical in time.

MAYOR COCKRELL: So, the next step is for the Planning Commission to consider and make their recommendation...

CITY ATTORNEY PARKER: That's correct.

MAYOR COCKRELL: ...for there to be a hearing at the Zoning Commission and that recommendation...

CITY ATTORNEY PARKER: They make their recommendation to you and then you pass it following their recommendation. I think, in my legal opinion, I think you can pass the one as to the Section 42 without their recommendation because I think it's a procedural matter rather than a regulatory matter. It would fall in the Provision 1011E, but to be one hundred percent perfectly safe, I would say do the other.

MAYOR COCKRELL: All right. Well, at that point it seems that we have no alternative but to draw the advice of the Attorney and therefore, I would assume that meets with the concurrence of the Council. Is there any further business to come before the Council? We stand adjourned. Thank you.

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76-54 The Clerk read the following letter:

November 12, 1976

Honorable Mayor and Members of the City Council
City of San Antonio, Texas

Madam and Gentlemen:

The following petition was received in my office and forwarded to the City Manager for investigation and report to the City Council.

November 8, 1976	Petition submitted by Mr. Robert B. Gonzales, 8722 Big Creek, and signed by other residents living in the area of the 8700 Block of Big Creek, requesting the City repair the street so as water will run off properly.
November 11, 1976	Petition submitted by Mr. Robert O. Olson, Jacus Associates, Inc., Minneapolis, Minnosota, requesting City Council approval of the proposed foundation encroachment on Iowa Street and Ludwig Street right-of-way.

G. V. JACKSON, JR.
City Clerk

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There being no further business to come before the Council, the meeting adjourned at 6:10 P. M.

A P P R O V E D

Lila Crockell

M A Y O R

ATTEST: G. V. Jackson Jr.

City Clerk