

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO, HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, APRIL 9, 1987.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Henry Cisneros, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, HARRINGTON, LABATT, HASSLOCHER, CISNEROS. Absent: VERA.

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87-19 The invocation was given by Reverend Michael Beagh, Beacon Hill Presbyterian Church.

87-19 The members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

87-19 SAN ANTONIO ACADEMY

Mayor Cisneros introduced members of the sixth grade class from San Antonio Academy present in the audience to observe government in action today and he noted that Mr. Hasslocher, a member of the Council is a graduate of San Antonio Academy.

The entire class present in the audience stood to be recognized.

87-19 KIDS DAY

Mayor Cisneros noted that Saturday is the second annual Kids Day in San Antonio and he read a proclamation to that effect speaking of the significance of this particular event. He also noted that Ms. Diane Quaglia, of the Human Resources Department and members of the Commission for Children and Families are present in the audience to receive the proclamation.

Representatives of the Commission for Children and Families then handed out special t-shirts concerning Kids Day to each member of the City Council.

87-19WINSTON CHURCHILL QUOTATION

Mayor Cisneros read a brief quotation by Winston Churchill made shortly after the conclusion of World War II concerning the resolve of the English people. He asked the City Clerk to have this particular quotation reproduced and distributed to members of the City Council.

87-19SWEARING IN

City Clerk Norma Rodriguez administered the formal oath of office to Mr. Martinez, Mr. Wing, Mr. Webb and Mrs. Dutmer on their re-election as members of the City Council.

Mayor Cisneros and remaining members of the City Council individually congratulated each of the members sworn in.

87-19 The minutes of the Regular City Council Meeting of March 26, 1987 were approved.

87-19 CONSENT AGENDA

Mr. Harrington made a motion to approve Agenda Items #5 - 20, constituting the Consent Agenda, with the exception of Item #7, which was pulled for individual consideration. Agenda Items #14, 15 and 19 had been pulled previously by the City Manager. Mrs. Dutmer seconded the motion.

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

AN ORDINANCE 64,840

ACCEPTING THE LOW BID OF AVILA ROOFING TO PAINT THE ROOF AT THE SOUTH SAN COMMUNITY CENTER FOR A TOTAL OF \$5,400.00.

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April 9, 1987  
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AN ORDINANCE 64,841

ACCEPTING THE LOW QUALIFIED BIDS OF AMFAC ELECTRIC, ELECTROL SYSTEMS, INC., GENERAL ELECTRIC SUPPLY, GRAYBAR ELECTRIC COMPANY, GULF ELECTRIC WHOLESALE, INC., RAINBOW SALES COMPANY, INC., AND SUMMERS ELECTRIC TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH ELECTRICAL MATERIALS FOR A TOTAL OF \$12,766.37.

\* \* \* \*

AN ORDINANCE 64,842

AUTHORIZING AN ADDITIONAL \$7,550.00 FOR ENGINEERING FEES PAYABLE TO OZUNA & ASSOCIATES, INC., IN CONNECTION WITH THE GOLDEN DRAINAGE PROJECT NO. 250, PHASE II (MODIFIED).

\* \* \* \*

AN ORDINANCE 64,843

AUTHORIZING THE INSTALLATION OF A TRAFFIC SIGNAL AT HARRY WURZBACH IN FRONT OF GARNER MIDDLE SCHOOL AND AUTHORIZING THE EXPENDITURE OF \$12,000 FOR SAID INSTALLATION.

\* \* \* \*

AN ORDINANCE 64,844

ACCEPTING THE PROPOSAL OF RABA-KISTNER CONSULTANTS, INC., TO PROVIDE SERVICES FOR THE ASBESTOS ABATEMENT OF MUNICIPAL BUILDINGS PROJECT AND AUTHORIZING \$15,000 FOR ENGINEERING SERVICES.

\* \* \* \*

AN ORDINANCE 64,845

AUTHORIZING CITY WATER BOARD FIELD ALTERATIONS IN THE AMOUNT OF \$78,536.50 TO THE VIA ROADWAY IMPROVEMENT PROJECT; AUTHORIZING SAID AMOUNT PAYABLE TO DACOM, INC., AND REVISING THE PROJECT BUDGET ACCORDINGLY.

\* \* \* \*

AN ORDINANCE 64,846

AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO

EXECUTE A RELEASE OF EASEMENT, RELEASING A 50-FOOT EASEMENT FOR SANITARY SEWER AND WATER FACILITIES OVER A PORTION OF LOT 1, BLOCK 2, NEW CITY BLOCK 9131, TO USAA REAL ESTATE COMPANY, A TEXAS CORPORATION, FOR A CONSIDERATION OF \$1.00.

\* \* \* \*

AN ORDINANCE 64,847

AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION AND ACCEPT A GRANT FOR \$1,169,300.00 FROM THE TEXAS DEPARTMENT OF HUMAN SERVICES FOR THE 1987 SUMMER FOOD SERVICE PROGRAM; APPROVING A BUDGET AND PERSONNEL COMPLEMENT THEREFOR; AND AUTHORIZING TEMPORARY LOANS TO THE PROJECT.

\* \* \* \*

AN ORDINANCE 64,848

AUTHORIZING EXECUTION OF AGREEMENTS WITH AGENCIES FOR OPERATION SITES IN THE 1987 SUMMER RECREATION SUPPORT PROGRAM AND AUTHORIZING RENTAL OF OFFICE SPACE FROM OUR LADY OF SORROWS CHURCH.

\* \* \* \*

AN ORDINANCE 64,849

AUTHORIZING THE CLOSURE OF ALAMO PLAZA EAST, FROM HOUSTON STREET TO CROCKETT STREET, FROM 11:15 P.M., SEPTEMBER 26, 1987, TO 1:00 A.M., SEPTEMBER 27, 1987, FOR THE ALAMO JAMBOREE ROUND AND SQUARE DANCE EVENT.

\* \* \* \*

AN ORDINANCE 64,850

PROVIDING FOR THE SALE AND CONVEYANCE OF CERTAIN SURPLUS PROPERTY IN THE CITY OF FLORESVILLE, WILSON COUNTY, TEXAS, TO THE CITY OF FLORESVILLE ELECTRIC LIGHT AND POWER SYSTEM; RESERVING AN EASEMENT TO SUCH PROPERTY; PROVIDING FOR THE TERMS OF THE SALE AND CONVEYANCE OF SUCH PROPERTY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEGAL DOCUMENTS OF SUCH SALE AND CONVEYANCE; DECLARING THE SECTIONS OF THE ORDINANCE TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION OF THIS ORDINANCE IS DETERMINED TO BE INVALID; AND DECLARING AN EMERGENCY.

April 9, 1987  
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AN ORDINANCE 64,851

AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL ADMINISTRATIVE AND TECHNICAL SERVICES AGREEMENT WITH VICKERY AND ASSOCIATES, INC., FOR THE S.W. INDUSTRIAL PERMIT AMENDMENT, IN THE AMOUNT OF \$19,000.00.

\* \* \* \*

87-18 The Clerk read the following Ordinance:

AN ORDINANCE 64,852

ACCEPTING THE LOW QUALIFIED BIDS OF AVW AUDIO VISUAL AND TEXAS VIDEO SYSTEMS, S.A. TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH VIDEO EQUIPMENT FOR A TOTAL OF \$48,485.02.

\* \* \* \*

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

In response to a question by Mr. Labatt, Mr. John Brooks, Director of Purchasing and General Services, stated that the city requires all of this equipment be purchased together as a complete unit system and that it would be impossible to spread out the purchase over a long period of time.

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

87-19 ZONING HEARINGS

Agenda Item #21, was temporarily bypassed at the concensus of the City Council.

\* \* \* \*

22. CASE Z87045 - to rezone a 0.1884 acre tract of land out of Lots 9 and 10, Block A, NCB 11025, In the 4300 Block of Gevers, from "B" Residence District to "B-1" Business District, located on the east side of Gevers Street, being 180' north of Monticello Court, having 14' on Gevers Street and a width of 195'.

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

Mrs. Dutmer made a motion to approve the recommendation of the Zoning Commission provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division, and that a six-foot solid screen fence is erected and maintained along the south and east property lines abutting the single-family residences. Mr. Webb seconded the motion.

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

AN ORDINANCE 64,853

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.1884 ACRE TRACT OF LAND OUT OF LOTS 9 AND 10, BLOCK A, NCB 11025, IN THE 4300 BLOCK OF SOUTH GEVERS STREET FROM "B" RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION, AND THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH AND EAST PROPERTY LINES ABUTTING THE SINGLE-FAMILY RESIDENCES. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

Agenda Item #23, was temporarily bypassed at this time at the concensus of the City Council.

24. CASE Z87055 - to rezone Lot 5, Block 1, NCB 13501, In the 400

Block of Sea Breeze Drive, from "F" Local Retail District to "B-3NA" Non-Alcoholic Sales Business District, located approximately 95' west and 130' south of S.W.W. White Road and Sea Breeze Drive, having 120' on Sea Breeze Drive and 21.76' on S.W.W. White Road, with a maximum depth of 247.54'.

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

Mrs. Dutmer made a motion to approve the recommendation of the Zoning Commission provided that five feet of dedication is given along W.W. White Road, and that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Webb seconded the motion.

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

AN ORDINANCE 64,854

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 5, BLOCK 1, NCB 13501, IN THE 4400 BLOCK OF SEA BREEZE DRIVE FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, PROVIDED THAT FIVE FEET OF DEDICATION IS GIVEN ALONG W.W. WHITE ROAD, AND THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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87-19 The Clerk read the following Ordinance:

AN ORDINANCE 64,855

ACCEPTING THE HIGH BIDS RECEIVED IN CONNECTION WITH CITY FUNDS AVAILABLE FOR DEPOSIT IN INTEREST-BEARING CERTIFICATES OF DEPOSIT.

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

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

87-19 The Clerk read the following Ordinance:

AN ORDINANCE 64,856

APPROPRIATING \$833.00 FROM THE DISTRICT 5 PEDESTRIAN ACCESS FUND FOR THE PURCHASE OF A KILN FOR THE SAN JUAN BRADY GARDENS COMMUNITY CENTER; AUTHORIZING PAYMENT FOR THE EQUIPMENT.

\* \* \* \*

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

Mr. Karl Wurz, 820 Florida, read a brief statement to the City Council protesting the spending of a budgeted item such as the Pedestrian Access Program Funding for purchasing a kiln for the San Juan Brady Gardens Community Center, stating that he feels this expenditure does not comply with state statutes involved except as emergency items or purchases involving the help and safety of citizens.

In response to a question by Mayor Cisneros, City Attorney, Lloyd Garza, stated that he would come back with a specific legal opinion at a later date if desired.

Mr. Martinez explained the request by citizens of the San Juan Brady Gardens Community Center for a new kiln and he spoke of other expenditures from the Pedestrian Access Funds that are similar in nature. Mr. Martinez stated that he feels he is actually amending the city budget by this request in compliance with the state law.

Mr. Ron Darner, Director of Parks and Recreation, noted that the kilns use is free to the general public.

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

87-19 The Clerk read the following Ordinance:

AN ORDINANCE 64,857

AMENDING ORDINANCE NO. 64720 APPROVING STREET  
CLOSURES FOR FIESTA '87.

\* \* \* \*

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

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

87-19 The Clerk read the following Ordinance:

AN ORDINANCE 64,858

APPROVING STREET CLOSURES AND SETTING HOURS OF  
OPERATION FOR THE EASTER HOLIDAY FESTIVAL AT SAN  
FERNANDO CATHEDRAL.

\* \* \* \*

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

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

87-19 The Clerk read the following Ordinance:

AN ORDINANCE 64,859

PROVIDING FOR PAYMENT OF A JUDGMENT IN THE AMOUNT OF  
\$24,414.61, PLUS INTEREST AND COSTS, IN LITIGATION  
STYLED MARIA CARMEN GONZALES V. CITY OF SAN ANTONIO,  
ET AL, CAUSE NO. 86-CI-01311 IN THE 288TH JUDICIAL  
DISTRICT COURT.

\* \* \* \*

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

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

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87-19 The Clerk read the following Ordinance:

AN ORDINANCE 64,860

AUTHORIZING PAYMENT OF THE SUM OF \$22,500.00 TO CASTULO ESCALANTE IN FULL AND FINAL SETTLEMENT OF CAUSE NO. 84-CI-04671, STYLED ESCALANTE V. CITY OF SAN ANTONIO.

\* \* \* \*

Mr. Thompson made a motion to approve the proposed Ordinance. Mr. Harrington seconded the motion.

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

- - -

87-19 The Clerk read the following Resolution:

A RESOLUTION 87-19-32

OPPOSING H.B. 1898 BY GUERRERO, RELATING TO THE DECLARATION OF REGULATED GROUNDWATER BASINS AND THE ADJUDICATION OF GROUNDWATER RIGHTS.

\* \* \* \*

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

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

- - -  
87-19 The Clerk read the following Resolution:

A RESOLUTION 87-19-33 .

.  
IN SUPPORT OF THE PASSAGE OF HOUSE BILL 2164 BY  
LUNA, RELATING TO BENEFITS FROM FIRE AND POLICE  
RETIREMENT SYSTEMS IN CERTAIN CITIES.

\* \* \* \*

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

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

- - -  
87-19 The Clerk read the following Resolution:

A RESOLUTION 87-19-34 .

.  
OPPOSING THE PASSAGE OF HOUSE BILL 1147 BY SMITH OF  
TRAVIS, RELATING TO A LIMITATION ON MUNICIPAL  
ANNEXATION OF CERTAIN NARROW STRIPS OF TERRITORY.

\* \* \* \*

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

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

- - -  
87-19 The Clerk read the following Ordinance:

AN ORDINANCE 64,861 .

.  
APPOINTING JOHNNIE HERNANDEZ TO SERVE ON THE SAN  
ANTONIO LOCAL DEVELOPMENT COMPANY FOR A TERM TO  
EXPIRE ON NOVEMBER 30, 1989.

\* \* \* \*

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

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

- - -  
87-19 The Clerk read the following Ordinance:

AN ORDINANCE 64,862

AUTHORIZING THE CLOSURE OF MAIN AVENUE BETWEEN COMMERCE AND DOLOROSA STREETS ON APRIL 12, 1987 FROM 8:00 A.M. TO 12 NOON IN CONNECTION WITH AN EVENT OF SAN FERNANDO CATHEDRAL.

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

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

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87-19 ZONING HEARINGS cont.

21. CASE Z87026 - to rezone a 130 acre tract of land out of CB 4787, from Temporary "R-1" ERZD One Family Residence Edwards Recharge Zone District to "B-3" ERZD Business Edwards Recharge Zone District, located on the northeast corner of N.W. Military Hwy. and N. FM 1604 West, having 2440' on N.W. Military Hwy. and 2850' on north FM 1604.

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

Mr. Andy Guerrero, Planner III, briefly explained the request for rezoning.

Mr. Frederick J. Meyers, Aquifer Protection Officer for the city of San Antonio, noted that there was significant recharge features on this property and that most of the drainage goes into Olmos Creek. He then

spoke to the preliminary plans for a pollution abatement plan by the developers including the use of retention ponds and frequent sweeping of the parking lots.

Mr. Ralph Langley, attorney for the proponent, Melvin Simons and Associates, spoke to the developers track record as a developer of shopping malls and he introduced persons in the audience present to answer questions from the Council as needed. He noted that both the city staff and the Zoning Commission have recommended approval of the rezoning request and he spoke of natural barriers which surround this property.

Mr. Adrian Brown, Vice President of Simon and Associates, distributed copies of a brochure explaining his firm and spoke of its development history. He stated that he feels the firm is sensitive to environmental concerns and he displayed an architect's model of the proposed mall and he spoke to the businesses to be involved in that mall.

Mr. John Collins, consulting engineer, spoke of the impact of the proposed traffic plan on the area roadway network and the Texas Highway Department's approval of proposed changes to the transportation system.

Mr. Ken Vickery, Vickery and Associates Engineers, stated that he had met with the Aquifer Protection Office on a pollution abatement plan for the property and he displayed an engineers model of the pollution abatement plan. He then distributed to the City Council a copy of a letter from his company to the Aquifer Protection Office outlining some eight positive actions to be taken in pollution abatement (a copy of that paper is attached to the papers of this meeting). He further stated that the city of San Antonio and the Edwards Underground Water District by agreement will have the right to inspect the development weekly to ensure full compliance with applicable regulations.

Mr. Carl Raba, Jr., Raba Kistner Associates, outlined the geological environmental study that was conducted onsite by his firm as well as a study made within the one hundred year Flood Plain which drains the particular site involved in the rezoning action. He then addressed the faults that bisect the site, stating that he feels that only 10% of the runoff from this property drains into a recharge sensitive area, the Salado Creek.

Mr. Stanley Rosenberg, representing the Rogers family, owners of the property involved, spoke to the extensive scientific studies that have been made on this property.

Mr. John Horner, 105 Windmill, Mayor of Shavano Park, stated that he feels that residents of nearby Shavano Park are concerned with the impact of this large mall on this particular area and are opposed to the mall construction. He stated further that he feels the area already has too many malls and he feels Shavano Park will suffer if the mall fails. He also voiced concern with the impact on the area waterwells and traffic

batters.

Mr. Bill Hartman, 14007 Parkside Woods, representing the Woods of Shavano Area, stated that his group feels the mall will cause area traffic problems especially along De Zavala Road.

Ms. Joan Richborg, 100 Painted Post Lane, spoke in opposition to any increased traffic as a result of the mall, stating that she feels that the developer should have consulted with residents of Shavano Park during the process.

At this time a letter from the officials of Shavano Park to the mall developers was entered into the papers of meeting, (a copy of which is attached to the papers of this meeting).

Mr. Quincy Lee, area property owner, noted that he has a joint venture with the Rogers family some 2 miles away from the site and he stated that he personally feels the mall here will have an adverse impact on the entire area.

Mr. Langley spoke of the reputation of Simon and Associates and of the many experts who have spoken today on behalf of the mall development.

Mayor Cisneros noted that he had recently made a helicopter tour of this area but still is opposed to construction of the mall project, stating that he feels the mall could cause problems in this area. He noted that a referendum of the citizens of San Antonio killed a proposed mall over the Aquifer at Loop 1604 and Hwy. 281 back in the 1970's and he noted that he is just concerned with the impact of large mall on this particular site and development of more commercial uses which is inevitable around the mall. He stated that he personally favors a smaller scale initiative over the Aquifer which can better be managed.

Mrs. Dutmer spoke of developments over the Aquifer over the years.

In response to a question by Mrs. Dutmer, Mr. Raba stated that he feels each proposed development site over the Aquifer must be viewed on its own merits and he feels this particular project will not damage the Aquifer.

In response to a question by Mrs. Dutmer, Mr. Rosenberg noted that the Rogers family developed Shavano Park.

In response to another question by Mrs. Dutmer, Mr. Huberman, representing Simon and Associates, stated that the mall developers already have invested some \$11 million in this site.

April 9, 1987  
sr

In response to a question by Mrs. Dutmer, Mr. Meyers spoke to the need for intensive monitoring of this site and of its development.

Mrs. Dutmer stated that she feels that San Antonio has continuously developed over the Aquifer over the years and she finds nothing wrong with this particular mall and that she will support the rezoning request.

In response to question by Mr. Thompson, Mr. Huberman stated that he had met with the mayor of Shavano Park as well as several City Councilmembers of that city and had agreed to meet with them at any time to discuss the project.

Mr. Horner spoke of the meeting with Mr. Huberman in mid February on the mall project but still feels his citizens have had short notice about the development and are still concerned with it. He stated that he favors that the developer, Simon and Associates, make a formal presentation to Shavano Park and its citizens in a public hearing and he asked that this case be postponed at least 60 days to accomplish this purpose.

Mr. Langley noted that timing is extremely vital to the contractual relationships involved in this mall development.

Mr. Brown noted that postponement of this case would have serious tax consequences.

Mr. Huberman noted that there would be an approximate \$2 million adverse tax impact on April 15th if this rezoning is not consummated by this time.

A discussion then took place concerning the control of runoff from the property.

Mrs. Berriozabal stated that she is opposed to rezoning because she is consistently opposed to any major development over the Aquifer. She noted that local and state laws and their regulations do not adequately protect the Aquifer, in her opinion, and she spoke of plans now underway to limit the pumping capacity from the aquifer.

Mr. Harrington spoke of military highway being a major traffic artery and, in his opinion, that any development in the area will have an impact on traffic on Military Highway. He then asked the developers to prepare a traffic plan that makes minimum traffic impact on the area, stating further that he feels that pollution from the mall can be handled and he spoke of plans by acknowledged experts to do exactly this.

Mr. Harrington made a motion to approve the recommendation of the Zoning Commission provided that access to FM 1604 is secured from the State Department of Highways and Public Transportation, and that driveways

and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Further provided that the property is subject to all applicable water pollution abatement regulations. Mrs. Dutmer seconded the motion.

Mr. Webb noted that normally he is against development over the Aquifer, and has been in the past years as a general rule but now feels that he should address each case on a case by case basis. He spoke of the expert testimony that only 10% of this property drains into an aquifer sensitive area. He spoke in support of the rezoning.

Mr. Labatt stated that all concerns have been addressed in this matter and he spoke of the proposed creation of some 2,000 new jobs to staff the mall. He then noted that on the matter of the issues he support the rezoning matter.

Mrs. Dutmer stated that she is in favor of a treatment plant for the Edwards Aquifer.

Mr. Martinez stated that he will base his decision in this issue on the issues presented today.

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

AN ORDINANCE 64,863

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 130-ACRE TRACT OF LAND OUT OF CB 4787 FROM TEMPORARY "R-1" ERZD ONE-FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "B-3" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT, PROVIDED THAT ACCESS TO FM 1604 IS SECURED FROM THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION, AND THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION, FURTHER PROVIDED THAT THE PROPERTY IS SUBJECT TO ALL APPLICABLE WATER POLLUTION ABATEMENT REGULATIONS. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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April 9, 1987  
sr

23. CASE Z87049 - to rezone a 4.557 acre tract of land out of NCB 3242, In the 100 Block of Pastores Avenue & 3400 Block of N. St. Mary's Avenue, from "F" Local Retail District to "B-2" Business District, located on the westside of N. St. Mary's and on both sides of Pastores Avenue, having 265.15' on N. St. Mary's Street, with a maximum depth of 859.53'.

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

Mr. Bob Ashcroft, representing Ralph Bender Associates, described the tract of land proposed to be rezoned and the purpose for the rezoning to be a mixed use project between Brackenridge Park and Interstate 37. He stated that he feels the project fits in with the Brackenridge Park Master Plan and the River Road Master Plan. He spoke of the stipulation placed on this case by the Zoning Commission involving the historic Kampmann House. He then briefly addressed the stepp-down zoning request and other agreements made by the proponent in this matter.

Mrs. Barbara Whitte-Howell, President of the Board of Directors of the River Road Neighborhood Association, noted that no signed written agreement has been reached between the four parties involved in this matter as yet although they have discussed this matter at some length. She spoke to traffic considerations and the existence already of a million square feet of office space in this immediate area as well as parking facilities for some 3,000 vehicles. She spoke of the need for this written agreement on traffic patterns since the city's traffic supervisor is out of town this week and cannot be hand to be one of the four parties to agree to the matter.

Mr. Ashcroft addressed the concerns for traffic patterns and protection of the Kampmann House.

A discussion then took place concerning a proposal to route N. St. Mary's traffic through property owned by the San Antonio Independent School District north of the subject property.

Mrs. Dutmer voiced her concern with increasing development pressure on Brackenridge Park.

Mr. Labatt made a motion to approve the recommendation of the Zoning Commission provided that 2.2-feet of dedication is given along N. St. Mary's Street; and that off-street parking are provided and submitted for approval by the Traffic Engineering Division; and that the gross usable floor area is limited to 350,000 square feet, not including a structured parking facility. Further provided that sidewalks are constructed along N. St. Mary's Street and the U.S. Hwy. 281 North access road; that Traffic Engineering Division proceed with development of a traffic plan to alleviate future traffic congestion; and that certain height, setback and gradient restrictions depicted on a diagram attached

to the ordinance entitled "historic gradient" is imposed upon all subsequent development of American Securities Company property. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 64,864

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 4.557 ACRE TRACT OF LAND OUT OF NCB 3242, IN THE 3400 BLOCK OF NORTH ST. MARY'S STREET, PROVIDED THAT 2.2-FEET OF DEDICATION IS GIVEN ALONG NORTH ST. MARY'S STREET; THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION; AND THAT THE GROSS USABLE FLOOR AREA IS LIMITED TO 350,000 SQUARE FEET, NOT INCLUDING A STRUCTURED PARKING FACILITY. FURTHER PROVIDED THAT SIDEWALKS ARE CONSTRUCTED ALONG NORTH ST. MARY'S STREET AND THE U.S. HIGHWAY 281 NORTH ACCESS ROAD; THAT TRAFFIC ENGINEERING DIVISION PROCEED WITH DEVELOPMENT OF A TRAFFIC PLAN TO ALLEVIATE FUTURE TRAFFIC CONGESTION; AND THAT CERTAIN HEIGHT, SETBACK AND GRADIENT RESTRICTIONS DEPICTED ON A DIAGRAM ATTACHED TO THE ORDINANCE ENTITLED "HISTORIC GRADIENT" IS IMPOSED UPON ALL SUBSEQUENT DEVELOPMENT OF AMERICAN SECURITIES COMPANY PROPERTY. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

87-19 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE - CLOSING AND ABANDONING 12TH STREET.

Mayor Cisneros declared the Public Hearing to be open.

No citizen appeared to speak.

Mayor Cisneros declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

April 9, 1987  
sr

AN ORDINANCE 64,865

CLOSING AND ABANDONING A PORTION OF 12TH STREET, BETWEEN NEW CITY BLOCKS 463 AND 468, AND A 16 FOOT UNIMPROVED ALLEY, IN NEW CITY BLOCK 468, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE FIVE (5) QUITCLAIMS TO THE ADJACENT OWNERS, FOR A TOTAL CONSIDERATION OF \$35,752.00.

\* \* \* \*

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

Mrs. Berriozabal noted that a number of citizens and property owners are opposed to closing this access to the Broadway Corridor nearby and stated that she feels that a lack of access will hamper their development along the San Antonio River.

Mr. Fox stated that he had earlier misinformed Mrs. Berriozabal as to the exact location of this property and that the property in question is not the property she is concerned about which is next to Smith Chevrolet.

Mr. Arnold Finch, of the Right-of-Way Division, Public Works Department, noted that no one has registered opposition to this case which is east of Broadway not west of it in the area of concern to Mrs. Berriozabal.

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

87-19 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE - CLOSING AND ABANDONING DIETRICH ROAD.

Mayor Cisneros declared the Public Hearing to be open.

No citizen appeared to speak.

Mayor Cisneros declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

CLOSING AND ABANDONING AN UNIMPROVED PORTION OF DIETRICH ROAD IN NEW CITY BLOCK 17992, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A QUITCLAIM TO MORTGAGE CORPORATION OF TEXAS, A SUBSIDIARY OF SAN ANTONIO SAVINGS ASSOCIATION, FOR A CONSIDERATION OF \$1.00.

\* \* \* \*

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

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

87-19

POLICE CHIEF

Mr. Martinez noted that issue of selection of a permanent Police Chief for San Antonio is very important to the community and he spoke of concerns that have been raised about the selection process and the decision which has been made in this matter which he labeled "unfortunate". Mr. Martinez then proposed that the city hold a forum for citizen input into the matter of selection of the Police Chief and he asked the City Council to direct the City Manager to hold this forum. He then asked each City Councilmember to nominate one citizen and the City Manager will then select five persons to be part of a citizens committee from this group.

Mr. Martinez stated that he cannot support the present process as it is proceeding at this time, stating that the decision does not have to be made in a hurry. He further stated that while he believes that the hiring of the Police Chief is the City Manager's responsibility he is nevertheless concerned about the process involved.

Mr. Thompson stated that he agrees with the responsibility of the appointment of the Police Chief by the City Manager and noted that in his opinion, this authority is 100% that of the City Manager.

Mr. Wing stated that he does not agree with the statements made by Mr. Martinez and he feels this decision is only that of the City Manager.

Mrs. Berriozabal stated that Mr. Martinez' suggestion, in his opinion, is a good one, and she spoke about reasons for supporting the



Mrs. Baker again asked if the City Council would consider changing the ordinance.

Mayor Pro Tem Hasslocher spoke about the city's present contract with City Towing. He mentioned the past history of the wrecker business prior to the present ordinance.

Mr. Fox asked if they have a proposal to offer, the city would like an opportunity to review it.

Mr. Rodney Peach, 1328 Drury Lane, also asked the City Council to consider changing the ordinance to pickup vehicles at the owners request.

Mr. Bill Lane, 6550 Old Highway 90, Vice President of the San Antonio Wrecker Owners Association, reiterated the request of previous speakers.

A discussion took place on when private towing companies can pick up the vehicles and when City Towing Company picks up vehicles.

Mr. Lane stated that they want to pick up vehicles at the owners request.

Mr. Hasslocher spoke of his personal decision to approve the contract with City Towing.

Mr. Lloyd Garza asked if Mr. Lane is a party to the lawsuit. If that is the case the proper forum should be through his attorney. He suggested meeting with their attorneys to discuss these recommendations.

\* \* \* \*

REVEREND R.A. CALLIES

Reverend Callies, Youth Leadership Conference for Community Progress, asked that the Durango Street Bridge be renamed in honor of Councilman Joe Webb, District 2.

Mr. Joe Webb thanked Reverend Callies for the request, however several Councilmembers and County Judge Vickers were in support of this bridge. The monies came from Districts 1 and 3 as well as District 2.

Reverend Callies stated he would like to pursue this request.

Several Councilmembers spoke in support, however they stated that naming a structure while the Councilmember is still serving may not be good idea, it could start a precedent.

Reverend Callies spoke of the reasons for wanting this honor for Mr. Webb.

April 9, 1987  
sr

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There being no further business to come before the City Council,  
the meeting was adjourned at 5:35 P.M.  
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A P P R O V E D

*Henry Cisneros*  
M A Y O R

ATTEST

*Arma S. Rodriguez*  
C i t y C l e r k

