

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, OCTOBER 16, 1980.

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

80-53 The invocation was given by Reverend Clement E. Lewis, Los Angeles Heights United Methodist Church.

80-53 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

80-53 The minutes of the meeting of October 2, 1980 were approved.

80-53 SALE OF \$37,495,000, WATER SYSTEM REVENUE
REFUNDING BONDS, SERIES, 1980

At 11:00 A.M., the bids received for the sale of \$37,495,000 Water System Revenue Refunding Bonds, Series 1980, were opened and read as follows:

BACHE HALSEY STUART SHIELDS INCORPORATED AND ASSOCIATES

Total Interest from November 1, 1980 to maturity	\$21,307,887.50
Less: Premium	278.25
Net Interest Cost	<u>\$21,307,609.25</u>

Effective Interest Rate - 8.421148%

BEAR STEARNS AND COMPANY

Total Interest from November 1, 1980 to maturity	\$21,438,637.50
Less: Premium	410.50
Net Interest Cost	<u>\$21,438,227.00</u>

Effective Interest Rate - 8.472770%

DONALDSON LUFKIN & JENRETTE SECURITIES CORPORATION

Total Interest from November 1, 1980 to maturity	\$21,644,512.80
Less: Premium	264.82
Net Interest Cost	<u>\$21,644,247.98</u>

Effective Interest Rate - 8.55419%

DREXEL BURNHAM LAMBERT INCORPORATED

Total Interest from November 1, 1980 to maturity	\$21,437,362.50
Less: Premium	7,393.50
Net Interest Cost	<u>\$21,429,969.00</u>

Effective Interest Rate - 8.469507%

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MERRILL LYNCH WHITE WELD CAPITAL MARKETS GROUP AND ASSOCIATES

Total Interest from November 1, 1980 to maturity	\$21,381,962.50
Less: Premium	96.00
Net Interest Cost	<u>\$21,381,866.50</u>

Effective Interest Rate - 8.4504%

THE FIRST BOSTON CORPORATION

Total Interest from November 1, 1980 to maturity	\$21,396,025.00
Less: Premium	2,729.25
Net Interest Cost	<u>\$21,393,295.75</u>

Effective Interest Rate - 8.4550%

JOHN NUVEEN AND COMPANY, INCORPORATED

Total Interest from November 1, 1980 to maturity	\$21,423,562.50
Less: Premium	-0-
Net Interest Cost	<u>\$21,423,562.50</u>

Effective Interest Rate - 8.46697

E.F. HUTTON AND COMPANY

Total Interest from November 1, 1980 to maturity	\$21,509,431.25
Less: Premium	-0-
Net Interest Cost	<u>\$21,509,431.25</u>

Effective Interest Rate - 8.5009%

DILLON, READ & COMPANY INCORPORATED

Total Interest from November 1, 1980 to maturity	\$21,526,493.75
Less: Premium	8,671.25
Net Interest Cost	<u>\$21,517,822.50</u>

Effective Interest Rate - 8.504228%

The Clerk then read the following Ordinance:

AN ORDINANCE 52,897

AUTHORIZING THE ISSUANCE OF CITY OF SAN ANTONIO PRIOR LIEN WATER SYSTEM REVENUE BONDS, SERIES 1980.

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

Mayor Cockrell called on Dr. Jose San Martin, Vice-Chairman of the City Water Board Trustees, who in turn introduced the City's Financial Advisor, Mr. Sam Maclin.

Mr. Maclin noted that the bids received were good bids, compared to several recent bond sales and to the most recent City Public Service bond sale. He recommended that the low bid be accepted.

In response to a question by Dr. Cisneros, Mr. Maclin stated that the City Water Board bonds are rated AA by Moody's and A+ by Standard and Poors, noting that national bond rating companies are watching San Antonio carefully because of the number of large borrowing programs underway in the City at the present time. He stated that he feels that heavy pressure will be brought to bear on San Antonio's bond ratings, and noted the recent discussions

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concerning linking San Antonio's water and sewer systems, a move he stated would affect the City's bonds in the future.

Mayor Cockrell stated that she had called Standard and Poors to inform them that the City Council in fact planned to leave the financing of the sewer and water systems separate.

In response to a question by Mr. Webb, Mr. Maclin stated that the bond ratings would be affected if the City decided to combine its water and sewer programs. Mr. Maclin also stated that the water system planned a \$15 million bond sale in each of the next two years, as well; that today's bond sale was the first part of a \$45 million bond sale program.

Responding to a question by Mr. Webb, Mr. Robert Van Dyke, City Water Board General Manager, stated that the bonds drew a lower interest rate because the water system was kept separate from the sewer system.

Mr. Karl Wurz, a citizen, spoke on the issue, asking how much of this bond sale represents money to be spent developing the Applewhite Reservoir. Mr. Van Dyke replied that some \$4 million of the bond amount was scheduled to go toward land acquisition for the reservoir. Responding to another question by Mr. Wurz as to how many additional bond issues are planned over the next five years, Mr. Van Dyke responded that two \$15 million bond issues and a \$25 million bond issue are planned for that period, needed for system capital improvements as well as for the Applewhite Reservoir development. In response to another question by Mr. Wurz concerning the bond payback in both principal and interest amounts, Mr. Maclin stated that the bonds are scheduled for maturity dates up to the year 2005 and that if the payback went as scheduled, without an early payback, it would cost some \$21 million in interest costs. Mr. Wurz noted that this represented a large amount of money and contrasted the interest payback against similar figures for the financing of the changeover of the City tax year.

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

80-51 DISCUSSION OF ALLEGED "COVER -UP OF A NORTHSIDE BROTHEL

Mayor Cockrell called on the City Manager, Mr. Thomas E. Huebner for a report on the police investigation of an alleged "cover-up" of a northside brothel.

Mr. Huebner, City Manager, stated that the investigation is proceeding and should be completed by the close of business tomorrow, with a full report written over the weekend. He asked the City Council for a special called meeting for 5:00 P.M., Monday, October 20, 1980 for receiving that report.

Mayor Cockrell asked for concurrence of the City Council in the calling of that meeting and noted that the only possible delay in the report could involve a second polygraph test being given to Theresa Brown.

The special called meeting was ordered posted and scheduled.

80-51 MEXICAN -AMERICAN UNITY COUNCIL

Mrs. Dutmer asked for a staff report on the Mexican-American Unity Council with special emphasis on its housing components.

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Mayor Cockrell asked City staff to make the report.

80-51 ZONING HEARINGS

7. CASE 8228 - to rezone Lot 1, Block 1, NCB 16122, and Lot 41, Block 4, NCB 16125, in the 2000 Block of Thousand Oaks Drive, and the 1900 Block of Broken Oak Drive, from "P1(R2)" E.R.Z.D. Planned Unit Development Two Family Residential Edwards Recharge Zone District to "R-6" E.R.Z.D. Townhouse Edwards Recharge Zone District; Lot 1 is located on the northwest side of Thousand Oaks Drive being northwest of the intersection of Thousand Oaks Drive and Broken Oak Drive, having 920' on Thousand Oaks Drive and a maximum depth of 135', Lot 41 is located east of the intersection of Thousand Oaks Drive and Broken Oak Drive, having 275' on Thousand Oaks Drive and 740' on Broken Oak Drive.

Mr. Andy Guerrero, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. He noted that some 56 notices were mailed out to the adjacent property owners, 11 had replied against the request. He also noted that opposition was present in the Council Chambers and registered to speak.

Mr. James D. Stewart, Attorney and one of the property owners involved, representing the owners and Mr. Grady O'Burch Jr., the proponent explained the zoning of the other properties in the immediate area and noted that the partners in the subject property had in the past upgraded houses in the area to apartment houses and spoke to his original request for "R-6" zoning.

Mr. Chuck Curione, Attorney representing opponents in the neighborhood, stated that the rezoning would reduce the neighborhood housing quality and noted that his clients favored continuation of "R-1" or "R-2" zoning on the property. He stated that a large group of opponents were present at the Zoning Commission hearing into the matter and also were on hand for today's Council meeting. He asked each to stand and give their name and address for the record. Mr. Curione then passed to the Council, protest petitions signed by area residents, and stated his clients' contention that there is no need for additional townhouses or apartments in the area. He asked the Council to reject the application for rezoning.

In response to a question by Mr. Steen, Mr. Guerrero stated that he and his staff would check over the petitions handed over by the opponents to determine whether the matter would require six or nine Council votes for approval.

Responding to a question by Mr. Alderete concerning townhouse residents' opposition to more apartments or townhouses in the immediate area, Mr. Curione stated that more traffic was the major factor in the opposition.

A discussion was then held concerning residential density in the area at the present time versus expected density should the rezoning be granted.

In response to a question by Mr. Alderete, Ms. Bernice Gideon, resident of the corner lot at Thousand Oaks and Broken Oak stated that traffic is a problem in the area and spoke to many accidents or near-accidents at the intersection. She stated her opposition to condominiums or apartments on the subject property.

In response to a question by Mr. Thompson, Mr. Curione stated that all those persons who signed the petitions were against the rezoning.

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Both Mr. Thompson and Mr. Webb spoke to the impact of traffic on the property in question and asked to hear from the Traffic and Transportation Department on possible impact.

Mr. Joe Nix, Assistant Division Head with the Planning and Design Division, Traffic and Transportation Department, spoke to the area traffic problems and stated that the City plans to straighten out Thousand Oaks at its curve near the intersection with Broken Oak.

Mr. Charles Craig, 1938 Broken Oak, spoke to specific traffic problems at the intersection.

Mrs. Dutmer addressed the costs involved in straightening Thousand Oaks.

In response to a question by Mr. Eureste, Mr. Guerrero stated that it would take six votes of the Council to approve the rezoning request.

Mr. Eureste noted the area resident complaints of speeding on Thousand Oaks.

In response to a question by Mr. Eureste, Mr. Nix stated that he would not recommend stop signs.

A discussion then took place over accidents and near-accidents at the intersection of Thousand Oaks and Broken Oak, and traffic control measures that might be imposed there.

Mr. Eureste stated that traffic problems will remain there, regardless of the zoning on the subject property, and further stated that neighborhood citizens should ask for traffic assistance from the City. He stated that he favors stop signs to control traffic, and spoke against the rezoning request.

Mr. Webb also spoke against the rezoning.

In rebuttal, Mr. Stewart noted that his group is not making the same request as they made last year; that they had originally asked for "R-3" zoning, but since have upgraded their request. He stated that the rezoning actually will save the City money, since his group also owns the property north of Thousand Oaks, property needed for dedication in order to straighten out Thousand Oaks in the area, and could receive the land free for such use. He stated that the City's Traffic and Transportation Department has said that there is not enough traffic on Broken Oak to warrant a traffic light at the intersection and, in any case, traffic moves too fast on Thousand Oaks.

Mr. Alderete made a motion to deny the request in rezoning. Mr. Steen seconded the motion.

After discussion and on roll call, the motion failed to carry by the following vote: AYES: Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Cisneros.

CASE 8228 was denied.

80-51 At this point, Councilman Alderete asked the City Council to suspend its rules in order to allow several citizens in the audience to speak on City Public Service rates. Mr. Alderete made the motion. Mr. Thompson seconded the motion.

Mayor Cockrell spoke against the request, after which Mr. Alderete stated that it was difficult for the people concerned to be in the Council Chambers at 5:00 P.M. for Citizens to be Heard.

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In response to a question by Mayor Cockrell, Assistant City Attorney, Tom Finlay stated that it would take a two-thirds vote of the Council to approve the suspension of rules and that the matter is undebatable.

On roll call, the motion failed to carry by the following vote: AYES: Webb, Thompson, Alderete, Steen; NAYS: Cisneros, Dutmer, Wing, Canavan, Archer, Cockrell; ABSENT: NONE: ABSTAIN: Eureste.

80-51

PUBLIC HEARING RE: OIL AND GAS LEASE

Mayor Cockrell declared the public hearing open:

No citizens were registered to speak on the matter.

Mayor Cockrell declared the hearing closed.

The Clerk then read the following Ordinance:

AN ORDINANCE 52,898

ACCEPTING THE BID OF BERTRAND O. BAETZ, JR., FOR AN OIL AND GAS LEASE FROM THE CITY ON A TRACT OF LAND IN WILSON AND BEXAR COUNTIES.

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Mr. Steen moved to approve the Ordinance. Mrs. Dutmer seconded the motion.

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

80-51 ZONING HEARINGS (CONTINUED)

8. CASE 8223 - to rezone Lots 1 and 11, Block 200, NCB 11179, in the 9400 Block of S. Zarzamora Street, from "B" Two Family Residential District to "B2" Business District, located on the west side of S. Zarzamora Street between Mally Boulevard and Cayo Boulevard, having 384.86' on S. Zarzamora Street, 120.4' on Mally Boulevard and 120.4' on Cayo Boulevard.

Mr. Andy Guerrero, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. He stated that nine affirmative votes would be required to approve the request in rezoning, since there was opposition from more than 20% of adjacent landowners.

Mr. Lauro Bustamante, Attorney for Albert Garcia, the proponent, explained that his client employs some 20 persons in his barber and beauty shops, and wants the rezoning in order to expand his building.

Mr. Wing stated that he had received a petition from area residents stating their opposition to the rezoning, and noted that deed restrictions on the property forbid business use. He stated his opposition to the rezoning and stated that the area is not ready for business zoning.

Mrs. Bernice Villareal, 1538 W. Mally asked that Mike Randall speak in her place at this time.

Mr. Mike Randall, 2718 S.W. Military Drive, Vice-President of the Harlandale Housing Corporation, stated that his group had set up the deed restrictions on the subject property at the time it was sold to Mr. Garcia. He explained that Mr. Garcia had originally bought several lots from the corporation in 1978 and recommended that no change in zoning be allowed.

Mr. Martin P. Ross, 9331 Cerro Verde; Ms. Bernie Villareal, 1538 W. Mally; Mr. Guillermo Garza, 1530 Caballero and Mrs. Villareal all spoke against the rezoning. In addition, Mrs. Villareal stated that she had gathered petitions containing the names of 32 neighbors opposed to the rezoning.

In rebuttal, Mr. Bustamante stated that neighbors in opposition had an opportunity for redress in court, if they wished.

After discussion, Mr. Wing made a motion to deny the request in rezoning. Mr. Canavan seconded the motion.

After further discussion, Mr. Canavan then made a substitute motion to approve the change in zoning. Mr. Alderete seconded the motion. On roll call, the substitute motion failed to carry by the following vote: AYES: NONE: NAYS: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; ABSENT: Alderete.

The main motion to deny the request in rezoning failed to carry by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

CASE 8223 was denied.

9. CASE 8039 - to rezone a 73.739 acre tract of land out of NCB 14862, being further described by field notes filed in the Office of the City Clerk, in the 6300 and 6400 Blocks of De Zavala Road, from Temporary "R-1" Single Family Residential District and "R-A" Residential-Agricultural District to "R-5" Single Family Residential District, located south and east of De Zavala Road, being 200' north of the intersection of Babcock Road and DeZavala Road having a total of 3483.36' on De Zavala Road and a depth of 1800'.

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

No citizen appeared to speak in opposition.

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

AN ORDINANCE 52,899

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 73.739 ACRE TRACT OF LAND OUT OF NCB

14862, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT AND "R-A" RESIDENTIAL-AGRICULTURAL DISTRICT TO "R-5" SINGLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

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80-51 PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT AMENDMENT

Mayor Cockrell declared the Public Hearing open and stated that this was the second of three Public Hearings on this matter under the CDBG Program. She stated that no formal action of the City Council would be required at this time.

No citizen was registered to speak on the matter.

Mayor Cockrell declared the hearing closed.

80-51 ZONING HEARINGS (Continued)

10. CASE 8243 - to rezone Lots 33 thru 36, Block 28, NCB 16728, in the 13000 Block of Uhr Lane, from "R-5" Single Family Residential District to "R-2" Two Family Residential District, located north of the intersection of Bell Drive and Uhr Lane, having a total of 480' on Bell Drive and 210' on Uhr Lane.

Mr. Andy Guerrero, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. He stated that six affirmative votes would be needed to approve the change in zoning.

Mr. Laddie Denton, representing Northern Hills Enterprises, explained his request noting that his staff had erred in the past in not securing "R-5" zoning on this tract of land.

At this point, Mayor Cockrell was obliged to leave the meeting and Councilman Webb presided.

In response to a question by Mr. Alderete, Mr. Denton explained that one builder in Northern Hills had once told the residents that single-family homes were being planned for the subject property, when such was not the case.

Mr. Guerrero then explained to the Council that five duplexes were allowed per acre of land, if the rezoning is granted.

Mr. John C. Ferris, 4702 Cobblehill Lane, representing homeowners in opposition to the rezoning request, explained that opponents had distributed petitions in opposition to the request, citing more traffic to be generated by duplexes and their belief that duplexes would be detrimental to the character of the neighborhood.

At this point, Mr. Steen turned over to the City Clerk for the official records of this meeting, the original petitions filed by the opposition in this case.

A discussion then ensued concerning residential density at present versus that if planned rezoning is granted.

Mr. Alderete noted that the developer could have almost as many living units under the present zoning as he could have under the rezoning for duplexes.

Mr. Ferris urged the Council to keep the area zoned for single-family homes.

Mr. Craig Thompson, 4702 Pebble Glen, spoke in opposition to the request.

In rebuttal, Mr. Denton stated that duplexes, in his opinion were compatible with the area, and feels that he has a good land-use plan.

Mayor Cockrell returned to the meeting and presided.

Mr. Thompson, Mr. Canavan and Mr. Steen spoke in opposition.

Mrs. Dutmer spoke in favor of the request.

After discussion, Mr. Steen made a motion to deny the request in rezoning. Mr. Webb seconded the motion. On roll call, the motion to deny carried by the following vote: AYES: Cisneros, Webb, Wing, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: Dutmer; ABSENT: Eureste.

CASE 8243 was denied.

11. CASE 8244 - to rezone the northwest 60' of the northeast 50' of Lot 3-A, and the southeast 9.7' of the northeast 50' of Lot 3, Block H, NCB 8358, from "B" Two Family Residential District to "B1" Business District and the northwest 60' of the southwest 164.68' of Lot 3-A, and the southeast 9.7' of the northeast 50' of Lot 3, Block H, NCB 8358, from "A" Single Family Residential District to "B-3R" Restrictive Business District; subject properties are located on the northeast side of Bandera Road, being 89.85' southeast of the intersection of Bandera Road and Ligustrum Drive, the "B-1" zone being located 164.68' off of Bandera Road, having a width of 69.7' and a depth of 50'; the "B-3R" zoning, having 69.7' on Bandera Road with a depth of 164.68'.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Alderete moved that the recommendation of the Zoning Commission be approved provided that a six foot solid screen fence is erected and maintained along the northeast property line and that proper platting is accomplished. Mr. Webb seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Thompson.

AN. ORDINANCE 52,900

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTHWEST 60' OF THE NORTHEAST 50' OF LOT 3-A AND THE SOUTHEAST 9.7' OF THE NORTHEAST 50' OF LOT 3, BLOCK H, NCB 8358, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT; THE NORTHWEST 60' OF THE SOUTHWEST 164.68'

OF LOT 3-A, AND THE SOUTHEAST 9.7' OF THE SOUTHWEST 164.68' OF LOT 3, BLOCK H, NCB 8358, 1282 BANDERA ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTHEAST PROPERTY LINE AND THAT PROPER PLATTING IS ACCOMPLISHED.

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12. CASE 8246 - to rezone Lot 43-A, Block 26, NCB 8949, 1201-1207 S.W. Military Drive, from "B-2" Business District to "B-3" Business District, located northwest of the intersection of S.W. Military Drive and Garnett Avenue, having 135' on S. W. Military Drive and 152.5' on Garnett Avenue.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Wing moved that the recommendation of the Zoning Commission be approved provided that a six foot solid screen fence is erected and maintained along the north property line and a property line return is needed at the intersection of Military Drive and Garnett Avenue. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Eureste, Thompson.

AN ORDINANCE 52,901

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 43-A, BLOCK 26, NCB 8949, 1201-1207 S.W. MILITARY DRIVE, FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTH PROPERTY LINE AND A PROPERTY LINE RETURN IS NEEDED AT THE INTERSECTION OF MILITARY DRIVE AND GARNETT AVENUE.

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13. CASE 8239 - to rezone a 2.50 acre tract of land out of NCB 13667, being further described by field notes filed in the Office of the City Clerk, in the 9800 Block of Fredericksburg Road, from Temporary "R-1" Single Family Residential District to "B-3R" Restrictive Business District, located on the southwest side of Fredericksburg Road being 642.1' southeast of the intersection of Fredericksburg Road and Eckhert Road, having 165' on Fredericksburg Road and a maximum depth of 487.1'.

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

No citizen appeared to speak in opposition.

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

AN ORDINANCE 52,902

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 2.50 ACRE TRACT OF LAND OUT OF NCB 13667, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 9800 BLOCK OF FREDERICKSBURG ROAD, FROM "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

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 80-51 The meeting was recessed at 3:34 P.M. and reconvened at 3:50 P.M.

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 80-51 HELOTES INCORPORATION REQUEST

Mayor Cockrell stated that the Council had two options in this matter: either to grant or deny the request for the right to incorporate and asked for a City staff presentation in the matter.

Mr. Roland Lozano, Director of Planning, recommended denial of the petition. He explained that the City of San Antonio should keep all its options open to development and growth and noted that the area in question is over the Edwards Aquifer. He stated that San Antonio would lose control of this key area over the Aquifer if they are allowed to incorporate.

Mr. Canavan stated that growth of San Antonio would be limited in this future growth if incorporation is allowed. He stated that he hoped that Helotes would be annexed to San Antonio in the near future.

Mrs. Dutmer took note of the number of incorporated cities around San Antonio and stated that they did not stop the growth of San Antonio. She noted that there is still more to Bexar County north of the present City limits, and stated that she favors letting Helotes incorporate without extraterritorial jurisdiction.

In response to a question by Mr. Steen, Mr. Lozano stated that Helotes has an area of some 3.8 square miles with a population of about 1,400 persons and 48 commercial areas with that community.

Mr. Eureste spoke in favor of the request, stating that he is not convinced their incorporation would block San Antonio's growth.

Mr. Pete Cantu, Past President of the Helotes Park Homeowners Association, handed out information packets to members of the Council, one of which is a part of the records of this meeting. He spoke of the amenities available in Helotes and stated that his group would work with the State to protect the Edwards Aquifer.

Reverend Bill Henderson, 13222 Bandera Highway, noted that the packet distributed to the City Council contains point-by-point replies to the City staff report, and he read from a prepared statement which is attached to the papers of this meeting, citing the historical identity of Helotes, the fact that water quality is not an issue in the incorporation request, that changes are underway in the water system, and the fact that no evidence exists to prove that a majority of Helotes residents earn their livings in San Antonio.

Colonel Thomas E. Beatty, 10310 Rafter S. Trail, presented Council with petitions containing more than 200 names requesting permission to incorporate. He spoke to Helotes' history, dating back to 1718 and asked approval of the request.

Mr. Joseph Schaeffer, 10218 Rafter S. Trail, spoke concerning the community's water supply and reports that the septic tanks might pollute the Aquifer. He explained the withdrawal of State approval for the water supply and noted that a \$170,000 bond issue in 1979 would finance construction of a new water tank to bring water pressure up to State standards. He stated that water quality is not in question.

Ms. Verna Thompson, 14310 Circle A. Trail, President of the Helotes Elementary School PTA, provided a brief history of the school, now 100 years old.

Mr. Guy Burnett, 10201 Bar X Trail, stated that the incorporation of Helotes would not block the growth of San Antonio, and spoke to land-use planning in Helotes. He stated that San Antonio probably would not grow past Helotes because of land costs and the expense of utility location.

Mr. Canavan noted that San Antonio Ranch nearby plans some 3,000 homesites, thus refuting the contention of the speaker that the area would be too expensive to allow much future growth past Helotes. He stated that if Helotes were allowed to incorporate, San Antonio police protection, fire protection and EMS service would have to pass through that community enroute to San Antonio Ranch on emergency runs.

Mrs. Dutmer noted that City emergency vehicles already have to pass through such communities as Alamo Heights and Balcones Heights to reach City areas beyond.

Mr. Ted Kniker, 10014 Rafter S. Trail asked the City Council to allow Helotes citizens to vote on whether or not to incorporate.

In response to Mayor Cockrell, Mr. Roland Lozano stated that Helotes would not have extraterritorial jurisdiction, if allowed to incorporate.

The City Clerk then read a proposed ordinance directing staff to negotiate the specific boundaries of the Helotes Area to be submitted to Council for approval for incorporation (option one).

Mrs. Dutmer moved to approve the ordinance. Mr. Eureste seconded the motion.

In response to a question by Mr. Steen, City Attorney, Jane Macon stated that there is a very detailed process to be followed in cases where an incorporated city later wants to be annexed by another city.

Mayor Cockrell noted that a simultaneous election would have to held and the citizens of both cities must vote affirmatively, in order to have this happen.

In response to a question by Mr. Webb, Reverend Henderson spoke of the future plans for Helotes. Mr. Webb spoke in favor of

the request, noting that San Antonio cannot currently provide services to Helotes and that Helotes, if allowed to incorporate, would not have extraterritorial jurisdiction.

A brief discussion then took place concerning who can have ETJ and who cannot, and in what cases.

Dr. Cisneros spoke to the need to preserve areas such as Helotes against deterioration and noted good arguments by both sides.

Responding to a question by Dr. Cisneros, Mr. Lozano reviewed City problems in annexing areas around incorporated cities in the northeast portions of Bexar County, noting that it is necessary to negotiate with each such city in order to extend City utilities through them to newly-annexed areas beyond them. He stated that he envisions annexing Helotes to San Antonio within the next twenty years.

Mrs. Dutmer spoke to the question of public utilities and their service, including requirements of the 201 wastewater treatment program.

Mr. Thompson spoke concerning the need for unity of communities and against the incorporation request.

Mr. Steen noted that Helotes is some 50 years away from annexation and spoke in favor of the request, noting that he doesn't want to see the community destroyed.

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

The Clerk then read the following Ordinance, option 2:

AN ORDINANCE 52,903

DENYING PERMISSION TO THE HELOTES AREA
TO INCORPORATE WITHIN THE CITY OF SAN
ANTONIO'S EXTRATERRITORIAL JURISDICTION.

* * * *

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

On roll call, the motion carried by the following vote:
AYES: Cisneros, Wing, Thompson, Alderete, Canavan, Archer, Cockrell;
NAYS: Webb, Dutmer, Eureste, Steen; ABSENT: None.

80-51 The Clerk read the following Ordinance:

AN ORDINANCE 52,904

DISCONTINUING THE DEPARTMENT OF TRAFFIC
AND TRANSPORTATION, ASSIGNING DUTIES
CARRIED OUT BY SUCH DEPARTMENT AND THE
OFFICE OF ENERGY MANAGEMENT TO OTHER
DEPARTMENTS, AND AMENDING THE BUDGET IN
CONNECTION WITH SUCH CHANGES.

* * * *

Mr. Canavan moved to approve the Ordinance. Mr. Archer seconded the motion.

Acting Director of the Traffic and Transportation Department, Mr. Alexander Briseno, summarized a staff report on discontinuing the department and dividing its functions into other departments and recommended implementing the changes November 1, 1980.

Mr. Thompson stated that he was concerned over the rapid growth of the Planning Department and fears that the department might be getting out of proportion to its functional activities.

In response to a question by Mr. Webb, Mr. Briseno discussed the Traffic and Transportation Department budget. Mr. Webb stated that it might have been better to implement such major changes as part of the annual budget preparation, rather than at the present time.

Mr. Briseno noted that budget preparations began last March, and that, in addition, a number of municipal functions have been reassigned to other departments and areas since then.

Responding to a question by Mr. Webb, Mr. Roland Lozano, Director of Planning, noted that only some \$350,000 of the Traffic and Transportation Department budget is going to the Planning Department; the remainder goes to the Public Works Department.

A brief discussion then took place concerning the disposition of the Energy Conservation function, during which Mr. Briseno noted that it is performed in many cities as part of the planning function.

Mrs. Dutmer spoke of her concern that the function was being 'layered'.

Dr. Cisneros stated his concern over the construction and maintenance of City streets, and noted that he would like to see some time requirements placed on Public Works projects to prevent delaying completion of street jobs, thus jeopardizing small businesses. He also expressed concern over the use of inferior materials, and asked how this reorganization will affect this.

In response to the question, Public Works Director, Mr. Frank Kiolbassa noted the good record of Public Works functions in San Antonio, stating that the City's testing laboratory uses the same standards on materials as does the State Department of Highways and Public Transportation.

Dr. Cisneros stated that he would provide Public Works with the name of the individual who contends that inferior material is being allowed in City jobs.

Mr. Kiolbassa then explained how the reorganization will help bring technical decisions under on jurisdiction and help consolidate functions.

Dr. Cisneros asked for information as to the length of time allowed on Public Works street jobs, and how the City enforces quality work.

Mr. Alderete spoke about a contractor reportedly renegeing on a park project bid, and commended City staff for a good realignment plan, noting that he favors it because it eliminates several steps in processing requests.

Mr. Eureste asked if there was any way to keep the Energy Management Office in the same configuration it now has, to which Mr. Briseno noted that City staff is recommending consolidation of that function into the Planning Department. He explained the difficulty in the City Manager's staff providing sufficient priority staff time to all functions under it.

City Manager, Thomas E. Huebner stated that he and the Assistant City Manager, Louis Fox were spending too much time managing the Office of Energy Management and feels that staff recommendation is best.

Mr. Eureste spoke in favor of the recommended changes, and urged an improvement in monitoring contractors on City projects.

After discussion, the motion to approve the Ordinance, prevailed by the following vote: AYES: Cisneros, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: Webb, Dutmer; ABSENT: None.

80-51 The Clerk read the following Ordinance:

AN ORDINANCE 52,905

AUTHORIZING EXECUTION OF CONTRACTS WITH ALAMO HEIGHTS, OLMOS PARK, CASTLE HILLS, AND TERRELL HILLS FOR SOLID WASTE SERVICES TO BE PROVIDED BY THE CITY OF SAN ANTONIO AND AMENDING THE ORDINANCE ESTABLISHING SOLID WASTE DISPOSAL FEES.

* * * *

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

Mr. Thompson stated his concern about the City providing a 'break-even' service to a number of other communities in solid waste disposal and thus were not considering the City's future landfill acquisition problems. He stated that he favored charges to these communities based on fair market value, compared to what someone else would charge to perform this service, and spoke against the Ordinance.

Mr. Kiolbassa explained that this represents an improvement over old policies and recommended its acceptance.

Mayor Cockrell recognized the presence in the audience of Alamo Heights Mayor, Mr. Elkin McGaughy, who spoke in favor of the Ordinance and asked that this be considered as a 'metropolitan project' where everyone involved paid his own way.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: Thompson; ABSENT: Webb.

80-51 The Clerk read a proposed ordinance establishing a procedure for disseminating legal property descriptions over the telephone; appropriating funds; and approving personnel positions in the building inspections department.

Mr. Steen made a motion to withdraw this item from consideration. Mr. Thompson seconded the motion.

Mr. Steen stated that City staff apparently had not gotten together with the realtors on a final solution to the problem of the City providing legal property descriptions by telephone and asked that this item be withdrawn from consideration at this time to allow both sides time to work out any remaining problems involved.

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Mayor Cockrell asked if those in the audience who had signed to speak on the issue favored a postponement.

Ms. Maurine Alexander, President of the San Antonio Board of Realtors, asked for the postponement, noting that she had only seen the final staff recommendations today.

Mr. Steen, as maker of the motion recommended that this ordinance be postponed for 30 days. Secunder concurred.

After discussion, the motion prevailed by the following vote: AYES: Cisneros, Dutmer, Eureste, Thompson, Alderete, Canavan, Steen, Cockrell; NAYS: Wing; ABSENT: Webb, Archer.

Mr. Alderete asked staff to provide the Council with a report on the self-sufficiency of such a program.

The staff was directed to reschedule in 30 days an ordinance regarding review of legal plat descriptions to be provided over the telephone, to meet with the Board of Realtors, and provide data to the Council on the self-sufficiency of the program.

80-51 The Clerk read the following Resolution:

A RESOLUTION
NO. 80-51-79

SUPPORTING THE PATIO OF STATES PROJECT
AS PRESENTED BY THE BEAUTIFY SAN ANTONIO
ASSOCIATION.

* * * *

Mr. Thompson moved to approve the Resolution. Dr. Cisneros seconded the motion.

Mr. Walter Graff, representative of the Beautify San Antonio Association, recited the history of the "Patio of States" project, noting that the project lagged somewhat when some of the state governments failed to respond to the request for the stone from their respective states. He noted that Beautify San Antonio Association now has provided its own financing to complete the project, and asks for Council approval.

Responding to questions by Mr. Wing, Mr. Ron Darner, Director of the City Parks and Recreation Department, noted that this proposal went through the various municipal commissions and boards in 1975 and was then approved. He also stated that the project conforms to all City specifications, and explained its planned location, design, and materials to be used.

Mr. Steen thanked those who worked on this project at no cost to the City.

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

80-51 The Clerk read the following Ordinance:

AN ORDINANCE 52,906

DESIGNATING MARCH 5-9, 1981, TO HONOR
THE 250TH ANNIVERSARY OF THREE (3)

October 16, 1980
mb

-16-

EAST TEXAS MISSIONS, THE ARRIVAL OF
THE CANARY ISLANDERS, FOUNDERS OF SAN
FERNANDO DE BEXAR, AND ESTABLISH A
COMMITTEE TO COORDINATE THE EVENTS OF
THIS CELEBRATION.

* * * *

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

Mayor Cockrell noted that this was the work of the committee which was coordinating much of the planned celebration of the 250th anniversary of the arrival of the Canary Islanders to San Antonio, and outlined some of the work of the group.

Mr. Robert Benavides, 16411 Ledge Oaks, representing the 250th Anniversary Committee, gave a brief history of the project, noting that he is a descendant of the first San Antonio Alcalde.

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

MR. SAM T. ALVARADO

Mr. Alvarado, representing United Public Employees Association, stated that Title VII - Civil Rights Act is being violated by the Public Works Department. He read the law verbatim. He stated that a certain class of individuals are being discriminated against and spoke against the one minute tardiness rule imposed by the Public Works Department as compared to six minutes to all other City departments. He asked that the City Council change the policy.

Mr. Rolando Bono, Assistant to the City Manager, stated that the absenteeism and tardiness policy is on a trial basis for six months. He stated that Public Works was exempted since they were already under certain rules. However, if the policy is permanently adopted, Public Works would have to be included.

In response to the Mayor, Mr. Louis Garcia, Assistant City Attorney, stated that since there is an intention of a lawsuit being filed, he suggested that the City Council refrain from discussing the matter.

Mr. Bernardo Eureste stated that the City is not in litigation yet and stated that Mr. Alvarado has received a letter from Mr. Frank Kiolbassa, Director of Public Works, stating that the Public Works Department will review the possibility of conforming to the six minute time rule. Mr. Eureste asked that City management approve the request of Mr. Alvarado.

Mayor Cockrell asked that staff report to the City Council on this policy.

Mr. Wing stated that action be taken since he feels a report has already been given by Mr. Kiolbassa. He then made a motion to adopt the rules uniformly throughout the City. Mr. Eureste seconded the motion.

Mrs. Dutmer asked that the report include the number of hours worked by City employees.

Mr. Archer and Mr. Steen stated that they would like a report before voting on this matter.

After discussion, the motion failed to carry by the following vote: AYES: Cisneros, Wing, Eureste; NAYS: Steen, Cockrell; ABSENT: Webb, Alderete, Canavan; ABSTAIN: Dutmer, Thompson, Archer.

Mayor Cockrell asked that the report be presented to the City Council and information on how the present Public Work's policy was adopted.

MRS. FRANCES LEVINSON

Mr. Levinson spoke about the energy situation in San Antonio. She asked that automobiles be allowed to move on red lights or stop signs if no obstruction of traffic is visible. She feels that this will futher ~~conserve~~ energy and enable its use in governmental functions. She also asked that City Council approve an ordinance to make it mandatory for citizens living on corners to keep the corners clear of obstacles.

Mayor Cockrell stated that the recommendation would be forwarded to the City staff for their review.

MRS. BEATRICE CORTEZ

Mrs. Cortez, Executive Vice-President of COPS, praised the members of the City Council who voted against the CPSB rate increase. They were especially appreciative of Mr. Thompson because of the time he took to listen to their problems.

MRS. CARMEN BADILLO

Mrs. Carmen Badillo, President of COPS, again thanked the members of the City Council who voted against the rate increase. She stated that they were opposed to the rate hike because they feel that the rate hike was not necessary at this time. They feel that the citizens have had enough rate increases this year. She stated that while they are not opposed to the Nuclear Power Plant, they are concerned about cost overruns. She asked that the City Council take note of their concerns.

MR. RAUL RODRIGUEZ

Mr. Rodriguez stated that Mr. Bernardo Eureste should be commended for his efforts to investigate the activities of the Police Department. He stated that there has been corruption in the Police Department for years. He also stated that police brutality exists in San Antonio.

MR. JOE GARCIA

Mr. Garcia, 414 Nassau, spoke about the many accidents occurring on Nassau. He stated that they are particularly concerned about the intersection of Nassau and Scales. He stated that they need to slow the traffic down and presented a petition to the Council requesting the installation of a four-way stop sign at the intersection of Nassau and Scales. (A copy of the petition is on file with the papers of this meeting.)

Mayor Cockrell stated that something needs to be done at this intersection since the traffic is so heavy.

Mr. Garcia, Acting Coordinator of the Transportation Study Office, stated that the general policy for a four-way stop sign is most effective when the traffic flow on both streets is equal. He stated that a report will be forthcoming to the Council regarding the best way to deter the speed on Nassau.

The Council then advised Mr. Joe Garcia to return to the Council meeting next week to hear the report.

80-53 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Dutmer, Wing, Eureste, Thompson, Alderete, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Webb, Canavan, Archer.

AN ORDINANCE 52,907

ACCEPTING THE LOW QUALIFIED BID OF SOUTH TEXAS INSULATION COMPANY TO FURNISH LABOR AND MATERIALS TO ACCOMPLISH CEILING REVISIONS AT THE THEATER OF THE PERFORMING ARTS FOR \$133,578.00; APPROPRIATING FUNDS AND AUTHORIZING PAYMENT.

* * * *

AN ORDINANCE 52,908

ACCEPTING THE LOW QUALIFIED BID OF NATHAN ALTERMAN ELECTRIC CO. IN THE AMOUNT OF \$64,120.00 TO PERFORM THE CITY HALL ANNEX ELECTRICAL SYSTEM MODIFICATIONS, AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 52,909

AUTHORIZING AN AGREEMENT WITH THE SAN ANTONIO- BEXAR COUNTY URBAN TRANSPORTATION STUDY STEERING COMMITTEE (SABCUTS) FOR CARRYING OUT BY THE CITY OF SAN ANTONIO OF WORK TASKS IN THE 1980/81 UNIFIED WORK PROGRAM FOR THE SAN ANTONIO-BEXAR COUNTY TRANSPORTATION PLANNING AREA ELIGIBLE FOR FUNDING WITH FEDERAL HIGHWAY ADMINISTRATION (FHWA) FUNDS; ESTABLISHING A FUND AND ACCOUNTS; APPROVING A BUDGET OF \$112,855 AND APPROVING PERSONNEL POSITIONS.

* * * *

AN ORDINANCE 52,910

AUTHORIZING AN AGREEMENT WITH THE SAN ANTONIO-BEXAR COUNTY URBAN TRANSPORTATION STUDY STEERING COMMITTEE (SABCUTS) FOR CARRYING OUT BY THE CITY OF SAN ANTONIO'S TRANSPORTATION STUDY OFFICE WORK TASKS IN THE 1980/81 UNIFIED WORK PROGRAM FOR THE SAN ANTONIO-BEXAR COUNTY TRANSPORTATION PLANNING AREA ELIGIBLE FOR FUNDING FROM URBAN MASS TRANSPORTATION (UMTA) FUNDS; ESTABLISHING A FUND AND ACCOUNTS AND APPROVING A BUDGET OF \$45,177 FOR THE PROJECT.

* * * *

80-53

SECURITY

Mr. Thompson asked that security be provided to City personnel at City Hall. He mentioned a recent case when a secretary was accosted.

Mr. Rolando Bono, Assistant to the City Manager stated that a report will be forthcoming on this matter.

There being no further business to come before the Council, the meeting was adjourned at 7:10 P.M.

A P P R O V E D

Lila Cockrell

M A Y O R

ATTEST:

Germa J. Rodriguez
C i t y C l e r k