

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, SEPTEMBER 8, 1983.

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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: FERRIOZAPAL, WEBB, DUTMER, WING, EURESTE, THOMPSON, HARRINGTON, ARCHER, HASSLOCHER, CISNEROS. Absent: ALDERETE.

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83-43 The invocation was given by Councilman Bob Thompson.

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83-43 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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83-43 OAXACA, MEXICO VISITORS

Mayor Cisneros introduced Doctor Jaime Larumbe Reimers, Mayor of the City of Oaxaca, Oaxaca, Mexico who was visiting San Antonio along with Mr. Jorge Ortiz Cruz Ahedo, Personal Assistant to the Governor of Oaxaca, Mr. Enrique Guzman Silva, Personal Assistant to the Mayor of Oaxaca and Mr. Tito Hernandez, Secretary to the Mayor of Oaxaca.

Dr. Larumbe Reimers thanked Mayor Cisneros for the warm welcome his delegation received from the Council and the City of San Antonio. He took the opportunity to particularly thank Mr. Al Tripp, former director of the Conventions and Visitors Bureau with the City of San Antonio.

Mayor Cisneros then read and presented a proclamation making Dr. Jaime Larumbe Reimers an Alcalde de La Villita.

Mr. Jorge Ortiz Cruz Ahedo, Personal Assistant to the Governor of Oaxaca, brought greetings from the Governor of Oaxaca and presented an assortment of books as gifts from Governor to the City of San Antonio.

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83-43 V.F.W. POST 9186

Mr. F. R. Hernandez and representatives of V.F.W. Post 9186 presented the City of San Antonio with an American flag. He spoke of his post's various community activities, one of which is donating American flags to schools, clubs and other community organizations.

Mayor Cisneros thanked V.F.W. Post 9186 on behalf of the City of San Antonio for the flag.

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83-43 CAMEO THEATER INVITATIONS

Dr. Mike Zaccaria, owner of the Cameo Theater in St. Paul's Square, invited the Mayor and City Council to attend an upcoming play. He added that the Cameo Theater is celebrating its second anniversary.

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83-43 CONSENT AGENDA

Mr. Hasslocher moved that items 4-15, constituting the consent agenda, be approved with the exception of item 4, to be pulled for individual consideration. Mr. Webb seconded the motion.

On voice vote, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Alderete.

AN ORDINANCE 57,534

ACCEPTING THE BID OF H. B. ZACHRY CO. IN THE AMOUNT OF \$384,207.00 FOR THE SAN PEDRO CREEK COMPUTER CABLE RELOCATION PROJECT; APPROVING A CONTRACT AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 57,535

AWARDING IRRIGATION CONTRACTS TO SPRINKLER KING OF TEXAS AND RAINMAKER FOR GARZA, ARNOLD AND COPERNICUS PARKS AND PROVIDING FOR PAYMENT OF \$158,000.00 IN CONNECTION WITH SAME.

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AN ORDINANCE 57,536

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$2,165.00 OUT OF COMMUNITY DEVELOPMENT FUNDS FOR THE PURPOSE OF ACQUIRING TITLE AND EASEMENTS TO CERTAIN LANDS; ACCEPTING THE DEDICATION OF EASEMENTS TO CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

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AN ORDINANCE 57,537

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$650.00 OUT OF COMMUNITY DEVELOPMENT FUNDS FOR THE PURPOSE OF ACQUIRING EASEMENTS TO CERTAIN LANDS; ACCEPTING THE DEDICATION OF EASEMENTS TO CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN RIGHT OF WAY PROJECTS.

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AN ORDINANCE 57,538

AMENDING ORDINANCE NUMBER 55511, DATED JULY 1, 1982 TO NULLIFY EXHIBITS I AND II ATTACHED THERETO AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE TWO QUITCLAIM DEEDS TO VIA METROPOLITAN TRANSIT TO CORRECT THE PROPERTY DESCRIPTIONS.

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AN ORDINANCE 57,539

AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A LEASE FOR FIVE YEARS WITH LA DUKE ENTERPRISES, INC., FOR PARKING PURPOSES ONLY, ON PUBLIC RIGHT OF WAY, FOR A TOTAL CONSIDERATION OF \$3,150.00.

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AN ORDINANCE 57,540

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

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AN ORDINANCE 57,541

AUTHORIZING PAYMENT OF REFUNDS TO PERSONS MAKING OVERPAYMENTS OR DOUBLEPAYMENTS ON TWENTY-THREE TAX ACCOUNTS.

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AN ORDINANCE 57,542

CLOSING RUSSELL STREET FROM HOWARD TO BELKNAP ON SEPTEMBER 11, 1983, IN CONNECTION WITH A CHURCH FAIR.

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AN ORDINANCE 57,543

GRANTING A ONE YEAR LICENSE TO OPERATE A LIMOUSINE SERVICE WITHIN THE CITY OF SAN ANTONIO TO MR. JAMES WEAVER AND MS. NAN SMITH DE WINNE D/E/A MAGIC WANDERER TOURS.

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AN ORDINANCE 57,544

ACCEPTING SIX GRANTS FROM THE GOVERNOR'S OFFICE OF GENERAL COUNSEL AND CRIMINAL JUSTICE IN SUPPORT OF PROJECTS IN 1983-1984 IN THE POLICE, FIRE AND PERSONNEL DEPARTMENTS; ADOPTING BUDGETS THEREFOR AND DESIGNATING FUNDS AND AUTHORIZING MATCHING CONTRIBUTIONS FROM THE GENERAL FUND.

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84-43 The Clerk read the following Ordinance:

AN ORDINANCE 57,545

ACCEPTING THE PROPOSAL OF THE FIRM OF WILEY, GARWOOD, STOLHANDSKE & SIMMONS FOR LEGISLATIVE ASSISTANCE ON MATTERS UNDER CONSIDERATION BY CONGRESS REGARDING AMENDMENTS TO THE CLEAN WATER ACT, APPROPRIATIONS AND RELATED FEDERAL LEGISLATION WHICH WILL IMPACT ON THE WASTEWATER IMPROVEMENT PROGRAM.

\* \* \* \*

Mr. Hasslocher moved that the Ordinance be approved. Mr. Harrington seconded the motion.

Mr. Thompson spoke of his concern in bringing an outside law firm to represent the City. He added the City would be better served by its own legal department.

Mr. Frank Kiolbassa, Director of Public Works, stated that Mr. Bob Weaver, Attorney with Wiley, Garwood, Stolhandske & Simmons, has considerable expertise in Congressional legislation relative to the Clean Water Act. He briefly explained the City's objectives in securing Mr. Weaver's services.

Mr. Hasslocher spoke of a recent trip to Washington, D.C. in which he was present when Mr. Weaver spoke to some Congressional representatives. He stated he believed the City needs Mr. Weaver's expertise in the legislative process in order that the City can continue moving forward. He further added that the City's legal department does not presently have a staff member with the expertise to properly represent San Antonio in Washington on this issue. He encouraged his Council colleagues to support this Ordinance.

Mr. Fox expressed his support in hiring an expert for this particular problem.

Mr. Eureste expressed his support of this Ordinance.

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

#### ZONING HEARINGS

16. CASE Z83290 - to rezone Lot 2, NCB 1296, from "D" Apartment District to "B-2" Business District and Lot 3, NCB 1296, from "D" Apartment District to "B-3NA" Business District, Non-Alcoholic Sales, 1942-1946 N. Pan Am (I.H. 35 North Expressway), located on the south side of Pan Am (I.H. 35 North Expressway), 62' east of the intersection of Palametto Street and Pan Am I.H. 35 North Expressway, having 124' on Pan Am (I.H. 35 North Expressway) and a depth of 187'.

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.

Mr. Webb moved that the recommendation of the Zoning Commission be approved provided that off-street parking is provided, and that 16.35' of land be dedicated along Sharer Street. 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, Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Alderete.

#### AN ORDINANCE 57,546

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 2, NCB 1296, FROM "D" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT AND LOT 3, NCB 1296, FROM "D" APARTMENT DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, 1942-1946 NORTH PAN AM (IH 35 NORTH EXPRESSWAY),

PROVIDED THAT OFF-STREET PARKING IS PROVIDED, AND THAT 16.35' OF LAND BE DEDICATED ALONG SHARER STREET.

\* \* \* \*

17. CASE 283292 - to rezone Lot 191-2, Block 20, NCB 11119, 409 Moursund Elvd, from "B" Residence District to "B-2" Business District, located on the west side of Moursund Elvd., being 87.6' south of the intersection of Gillette Blvd. and Moursund Elvd., having 50' on Moursund Elvd. and 118.5' in depth.

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.

Mr. Wing noted that three junked cars were on the property and were blocking visibility thus causing a dangerous situation for area traffic.

Mr. Max Burlison, 155 S. W. W. White Road, stated he is requesting "B-2" zoning to enable him to resell the property but continue its existing use. He added that the problem with the junked cars had been created by a previous lessee but he assured the Council that the cars would be moved within five days.

Mr. Wing moved that the recommendation of the Zoning Commission be approved provided that a 6-foot solid screen fence is erected and maintained along the west and south property lines. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 57,547

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 191-2, BLOCK 20, NCB 11119, 409 MOURSUND ELVD. FROM "B" RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT A 6-FOOT SOLID SCREEN FENCE IS ERRECTED AND MAINTAINED ALONG THE WEST AND SOUTH PROPERTY LINES.

\* \* \* \*

18. CASE 283278 - to rezone the northwest 300' of Parcel 6, NCB 15674, 15838 San Pedro Avenue (U.S. 281 North Hwy.), from Temporary "R-1" E.R.Z.D. One Family Residence, Edwards Recharge Zone District to "B-3R" E.R.Z.D., Restrictive Business District, Edwards Recharge Zone District, and Parcel 6 save and except the northwest 300' NCB 15674, from Temporary "R-1" E.R.Z.D. One Family Residence, Edwards Recharge Zone District to "O-1" E.R.Z.D., Office District, Edwards Recharge Zone District, located on the southeast side of San Pedro Ave., (U.S. 281 North Hwy.) being approximately 420' northeast of the intersection of Paso Del North Drive and San Pedro Ave., having 200' on San Pedro Ave. (U.S. 281 North Hwy) and a maximum depth of 1013.70'. The "B-3" being on the northwest 300' and the O-1" being on the remaining portion of subject property.

September 8, 1983

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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.

Mr. Hasslocher moved that the recommendation of the Zoning Commission be approved provided that proper access and off-street parking are provided, and that the applicant work with the Texas Department of Water Resources and the Edwards Aquifer Protection Office to contain runoff. Mr. Harrington seconded the motion.

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

AN ORDINANCE 57,548

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 300' OF PARCEL 6, NCE 15674, 15838 SAN PEDRO AVENUE (U.S. HWY. 281 NORTH), FROM TEMPORARY "R-1" ERZD ONE-FAMILY RESIDENCE, EDWARDS RECHARGE ZONE DISTRICT TO "E-3R", ERZD, RESTRICTIVE BUSINESS, EDWARDS RECHARGE ZONE DISTRICT AND PARCEL 6, SAVE AND EXCEPT THE NORTHWEST 300', NCB 15674, FROM TEMPORARY "R-1" ERZD ONE-FAMILY RESIDENCE DISTRICT, EDWARDS RECHARGE ZONE DISTRICT TO "O-1" ERZD OFFICE, EDWARDS RECHARGE ZONE DISTRICT, PROVIDED THAT PROPER ACCESS AND OFF-STREET PARKING ARE PROVIDED, AND THAT THE APPLICANT WORK WITH THE TEXAS DEPARTMENT OF WATER RESOURCES AND THE EDWARDS AQUIFER PROTECTION OFFICE TO CONTAIN RUNOFF.

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83-43

SENATOR JOHN GLENN

Mayor Cisneros introduced Senator John Glenn who was present in the audience and welcomed him and his wife to San Antonio.

Senator Glenn thanked Mayor Cisneros for his warm welcome and spoke of issues that needed to be addressed by the government at the federal level.

Mayor Cisneros then presented Senator and Mrs. Glenn with gifts as remembrances of their visit to San Antonio.

Councilman Archer spoke in defense of the current administration's position on some of the issues Senator Glenn had spoken to.

ZONING HEARINGS (Continued)

19. CASE 283294 - to rezone Lot 52 and the southeast 35' of Lot 53, Elock 3, NCB 11613, in the 2100 Elock of Babcock Road, from "O-1" Office District to "E-1" Business District, located southwest of the intersection of Babcock Road and Dorothy Louise Drive, having 135' on Babcock Road and 245' on Dorothy Louise Drive.

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

September 8, 1983

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Mr. Andy Guerrero, Planner II, noted that this case would require nine votes for approval.

Ms. Carolyn Heinemeyer, 6214 Mondean, noted that the change in zoning is requested in order that her company Medi-Central can locate their administrative as well as their medical equipment and supplies sales offices on this property. She added that their proposed use will be consistent with the pattern of the area.

Councilman Harrington expressed concern with more intense zoning than the present "O-1" zoning and suggested that only that portion where actual sales of equipment and supplies are to be conducted be zoned "B-1".

Mr. Harrington moved that "B-1" zoning be approved on the front 125' of the property. Mr. Webb seconded the motion.

Ms. Heinemeyer stated that the adjacent property is vacant and that a check by her company with residents in the area indicated their support of the requested rezoning.

Mrs. Dutmer spoke of Babcock Road as being in transition and eventually becoming a major thoroughfare.

Due to a lack of the required nine votes, the motion to zone only the front 125' of subject property "B-1" failed to carry by the following vote: AYES: Berriozabal, Webb, Dutmer, Eureste, Thompson, Harrington, Cisneros; NAYS: Archer; ABSENT: Wing, Alderete, Hasslocher.

Mr. Wing then moved that consideration of this zoning case be taken up at a later hour. Mr. Webb seconded the motion.

After consideration, the motion to reconsider at a later hour prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Cisneros; NAYS: None; ABSENT: Alderete, Hasslocher.

Mrs. Dutmer noted that Council members should be present in the chamber during hearings on zoning cases.

Mrs. Dutmer moved that this case be taken up at this time for consideration. Mr. Wing seconded the motion.

After discussion, the motion to reconsider prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Alderete.

Mr. Harrington moved that the front 125' of subject property be zoned "B-1" provided that proper access and off-street parking are provided, and that a six foot solid screen fence is erected and maintained along the southwest property line. Mr. Webb seconded the motion.

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

AN ORDINANCE 57,549

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 125' OF LOT 52, AND THE NORTHEAST 125' OF THE SOUTHEAST 35' OF LOT 53, BLOCK 3, NCB 11613 FROM "O-1" OFFICE DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT PROPER ACCESS

AND OFF-STREET PARKING ARE PROVIDED, AND THAT A 6-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTHWEST PROPERTY LINE.

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20. CASE 283226 - to rezone Lot 4, NCB 773, 515 W. Elmira Street, from "D" Apartment District to "O-1" Office District, located on the northwest side of Elmira Street being approximately 310' northeast of the intersection of N. Flores Street and Elmira Street, having approximately 60' on Elmira Street and a depth of 188'.

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.

Mrs. Laura Oppelt, 438 Glendale, stated she is requesting the change of zoning to build a small office building on the property.

Ms. Berriozabal moved that the recommendation of the Zoning Commission be approved provided that proper access and off-street parking are provided. Mr. Webb seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ASENT: Alderete.

AN ORDINANCE 57,550

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 4, NCB 773, 515 WEST ELMIRA STREET, FROM "D" APARTMENT DISTRICT TO "O-1" OFFICE DISTRICT, PROVIDED THAT PROPER ACCESS AND OFF-STREET PARKING ARE PROVIDED.

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83-43 Item No. 21 on the agenda was pulled from consideration.

22. CASE 283272 - to rezone Lot 2, Block 3, NCB 17171, 8627 Cinnamon Creek, from "R-3" Multiple Family Residence District to "P-1(R-3)" Planned Unit Development, Multiple Family Residence District, located approximately 400' east of Cinnamon Creek Drive and 340' north of Hamilton-Wolfe Road, having 440' on Hamilton-Wolfe Road and 200' on Cinnamon Creek 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.

Mr. Harrington moved that the recommendation of the Zoning Commission be approved. 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, Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ASENT: Alderete.

AN ORDINANCE 57,551

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 2, BLOCK 3, NCB 17171, 8627 CINNAMON CREEK, FROM "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT TO "P-1(R-3)" PLANNED UNIT DEVELOPMENT, MULTIPLE-FAMILY RESIDENCE DISTRICT.

\* \* \* \*

23. CASE Z83277 - to rezone a 42,590 square foot tract of land out of NCB 7676, being further described by field notes filed in the Office of the City Clerk, in the rear of 1203 S.E. Military Drive, from Historic "B-3" Business District to Historic "I-2" Heavy Industry District, located 33.1' and 96.82' north of S.E. Military Drive, being approximately 640' southeast of the intersection of Roosevelt Avenue and S.E. Military Drive having a maximum depth of 29918' and width of 139.8'.

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.

Both Mrs. Dutmer and Mr. Wing spoke in favor of the requested rezoning.

Mr. Wing moved that the recommendation of the Zoning Commission be approved. Mrs. Dutmer seconded the motion.

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

AN ORDINANCE 57,552

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 42,590-SQUARE-FOOT TRACT OF LAND OUT OF NCB 7676, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE REAR OF 1203 SOUTHEAST MILITARY DRIVE, FROM HISTORIC "B-3" BUSINESS DISTRICT TO HISTORIC "I-2" HEAVY INDUSTRY DISTRICT.

\* \* \* \*

83-43 The Clerk read the following Ordinance:

AN ORDINANCE 57,553

REVISING THE PARKING FEES FOR THE RIVERBEND GARAGE TO REDUCE THE FEE FOR DOWNTOWN RESIDENTS WHO PARK ON TOP FLOOR.

\* \* \* \*

In response to a question by Mr. Thompson, Mr. Frank Kiobassa, Director of Public Works, noted that a number of downtown residents had requested a reduced monthly parking fee rate at the Riverbend Garage. The

reduced fee represented a \$15.00 savings for the downtown residents from \$50.00 a month to \$35.00 a month. The residents would have to verify they live in the downtown area and would be limited to parking on the top floor only.

Mr. Thompson expressed concern with setting a precedent in reducing parking fees and urged his Council colleagues to carefully consider this request and the ramifications should this Ordinance be approved.

A motion by Mr. Thompson to deny this Ordinance failed for lack of a second.

Mr. Hasslocher moved that the Ordinance be approved. Mrs. Dutmer seconded the motion.

Ms. Ferriozabal spoke in support of the Ordinance noting that downtown housing is being promoted and reduced parking rates would provide an added incentive.

Mrs. Dutmer stated that she had been opposed to raising the monthly parking fees to \$50.00 a month instead preferring to keep them low.

Mr. Archer spoke in favor of the reduced rates.

In reply to a question by Mr. Thompson, Mr. Kiolbassa stated that very specific guidelines for determining eligibility for the reduced parking rates would be set up.

Mr. Eureste took exception to the manner in which this item was presented to the Council stating that he takes exception to the preferential treatment certain groups of people are afforded by the staff.

Mr. Louis J. Fbx, City Manager, stated that staff makes a judgement on which items get on the agenda. He added that the area that will be assigned for resident parking is not 'preferred space' referring to it instead as 'dead space'.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Thompson, Archer, Hasslocher, Cisneros; NAYS: Wing, Eureste; AESENT: Alderete, Harrington.

83-43 The Clerk read the following Ordinance:

AN ORDINANCE 57,385

DESIGNATING A TRACT OF LAND CONSISTING OF APPROXIMATELY FIVE ACRES OF LAND LOCATED AT THE INTERSECTION OF HORAL DRIVE AND MARBACH ROAD TO BE ADJACENT TO AN ELIGIBLE ELIGHTED AREA; PROVIDING FOR THE EXTENSION OF THE CITY LIMITS BY THE ANNEXATION OF SUCH TRACT; AND APPROVING A SERVICE PLAN FOR SUCH TRACT. (SECOND AND FINAL READING)

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Mr. Hasslocher moved that the Ordinance be approved. Mr. Webb seconded the Ordinance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Archer, Hasslocher, Cisneros; NAYS: None; AESENT: Alderete, Harrington.

September 8, 1983  
mlr

83-43 By common consent, the City Council moved Agenda Item 26 for consideration to the last item on the agenda.

83-43 The Clerk read the following Ordinance:

AN ORDINANCE 57,554

AUTHORIZING A CONTRIBUTION OF \$8,000.00 TO THE EUROPEAN TASK FORCE IN SUPPORT OF THE COST OF AN EXHIBIT AT THE U.S. CONFERENCE OF MAYORS' INVEST IN AMERICA'S CITIES EXHIBITION IN ZURICH, SWITZERLAND ON OCTOBER 17-20, 1983.

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Mr. Hasslocher moved that the Ordinance be approved. Mr. Webb seconded the motion.

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

83-43 The Clerk read the following Ordinance:

AN ORDINANCE 57,555

REAFFIRMING THE POSITION OF THE PRESIDING JUDGE OF THE MUNICIPAL COURTS AND PRESCRIBING THE DUTIES OF SUCH POSITION.

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Mr. Webb moved that the Ordinance be approved. Mr. Hasslocher 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, Eureste, Thompson, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Alderete.

83-43 The Clerk read the following Ordinance:

AN ORDINANCE 57,556

ADOPTING THE RECOMMENDATIONS OF THE PLANNING COMMISSION IN CONJUNCTION WITH THE REPORT FROM THE AD HOC COMMITTEE ON WATER PLANNING AND DIRECTING CITY STAFF TO PROCEED WITH NECESSARY ACTION.

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Mr. Hasslocher moved that the Ordinance be approved. Mrs. Dutmer 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, Eureste, Thompson, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Alderete.

83-43 The Clerk read the following Resolution:

A RESOLUTION NO. 83-43-77

GIVING DIRECTION ON FUTURE DEVELOPMENT AND USE OF  
STINSON MUNICIPAL AIRPORT.

\* \* \* \*

Mr. Hasslocher moved that the Resolution be approved. Mr. Webb seconded the motion.

Mr. Mike Kutchins, Director of Aviation, stated that direction from the Council was requested on which of the two alternatives, which were previously approved by the Council and set forth in the Stinson Municipal Airport Master Plan Presentation Summary dated January 20, 1983, should receive further consideration.

Mr. Wing stated that he had recently received petitions from residents in the area that are not in favor of the proposal.

Mr. Mike Hogan, Southern Sector Task Force member and Southside Chamber of Commerce, spoke in favor of the Resolution.

Ms. Reba Malone, Southside Chamber of Commerce, spoke in favor of alternative 3-B of the Stinson Municipal Airport Master Plan Presentation Summary.

Mr. Bob Murray, Mission Road Development Center, spoke in support of improvements at Stinson Airport.

Mr. C. N. Boggess, representing the Harlandale Independent School District, stated that the Harlandale Independent School District Board of Trustees had not taken an official stance regarding this issue; however, he noted that improvements at Stinson Airport would improve the tax values of the school district.

Mr. Richard H. Fessler, President of Hallmark Institute of Technology, recommended approval of plan 3-B for the development of Stinson Airport. He spoke of the necessity to relocate part of their educational facilities because of current conditions at Stinson Airport.

Mrs. Dutmer stated that the improvements at Stinson Municipal Airport had been identified as one of the priorities for the Target 90 project. She added that the City should recognize the need for an alternate airport for some of the corporate and smaller airplanes.

Mr. Thompson noted that the Resolution gives a positive statement for the development of southside San Antonio and spoke in favor of the Resolution.

Mayor Cisneros also spoke in favor of the Resolution.

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

83-43 Mr. Stuart Summers, Director of Budget & Research Department, stated that staff recommended consideration of Item #31 be postponed until such time as the City receives a certified tax roll from the Bexar Appraisal District.

Mr. Louis J. Fox, City Manager, stated that he also recommended postponement of this item until receipt of the tax roll.

September 8, 1983

mlr

Mr. Thompson expressed concern with the Bexar Appraisal District's delay in sending the City the tax roll.

Mr. Summers explained that a technical error had been cited as the cause for the delay.

Several members of the Council expressed concern with the delay.

Mrs. Dutmer spoke to a need to allot funds for retired fire and police employees' health insurance.

By Council concensus Item #31 was deferred from consideration until next week's Council meeting.

- - -  
83-43 The Clerk read the following Resolution:

A RESOLUTION NO. 83-43-78

AUTHORIZING AND DIRECTING THE CITY ATTORNEY'S OFFICE TO JOIN THE CITY AS A PARTY IN A CAUSE OF ACTION AGAINST JIM WILSON & ASSOCIATES (AND OTHER NECESSARY PARTIES, IF ANY) FOR THE INFRINGEMENT OF THE SERVICE MARK REGISTERED IN THE U.S. PATENT AND TRADEMARK OFFICE (REG. NO. 1,142,855) DEPICTING THE MARKET SQUARE/EL MERCADO LOGO THROUGH THE USE OF THE NAME MERCADO SQUARE AND ACCOMPANYING GRAPHICS FOR A NEW MALL LOCATED AT MAREACH AND LOOP 410; AND FURTHER AUTHORIZING AND DIRECTING THE CITY ATTORNEY'S OFFICE TO JOIN AS A PARTY IN A CAUSE OF ACTION AGAINST JIM WILSON & ASSOCIATES (AND OTHER NECESSARY PARTIES, IF ANY) FOR UNFAIR TRADE PRACTICES THROUGH THE USE OF THE NAME MERCADO SQUARE AND ACCOMPANYING GRAPHICS RESEMBLING THAT OF THE MARKET SQUARE/EL MERCADO LOGO FOR THE NEW MALL LOCATED AT MAREACH ROAD AND LOOP 410.

\* \* \* \*

Ms. Berriozabal requested that consideration of this item be postponed until the Resolution's co-sponsor, Mr. Alderete, was present.

Mr. Archer stated that this item should be addressed today.

Ms. Berriozabal moved that consideration of the Resolution be postponed. Mr. Wing seconded the motion.

The motion failed to carry by the following vote: AYES: None; NAYS: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Cisneros; ABSENT: Alderete, Hasslocher.

Mr. Eureste moved that the Resolution be approved. Mr. Archer seconded the motion.

City Attorney Jane Macon stated that attorneys in her office had addressed this problem on an informal basis with representatives of Jim Wilson & Associates for several weeks but that formal negotiations had not as yet taken place.

Mayor Cisneros stated he would prefer a more informal action such as directing the City attorney to go into formal negotiations in an attempt to resolve the problem before the City enters into a lawsuit.

Mr. Eureste stated that continued use of the name and logo by the developers will strengthen their position when the case reaches the courts.

Mrs. Dutmer noted that the developers had agreed to negotiate on a name change when annexation of the area first came before the Council. She added that continued use of the name Mercado Square is an infringement on the name that was adopted by the downtown merchants.

Mr. Thompson stated he favored a two week delay prior to filing a lawsuit against the developers.

Mayor Cisneros suggested this Resolution be acted upon today but that a two week delay before implementation be stipulated to allow the legal department time to seriously negotiate with the developers.

Ms. Berriozabal stated reaffirmed Mrs. Dutmer's comment that the developers had agreed to negotiate a name change when annexation of the area was considered.

Ms. Berriozabal amended the motion to allow for a two-week negotiation period before joining a lawsuit against the developers of Mercado Square. Mr. Thompson seconded the motion.

Mr. Webb noted that it is the City's responsibility to back up the Market Square/El Mercado merchants. He added that this was clearly a case of deceptive trade practice.

A short discussion followed on San Antonio Development Agency's relationship with the City of San Antonio.

Ms. Berriozabal noted that agreement on the name change had been tentatively agreed upon and that the changing of the logo was the only item that had yet to be resolved.

Merchants Association attorney stated that a delay of two or more weeks would make it that much more difficult to obtain a temporary injunction.

The amendment to postpone joining a lawsuit for two weeks to allow for negotiations prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Alderete.

The motion to approve the Ordinance, as amended, then prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Alderete.

83-43 The Clerk read the following Ordinance:

AN ORDINANCE 57,557

AUTHORIZING THE CITY WATER BOARD TO PROVIDE WATER SERVICE TO A 50-ACRE SITE LOCATED ON FM 417 ONE (1) MILE WEST OF FM 1604 TO BE DEVELOPED BY THE NORTHSIDE INDEPENDENT SCHOOL DISTRICT AS A HIGH SCHOOL.

\* \* \* \*

Ms. Eecky Cedillo, Assistant Director of the Planning Department, stated that the Northside Independent School District proposes to develop a 50 acre site outside the City limits for a high school. She added that the District has requested the City Water Board provide water service to the site. The City Water Board has stated it will not provide this service unless the school district agrees to pay for the total costs for both general and local benefit facilities necessary to serve the area. The cost would include installation of a 30 inch main, even though the school district only requires a 12 inch main. The district would have to

pay for an additional 18 inches they do not require. She added that the Council was being presented two options for consideration. Option I would have the Northside Independent School District pay the total cost of approximately \$489,700.00 for a 30 inch water main and Option II would have the district pay for the cost of a 12 inch approach main extension and the City Water Board pay for any oversizing of the main extension if the City Water Board has sufficient funds. If City Water Board funds are not available, the district would pay for the oversizing by entering into a contract with the City Water Board which would provide for refunding to the district the costs of oversizing at a later date.

Mrs. Dutmer moved that Option I be approved. Mr. Thompson seconded the motion.

Mr. Jack Jordan, Superintendent of the Northside Independent School District, noted that the school district, unlike a developer, would not be able recoup the additional cost unless the residents of the school district were taxed the additional cost. He urged the Council to consider Option II rather than Option I.

Mayor Cisneros spoke in favor of Option II.

Mr. Wing spoke of his concern that the school district be treated in a fair manner.

Mr. Roland Lozano, Director of the Planning Department, added that the school district could negotiate a contract with the City Water Board whereby the school district would pay for the total cost of a 30 inch main and the school district would be reimbursed by the City Water Board as other people hooked up onto the system.

In response to a question by Mr. Wing, Mr. Lozano stated that the City Water Board does not presently have the money for oversizing.

(At this point in the meeting, Mayor Cisneros was obliged to leave the meeting and Mayor Pro Tem Webb presided.)

Mr. Wing stated that since the oversizing is for the benefit of the City Water Board, the school district should not have to pay for future growth of the system.

Mr. Louis J. Fox, City Manager, stated that this is an unusual case in that the party requesting the water service is a public entity. He added that it has been policy for the City Water Board to require the water service requestor to pay for the oversizing; however, they have not been public entities.

Mr. Harrington stated that the school district should only be required to pay for what they need plus the general benefit facilities.

Mr. Hasslocher amended his motion to read that the Northside Independent School District pay for a 12 inch main plus general benefit facilities (\$59,000 + \$153,000 = \$212,000). Mr. Archer seconded the motion.

In reply to questions by Mr. Thompson, Mr. Jerry McGuire, Associate Superintendent of Northside Independent School District, briefly spoke to the reason it was necessary to formulate this Ordinance.

Mr. Fox stated that the City Council had approved the City Water Board's extension policy under which the school district's request for water service outside the service area would be approved contingent on the district financing the cost of the water system facilities required by City Water Board.

(At this point, Mayor Cisneros returned to the meeting and presided.)

In reply to a question by Mayor Cisneros, Mr. Lozano stated that if installation of a 12 inch main were approved today, a 30 inch main would have to be installed parallel to the 12 inch main when future expansion demands it.

Mrs. Dutmer expressed concern that installation of the oversize main would encourage development to the County with the citizens of San Antonio having to pay for the cost of the main.

Mr. Eureste spoke in favor of putting in a 30 inch line if future development is expected.

Mr. Eureste made a substitute motion to lay a 30 inch line with the Northside Independent School District paying for all the costs up front and then being reimbursed by the City Water Board at a future date from bond funds for oversizing above a 12 inch main. Mr. Harrington seconded the motion.

Mr. Archer stated that the school district should only be charged for a 12 inch main rather than charging them for a 30 inch main.

The substitute motion failed to carry by the following vote: AYES: Eureste, Thompson, Harrington; NAYS: Berriozabal, Webb, Dutmer, Wing, Archer, Hasslocher, Cisneros; ABSENT: Alderete.

The amendment, requiring that Northside Independent School District pay for a 12 inch main and general benefit facilities, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Harrington, Archer, Hasslocher, Cisneros; NAYS: Thompson; ABSENT: Alderete.

After consideration, the motion, as amended, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Harrington, Archer, Hasslocher, Cisneros; NAYS: Thompson; ABSENT: Alderete.

A short discussion on future City policy on water extensions followed.

83-43 TRAVEL AUTHORIZATION - Granted:

Councilman Bernardo Eureste to travel to Washington, D.C. from September 11, 1983 to September 13, 1983 to meet with HUD officials reference Vista Verde Project.

\* \* \* \*

83-43 DISCUSSION ON THE SAN PEDRO CREEK BEAUTIFICATION PROJECT

Mr. Louis J. Fox, City Manager, stated that Council direction was requested on further development of San Pedro Creek in light of Centro 21's resolution endorsing a recommendation from the San Antonio Conservation Society to recommend beautification funding to assure the inclusion of a pedestrian greenbelt. He added that staff recommended that the present plan to provide police parking over the flood control channel between Durango Boulevard and Nueva Street should not be altered to construct a pedestrian park-like open space.

Mr. Frank Perry, Special Projects Coordinator, stated that the staff needed reaffirmation on the decision the Council had made when the Police Management Study had been accepted to provide parking over the covered area of the San Pedro Creek for additional police vehicles.

September 8, 1983

mlr

Mr. Fox stated that staff believes that this area is not suitable for the type of beautification Centro 21 recommends at the present time, although it may be in the future if the land use in the area changes. He added that, if Centro 21's recommendation is accepted, modifications to the present police yard would be necessary. He also spoke to the financial impact a change in the present plan would have.

Ms. Lynn Eobbitt, San Antonio Conservation Society, spoke in support of establishing of a landscaped greenbelt over San Pedro Creek citing parallels between the San Antonio River and San Pedro Creek since they both travel through the central business district.

Mayor Cisneros spoke in support of beautification of the creek.

In response to a question by Mr. Webb, Mr. Fox stated that inclusion of the green space as presented would essentially eliminate the parking spaces required for police vehicles.

In response to a question by Mr. Webb, Mr. Perry stated that no provisions had been made for planting trees as the area is meant to be secure for the storage of police cars.

In response to a question by Mayor Cisneros, Mr. Fox stated that the recommendation for parking over the covered area of the San Pedro Creek had been approved in bulk when the Police Management Study was implemented.

Mr. Fox added that staff wanted to get clear direction from the Council on whether to proceed as previously instructed or whether Council would prefer to take up consideration of the recommendation by Centro 21 and the Conservation Society.

Ms. Berriozabal spoke of losing the continuity of the development of San Pedro Creek. She added that closing the options on future development of the area would be a mistake.

Ms. Berriozabal moved that the staff be directed to develop an alternate plan to implement a greenbelt along San Pedro Creek. Mr. Archer seconded the motion.

Mrs. Dutmer amended the motion to read that San Pedro Creek be paved over for parking from Nueva Street to Durango Boulevard and a greenbelt landscape area be provided from Nueva Street to Dolorosa Street. Mr. Wing seconded the motion.

The amendment prevailed by the following vote: AYES: Dutmer, Wing, Eureste, Thompson, Harrington, Hasslocher; NAYS: Berriozabal, Webb, Archer, Cisneros; ABSENT: Alderete.

The motion, as amended, failed to carry by the following vote: AYES: Dutmer, Wing, Thompson, Harrington, Hasslocher; NAYS: Berriozabal, Webb, Eureste, Archer, Cisneros; ABSENT: Alderete.

In response to a question by Mrs. Dutmer, Mr. Perry stated that the U.S. Army Corps of Engineers is to do the work on San Pedro Creek.

Mr. Eureste made a motion that staff recommendation be approved. Mr. Harrington seconded the motion.

The motion failed to carry by the following vote: AYES: Dutmer, Wing, Thompson, Harrington, Hasslocher; NAYS: Berriozabal, Webb, Eureste, Archer, Cisneros; ABSENT: Alderete.

Mr. Archer made a motion that Council reconsider the original motion as submitted by Ms. Berriozabal. Mr. Harrington seconded the motion.

The motion to reconsider prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Eureste, Thompson, Harrington, Archer, Hasslocher, Cisneros; NAYS: None; ABSENT: Alderete.

September 8, 1983

mlr

Mr. Archer moved that the area from Nueva Street to Durango Boulevard be paved over for parking and the area from Nueva Street to Dolorosa Street be a landscaped greenbelt. Mr. Eureste seconded the motion.

Mr. Harrington amended the motion to read that beautification be accomplished with CDEG funds allotted to District 1. Mr. Archer seconded the motion.

The amendment prevailed by the following vote: AYES: Erriozabal, Eureste, Harrington, Archer, Hasslocher, Cisneros; NAYS: Webb, Dutmer, Wing, Thompson; ABSENT: Alderete.

The main motion, as amended, then prevailed by the following vote: AYES: Erriozabal, Webb, Eureste, Harrington, Archer, Hasslocher, Cisneros; NAYS: Dutmer, Wing, Thompson; ABSENT: Alderete.

83-43

POLICE PURSUITS

Mr. Archer expressed concern with the dangers that result when police pursue suspects at high rates of speed on City streets. He cited a recent incident which had culminated in an accident in front of City Hall.

83-43

CITIZENS TO BE HEARD

DR. VICTOR RODRIGUEZ

Dr. Victor Rodriguez, Superintendent of the San Antonio Independent School District (SAISD), spoke of the proposed new University Interscholastic League-approved running track that South Texas Sports, Inc. proposed to construct at Alamo Stadium, and noted that San Antonio has not hosted the UIL state track and field meet for the past 14 years because the running track at Alamo Stadium no longer is adequate to meet requirements. He stated that the UIL has assured SAISD it can host the UIL track and field meet for four years beginning in 1985 if a new approved track is installed, and spoke to the need to provide a straightaway for the dashes. Dr. Rodriguez stated that if a new track is to be installed it must be done in conjunction with installation of the new artificial playing field so as not to damage that field, later on. He stated that South Texas Sports has applied to the City of San Antonio for a permit to alter a portion of the inner portion of the stadium to allow for installation of the new track, but a records search has revealed that Alamo Stadium never has been platted, and this must be done, first, a procedure that would require some 30-40 days before a permit could be issued. He noted that the SuperTurf playing field is now almost completely installed, and pledged his personal efforts to help repair the inter-governmental relations between the City and SAISD.

Mayor Cisneros noted that the new track would be of benefit to the schoolchildren of the district, but spoke of his concern that such track work must not damage the City's legal position relative to enforcement of the 1939 deed restriction prohibiting use of Alamo Stadium for private profit-making events.

Mr. Tom Finlay, Assistant City Attorney, stated that SAISD has applied for a waiver, which now is before the Planning Commission, and further stated that he would work with the Planning Department on any wording of such a waiver permit to insure that any work on a running track for Alamo Stadium only speaks to benefitting the school district children, not South Texas Sports or others.

Mayor Cisneros spoke of his concern that the City might be walking into a legal trap and in fact be waiving a portion of its legal rights, if it honors the request.

Dr. Rodriguez stated that he could only speak as an individual in this case, and not for his board, but stated that he would insure that his attorneys would style the wording of any such waiver so that they speak only to the benefit of the schoolchildren.

Mr. Finlay noted that the Planning Commission is hesitant to act on the request before receiving some direction from the City Council.

Mayor Cisneros spoke in favor of conveying to the Planning Commission via the City Attorney's office its sense of recommendation that this waiver be granted, provided the proper language could be written into the matter that insures that such work is only to benefit the schoolchildren and or no other purpose or design.

Mr. Eureste spoke in favor of such a limited recommendation that speaks to the Council's sense of direction to the Planning Commission and the Planning Department staff.

A brief discussion then followed concerning the timetable for which this item might come before the Planning Commission.

Mr. Roland Lozano, Director of Planning stated that he could schedule it at any time.

Mr. Eureste stated his belief that the City can arrive at correct language for such a waiver that will protect the City's interests, and spoke of the ultimate solution to the overall matter of use of Alamo Stadium for pro football as a matter to be resolved in the courts. He further stated his opinion that this is not a move to leverage the school district's position on the separate matter of the United States Football League play in Alamo Stadium.

In response to a question by Mrs. Dutmer, Dr. Rodriguez stated that the needed removal of a portion of the stadium for the track will cause removal of 123 spectator seats.

In response to another question by Mrs. Dutmer, Mr. Joseph Scuro, attorney for the school district, spoke to the matter of any agreement reached by the Council tonight also being binding on the San Antonio Independent School Board, to which he stated that he could not guarantee what could take place in court at a later time.

Mayor Cisneros stated that he favors seeking a firm guarantee from SAISD Board of Trustees, by vote, on this matter.

Mrs. Dutmer spoke of her concern that this proposed action would give South Texas Sports, Inc. more of a vested interest in Alamo Stadium and prejudice the City's position on court.

Mayor Cisneros stated his opinion that it may require a statutory act of the San Antonio Independent School District Board of Trustees before any action is taken by the Planning Commission on the permit.

Dr. Rodriguez stated that he would take this to the Board at its meeting next Monday night to seek such a commitment.

Mr. Louis J. Fox, City Manager, stated that it would be helpful if SAISD would apply for this permit, rather than South Texas Sports.

Mayor Cisneros reiterated the terms he favors in this matter, to protect the City's position.

Mr. Webb stated that he feels that South Texas Sports could install the track without first seeking the City's approval.

In response to a question by Mr. Webb, Dr. Rodriguez stated that the District must seek a City permit when any demolition of a portion of Alamo Stadium is involved.

Ms. Berriozabal spoke of the difficulty she has of separating Dr. Rodríguez from the school board, and noted that the 1939 deed restriction is the only thing that ties the City to Alamo Stadium.

Mr. Wing moved that Council direct the Planning Commission to grant a waiver the week after next so that a permit can be granted for installation of a school track that meets UIL standards and that the legal department draft up some type of document that would legally exclude the City from giving up any of its rights as far as the 1939 ordinance is concerned in relation to pro sports and that no action would be used directly against us in court with regard to the pro-ball sports suit. Mr. Thompson seconded the motion.

Mayor Cisneros stated that the SAISD Board of Trustees could pass a Resolution that would state that the District would not use passage of this motion against the City of San Antonio.

Mr. Eureste spoke in support of granting this motion, adding that the conflict with South Texas Sports, Inc. will be decided in the courts.

Mrs. Dutmer spoke of her concern with SAISD giving use of Alamo Stadium to pro sports.

A discussion then took place concerning the possibility of asking the Planning Commission to withhold action on the permit waiver application until a week from next Wednesday, in order to allot the Planning Commission time to meet with City Council next Thursday on this matter.

Mayor Cisneros stated that he feels it is a good idea to wait until week after next to have the Planning Commission act on this, so the Council can have another opportunity to discuss it in formal session, and after the school board enacts a document that is satisfactory to the City in this matter.

In response to Mr. Harrington's question as to whether or not this proposed action by the Council, in his opinion, could jeopardize the City's legal position, Mr. Tom Finlay, Assistant City Attorney, replied "no".

Mr. Eureste spoke of his concern with any delay in consideration of this issue.

Mayor Cisneros then restated Mr. Wing's motion.

After consideration, on roll call, the motion failed to carry by the following vote: AYES: Wing, Thompson, Harrington, Cisneros; NAYS: Berriozabal, Webb, Dutmer, Eureste, Archer, Hasslocher; ABSENT: Alderete.

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#### WESTSIDE PARISH COALITION

Ms. Emma Grace Garza stated that she was appearing before City Council at this time to restate her organization's case to continue program funding.

Ms. Rebecca Tovar, 1926 Potosi, spoke of how she has been helped by the Westside Parish Coalition, and asked Council support of their funding request for the Women's Employment Program.

Ms. Helen Jiminez stated that she is the head of her household with an 11-year-old son, and spoke of how the Westside Parish Coalition has helped her.

Ms. Juanita M. Cortinas, 1006 San Carlos, spoke of how she was directed to the proper skills training program by the Westside Parish Coalition.

Ms. Tina Fernandez stated that the Coalition's program on women's employment has greatly helped her, and she now has a job as a result, and would be interviewing for an even better job tomorrow.

Ms. Emma Grace Garza stated that the program will need \$120,000 in City funding for next fiscal year, while the City Manager's budget reflects only a \$69,000 allocation.

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

\* \* \* \*

MR. JULIUS SADOWSKY, JR.

Mr. Julius Sadowsky, 11618 Spring Trail, questioned the City's new bus bench advertising Ordinance, enacted by City Council last week, and stated his opinion that Allied Advertising has been operating illegal bus benches in parts of San Antonio for some six years, on both public and private property. He stated his belief that last week's ordinance means some \$3 million for Allied Advertising, and spoke of having submitted a petition to the City Clerk on August 22, 1983, seeking the bus bench advertising contract from the City. He then read from that petition verbatim, and questioned why Allied was given the contract when his petition had not yet been acted upon.

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

Mr. Sadowsky stated his belief that the ordinance granting the bus bench advertising contract to Allied Advertising was written by that firm, and thus was slanted toward the firm's advantage. He then spoke of several ordinances from other Texas cities which awarded him the outdoor advertising contract for that City.

Mr. Webb spoke of his concern that the City did not know that Mr. Sadowsky was in this business, even though he stated that he had been in San Antonio for the past six years.

Mr. Sadowsky asked the Council to rescind last week's ordinance and go out for bids on the bus bench advertising.

Mr. Webb spoke of the background of the final award of the contract to Allied Advertising and the former bus bench advertising franchise-holder with VIA.

Mr. Sadowsky then spoke of the numerous persons he has contacted in reference to advertising sign matters here.

Mrs. Dutmer stated her belief that City staff edited the ordinance passed by the City Council last week with Allied Advertising, and stated that Mr. Dic McGoan's firm supplied bus benches in numerous locations when VIA refused to do so, in past years. She stated that the City gave Mr. McGoan permission to place his bus benches at sites other than those franchised to VIA.

\* \* \* \*

83-43 The Clerk read the following Letter:

August 31, 1983

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.

September 8, 1983

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August 30, 1983

Petition submitted by Mr. Jerry Cowan requesting the waiver of the City Ordinance prohibiting solicitation on street corners.

\* \* \* \*

August 30, 1983

Petition submitted by Mr. Eugene Coleman Alamo City Limits, 1609 E. Houston Street, San Antonio, Texas 78203 requesting the waiver of the rental fee at the Theater of the Performing Arts for an event to be held on November 27, 1983.

\* \* \* \*

August 31, 1983

Petition submitted by Ms. Diana O. Villarreal, 547 S. W. 34th Street, San Antonio, Texas 78237, requesting the transfer of ownership of the Villarreal Cab Company, Diana O. Villarreal to Alfred C. Salazar.

\* \* \* \*

August 31, 1983

Petition submitted by Mr. Raul B. Fernandez, J. H. Uptmore & Associates, Inc. Community Builders, P. O. Box 29389, San Antonio, Texas 78229, requesting anexation by the City of San Antonio of the property to be known as Churchill Estates Subdivision, Unit-8.

\* \* \* \*

/s/Norma S. Rodriguez  
City Clerk

- - -  
There being no further business to come before the Council, the meeting was adjourned at 8:45 P.M.  
- - -

A P P R O V E D

*Henry Cisneros*  
M A Y O R

ATTEST: *Norma S. Rodriguez*  
C i t y C l e r k