

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, FEBRUARY 19, 1981.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Lila Cockrell with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, CANAVAN, ARCHER, STEEN, COCKRELL; Absent: NONE.

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81-7 The invocation was given by Reverend Don Baugh, Council of Churches.

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81-7 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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81-7 The minutes of the meeting of February 5, 1981 were approved.

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81-7 MAYOR PRO-TEM ROBERT THOMPSON

Mayor Cockrell expressed her appreciation to Mayor Pro-Tem Robert Thompson for a job well done, during his tenure as Mayor Pro-Tem.

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81-7 SWEARING-IN CEREMONY

Councilman Joe Alderete was administered the Oath of Office as Mayor Pro-Tem by the City Clerk, Norma S. Rodriguez. Councilman Alderete will serve during the period of February 21, 1981 through April 30, 1981.

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81-7 WOODLAWN LAKE

Councilman Alderete announced that 300,000 cubic yards of top soil which has been dredged from the bottom of Woodlawn Lake will be available to the public free of charge beginning in April.

He suggested that those people interested should leave their name and number at his Council office.

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81-7 ZONING HEARINGS

5. CASE 8360 - to rezone a 3.714 acre tract of land out of NCB 13832, being further described by field notes filed in the Office of the City Clerk, 422 Heimer Road, from Temporary "A" Single Family Residential District to "R-3" Multiple Family Residential District, located on the southeast side of Heimer Road, being approximately 451' northeast of the intersection of Julienne Place and Heimer Road, having 197.4' on Heimer Road and a depth of 819.40'.

February 19, 1981
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The Zoning Commission has recommended that this request of change of zone be approved by the City Council.

Mr. E.F. Burkhart, 215 E. Nakoma Street asked for postponement of this case. He stated that his client is out of town and he does not have the plans to present it at this time.

Mr. Tom Martin, 900 Milam Building, representing the opponents protested Mr. Burkhart's request for a postponement. He stated that a great number of people were present for the hearing and that it would be a great inconvenience to reschedule the hearing.

At this time, Mr. Canavan made a motion to hear the case. Mr. Steen seconded the motion. On roll call, the motion carried by the following vote: AYES: Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Webb.

Mr. Thompson spoke in support of staff's recommendation for "R-1" zoning.

Mr. Burkhart stated that "R-1" zoning would put them in a position that they would not be able to develop the property. He stated that it would not be economically feasible and spoke in support of the "R-3" Multiple Family Residential zoning. He spoke regarding the surrounding location and stated that there are a number of properties for sale on Heimer Road. He stated that the highest and best use of the property would be multiple family zoning.

Mr. Tom Martin representing the residents in opposition presented a petition signed by 645 families. (A copy of this petition is on file with the minutes of this meeting.)

Mr. Warren Ferguson, 1407 Button Lane, also spoke in opposition. He expressed the concern of several parents who have children at Coker Elementary School nearby. He stated that should the rezoning be granted it would cause a congestion of traffic and being that there are no sidewalks this would result in danger to the school children. He also spoke regarding the improper drainage in the area.

Mr. Chris Shelfer, 1506 Periwinkle, spoke in opposition as a concerned citizen and parent. He spoke regarding the hazardous condition of Heimer Road. He displayed slides of the subject property showing the overcrowded, narrow and dangerous condition of Heimer Road.

Ms. Tony Roland, 13518 Sesame Street, also spoke in opposition to the proposed zoning change. She expressed concern about the safety of the children attending the nearby elementary school. She stated that the number of children would increase upon completion of the proposed Middle School and spoke in opposition to higher density zoning which would contribute to the congestion of traffic.

In rebuttal, Mr. Martin stated that there is no high density occurring in the area at the present time. He stated that this is a predominantly single family residential area. He also stated that the request for change in zoning has many fatal deficiencies which would be too numerous to account. He stated that the proposed zoning change would not be in the best interest of the residents of the community.

Mr. Steen commended the residents for their organization in presenting their views.

In response to a question by Mr. Thompson, Mr. Carl Braunig, City Traffic Engineer stated that there are no plans at the present time for improvement of Heimer Road but a possible capital improvement project in the future.

Mr. Alderete spoke in opposition to the proposed zoning change and asked that staff present an estimate on the cost of curbs and sidewalks on Heimer Road.

Mrs. Dutmer stated that the west side of Heimer Road is predominantly vacant and felt that the City should look at this property.

The applicant, Mr. Burkhart stated that the traffic situation is not as bad as the residents made it seem and again urged the Council to grant the change in zoning.

After discussion, Mr. Steen moved that the recommendation of the Zoning Commission be overruled and the zoning request be denied. Mr. Alderete seconded the motion. On roll call, the motion to deny prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

CASE 8360 was denied but reconsidered later in the meeting.

81-7

STATUS OF REQUEST TO UPDATE TEMPORARY ZONES

In response to a question by Mr. Archer, Mr. Andy Guerrero, Planning Administrator explained that staff is working on those areas zoned temporary "R-1" and would get back to him on this matter.

81-7

Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Thompson presided.

81-7

Case 8360

At this time, Councilman Alderete made a motion to reconsider Case 8360. Mr. Canavan seconded the motion. On roll call, the motion to reconsider prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen; NAYS: None; ABSENT: Cockrell.

Mayor Cockrell returned to the meeting and presided.

Mr. Alderete made a motion to deny "R-3" Multiple Family Residential zoning and in lieu thereof grant "R-1" Single Family Residential zoning provided that street dedication is given. Mr. Canavan seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Tom Finlay, Assistant City Attorney, explained that the motion to rezone to "R-1" is in order.

After consideration, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 53,395

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 A 3.714 ACRE TRACT OF LAND OUT OF NCB 13832, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, 422 HEIMER ROAD, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT STREET DEDICATION IS GIVEN.

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6. CASE 8348 - to rezone Lots 9 thru 10, Block 210, NCB 9663, 2402 W. Basse Road, from "O-1" Office District to "B-2" Business District, located southeast of the intersection of Brad Avenue and Basse Road, having 100' on W. Basse Road and 173.35' on Brad Avenue.

Mr. Andy Guerrero, Planning Administrator, explained the proposed change which the Zoning Commission recommended be denied by the City Council. He explained that twenty-five notices were mailed out to the surrounding property owners; ten were returned in opposition and four were returned in favor. He stated that nine affirmative votes would be needed to approve the change in zoning.

Mr. Alfonso M. Cano, 5810 Dean Martin stated that he wished to withdraw his petition to rezone. He stated that when he first presented his case there was not much opposition but in view of the negative response he would prefer not to waste the Council's time.

No citizen appeared to speak in opposition.

After consideration, Mr. Canavan made a motion to withdraw Case 8348. Mr. Webb seconded the motion. On roll call, the motion prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None;

Case 8348 was withdrawn.

7. CASE 8337 - to rezone Lots 8, 9 and 10C, Block 6, NCB 11848, in the 200 Block of Thrushview Lane, from "A" Single Family Residential District to "R-3" Multiple Family Residential District, located on the west side of Thrushview Lane, being 580.12' north of the intersection of Eisenhower Road and Thrushview Lane, having 626.3' on Thrushview Lane and a depth of 220'.

Mr. Andy Guerrero, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. He stated that there was 20% in opposition and further stated that nine affirmative votes would be needed to approve the change in zoning.

Mr. Mark Girgus spoke regarding the proposed plans of erecting a 30-unit condominium complex. He stated that the applicant would be willing to install deed restrictions into the property should the rezoning be granted.

Ms. Elaine Melton, the applicant also spoke in support of the requested change. She stated that the proposed plans would be the highest and best use of the property. She also stated that the investor would provide an access road to feed from Thrushview and Harry Wurzbach and is also willing to provide deed restrictions which would exclude other plans except for the proposed plans of erecting condominiums. In response to a question by Mayor Cockrell, Ms. Melton described the the condominiums as being two-story homes with a common wall. She stated that the garden-type homes must be under "R-5" zoning and the cost to erect these homes would not be economically feasible.

In response to a question by Mr. Wing, Mr. Tom Finlay, Assistant City Attorney explained that deed restrictions are considered a contract which is enforceable by the party involved; it is a civil action like any contract.

Mrs. Doris Irby, 7123 Thrushview Lane, spoke in opposition to the proposed change. She addressed the problem of traffic congestion which would result should the rezoning be granted. She expressed concern that the proposed rezoning would destroy the character of the neighborhood and suggested that "R-5" zoning be granted in lieu of the requested "R-3".

Mr. Fred Irby, 7123 Thrushview Lane reiterated the remarks made by Mrs. Irby and also spoke in opposition to the requested zoning change.

Mr. John Woosley, 7222 Robin Rest lives adjacent to the subject property. He presented a petition signed by 30 residents in the neighborhood in opposition. He stated that regarding the deed restrictions, it would be almost impossible to enforce them. He also stated that the subject property would be ideally suited for "R-5" zoning in lieu of the requested "R-3".

Dr. James L. Mims, Jr., 7306 Robin Rest, stated that he has appeared to speak on this area for years and is still very much opposed to any rezoning. He explained how the Promenade was developed and stated that Thrushview Lane needs to be kept intact.

Colonel R.A. Eicher, 7410 Robin Rest also spoke in opposition to the rezoning.

Mrs. Bristol Woosley also expressed her opposition.

Mr. Victor Speert, 7123 Thrushview Lane stated that all of the residents of the Promenade own their own pro-rata property and feels left out since their vote is neglected since they are not the 200' radius. He described the character of the area and urged the Council to deny the rezoning request.

Mrs. Dutmer expressed concern regarding the traffic congestion that would result should too many units be erected into the subject property. She stated that she would be voting "no" to the rezoning request.

In response to a question by Mayor Cockrell, Mr. Girgus the developer stated that he would not be interested in the property should it be rezoned "R-5" or "R-6".

A discussion among Council then took place regarding a possible postponement of this case.

Mrs. Irby spoke in opposition to a postponement. She stated that this is the third time the citizens have appeared before the Zoning Commission and expressed concern that a postponement would cause a great inconvenience.

Mayor Cockrell then explained the three options available to the Council regarding this case: 1) grant the requested zoning change; 2) deny the request in rezoning; and 3) grant "R-5" zoning in lieu of "R-3".

Mr. Steen made the motion to grant "R-5" Single Family Residential zoning in lieu of "R-3" Multiple Family Residential zoning provided that Thrushview Lane is improved to City's specifications and that a connection onto Harry Wurzbach Road is provided with Traffic Engineering Division requirements and specifications; that proper replatting is accomplished and further provided that a six foot solid screen fence is erected and maintained along the west property line. Mr. Canavan seconded the motion.

Mrs. Dutmer then made a substitute motion to postpone the zoning case for three weeks. Mr. Wing seconded the motion.

Mr. Archer spoke against the postponement because of the inconvenience to the residents.

Mr. Eureste concurred with Mr. Archer's remarks regarding the postponement.

Mr. Webb spoke in favor of "R-5" zoning for the subject property.

In response to a question by Mrs. Dutmer, Ms. Melton stated that they would be willing to accept the "R-5" zoning if this is the only way that will allow them to develop the property.

After discussion, the motion to postpone zoning case 8337 failed to carry by the following vote: AYES: None; NAYS: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; ABSENT: None.

On roll call, the main motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 53,396

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 8, 9, AND 10C, BLOCK 6, NCB 11848, IN THE 200 BLOCK OF THRUSHVIEW LANE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-5" SINGLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT THRUSHVIEW LANE IS IMPROVED TO CITY'S SPECIFICATIONS AND THAT A CONNECTION ONTO HARRY WURZBACH ROAD IS PROVIDED WITH TRAFFIC ENGINEERING DIVISION REQUIREMENTS AND SPECIFICATIONS; THAT PROPER PLATTING IS ACCOMPLISHED, AND FURTHER PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE WEST PROPERTY LINE.

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8. CASE 8332 - For the removal of a non-access easement imposed by Ordinance No. 52988, dated November 6, 1980 regarding the following tract of land: Lots 12, 13, and 14, NCB 1194, 2651, 2655 and 2659 Dignowity Avenue, zoned "B-2" Business District, located on the northwest side of Dignowity Avenue being 123.18' northeast of the intersection of N. Walters Street and Dignowity Avenue, having 123.18' on Dignowity Avenue and a depth of 120'; the non-access easement proposed to be removed is located on the south property line of the subject property fronting onto Dignowity Avenue.

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

Mr. Webb took exception to the fact that the applicant was returning to the Council requesting a removal of the non-access easement only after it had been imposed by the Council in November of 1980.

In response to a question by Mayor Cockrell, Mr. Guerrero stated that the Council does have the option of rezoning it back to the original zoning but that this procedure could not be done today.

Mr. Kim Clementson, representing the applicant, explained the proposed plans. He stated that the reason for this request is to allow for an access onto Dignowity Avenue. He explained the ingress and egress to the subject property and distributed a sketch of the proposed plans to the Council. (A copy of the sketch is on file with the minutes of this meeting.)

Mrs. Dutmer expressed concern that the proposed McDonald's restaurant will circle residential homes.

Mr. Eureste spoke in opposition to the request and concurred with Mr. Webb's remarks.

Mayor Cockrell explained that members of the Council had voted for this case originally because the non-access easement had been made as part of the motion.

Mr. Saragoza Garibay, 327 Tynia, spoke in opposition to the requested zoning change. He presented a petition of signatures of residents in opposition (which is on file with the minutes of this meeting.) He spoke against the business traffic on a residential street and expressed concern that it would endanger the lives of the children in the neighborhood.

At this time, Mr. Canavan made a motion that the request for the removal of the non-access easement be denied. Mrs. Dutmer seconded the motion. On roll call, the motion prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Cockrell; NAYS: None; ABSENT: Steen.

Case 8332 was denied.

In response to a question by Mr. Webb, Mr. Guerrero explained that on a denial of a condition imposed on a previous zoning classification, the applicant could reapply, however, the Zoning Commission is aware that the City Council has denied this request and under what terms. He further explained that the applicant cannot apply to the Board of Adjustment for a variance.

9. CASE 8362 - to rezone a 28.5750 acre tract of land out of NCB 17054, being further described by field notes filed in the Office of the City Clerk, in the 300 Block of Bitters Road, from Temporary "R-1" Single Family Residential District to "P-1(R-1)" Planned Unit Development Single Family Residential District, located southwest of the intersection of Wood Valley Drive and Bitters Road, having 3238.09' on Wood Valley Drive and 260' on Bitters Road and a maximum depth of approximately 610'; a 20.2936 acre tract of land out of NCB 17054, being further described by field notes filed in the Office of the City Clerk, in the 13400 Block of West Avenue, in the 300 Block of Bitters Road, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District, located 380' northwest of the intersection of Bitters Road and West Avenue, and 820' southwest of the intersection of Bitters Road and West Avenue, having 700' on Bitters Road, 560' on West Avenue and a maximum depth of 1080'; a 3.218 acre tract of land out of NCB 17054, being further described by field notes filed in the Office of the City Clerk, in the 13400 Block of West Avenue, from Temporary "R-1" Single Family Residential District to "B-2" Business District, located northwest of the intersection of West Avenue and Bitters Road, having 320' on West Avenue and 380' on Bitters Road.

Mr. Andy Guerrero, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. He explained the background information regarding this zoning case.

Mr. Canavan then explained that the developers and the residents had agreed upon an alternate plan which would provide for less intensive zoning with specific deed restrictions. He submitted a letter from Mr. Tom A. Lewis, Project Manager with Camino Real Limited, outlining guarantees that would be a part of the zoning ordinance (A copy of which is on file with the minutes of this meeting.) Also on file is the letter addressed to Councilman Canavan from Theodore L. Kassier, President of the Woodlands of Camino Real Community Association.

(Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Thompson presided.)

Mr. Archer spoke against the practice of bringing this zoning case up before Council in such a short period.

Mr. Guerrero then explained that the Zoning Commission is considering an amendment to the Zoning Ordinance to allow the City Council to waive the one year period. Should the one year period be granted, he stated that this would allow the person to refile for rezoning.

After discussion, Mr. Canavan moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished. Dr. Cisneros seconded the motion. On roll call, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Wing, Eureste, Thompson, Alderete, Canavan, Steen; NAYS: Archer; ABSENT: Webb, Dütmer, Cockrell,

AN ORDINANCE 53,397

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 A 28.5750 ACRE TRACT OF LAND OUT OF NCB 17054, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 300 BLOCK OF BITTERS ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "P-1(R-1)" PLANNED UNIT DEVELOPMENT SINGLE FAMILY RESIDENTIAL DISTRICT; A 20.2936 ACRE TRACT OF LAND OUT OF NCB 17054, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 13400 BLOCK OF WEST AVENUE AND IN THE 300 BLOCK OF BITTERS ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT; A 3.218 ACRE TRACT OF LAND OUT OF NCB 17054, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 13400 BLOCK OF WEST AVENUE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

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10. CASE 8363 - to rezone the east 250' of Lot 250, Block 25, NCB 11124, in the 500 Block of Moursund Boulevard, from "B" Two Family Residential District to "B-2" Business District, located northwest of the intersection of Moursund Boulevard and Villaret Boulevard, having 100' on Moursund Boulevard and 250' on Villaret Boulevard.

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

Mr. Wing stated that he had been opposed to the rezoning request because of the Baptist Church which is close to the property; however, he had been informed by the minister of the Church that there were several elderly people in the community who could benefit from having a convenience store in their neighborhood.

No citizen appeared to speak in opposition.

After consideration, Mr. Wing moved that the recommendation of the Zoning Commission be approved. Mr. Eureste seconded the motion. On roll call, the motion carrying with it the passage of the following Ordinance prevailed by the following vote: AYES: Cisneros, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen; NAYS: None; ABSENT: Webb, Dütmer, Cockrell.

AN ORDINANCE 53,398

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 THE EAST 250' OF LOT 250, BLOCK 25, NCB 11124, IN THE 500 BLOCK OF MOURSUND BOULEVARD FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT.

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11. CASE 8372 - to rezone the northwest irregular 62.50' of Lot 30, Block 6, NCB 11722, 2043 Anchor Drive, from "R-3" Multiple Family Residential District to "B-1" Business District, located northeast of the intersection of Bel Air Drive and Anchor Drive, having 62.50' on Anchor Drive and 115' on Bel Air Drive.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Wing moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished. Mr. Webb seconded the motion. On roll call, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Thompson, Alderete, Canavan, Steen; NAYS: Archer; ABSENT: Dutmer, Cockrell.

AN ORDINANCE 53,399

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 THE NORTHWEST IRREGULAR 62.50' OF LOT 30, BLOCK 6, NCB 11722, 2043 ANCHOR DRIVE, FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

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81-7 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen; NAYS: None; ABSENT: Cockrell.

AN ORDINANCE 53,400

REPROGRAMMING COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME.

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AN ORDINANCE 53,401

CANCELLING A PROFESSIONAL SERVICES CONTRACT WITH DEE DEE KETCHIE POLK AND AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH EVONE W. GAFNEY AS PROJECT ADMINISTRATOR FOR THE YOUNG ADULT CONSERVATION CORPS PROGRAM.

* * * *

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(Mayor Cockrell returned to the meeting and presided)

81-7 The following Ordinance was read by the Clerk and after consideration, on motion of Mrs. Dutmer, seconded by Mr. Wing, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 53,402

AUTHORIZING EXECUTION OF A CONTRACT WITH
SAN ANTONIO LABORERS' TRAINING TRUST FUND
FOR TRAINING WORKERS FOR EMPLOYMENT IN
THE CONSTRUCTION INDUSTRY.

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81-7 Item 15, being a proposed ordinance authorizing execution of an agreement with the City of Selma to apportion overlapping extra-territorial jurisdiction was withdrawn from consideration.

81-7 Item 16, being a proposed ordinance setting a date, time and place for a public hearing on the proposed annexation of certain lands in the Helotes Area was withdrawn from consideration.

81-7 Item 17, being a proposed ordinance accepting a \$197,000 grant from HUD for conducting a Targeted Jobs Demonstration Program, approving a budget, and authorizing an agreement with the Mexican-American Unity Council to administer an effort to maximize minority participation in Federally aided development projects was withdrawn from consideration.

In response to a question by Mr. Steen, City Manager, Thomas E. Huebner, City Manager explained that there are alterations that need to be done which would result in the rewriting of the ordinance.

At this time, Councilman Bernardo Eureste took exception to remarks made by two disc-jockeys of a local radio station that he had been the one pushing for this item to be placed on the agenda.

81-7 The Clerk read the following Ordinance:

AN ORDINANCE 53,403

AUTHORIZING PAYMENT OF \$31,331.84 AS 1981
MEMBERSHIP DUES TO THE ALAMO AREA COUNCIL
OF GOVERNMENTS.

* * * *

Dr. Cisneros moved to approve the Ordinance. Mr. Webb seconded the motion.

In response to a question by Mr. Thompson, Mayor Cockrell explained that this agency serves as the A-95 clearing house for all grants which is a requirement for approval of state and federal grants.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

81-7 The Clerk read the following Ordinance:

AN ORDINANCE 53,404

APPROPRIATING \$5,000.00 FROM THE HOTEL-MOTEL OCCUPANCY TAX FUNDS FOR THE COST OF A TEAM OF ARCHITECTS AND PLANNERS TO COME FROM GUADALAJARA TO PROVIDE TECHNICAL ADVICE IN CONNECTION WITH LA VILLITA REDEVELOPMENT.

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Mr. Thompson moved to approve the Ordinance. Mr. Alderete seconded the motion.

Ms. Karen Davis, Executive Assistant to the City Manager explained the proposed Ordinance.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Steen, Cockrell; NAYS: None; ABSENT: Canavan, Archer.

81-7 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Steen, seconded by Mrs. Dutmer, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Steen, Cockrell; NAYS: None; ABSENT: Canavan, Archer.

AN ORDINANCE 53,405

AUTHORIZING EXECUTION OF AN AGREEMENT WITH TOWER FOODS, INC., FOR OPERATING A FOOD AND BEVERAGE CONCESSION IN THE TOWER OF THE AMERICAS.

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81-7 Item 21, being a proposed ordinance amending Chapter 34 (Signs) of the City Code with respect to portable signs; and providing that any violation hereof is punishable by a fine not to exceed \$200 was withdrawn from consideration.

City Manager explained that this item was put on the agenda at the request of the Electrical Board but they could not get a quorum; therefore, this item would be back on the agenda next week.

In response to a concern expressed by Mr. Webb, City Attorney, Jane Macon explained that the proposed ordinance will strenghten the original ordinance allowing the City to issue tickets to those in violation.

Mr. George Vann, Building Inspection Director explained that Trial Attorney, Mr. Steve Arronge has found a defect in the present non-electrical and electrical ordinances and has filed cases in Municipal Court.

81-7 The Clerk read the following Resolution:

A RESOLUTION
NO. 81-07-11

ENDORSING STATE LEGISLATION FOR THE
TEXAS TRIANGLE RAIL CORRIDOR TO IMPROVE
RAIL TRANSPORTATION FOR PASSENGER AND
FREIGHT SERVICES BETWEEN SAN ANTONIO,
HOUSTON, DALLAS, AND FORT WORTH.

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Mr. Thompson moved to approve the Resolution. Mr. Archer seconded the motion.

Mr. Thompson spoke in support of the Resolution and stressed the importance of House Bill 990 and 992.

Mr. Alderete commended Mr. Thompson on his efforts regarding this project.

After consideration, the motion carrying with it the passage of the Resolution prevailed by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Canavan.

81-7 The Clerk read the following Ordinance:

AN ORDINANCE 53,406

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THE JOINT VENTURE OF CHUMNEY, JONES & KELL/SALDANA, WILLIAMS & SCHUBERT TO PROVIDE ARCHITECT SERVICES IN THE MAIN-SOLFAD PARKING GARAGE CONSTRUCTION; AUTHORIZING THE ARCHITECTS TO PROCEED WITH A FEASIBILITY STUDY; AUTHORIZING PAYMENT OF \$50,000 IN ARCHITECT FEES AND \$2,500 FOR CONTINGENT EXPENDITURES; ESTABLISHING A FUND AND ADOPTING A BUDGET.

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Mr. Wing moved to approve the Ordinance. Mr. Steen seconded the motion.

In response to a question by Mr. Thompson, Mr. Joe Aceves, Assistant Director of Public Works explained that this Ordinance provides funds for the feasibility study phase only. He stated that once the study is complete, the City Council will be briefed on the results. He urged the passage of the Ordinance.

After consideration, the motion carrying with it the passage of the Ordinance prevailed by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Thompson, Archer, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Alderete, Canavan.

CITIZENS TO BE HEARDFIRE STATION/ EMS UNITMR. DUB SALTERFIELD

Mr. Salterfield, 17302 Mt. Everest related two incidents which have occurred in the north San Pedro area and the response time of EMS to the calls. He stated that they have collected 2,000 signatures in favor of the erection of a Fire Station and obtained a tract of land where a fire station could be erected to serve the residents of the area. He feels that the City is not moving fast enough in this matter and urged the City Council to place this issue in the highest priority possible.

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MS. SANDY WILSON

Ms. Wilson expressed her concern about the lack of fire facilities in the area as resident, business owner, and realtor. She spoke about the tremendous growth in this area and the tax base in the area. She urged the City Council move on their request.

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MRS. LOLLI MCLAUGHLIN

Mrs. McLaughlin, 2835 Quali Oak, related a personal incident in which she had to rely on neighbors to assist in saving her son's life since EMS was not able to reach her home and their response time was ten minutes. She presented petitions in favor of their request. (A copy of which is on file with the minutes of this meeting.)

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DR. RICK WILSON

Dr. Wilson, 2234 Rippling Rill, stated that they are having people die because EMS cannot respond in time and homes are being burned to the ground because fire fighters cannot reach them. He stated that there is a great inadequacy in the Fire Department's budget.

In response to Mayor Cockrell's question, Mr. George Noe, Labor Relations Coordinator, stated that he had attended one meeting where this issue was discussed. He stated that the City is in the final stages of site selection for a fire station.

Mayor Cockrell stated that a piece of land was offered.

Mr. Noe stated that at least 2 sites have been offered and they are determining the best location for the fire station. He stated that construction funds will not be available until the second year of the five year program. He stated that the initial time period called for the project to be done last summer, however certain circumstances caused major revisions causing the delay. He spoke of their plans to begin implementation of the Fire Station. He further stated that it is projected to have the Fire Station built around the later part of '82 or early '83.

Mrs. Dutmer stated that the southern area of the City doesn't have an aerial ladder unit. She stated that in addition to the EMS, traffic control is needed.

Mr. Steen stated that there have been many delays on the project. He stated that there are three fire stations in the Capital Improvement Bond funds and that District 10 was the only district to include fire stations in the Bond package.

In response to Mr. Steen, Mr. Noe stated that a report would be forthcoming to the Council the first week of March on the proposed site for the fire station.

Mr. Alderete stated that the City staff needs to act on this matter expeditiously. He then made a motion that staff be directed to identify funding and that an attempt be made to establish a temporary EMS unit in the area. Mr. Steen seconded the motion. On roll call, the motion prevailed by the following vote: AYES: Cisneros, Dutmer, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: Eureste; ABSENT: Webb, Wing, Canavan.

Mr. Wing stated that last year Council failed to vote for a three-cent tax increase which would have made it possible for additional fire fighters, EMS technicians, and police personnel.

Mr. Steen stated that he doesn't want the citizens to raise their hopes because of the motion made.

In response to Mr. Alderete, Mr. Alexander Briseno, Assistant City Manager stated that a report would be forthcoming in a two-three week period.

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MR. ANTONIO M. MELCHOR

Mr. Melchor, 3019 Morales, expressed concern about the remarks made by Mr. Billy Wolfe, President of the Firefighters Association and took exception to these remarks.

Mr. Eureste stated that statements made by Mr. Wolfe should be of concern to the Mayor and Council and feels that the Council's policy is being challenged. He stated that he also feels that the City Manager's office is also being challenged. He expressed concern about statements made by Mr. Wolfe about the Consul General.

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MRS. MARGARITA ORTA

Mrs. Orta spoke in Spanish, stating that she sees herself again appearing before the Council to complain about the actions of government. She spoke about the Theresa Brown case, the Hector Santoscoy case, and the incident in which the City Manager was involved in, and lastly the remarks made by Billy Wolfe. She stated that she doesn't feel that he should be involved in making the statements he has made although he has the right of free speech, since he is a City employee and is paid by the citizens of this City. She further stated that the Mexicans have been a strong contributing factor to the betterment of this County's economy.

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MR. DON JONES

Mr. Jones, 930 Britton Street stated that the officer involved in the Hector Santoscoy matter acted within the line of duty.

MR. MICHAEL WADE

Mr. Wade stated that the City will encounter many problems with transportation in the future. He asked what effort is being made to use railroads as a major means of transportation within the City of San Antonio. He stated that they are proposing that the City initiate the appointment of a task force in order to make a feasibility study of what direction an actual monetary study should take.

Mr. Thompson stated that the Council's Transportation Committee has not made the railroad an integral part of their study, however, they intend to proceed with such a study and further stated that they are considering the matter.

MRS. ANGELA SAENZ

Mrs. Saenz, 1335 Bailey Avenue spoke to the Council about the many years she has endured problems with a certain neighbor. She stated that she has been to all the available departments and no-one has been able to do anything about it.

Mrs. Dutmer stated that she has been contacted by Mrs. Saenz and she has a valid complaint since the neighbors have harrassed Mrs. Saenz. She stated that the teenagers are known police characters and the parents are known alcoholics.

Assistant City Attorney, Mr. Luis Garcia stated that the parties are juveniles and it should be a District Attorney case. He stated that this matter is outside the jurisdiction of the City.

Mr. Alexander Briseno, Assistant City Manager stated that the police patrol can be increased and Community Relations Bureau can look into this matter.

MR. RAUL RODRIGUEZ

Mr. Rodriguez, 719 Delgado stated that he feels there is nepotism in the Fire and Police Departments. He stated that there are cases of five members of one family in the fire department. He stated that other persons are not given a proper opportunity to join the Police and Fire Departments since there are not that many variances in their departments. He asked how many City employees are related.

Mayor Cockrell asked for a report as to the pertinent law and the policy on this matter.

Mr. Thompson stated that nepotism doesn't apply in this case even if five members of a family are in a certain Department.

Mr. Eureste asked for a report on the policy of the City.

MR. RICARDO JASSO

Mr. Jasso, 2300 W. Commerce, representing the San Antonio Chapter of the National Chicano Alliance spoke about the purpose of their organization with regard to the problems of substance, abuse, alcoholism and social services, and mental health.

He registered their complaint about the double standard of the City with regard to public officials. He urged the City Council to implement policy to uphold the integrity of public officials.

Mr. Eureste commended Mr. Jasso for his presentation which was eloquently presented.

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MR. JOE GALLEGOS, JR.

Mr. Gallegos, Centro Cultural Azlar concurred with Mr. Jasso's statement and stated that he feels that the City Council didn't handle the matter of the City Manager's accident well. He also expressed concern about remarks made by Mr. Billy Wolfe.

Mr. Thompson stated that the Council Committee dealt with executing policy and acted in a proper manner with regard to the City Manager's accident. He stated that the system of law must be complied with.

Mayor Cockrell stated that it is the policy of the City to insure protection to those persons wishing to express their point of view. She asked that the City Manager review the issue and see if a need exists for a reaffirmation of the policy.

Mr. Eureste again expressed concern about remarks made by Mr. Billy Wolfe and feels that certain threats were made and feels that the leadership is encouraging the emotions of the police to take over.

Mrs. Dutmer stated that she feels that the demonstrators want free speech, however, they don't want to afford Billy Wolfe to have the same opportunity.

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81-7

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LEGISLATIVE PROGRAM

Ms. Karen Davis, Executive Assistant to the City Manager, reviewed the Legislative Program. (A copy of which is on file with the minutes of this meeting.)

Council concurred with her report.

Mr. Steen and Mrs. Dutmer expressed concern about the alternative to sales tax increase and feels that the City of San Antonio will not benefit.

Mayor Cockrell stated that the City Council should support the low option.

81-7 The Clerk read the following Letter:

February 20, 1981

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

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

February 13, 1981

Petition submitted by Ms. Mary Thompson requesting the installation of sidewalks on Spicewood.

February 17, 1981

Petition submitted by Mr. Jesse G. Cantu of 217 Lowell Street, requesting sale of the alley behind his home.

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/s/ NORMA S. RODRIGUEZ
City Clerk

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There being no further business to come before the Council,
the meeting was adjourned at 7:05 P.M.
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A P P R O V E D

Lila Cockrell

M A Y O R

ATTEST: *Norma S. Rodriguez*
City Clerk

February 19, 1981
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