

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, FEBRUARY 9, 1989.

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The meeting was called to order by the presiding officer, Mayor Pro Tem Weir Labatt, in the absence of the Mayor, with the following members present: FERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, WOLFF, LABATT, HASSLOCHER. Absent: VERA, CISNEROS.

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89-06 The invocation was given by Ernie Luntz, Grace Lutheran Church.

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89-06 The 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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89-06 KELLY FIELD HERITAGE FOUNDATION

Mayor Pro Tem Labatt introduced Mr. Bob Blocker, representing the Kelly Field Heritage Foundation.

Mr. Bob Blocker spoke to the coming 73rd Anniversary of Kelly Air Force Base later this year and he addressed the goals of his organization including the preserving of old aircraft. He then officially designated each City Council member an "Honorary Member" of the Foundation and he spoke to the important aspects of preserving the base's heritage.

Mr. Labatt spoke to the impact of Kelly Air Force Base on San Antonio and he thanked Mr. Blocker for the presentation.

Mr. Wing noted that the first military flight was here in San Antonio and that Kelly Air Force Base is the oldest operating Air Force base remaining in the nation.

Several City Council members then addressed the importance of the Kelly Field Heritage Foundation and of the historical significance of Kelly Air Force Base and its museum.

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Mayor Pro Tem Labatt introduced Ms. Nancy LaCourse, representing the Y.M.C.A. of San Antonio, who was present in the audience to receive a proclamation in recognition of February 10 - 18, 1989 as "Cholesterol Awareness Week" in San Antonio.

Ms. LaCourse spoke of the importance of cholesterol screening and testing.

Mayor Pro Tem Labatt spoke of Ms. Sylvia Rivas' departure from the City Clerk's office after five years and he read and presented a formal letter of appreciation for her work signed by the Mayor and Council.

Ms. Rivas thanked the Mayor and Council for the honor.

Several Councilmembers then congratulated Ms. Rivas on her promotion to the Convention and Visitors Bureau.

Mrs. Dutmer made a motion to approve Agenda Items 7 - 34, constituting the Consent Agenda, with Items 15, 23, 28, and 32 to be pulled for individual consideration. Mr. Thompson seconded the motion.

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

AN ORDINANCE 68,763

ACCEPTING THE PROPOSAL OF MASTERVISIONS TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH LANGUAGE VIDEO CASSETTES FOR A TOTAL OF \$5,266.50.

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AN ORDINANCE 68,764

ACCEPTING THE PROPOSAL OF MUMFORD LIBRARY BOOK SALES, INC. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH CRAFT, HISTORY AND INSTRUCTIONAL

BOOKS FOR A TOTAL OF \$6,659.19.

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AN ORDINANCE 68,765

ACCEPTING THE BID OF JOURNAL FILMS INC. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH SCIENCE AND FIRST AID FILMS FOR A TOTAL OF \$4,645.

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AN ORDINANCE 68,766

ACCEPTING THE PROPOSAL OF SCHOLARS BOOKSHELF TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH HISTORY BOOKS FOR A TOTAL OF \$4,491.30.

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AN ORDINANCE 68,767

ACCEPTING THE LOW QUALIFIED BID OF OLYMPUS CORPORATION OF AMERICA TO FURNISH THE CITY OF SAN ANTONIO HEALTH DEPARTMENT WITH A LABORATORY MICROSCOPE FOR A TOTAL OF \$4,569.

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AN ORDINANCE 68,768

ACCEPTING THE LOW BID OF PENCIK'S MARINE INC. TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH OUTBOARD MOTORS FOR A TOTAL OF \$5,110.20.

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AN ORDINANCE 68,769

ACCEPTING THE LOW BID OF GOODWAY TOOLS CORPORATION TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH TUBE CLEANING MACHINES FOR A TOTAL OF \$3,103.65.

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AN ORDINANCE 68,770

ACCEPTING THE LOW BID OF COMFORT DESIGN, INC. TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH AN AIR HANDLER FOR A TOTAL OF \$4,620.

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AN ORDINANCE 68,771

ACCEPTING THE LOW BID OF INDUSTRIAL DISPOSAL SUPPLY TO FURNISH THE CITY OF SAN ANTONIO WITH SEWER MAINTENANCE EQUIPMENT FOR A TOTAL OF \$67,459.

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AN ORDINANCE 68,772

ACCEPTING ANNUAL CONTRACTS TO FURNISH THE CITY OF SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES FOR THE 1989-90 FISCAL YEAR.

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AN ORDINANCE 68,773

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH FLORES ASSOCIATES, FOR ARCHITECTURAL SERVICES RELATED TO THE ELLA AUSTIN COMMUNITY HEALTH CENTER, APPROPRIATING \$23,125.00 FOR ARCHITECTURAL FEES AND \$4,625.00 FOR MISCELLANEOUS ARCHITECTURAL CONTINGENCY.

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AN ORDINANCE 68,774

AWARDING A \$269,391.68 CONSTRUCTION CONTRACT TO E-Z REL CONSTRUCTION CO., INC. AND AUTHORIZING \$26,939.17 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES IN CONNECTION WITH THE "F" AND "G" STREETS PROJECT.

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AN ORDINANCE 68,775

AUTHORIZING FIELD ALTERATION NO. 9 IN THE AMOUNT OF \$32,916.00 AND FIELD ALTERATION NO. 10 IN THE AMOUNT OF \$19,782.00 PAYABLE TO V. K. KNOWLTON PAVING

CONTRACTORS, INC., IN CONNECTION WITH THE THOUSAND
OAKS FROM U.S. 281 TO HENDERSON PASS PROJECT.

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AN ORDINANCE 68,776

ACCEPTING THE PROPOSAL OF AEGIS ASSOCIATES, INC. IN
THE AMOUNT OF \$93,735.00 IN CONNECTION WITH THE
CONVENTION CENTER ARENA ASBESTOS ABATEMENT PROJECT.

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AN ORDINANCE 68,777

ACCEPTING THE PROPOSAL FROM BRYANT-MCCLELLAND
CONSULTANTS IN THE AMOUNT OF \$3,958.00 FOR
GEOTECHNICAL SERVICES RELATED TO THE EASTSIDE STREET
IMPROVEMENTS - SOUTH MODIFIED PROJECT.

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AN ORDINANCE 68,778

APPROVING A PROFESSIONAL SERVICES CONTRACT WITH
GARCIA & WRIGHT CONSULTING ENGINEERS, INC., TO
PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE
RECONSTRUCTION OF RUNWAY 3/21 AT SAN ANTONIO
INTERNATIONAL AIRPORT; APPROPRIATING FUNDS AND
PROVIDING FOR PAYMENT.

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AN ORDINANCE 68,779

RELEASING AND RELINQUISHING EASEMENT RIGHTS TO A
12'x50' (626.35 SQUARE FOOT) TRACT OUT OF EXISTING
DRAINAGE EASEMENT OUT OF LOT 43, BLOCK 1, NEW CITY
BLOCK 16832, RIVER OAKS SUBDIVISION, PLANNED UNIT
DEVELOPMENT, SAN ANTONIO, BEXAR COUNTY, TEXAS; AND
AUTHORIZING THE CITY MANAGER, OR HIS ASSISTANT, TO
EXECUTE A PARTIAL RELEASE OF EASEMENT IN SAID
DESCRIBED TRACT TO BILL FINKEL AND WIFE, ROBYN
FINKEL, FOR A CONSIDERATION OF \$500.00.

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AN ORDINANCE 68,780

AUTHORIZING THE ASSIGNMENT OF A LEASE AGREEMENT FOR GROUND SPACE AT STINSON MUNICIPAL AIRPORT FROM SCHNECK AVIATION, INC. TO SCHNECK INTERNATIONAL AVIATION, INC.

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AN ORDINANCE 68,781

AUTHORIZING THE EXTENSION AND AMENDMENT OF A LEASE WITH T & M AVIATION, INC. FOR GROUND AND BUILDING SPACE AT STINSON MUNICIPAL AIRPORT.

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AN ORDINANCE 68,782

AMENDING ORDINANCE NO. 65569 TO REVISE THE NAME OF THE GRANTOR OF A DEDICATION DEED IN CONNECTION WITH THE HUERNER ROAD-VANCE JACKSON TO LOCKHILL SELMA PROJECT.

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AN ORDINANCE 68,783

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH RABA-KISTNER CONSULTANTS, INC. FOR GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH THE TERMINAL EXPANSION PROJECT AT INTERNATIONAL AIRPORT; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 68,784

UPGRADING SIX FIREFIGHTER TRAINEE POSITIONS TO THREE FIRE ENGINEER, ONE FIRE LIEUTENANT AND TWO FIRE CAPTAINS, AND REVISING THE BUDGET ACCORDINGLY.

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AN ORDINANCE 68,785

AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT A PLANNING GRANT FROM THE OFFICE OF HUMAN DEVELOPMENT SERVICES, HEALTH AND HUMAN SERVICES, TO PLAN

FOR A COMPREHENSIVE CHILD DEVELOPMENT PROGRAM TO BE OPERATED JOINTLY BY THE CITY AND PARENT CHILD, INC.

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AN ORDINANCE 68,786

CLOSING S. PUESA STREET BETWEEN MARKET AND NUEVA FROM THURSDAY, MARCH 9, 1989 AT 6:00 P.M. TO 6:00 A.M. ON MONDAY, MARCH 13, 1989 AS REQUESTED BY ST. MARY'S CHURCH.

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89-06 The Clerk read the following Ordinance:

AN ORDINANCE 68,787

ACCEPTING THE LOW BIDS OF INDUSTRIAL LUBRICANTS AND BEAR OIL COMPANY TO FURNISH THE CITY OF SAN ANTONIO AUTOMOTIVE OPERATIONS WITH AUTOMOTIVE TYPE ANTIFREEZE FOR A TOTAL OF \$18,478.44.

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

In response to a question by Mrs. Dutmer, Ms. Janie Cantu, Purchasing Agent for the City of San Antonio, explained the pricing matters for anti-freeze and the WBE designation on one of the firms involved.

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

89-06 The Clerk read the following Ordinance:

AN ORDINANCE 68,788

APPROVING TWO FIELD ALTERATIONS IN THE TOTAL AMOUNT OF \$50,498.72, TO THE CONTRACT WITH H.B. ZACHRY COMPANY FOR THE PARKING LOT AND ROADWAY

MODIFICATIONS PHASE 2 PROJECT AT SAN ANTONIO
INTERNATIONAL AIRPORT; APPROPRIATING FUNDS; AND
PROVIDING FOR PAYMENT.

* * * *

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

In response to a question by Mr. Martinez, Mr. Michael Kutchins,
Director of Aviation, explained the correction that necessitated this
field alteration.

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

89-06 The Clerk read the following Ordinance:

AN ORDINANCE 68,789

AUTHORIZING THE CITY MANAGER TO EXECUTE AN "AGREE-
MENT FOR CONSTRUCTION, MAINTENANCE & OPERATION OF
TRAFFIC SIGNALS WITHIN MUNICIPALITY" WITH THE STATE
DEPARTMENT OF HIGHWAYS & PUBLIC TRANSPORTATION AND
AUTHORIZING A FORCE ACCOUNT FUND IN THE AMOUNT OF
\$12,175.00 TO INSTALL A TRAFFIC SIGNAL CONTROLLER
WITH ASSOCIATED EQUIPMENT, FURNISH AND INSTALL
SPECIAL SIGNS, AND FURNISH TWO LUMINARE ASSEMBLIES
WITHIN THE BUENA VISTA OVERPASS AT COMAL PROJECT.

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

In response to a question by Mr. Martinez, Mr. Joe Aceves,
Director of Public Works, explained the new traffic signal which was
necessitated by the shortening of the Buena Vista overpass, and he spoke
to its scheduled beginning in April or May of this year.

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

89-06 The Clerk read the following Ordinance:

AN ORDINANCE 68,790

AUTHORIZING AMENDMENTS TO A JOINT CITY AND VIA TRIPARTY DOWNTOWN TRANSPORTATION IMPROVEMENTS DESIGN PROFESSIONAL SERVICES CONTRACT WITH FORD, POWELL & CARSON/PAPE-DAWSON PREVIOUSLY APPROVED BY ORDINANCE NO. 64263 ON DECEMBER 23, 1986 AND ORDINANCE NO. 65508 ON AUGUST 13, 1987 TO INCREASE THE CONTRACT NOT-TO-EXCEED AMOUNT BY \$56,628.40 TO \$852,020.00; APPROPRIATING THE ADDITIONAL FUNDS; AND AUTHORIZING A PAYMENT.

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

In response to a question by Mr. Martinez, Mr. Frank Perry, Director of Downtown Initiatives, explained the increase in the costs and the reasons why the ordinance is required. He noted that no new work is actually being planned and he outlined the work involved.

In response to a question by Mrs. Dutmer, Mr. Joe Aceves, Director of Public Works, noted that VIA has agreed to make certain payments to the City as an agreed to annual payment.

Mr. Fox noted that the City has sent a bill but he is not sure whether the City has yet been paid.

Mr. Thompson then spoke to negotiations with VIA on possible annual payments to the City for use of City streets.

Mr. Fox then noted that he had just been notified that some \$540,000 was sent by VIA in December to the City of San Antonio as payment in full.

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

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89-06 The Clerk read the following Ordinance:

AN ORDINANCE 68,791

AMENDING SECTIONS 21-22 OF THE CITY CODE REGULATING ADULT ARCADES; SPECIFYING INDIVIDUALS RESPONSIBLE FOR COMPLYING WITH THE PROVISIONS OF THE ORDINANCE; AND AMENDING A PENALTY FOR VIOLATION HEREOF.

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

Ms. Teresha Weaver, Director of San Antonio Citizens Against Pornography, spoke to the importance of this amendment to the adult arcade ordinance and noted that since the original ordinance was passed in 1987 at least four sexually-oriented businesses have closed down in San Antonio. She noted that information from the police department indicates that sex crimes were down 37% since this ordinance went into effect and she urged the City's continued enforcement in this area. She then distributed a copy of police statistics used in her presentation (a copy of which is made a part of the papers of this meeting).

In response to a question by Mrs. Dutmer, Ms. Stella Kyle, Assistant City Attorney, explained the changes in the original ordinance being made.

Mr. Wing congratulated the legal staff on tightening up the ordinance with today's action.

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

89-06 Agenda Item 37, being a proposed ordinance making appointments to the Stadium Advisory Committee, was temporarily by-passed but was considered later in the meeting.

ZONING HEARINGS

38. CASE Z88198(CC) - to rezone P-1A, the southeast and northwest 100' of P-2A; and the southeast and southwest 100' of P-2B, NCB 16568, from Temporary "R-1" One Family Residence District to "B-3" Business District and P-2A, save and except the northwest and southeast 100' and

P-2B, save and except the southeast and southwest 100', NCB 16568, from Temporary "R-1" One Family Residence District to "I-1" Light Industry District, Special Request for the storage and distribution of fireworks.

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

Mr. John Girdlay, 10192 I.H. 10 East, President of Alamo Fireworks Company, stated that his firm is seeking to improve its office and warehouse operations and noted that they have been in this location since 1964. Mr. Girdlay also asked the Council to note that they do not make retail sales of fireworks, only wholesale.

Mr. Webb noted that it is illegal to use fireworks in San Antonio and he also feels it also should be illegal to sell fireworks wholesale or to store fireworks inside the City. He then spoke of the danger of a fireworks storage facility.

Mr. Andy Guerrero, Planner III, explained that the City's annexation ordinance, enacted last year, gave the firm non-conforming rights for some 25 years by agreement with the City.

Mr. Tom Finlay, Assistant City Attorney, stated that he feels this does not allow for expansion of the plant, therefore, the firm is now requesting rezoning in order to expand.

Mr. Webb stated that he is opposed to expansion of the fireworks operations and he feels the facility should move outside of city, perhaps in five years.

A discussion then took place concerning a possible tradeout involving approval of the rezoning request in return for an agreement by the firm to remain in this location for only five more years.

Mr. Hasslocher explained the rationale involved in the annexation of this property by the Council's annexation committee and he noted that no homes are in the immediate area.

In response to a question by Mr. Martinez, Mr. Girdlay noted that no development has taken place in this area and it is only farmland and an isolated junkyard nearby. He then described the current buildings and the planned expansion of the plan.

Mr. Wing stated that he feels the petitioner could ask deannexation if he wished.

Mr. Thompson stated that he feels the City annexed this area in order to gain control of massage parlors that were located in this area and at the same time took in the fireworks firm located in this same neighborhood in the process. He then spoke in favor of the rezoning

request.

In response to a question by Ms. Berriozabal, Mr. Steve Worley, City Fire Marshal, noted that this facility is subject to inspection by the San Antonio Fire Department.

Following discussion among City Councilmembers, the City staff, and the proponent, Mr. Girdlay stated that he would be willing to trade the requested rezoning for 18 more years of non-conforming rights in this locale.

Mr. Webb made a motion to approve the requested zoning and amending the agreement incorporated in the annexation ordinance involved to the extent necessary, so that the non-conforming use period is reduced from 25 years to 20 years from the date of annexation. (It being the intent of the City Council that the non-conforming use will expire in 18 years, since two years have expired since the date of annexation. It is the additional intent of this City Council that no additional rights of any nature or kind whatsoever are created by this subsequent action.) 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, Martinez, Thompson, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Vera, Cisneros.

AN ORDINANCE 68,792

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS P-1A, THE SOUTHEAST AND NORTHWEST 100' OF P-2A, AND THE SOUTHEAST AND SOUTHWEST 100' OF P-2B, NCB 16568, FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT AND P-2A, SAVE AND EXCEPT THE NORTHWEST AND SOUTHEAST 100' AND P-2B, SAVE AND EXCEPT THE SOUTHEAST AND SOUTHWEST 100', NCB 16568, FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "I-1" C.C. LIGHT INDUSTRY DISTRICT WITH CITY COUNCIL APPROVAL FOR THE STORAGE AND DISTRIBUTION OF FIREWORKS. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

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39. CASE Z89010 - to rezone an 84-91 acre tract of land out of NCB 18044, and a 48.54 acre tract of land out of NCB 15248, from Temporary "R-1" One Family Residence District to "B-3" Business District, Ray Ellison and Loop 410 Southwest, the 84.91 acre tract is located on the east and northside of Covell Road, being southwest of the intersection of Dwyer Road and Covell Road, having a total of 4975' on Covell Road. The 48.54 acres is located on the southwest of the intersection of S.W. Loop 410 and Ray Ellison Blvd., having 4060.23' on S.W. Loop 410, and 492.69' on Ray Ellison Road and 74.62' on the cutback at the intersection.

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

Mr. Thompson made a motion to approve the recommendation of the Zoning Commission. 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, Martinez, Thompson, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Vera, Cisneros.

AN ORDINANCE 68,793

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 48.54 ACRE TRACT OF LAND OUT OF NCB 15248 AND AN 84.91 ACRE TRACT OF LAND OUT OF NCB 18044, SOUTHWEST OF THE INTERSECTION OF RAY ELLISON BOULEVARD AND S.W. LOOP 410, FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

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40. CASE Z89016 - to rezone Lots 470 and 471, NCB 11435, 3817 Culebra Road, from "A" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District, located on the north side of Culebra Road, being 150' west of the intersection of Roanoke Avenue and Culebra Road, having 100' on Culebra Road and a maximum depth of 151.2'.

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

Mrs. Dutmer made a motion to approve the recommendation of the Zoning Commission provided that a six-foot solid screen fence is erected and maintained along the north property line, and along the west property line until such time as the adjacent lot transitions to non-residential use. Mr. Wing seconded the motion.

In response to a question by Mr. Martinez, Mr. Andy Guerrero, Planner III, discussed the location and plans for use of the property.

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

AN ORDINANCE 68,794

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 470 AND 471, NCB 11435, FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, 3817 CULEBRA ROAD, PROVIDED THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTH PROPERTY LINE, AND ALONG THE WEST PROPERTY LINE UNTIL SUCH TIME AS THE ADJACENT LOT TRANSITIONS TO NON-RESIDENTIAL USE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

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41. CASE Z89021 - to rezone a 3.596 acre tract of land out of NCB 17640, from Temporary "R-1" One Family Residence District to "B-3" Business District, Westover Hills Blvd. and State Hwy. 151, located south of the intersection of State Highway 151 and Westover Hills Blvd., having 306.43' on Westover Hills Blvd., 350.41' on State Highway 151 and 106.80' on the cutback at this intersection.

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

Mrs. Dutmer made a motion to approve the recommendation of the Zoning Commission. Mr. Thompson seconded the motion.

Mr. Gene Dawson, Jr., the proponent, addressed plans for use of this particular area.

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

AN ORDINANCE 68,795

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 3.596 ACRE TRACT OF LAND OUT OF NCB 17640, FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT, WESTOVER HILLS BLVD. AND STATE HIGHWAY 151. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

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42. CASE Z88104-A - to rezone Lot 12, Block 4, NCB 8989, 635 S.W. 39th Street, from "C" Apartment District to "R-1" One Family Residence District, located on the west side of 39th Street, being 200' north of the intersection of Eldridge Avenue and 39th Street, having 130' on 39th Street and a depth of 340'.

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

Mr. Andy Guerrero, Planner III, noted that the City Council might wish to postpone the following six zoning cases since only nine members of the City Council are present and that nine votes in the affirmative will be needed to approve each case.

Mr. Thompson noted that he has closely reviewed each of the cases, that they are all in his district, and he is ready to proceed with the cases today.

Following discussion among City Council members, it was the informal concensus of the City Council to proceed.

Mr. Thompson made a motion that the requested rezoning be approved. Mr. Hasslocher seconded the motion.

Mr. Thompson stated that the proponent wishes to have his rezoning of his property in order to locate a second home on the property for use by his children. He stated that he will personally support the proponent's later request for locating a second house on his property when

he makes the proper application.

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

AN ORDINANCE 68,796

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 12, BLOCK 4, NCB 8989, 635 S.W. 39TH STREET, FROM "C" APARTMENT DISTRICT TO "R-1" ONE-FAMILY RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

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43. CASE Z88104-E - to rezone Lots 33, 34, 35 and the south 240' of Lot 47, Block 20, NCB 8991, from "C" Apartment District, "F" Local Retail District, "JJ" Commercial District and "B-2" Business District to "I-1" Light Industry District and Lot 47, save and except the south 240' and the north 130.65', Block 20, NCB 8991, from "F" Local Retail District to "R-3" Multiple Family Residence District, located northeast of the intersection of S.W. 37th Street and Castroville Road, having 203.5' on S.W. 37th Street, 386.7' on Castroville Road, and having a depth of 474.49'.

The Zoning Commission has recommended that the request for change to "B-3" Business District and "R-3" Multiple Family Residence District be approved and "I-1" Light Industry District be denied by the City Council.

Mr. Thompson made a motion to approve staff recommendation on this rezoning. Mr. Hasslocher seconded the motion.

Mr. Allen Rosenstein, 2439 Castroville Road, provided a recent history of the building's use and noted that it has been unoccupied since 1987 but that an interested person wants to use it as a ballroom. He stated that he would need to lease this property because he is unable to make payments and taxes on it as it stands. He also spoke of the need for I-1 zoning on the warehouse portion of the property.

Mr. Thompson noted that two residences are located nearby, both of which are owned by the proponent but he favors only B-3NA in this area not I-1 and he spoke against industrial uses next to any residential zoning.

Mr. Rosenstein stated that he would accept B-3 zoning instead.

Mr. Thompson stated that if the proponent can lease or sell this property as B-3 he will support rezoning to that at the time sale is proven.

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

AN ORDINANCE 68,797

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 33, 34 AND 35, AND THE SOUTH 240' OF LOT 47, BLOCK 20, NCB 8991, FROM "C" APARTMENT DISTRICT, "JJ" COMMERCIAL DISTRICT AND "B-2" BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC BUSINESS DISTRICT AND LOT 47, SAVE AND EXCEPT THE SOUTH 240' AND THE NORTH 130.65' FROM "F" LOCAL RETAIL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, 2439 CASTROVILLE ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

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44. CASE Z89104-C - to rezone Lot 15, NCB 7467, from "F" Local Retail District to "B-3" Business District, 766 U.S. Hwy. 90 West, located southeast of the intersection of S.W. 38th Street and Hwy. 90 West, having 50' on Hwy. 90, 124' on 38th Street and 89' on Abshire Street.

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

Mr. Joe Dominguez, 7911 Bronco, stated that he favors B-3 zoning on the property.

Mr. Thompson made a motion to approve "B-3R" zoning for the property in question. 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, Martinez, Thompson, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Vera, Cisneros.

(THIS ZONING CASE WAS BROUGHT UP LATER IN THE MEETING FOR RECONSIDERATION. SEE PAGE 22 FOR CONTINUATION OF THIS CASE.)

45. CASE Z88104-D - to rezone Lot 12, NCB 7467, 754 Old Highway 90 West, from "F" Local Retail District to "B-3" Business District and Lots 18, 19 and 20, NCB 7467, 739 Abshire Street, from "C" Apartment District and "F" Local Retail District to "R-2" Two Family Residence District, located 150' east of 38th Street and Old Highway 90 West, having 50' on Old Highway 90 West and 150' on Abshire Street.

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

Mr. Thompson made a motion to approve "B-3R" on the Highway 90 frontage and "R-2" on Lots 18, 19 and 20. Mr. Wing seconded the motion.

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

(THIS ZONING CASE WAS BROUGHT UP LATER IN THE MEETING FOR RECONSIDERATION. SEE PAGE 23 FOR CONTINUATION OF THIS CASE.)

46. CASE Z88104-E - to rezone Lots 12 and 13, Block 12, NCB 8997, from "F" Local Retail District to "R-7" Small Lot Home District, 236 Guthrie Street, located on the south side of Guthrie Street, being 300' east of the intersection of Acme Road and Guthrie Street, having 50' on Guthrie Street and a depth of 130'.

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

Mr. Andy Guerrerc, Planner III, explained the zoning pattern in the area and of City staff's recommendation for an R-7 zoning.

Mr. Gene Toscano, attorney representing the owner of the property, noted that staff's zoning request would be a hardship on the owner who wants at least a B-3 zoning on this property.

Mr. Thompson spoke to the character of the area and the need to improve the property.

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mlr

Mr. Thompson made a motion to approve B-3 zoning for the property. Mr. Wing seconded the motion.

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

AN ORDINANCE 68,798

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 12 AND 13, BLOCK 12, NCB 8997, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, 236 GUTHRIE STREET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

* * * *

47. CASE Z88104-F - to rezone Lots 5 and 6, Block 12, NCB 8997, from "F" Local Retail District to "B-3R" Restrictive Business District, 254 Guthrie Street, located on the south side of Guthrie Street, being 110' east of the intersection of Acme Road and Guthrie Street.

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

A discussion took place concerning the recommendation of B-3R zoning on the property.

Mr. Thompson made a motion to approve B-3R zoning for the property. 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, Martinez, Thompson, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Vera, Cisneros.

AN ORDINANCE 68,799

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 5 AND 6, BLOCK 12, NCB 8997, FROM "F" LOCAL RETAIL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS

DISTRICT, 254 CUTHRIE STREET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

* * * *

89-06 PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION - GRANTING TWO ANNEXATION PETITIONS FOR FIRST FEDERAL SAVINGS

Mayor Pro Tem Labatt declared the Public Hearing to be opened.

No citizens appeared to speak.

Mayor Pro Tem Labatt declared the Public Hearing to be closed.

The Clerk read the following Resolution:

A RESOLUTION NO. 89-06-09

GRANTING PETITIONS FOR ANNEXATION OF TWO TRACTS OWNED BY FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF SAN ANTONIO.

* * * *

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

Mr. Roland Lozano, Director of Planning, explained the abbreviated annexation process used in this case.

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

89-06 The Clerk read the following Ordinance:

AN ORDINANCE 68,800

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS, IN ACCORDANCE WITH VERNON'S TEXAS CODES ANNOTATED, LOCAL GOVERNMENT CODE SECTION 43.028, BY THE ANNEXATION OF APPROXIMATELY 3.805 ACRES OF LAND KNOWN AS THE FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF SAN ANTONIO EAST AND WEST PROPERTIES,

AND APPROVING A SERVICE PLAN FOR SUCH AREAS.

* * * *

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

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

- - -
89-06 The Clerk read the following Ordinance:

AN ORDINANCE 68,801

MAKING AN APPOINTMENT TO THE STADIUM ADVISORY COMMITTEE, PROVIDING CERTAIN REGULATIONS FOR THE CITY'S APPOINTEES, AND MAKING RECOMMENDATIONS FOR THE ENTIRE COMMITTEE. (HENRY CISNEROS APPOINTMENT)

* * * *

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

Mr. Martinez spoke in support of the naming of Mayor Cisneros and also spoke in support of the two previous City Council appointees, Mr. Webb and Ms. Vera, even though he is opposed to the Dome's financing method.

Dr. Damaso Oliva, representing the Hispanic Chamber of Commerce, and Ms. Katherine Sosa, also representing the Hispanic Chamber of Commerce, both spoke in support of naming Mayor Cisneros to the Dome Committee.

Mr. Wing spoke to the many endorsements received for Mayor Cisneros' membership on the committee.

Ms. Berriozabal spoke in support of Mayor Cisneros as an individual not as the Mayor but stated that she is disappointed that only the three City Council appointments are minorities among the eleven appointed board members.

Mr. Wolff stated that in his opinion it is important that Mayor Cisneros as an individual serve on the Dome Committee.

Mr. Thompson then took exception to VIA's appointments and spoke in support of Mayor Cisneros for the Dome Committee.

Mr. Labatt then spoke of having had an earlier meeting today with Mr. Ezekiel Garcia, Chief Financial Officer for SIDERMEX, and noted that he would be a good candidate for a future board appointment by the City Council. He then noted that Mr. Garcia would be of good service to the City and he provided an outline of Mr. Garcia's accomplishments and his qualifications.

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

The Regular City Council meeting was recessed at 4:07 P.M. to convene a "B" Session on Lake Texana, reconvening at 4:38 P.M.

89-06

RECONSIDERATION OF ZONING CASE Z88104-C

Mr. Thompson made a motion to reconsider Zoning Case Z88104-C. Ms. Berriozabal seconded the motion.

The motion to reconsider prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Thompson, Labatt, Hasslocher; NAYS: None; ABSENT: Wing, Martinez, Vera, Wolff, Cisneros.

Mr. Thompson then made a motion to approve "B-2" Business District for this property. Ms. Berriozabal seconded the motion.

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

AN ORDINANCE 68,802

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 15, NCB 7467, FROM "F" LOCAL RETAIL DISTRICT TO "B-2" BUSINESS DISTRICT, 766 U.S. HIGHWAY 90 WEST. "THE PENALTY FOR VIOLATION IS A

FINE NOT TO EXCEED \$1,000.00"

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89-06

RECONSIDERATION OF ZONING CASE Z88104-D

Mr. Thompson made a motion to reconsider Zoning Case Z88104-D. Ms. Berriozabal seconded the motion.

The motion to reconsider prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Thompson, Labatt, Hasslocher; NAYS: None; ABSENT: Wing, Martinez, Vera, Wolff, Cisneros.

Mr. Thompson made a motion to approve "B-2" Business District on Lot 12, NCB 7467. 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, Thompson, Labatt, Hasslocher; NAYS: None; ABSENT: Wing, Martinez, Vera, Wolff, Cisneros.

AN ORDINANCE 68,803

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 12, NCB 7467, 754 OLD HIGHWAY 90 WEST, FROM "F" LOCAL RETAIL DISTRICT TO "B-2" BUSINESS DISTRICT AND LOTS 18, 19, AND 20, NCB 7467, 739 ABSHIRE STREET, FROM "C" APARTMENT DISTRICT AND "F" LOCAL RETAIL DISTRICT TO "R-2" TWO FAMILY RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00"

* * * *

The Regular Meeting of the City Council recessed at 4:40 P.M., reconvening at 5:00 P.M. for Citizens to be Heard.

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89-06

CITIZENS TO BE HEARD

Although a number of citizens names were included on the Citizens to be Heard list, none were present to be heard at this time.

89-06

CITY WATER BOARD BONDS

Mr. Louis J. Fox, City Manager, informed the City Council that the State's Attorney General has just ruled that the \$28 million City Water Board Bond Sale is approved.

There being no further business to come before the City Council, the meeting was adjourned at 5:05 P.M.

A P P R O V E D

Henry Cisneros

M A Y O R

ATTEST *Thomas J. Rodriguez*
C i t y C l e r k