

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBERS, MUNICIPAL
PLAZA BUILDING, THURSDAY, SEPTEMBER
12, 1996.

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96-37 The City Council convened in an informal "B" Session at 8:30 A.M., Municipal Plaza Building, "B" Room, to consider the following item(s). The Council members present were: FLORES, LOTT, BILLA BURKE, AVILA, SOLIS, ROSS, MARBUT, PEAK, WEBSTER. Absent: HERRERA, THORNTON.

Staff Presentation on the Budget - Human Resources, Municipal Court, Finance, Internal Review, City Attorney.

"B" Session adjourned at 10:35 A.M.

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96-37 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Pro Tem Billa Burke, presiding in the absence of Mayor Thornton, with the following members present: FLORES, LOTT, BILLA BURKE, AVILA, SOLIS, HERRERA, ROSS, MARBUT, PEAK, WEBSTER. Absent: THORNTON.

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96-37 Invocation - Rabbi Chaim Block, Chabad Center.

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96-37 Pledge of Allegiance to the flag of the United States.

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96-37 CEREMONIAL ITEMS

GAN GAMI PRE-SCHOOL STUDENTS

Rabbi Chaim Block introduced students from the Gan Gami Pre School to present Jewish New Year greetings to the City Council.

The students presented each City Council member with a special card denoting the Jewish New Year and a calendar.

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MAJESTIC THEATER/EMPIRE THEATER

Mayor Pro Tem Billa Burke introduced Mr. Kirk Feldmann, General Manager of Arts Center Enterprises, Inc., and Ms. Joci Strauss, representing the Las Casas Foundation, and stated that they are present to brief the City Council on the recently-completed renovation of the Majestic Theater.

Ms. Strauss thanked the Mayor and Council for making possible the restoration and revitalization of the Majestic Theater and the adjoining Empire Theater, and she spoke to the status of construction and future plans.

Mr. Feldmann spoke to the current status of the restoration work, and noted that tonight is the opening night for the new San Antonio Symphony season at the Majestic, speaking to the economic benefits of that season. He then presented each Council member with a plaster rendition of one segment of the restored Majestic Theater, noting that only 60 of these casts were made as a symbol of the theater's rebirth.

Mayor Pro Tem Billa Burke stated that the Majestic Theater is one of the nation's premier theaters.

Mr. Flores lauded the completion of the work on the Majestic Theater.

Mr. Peak addressed the elaborate restoration work involved and its timeliness, and thanked ACE and Las Casas Foundation for the plaster cast.

Mr. Solis congratulated all involved for the achievement, and singled out Assistant to the City Manager Rebecca Waldmann for her assistance to the project.

Mr. Ross thanked Ms. Strauss for Las Casas Foundation's spearheading of this restoration effort.

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"THE GREEN TEAM COMPETITION DAYS"

Mayor Pro Tem Billa Burke noted that the Real Estate Council, Keep San Antonio Beautiful, and the City of San Antonio are sponsoring a competition among selected elementary and middle schools, and she introduced Mr. David Carpenter, Chairman, City Clean-up Commission. She then read an official proclamation and presented it to Mr. Carpenter.

Mr. Carpenter, in turn, thanked the Real Estate Council for its part in this program.

representative of the Real Estate Council the City Council to details of the competition.

Mr. Tony Kuberski, President, Keep San Antonio Beautiful, thanked the Mayor and City Council and the participants in the competition.

City Council members individually lauded the partnership of the Real Estate Council and Keep San Antonio Beautiful in this endeavor.

DIEZ Y SEIS DE SEPTIEMBRE DAY

Mayor Pro Tem Billa Burke introduced Ms. Lupe Young, Chairperson, and other members of the Diez y Seis de Septiembre Commission, present in the audience to receive a proclamation and to provide information on the upcoming activities of the celebration. She then read the official proclamation and presented it to Ms. Young and other members of her delegation.

Ms. Young accepted the proclamation and thanked the Mayor and City Council as other members of the delegation presented special medallions to the Council members, as well as special tee-shirts marking the occasion.

Mr. Solis thanked the many volunteers of the Commission for their efforts and spoke to details of the events planned, noting that the mayors of several cities in Mexico are scheduled to take part.

96-37 CONSENT AGENDA

Mr. Flores made a motion to approve Agenda Items 8 through 38k, constituting the Consent Agenda, with Item 21 being removed for individual consideration. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Marbut, Peak, Webster. NAYS: None. ABSENT: Herrera, Ross, Thornton.

AN ORDINANCE 84,676

ACCEPTING THE LOW BID OF COMGRAPHIX, INC. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH MICROFILM READERS FOR A TOTAL OF \$30,100.00.

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AN ORDINANCE 84,677

ACCEPTING THE LOW BID OF COMGRAPHIX, INC. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH COIN OPERATED MICROFILM/MICROFICHE READER PRINTERS FOR A TOTAL OF \$61,080.00.

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AN ORDINANCE 84,678

ACCEPTING THE LOW BID OF COMMONWEALTH COMPUTER COMPANY TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT WITH TERMINAL SERVERS AND TRANSCEIVER MODULES FOR A TOTAL OF \$96,104.50.

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AN ORDINANCE 84,679

ACCEPTING THE LOW, QUALIFIED BID OF ACTION BIKES TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH POLICE PATROL BICYCLES FOR A TOTAL OF \$21,280.00.

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AN ORDINANCE 84,680

ACCEPTING THE LOW BID OF LUNA & SONS PAINT, INC. FOR PAINTING OF THE INTERIOR BEAMS AT THE MID CITY PARKING GARAGE FOR THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT FOR A TOTAL OF \$48,990.00.

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AN ORDINANCE 84,681

ACCEPTING THE LOW BID OF ESTES, INC. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH HERBICIDES FOR A TOTAL OF \$89,981.20.

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AN ORDINANCE 84,682

RATIFYING AND CONFIRMING ALL ACTIONS TAKEN BY CITY STAFF IN CONNECTION WITH ACCEPTING A PROPOSAL FROM AT&T CORPORATION TO UPGRADE THE TELEPHONE SYSTEM AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A COST NOT TO EXCEED \$360,00.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,683

ACCEPTING THE LOW, QUALIFIED BASE BID OF ROSSON BUILDERS, INC. IN THE TOTAL AMOUNT OF \$97,700.00 FOR THE REPLACEMENT OF THE ROOF AND EXTERIOR STUCCO OF THE SPANISH GOVERNOR'S PALACE; AUTHORIZING A CONSTRUCTION CONTRACT; ACCEPTING A PROPOSAL FROM THE UNIVERSITY OF TEXAS AT SAN ANTONIO, CENTER FOR ARCHAEOLOGICAL RESEARCH FOR ARCHAEOLOGICAL SERVICES IN CONNECTION WITH SAID PROJECT AT A COST NOT TO EXCEED \$8,087.00; CREATING THE SPANISH GOVERNOR'S PALACE ROOF/EXTERIOR PROJECT IN THE DEPARTMENT OF PARKS AND RECREATION; AUTHORIZING THE TRANSFER OF FUNDS AND ESTABLISHMENT OF A PROJECT BUDGET; AUTHORIZING \$13,074.00 FOR CONSTRUCTION CONTINGENCY EXPENSES, \$8,087.00 FOR ARCHAEOLOGICAL SERVICES, \$2,999.99 FOR ARCHITECTURAL SERVICES, AND \$1,140.00 FOR BID ADVERTISING/PRINTING IN CONNECTION WITH THIS PROJECT; AND ENCUMBERING FUNDS FOR THE CONSTRUCTION CONTRACT, CONSTRUCTION CONTINGENCY EXPENSES, ARCHAEOLOGICAL SERVICES, ARCHITECTURAL SERVICES, AND BID ADVERTISING/PRINTING SERVICES AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,684

SELECTING ALDERSON & ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE CITY HALL ENVIRONMENTAL MANAGEMENT SYSTEM PROJECT; AUTHORIZING THE NEGOTIATION OF A CONTRACT FOR AN AMOUNT NOT TO EXCEED \$6,175.00; AUTHORIZING \$1,725.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,685

SELECTING INTEGRATED TESTING AND ENGINEERING COMPANY, INC. TO PROVIDE ENGINEERING SERVICES (ASBESTOS TESTING) IN CONNECTION WITH THE REMOVAL OF UNSAFE STRUCTURES; AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES CONTRACT FOR AN AMOUNT NOT TO EXCEED \$75,000.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,686

SELECTING ALDERSON & ASSOCIATES, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE SOUTHEAST SERVICE HEATING, VENTILATION, AIR-CONDITIONING (HVAC) REPLACEMENT PROJECT; AUTHORIZING A CONTRACT IN AN AMOUNT OF \$10,450; AUTHORIZING \$3,150 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,687

ACCEPTING THE LOW, QUALIFIED BID OF INTERKAL GLOBAL DESIGN SERIES TELESCOPIC PLATFORMS (GDSTP) IN THE AMOUNT OF \$556,897.00 IN CONNECTION WITH THE ALAMODOME TELESCOPIC SEATING/LOW RISER SYSTEM; AUTHORIZING A CONSTRUCTION CONTRACT; AUTHORIZING \$44,551.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,688

AUTHORIZING PAYMENT TO ECKMANN, GROLL, RUNYAN & WATERS, INC. IN AN AMOUNT OF \$1,000.00 FOR APPRAISAL SERVICES IN CONNECTION WITH THE EVANS ROAD FIRE STATION SITE; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,689

CANCELING A LEASE AGREEMENT WITH MARINA ORTEGA, D/B/A "KIA INTERNATIONAL" FOR APPROXIMATELY 389 SQUARE FEET OF REAL PROPERTY LOCATED AT IN HEMISFAIR PARK KNOWN AS BUILDING 252, DUELM HOUSE, AUTHORIZED BY ORDINANCE NO. 83150, PASSED AND APPROVED ON NOVEMBER 9, 1995; AND AUTHORIZING THE EXECUTION OF A NEW TWO (2) YEAR LEASE AGREEMENT WITH MARINA ORTEGA, D/B/A "KIA INTERNATIONAL" FOR APPROXIMATELY 1,144 SQUARE FEET OF REAL PROPERTY LOCATED IN HEMISFAIR PARK AND KNOWN AS BUILDING 336, THE KUSCH HOUSE, FOR A RENTAL OF \$686.40 PER MONTH, PLUS COST OF UTILITIES. (CANCELS ORD. NO. 83150 DTD NOV. 5, 1995.)

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AN ORDINANCE 590

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO THREE PARCELS OUT OF LOT 1, BLOCK 3, NEW CITY BLOCK 590 BEING IN SAN ANTONIO, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE TO WIT: THE CONSTRUCTION OF THE CHERRY STREET DRAINAGE PROJECT NO. 15B, PHASE II.

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AN ORDINANCE 84,691

AUTHORIZING PAYMENT IN THE SUM OF \$6,464.50 TO MATTHEWS & BRANSCOMB FOR LEGAL SERVICES IN CONNECTION WITH THE CHERRY STREET DRAINAGE PROJECT #15B, PHASE II APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,692

AUTHORIZING PAYMENT IN THE SUM OF \$100.00 TO WESTOVER HILLS DEVELOPMENT PARTNERS, L.P. FOR A TEMPORARY LAND USE AGREEMENT AND THE SUM OF \$75.00 TO ALAMO TITLE COMPANY FOR TITLE FEES IN CONNECTION WITH THE WESTOVER HILLS TEMPORARY FIRE STATION; FOR THE TOTAL SUM OF \$175.00 OUT OF 1996 CERTIFICATES OF OBLIGATION.

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AN ORDINANCE 84,693

AUTHORIZING THE ACQUISITION OF FEE SIMPLE TITLE AND A TEMPORARY CONSTRUCTION EASEMENT FOR \$5,438.00 PAYABLE TO FIRST AMERICAN TITLE COMPANY AS ESCROW AGENT FOR MARIA P. GOVEA, ET AL, IN CONNECTION WITH THE WESTERN AVENUE DRAINAGE PROJECT #74, PHASE II B & C; AND ACQUIRING FEE SIMPLE TITLE TO TWO PARCELS FOR \$4,325.00 PAYABLE TO COMMERCE LAND TITLE OF SAN ANTONIO, INC. AS ESCROW AGENT FOR RICHARD D. HAVEL, TRUSTEE, IN CONNECTION WITH THE HI-LIONS DRAINAGE PROJECT #80; FOR A TOTAL OF \$9,763.00 OUT OF GENERAL OBLIGATION DRAINAGE BONDS.

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AN ORDINANCE 84,694

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$5,593.00 OUT OF 1996 TAX EXEMPT CERTIFICATES OF OBLIGATION STREET IMPROVEMENT (METROPOLITAN PLANNING

ORGANIZATION) FUNDS TO ACQUIRE FEE SIMPLE TITLE TO ONE PARCEL FROM KILBURN G. MOORE COMPANY, INC. IN CONNECTION WITH THE BASE ROAD AT SAN PEDRO METROPOLITAN PLANNING ORGANIZATION PROJECT.

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AN ORDINANCE 84,695

ACCEPTING AN ADDITIONAL AWARD OF \$128,769.00 IN CASH AND \$430,588.00 IN IN-KIND VACCINE FROM THE U.S. PUBLIC HEALTH SERVICE IN SUPPORT OF THE OPERATION OF THE 1996 CHILDHOOD IMMUNIZATION PROJECT BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AND AMENDING THE PROJECT BUDGET TO REFLECT THESE ADDITIONAL FUNDS.

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AN ORDINANCE 84,696

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO (UTHSCSA) FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) TO PARTICIPATE IN AN EFFORT TO IMPROVE GENETIC SCREENING AND PATIENT REFERRALS OF PREGNANT WOMEN AND NEWBORN INFANTS FOR CONSIDERATION IN AN AMOUNT NOT TO EXCEED \$6000.00 FOR THE FIRST YEAR; REVISING THE BUDGET OF THE PUBLIC HEALTH SUPPORT FUND; AND AUTHORIZING THE ACCEPTANCE OR PAYMENTS FOR SERVICES PROVIDED IN CONNECTION THEREWITH.

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AN ORDINANCE 84,697

AUTHORIZING THE EXECUTION OF A CONTRACT WITH WATSON WYATT WORLDWIDE FOR AN AMOUNT NOT TO EXCEED \$19,900.00 TO PROVIDE AN AUDIT OF ITS LIABILITY & WORKERS' COMPENSATION PROGRAM CLAIMS ADMINISTRATION FOR A TERM OF FOUR (4) WEEKS OR AS MAY BE REQUIRED TO COMPLETE THE ENGAGEMENT, NOT TO EXCEED SIXTY (60) DAYS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 84,698

AUTHORIZING THE FISCAL YEAR 1996-97 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS ENTITLEMENT BLOCK GRANT (HOPWA) PROGRAM; DESIGNATING THE FISCAL YEAR 1996-97 HOPWA PROGRAM FUNDS; APPROPRIATING FISCAL YEAR 1996-97 PROGRAM FUNDS IN THE AMOUNT OF

000.00; ALLOCATING FUNDS TO PROJECT
ESTABLISHING ACCOUNTS; Delineating Program
RESPONSIBILITIES; AUTHORIZING PERSONNEL
CLASSIFICATIONS AND PAY RANGES; AND AUTHORIZES
EXECUTION OF CONTRACTS AND OTHER DOCUMENTS AS
NECESSARY IN CONNECTION WITH SAID FISCAL YEAR
1996-97 HOPWA PROGRAM.

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AN ORDINANCE 84,699

AUTHORIZING THE FISCAL YEAR 1996-97 EMERGENCY
SHELTER ENTITLEMENT BLOCK GRANT (ESG) PROGRAM;
DESIGNATING THE FISCAL 1996-97 ESG PROGRAM FUNDS;
APPROPRIATING FISCAL YEAR 1996-97 PROGRAM FUNDS IN
THE AMOUNT OF \$536,000.00; ALLOCATING PROGRAM FUNDS
TO PROJECTS; ESTABLISHING ACCOUNTS; DELINEATING
PROGRAM RESPONSIBILITIES; AUTHORIZING PERSONNEL
CLASSIFICATIONS AND PAY RANGES; AND AUTHORIZING
EXECUTION OF CONTRACTS AND OTHER DOCUMENTS AS
NECESSARY IN CONNECTION WITH SAID FISCAL YEAR
1996-97 ESG PROGRAM.

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A RESOLUTION NO: 96-37-38

IN SUPPORT OF AN APPLICATION TO MODIFY THE
BOUNDARIES OF FOREIGN TRADE ZONE NO 80 TO INCLUDE 40
ACRES OWNED BY THE LANCER PARTNERSHIP, LTD. WITHIN
THE FOSTER RIDGE PARK, SITE 6; AUTHORIZING THE
SUBMISSION OF THE CITY'S "BOUNDARY MODIFICATION" TO
THE U.S. DEPARTMENT OF COMMERCE, FOREIGN-TRADE
ZONES BOARD (USDOC-FTZB); AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE, TO SIGN THE APPLICATION
AND TO NEGOTIATE "GRANTEE/PROPERTY OWNER AND/OR
OPERATOR" AGREEMENTS AND ANY OTHER AGREEMENTS
ASSOCIATED THEREWITH.

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AN ORDINANCE 84,700

APPROVING A PARADE PERMIT IN CONNECTION WITH THE SAY
NO TO DRUGS - RED RIBBON WEEK SPONSORED BY MARY HULL
ELEMENTARY SCHOOL AND AUTHORIZING THE TEMPORARY
CLOSURE OF ONE LANE OF THE FOLLOWING STREETS FROM
12:30 P.M. UNTIL 2:45 P.M., FRIDAY, OCTOBER 11,
1996 FOR SAID EVENT; BEGINNING AT 7320 REMUDA, EAST
ON WESTLAWN TO WESTMAR, NORTH ON WESTMAR TO
WESTPORT, WEST ON WESTPORT TO WESTEDGE, NORTH ON
WESTEDGE TO REMUDA, EAST ON REMUDA TO WESTMAR, SOUTH
ON WESTMAR TO WESTLAWN, WEST ON WESTLAWN TO
WESTEDGE, DISBANDING AT MARY HULL ELEMENTARY SCHOOL

LOCATED AT 7320 REMUDA.

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AN ORDINANCE 84,701

AUTHORIZING THE TEMPORARY CLOSURE OF STONEWALL STREET BETWEEN COMMERCIAL AVENUE AND BUFFALO AVENUE FROM 4:00 P.M. UNTIL 9:00 P.M., WEDNESDAY, SEPTEMBER 25, 1996 IN CONNECTION WITH THE CELEBRATION FOR THE MERGING OF STONEWALL AND FLANDERS ELEMENTARY SCHOOL.

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AN ORDINANCE 84,702

AUTHORIZING THE TEMPORARY CLOSURE OF OLMOS STREET BETWEEN WEST AVENUE AND BRAD AVENUE FROM 8:00 A.M. UNTIL 8:00 P.M., SATURDAY, SEPTEMBER 28, 1996 IN CONNECTION WITH THE FIRST ANNUAL LOS ANGELES HEIGHTS NEIGHBORHOOD BLOCK PARTY, SPONSORED BY UNICORN CENTER, INC.

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AN ORDINANCE 84,703

APPROVING A RUN/WALK PERMIT IN CONNECTION WITH THE JUVENILE DIABETES FOUNDATION - WALK FOR THE CURE, AND AUTHORIZING THE TEMPORARY CLOSURE OF THE FOLLOWING STREETS FROM 8:00 A.M. UNTIL 12:00 P.M. SUNDAY, SEPTEMBER 29, 1996 FOR SAID EVENT: WEST FROM HEMISFAIR TOWER TO ALAMO STREET, WEST ON NUEVA FROM ALAMO TO PRESA, SOUTH ON PRESA TO DURANGO, WEST ON SIDEWALK BY DURANGO TO ST MARY'S SOUTH ON ST. MARY'S TO KING WILLIAMS, SOUTH ON KING WILLIAMS TO GUENTHER, WEST ON GUENTHER TO STAIRWELL LEADING TO WEST BANK OF THE RIVERWALK, NORTH ON WEST BANK RIVERWALK TO NUEVA STREET STAIRWELL, ON STREET LEVEL CROSS FROM WEST BANK TO EAST BANK SIDE OF RIVERWALK RETURN DOWN ONTO RIVERWALK (EAST BANK), NORTH ON RIVERWALK TURNING EAST ALONG RIVERWALK AFTER VILLITA STREET OVERPASS, EAST ON RIVERWALK TO THE CONVENTION CENTER COURTYARD, UP THE STAIRS LEADING TO GEORGE GERVIN DRIVE, EAST ON GEORGE GERVIN DRIVE TO MARKET STREET, EAST ON THE SIDEWALK ALONG MARKET STREET TO BOWIE, SOUTH ON BOWIE TO PARKING LOT OF INSTITUTE OF TEXAN CULTURES, AROUND THE INSTITUTE OF TEXAN CULTURES ACROSS THE BRIDGE BY THE FLAG POLES AND RETURNING TO THE BASE OF HEMISFAIR TOWER.

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AN ORDINANCE 704

REAPPOINTING CASSANDRA L. (DISTRICT 5) TO THE ANIMAL CONTROL ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON APRIL 3, 1998.

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AN ORDINANCE 84,705

APPOINTING DAVID RODRIGUEZ (DISTRICT 3) AND REAPPOINTING RUDY RODRIGUEZ (DISTRICT 5) TO THE CLEAN-UP CITY COMMISSION FOR TERMS OF OFFICE TO EXPIRE ON FEBRUARY 24, 1998 AND 1999, RESPECTIVELY.

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AN ORDINANCE 84,706

APPOINTING ALAN FLORES (DISTRICT 4) TO THE DISABILITY ACCESS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 1998.

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AN ORDINANCE 84,707

APPOINTING CATALINA GARZA (DISTRICT 1) TO THE HISTORIC AND DESIGN REVIEW COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 31, 1998.

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AN ORDINANCE 84,708

APPOINTING DAVID HAROLD RATCLIFF (DISTRICT 6) TO THE HOME IMPROVEMENT ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON JUNE 23, 1998.

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AN ORDINANCE 84,709

REAPPOINTING ARMANDO GAMBOA (DISTRICT 5) TO THE MECHANICAL BOARD OF APPEALS FOR A TERM OF OFFICE TO EXPIRE ON MARCH 20, 1998.

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AN ORDINANCE 84,710

REAPPOINTING WILLIAM A. SALMON (DISTRICT 5) TO THE PLUMBING APPEALS AND ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE MARCH 20, 1998.

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AN ORDINANCE 84,711

APPOINTING THERESA LEAL (DISTRICT 5) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 15, 1998.

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AN ORDINANCE 84,712

REAPPOINTING BILL LEFFLER (DISTRICT 5) TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY FOR A TERM OF OFFICE TO EXPIRE ON MAY 9, 1998.

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AN ORDINANCE 84,713

REAPPOINTING DELIA ACOSTA (DISTRICT 5) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 1998.

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AN ORDINANCE 84,714

APPOINTING ROBERT J. EARL (DISTRICT 8) TO THE ZONING COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 1998.

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96-37 The Clerk read the following Ordinance:

AN ORDINANCE 84,715

APPROVING THE ASSIGNMENT OF THE FARMER'S MARKET PLAZA LEASE AGREEMENT CURRENTLY HELD BY LONGINO BARRIENTES PRODUCE OF MARYANN DOUGLAS-PALACIO, D/B/A PALACIO, D/B/A PALACIO DE FRUTAS Y LEGUMBRES WITH AN EFFECTIVE DATE OF OCTOBER 1, 1996; AT AN ANNUAL RATE OF \$6,135.00 ADJUSTED EACH YEAR FOR ANY INCREASE IN THE CONSUMER PRICE INDEX. (AMENDS ORD. NO. 79223 DATED NOV. 23, 1993)

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Mr. Flores made a motion to approve the proposed Ordinance. Mr. Webster seconded the motion.

Mr. Ron Darner, Director of Parks & Recreation, spoke to a

brief history of this particular lot.

The following individuals appeared to speak:

Mr. Boone Brinson, 612 West Commerce Street, stated that his operation at the Farmer's Market Plaza would be adversely affected by this lease assignment, and he spoke to reasons for his objection to it, including his belief that the merchandise to be sold there would compete with other nearby vendors. He also stated his belief that City staff is allowing far-reaching changes to the "use" clauses of the contracts for these leases.

Ms. Angie Calderon, 612 West Commerce Street, stated that City staff told her that the "use" clauses would be enforced against the sale of any merchandise over and above fruits and vegetables.

Ms. Thelma Gonzalez, 612 West Commerce Street, speaking in place of Mr. Rick Arzola, stated her belief that this is an unfair amendment to a lease, and spoke to the alleged inequality of treatment for all vendors.

Ms. Mary Ann Douglas-Palacio, 612 West Commerce Street, spoke in support for the proposed lease assignment, and addressed her ceramics work and the need to operate the produce sales, as well.

Ms. Yvette Ramirez, 612 West Commerce Street, spoke in support of the previous speaker as an asset to the Farmer's Market Plaza specialty area.

Ms. Diane Weekley, 612 West Commerce Street, incoming President of the Farmer's Market, spoke in support for staff plans.

Mr. Louis Ramirez, 612 West Commerce Street, outgoing President, spoke in support for Ms. Douglas-Palacio's plans.

In response to a question by Mr. Flores, Mr. Darner explained the reasons for the change in the "use" clause.

Mr. Robert Tagle, Manager, Market Square, noted that Ms. Douglas-Palacio's ceramics are a unique product.

Mr. Flores stated his belief that the change in the "use" clause of the leases is an economic decision, and he spoke in support for the City staff recommendation.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Webster, Thornton; NAYS: None; ABSENT: Herrera, Ross, Marbut, Peak.

96-37

ZONING HEARINGS

3A. CASE #Z96145 (CC) - to rezone and reclassify Lot 5, Block 19,

NCB 14774, 15322 Red Ribbon Road, from Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "R-1" ERZD CC Single Family Residence Edwards Recharge Zone District with special City Council approval for a group day care home facility. Property is located on the northeast side of Red Robin Road, 191 feet southeast of the intersection of Red Robin Road and Wild Eagle Road, having 100 feet on Red Robin Road and a depth of 206.12 feet.

Mr. Marbut made a motion to continue this rezoning case to the Council meeting of September 26, 1996. Mr. Solis seconded the motion.

After consideration, the motion prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Marbut, Peak, Webster. NAYS: None. ABSENT: Herrera, Ross, Thornton.

Zoning Case Z96145 CC was continued to the meeting of September 26, 1996.

3B. CASE #Z96028 (CC) - to rezone and reclassify Lot 13, being that portion inside the city limits of San Antonio, Block 1, NCB 17615, 9006 Western View, from Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "B-3" ERZD CC Business Edwards Recharge Zone District with special City Council approval for a contractors facility. Property is located southeast of the intersection of Western View Drive and Western Oak Drive, having 125 feet on Western View and a depth of 210 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Marbut made a motion to approve the recommendation of the Zoning Commission. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Lott, Billa Burke, Avila, Solis, Herrera, Marbut, Peak, Webster; NAYS: None; ABSENT: Flores, Ross, Thornton.

AN ORDINANCE 84,716

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 13, BEING THAT PORTION INSIDE THE CITY LIMITS OF SAN ANTONIO, BLOCK 1, NCB 17615, 9006 WESTERN VIEW, FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "B-3" ERZD CC BUSINESS EDWARDS RECHARGE ZONE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A CONTRACTORS FACILITY. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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96-37 (At this time, it was the concensus of City Council members present to consider Agenda Item 42.)

The Clerk read the following Ordinance:

AN ORDINANCE 84,717

APPROVING THE BUDGET OF THE BEXAR METRO 9-1-1 NETWORK DISTRICT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1996 AND ENDING SEPTEMBER 30, 1997, IN THE AMOUNT OF \$2,957,505.00.

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Mr. Peak made a motion to approve the proposed Ordinance. Mr. Solis seconded the motion.

Mr. Jimmy Hasslocher, speaking for the Bexar Metro 9-1-1 Network District, spoke briefly in support for the proposed budget of that organization.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Solis, Herrera, Marbut, Peak, Webster; NAYS: None; ABSENT: Flores, Ross, Thornton.

ZONING HEARINGS (CONTINUED)

3C. CASE #Z96154 - to rezone and reclassify 16.4 acres out of NCB 17635, Leslie Road and 1604 Expressway, from "R-1" Single Family Residence District to "R-4" Manufactured Home Residence District. Property is located on the northwest side of Leslie Road, having 638.74 feet on Leslie Road and a depth of 940.68 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Webster made a motion to approve the recommendation of the Zoning Commission. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Lott, Billa Burke, Avila, Solis, Herrera, Marbut, Peak, Webster; NAYS: None; ABSENT: Flores, Ross, Thornton.

AN ORDINANCE 84,718

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 16.4 ACRES OUT OF NCB 17635, LESLIE ROAD AND 1604 EXPRESSWAY, FROM "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-4" MANUFACTURED HOME RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3D. CASE #Z96166 - to rezone and reclassify P-16, NCB 15950, 6404 Babcock Road, from Temporary "R-1" Single Family Residence District to "B-3R" Restrictive Business District. Property is located northwest of the intersection of Babcock Road and Old Babcock Road, having 710' feet on Babcock Road and 644' feet on Old Babcock Road.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Marbut made a motion to approve the recommendation of the Zoning Commission. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Lott, Billa Burke, Avila, Solis, Herrera, Marbut, Peak, Webster; NAYS: None; ABSENT: Flores, Ross, Thornton.

AN ORDINANCE 84,719

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-16, NCB 15950, 6404 BABCOCK ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3E. CASE #Z96077 - to rezone and reclassify 22.4785 acres out of NCB 15824, Prue Road and Springtime Drive, from "P-1(R-1)" Planned Unit Development Single Family Residence District to "P-1(R-7)" Planned Unit Development Small Lot Home District. Property is located northwest of the intersection of Prue Road and Springtime Drive, having 1,843.65 feet on Prue Road and 488.87 feet on Springtime Drive.

Mr. Marbut made a motion to continue this rezoning case to the Council meeting of October 10, 1996. Mr. Webster seconded the motion.

consideration, the motion prevailed by the following
vote: Flores, Lott, Billa Avila, Solis, Herrera, Marbut,
Webster. NAYS: None. ABSENT: Ross, Peak, Thornton.

Zoning Case Z96077 was continued to October 10, 1996.

3F. CASE #Z96146 - to rezone and reclassify 0.704 acre tract of land of NCB 16946, Donore Place, from "R-1" Single Family Residence District to "R-3" Multiple Family Residence District. Property is located 229.94 feet northeast of the intersection of Donore Square and Donore Place, being 95 feet northwest of Donore Place, having a length of 510.89 feet and a depth of 60.01 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

The following individuals appeared to speak:

Mr. Ralph Bender, Architect, speaking for the applicant, spoke to negotiations on three proposed deed restrictions: (1) a five-foot non-access easement onto Donore Place; (2) the property to be restricted to parking for the adjacent apartment project; and (3) creation of a landscaped greenbelt next to the adjacent resident area. He stated that he would be filing these proposed deed restrictions immediately after the rezoning action by City Council.

Speaking in opposition, Ms. Kirstin Etherage, 4114 Medical Drive #14015, stated her belief that the rezoning will do little to counter the intrusion of R-3 zoning into this area. She also stated her belief that ample parking exists on the apartment site itself.

Ms. Anita Busquets, 8138 Donore Place, spoke in opposition to the proposed rezoning, and presented petitions in opposition. She then distributed photographs of the property in question and explained them, voicing her concern with erosion of her property by runoff waters from the apartment parking lot. She also stated her contention that the proposed site will do little for additional parking for the apartments.

In response to a question by Mr. Marbut, Mr. Bender noted that some 150 tenants of the apartment project are in support of this rezoning, by petition. He also stated his belief that the non-access easement on Donore Place will help the traffic situation in the area, and expressed confidence that the proposed deed restrictions are sufficient.

Mr. Marbut made a motion to approve the recommendation of the Zoning Commission, provided that the proposed deed restrictions as outlined by Mr. Bender are filed for record. Ross seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Lott, Billa Burke, Avila, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: Flores, Solis, Thornton.

AN ORDINANCE 84,720

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 0.704 ACRE TRACT OF LAND OF NCB 16946, DONORE PLACE, FROM "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3G. CASE #Z96151 - to rezone and reclassify 6.737 acres out of Block 3, NCB 15863, Perrin Central Drive, "R-3" Multiple Family Residence District and "I-1" Light Industry District to "B-2" Business District. Properties are located on the northeast side of Perrin Central Drive, 1,215.68 feet northeast side of Perrin Central Drive, 1,215.68 feet northwest of the intersection of Perrin Central Drive and a depth of 577.66 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Webster made a motion to approve the recommendation of the Zoning Commission. Mr. Herrera seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Lott, Billa Burke, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: Flores, Avila, Solis, Thornton.

AN ORDINANCE 84,721

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 6.737 ACRES OUT OF BLOCK 3, NCB 15863, PERRIN CENTRAL DRIVE, "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT AND "I-1" LIGHT INDUSTRY DISTRICT TO "B-2" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3H. CASE #Z96155 - to rezone and reclassify 46.716 acres out of NCB 14049, Judson Road, from "B-3" Business District to "R-4" Manufactured Home Residence District. Property is located north of Independence

Avenue 35 feet west of the intersection of Judson and Independence Avenue, having 60.02 feet on Independence Avenue and 150.69 feet on Judson Road and a depth of 1,327.84 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

In response to a question by Mr. Webster, Mr. William B. Jackson, the applicant, spoke to the rear setback agreement.

Mr. Webster made a motion to approve the recommendation of the Zoning Commission. Mr. Peak seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: Avila, Solis, Herrera, Thornton.

AN ORDINANCE 84,722

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 46.716 ACRES OUT OF NCB 14049, JUDSON ROAD, FROM "B-3" BUSINESS DISTRICT TO "R-4" MANUFACTURED HOME RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3I. CASE #Z96176 - to rezone and reclassify Lots 13 and the south 5 feet of Lot 12, NCB 8691, from "F" Local Retail District to "B-3NA" Non-Alcoholic Sales Business District; and The north 60 feet of Lot 12, NCB 8691, 1051 Austin Highway, from "F" Local Retail District to "B-2NA" Non-Alcoholic Sales Business District. Property is located on the north side of Austin Highway, 42.39 feet southwest of the intersection of Meadow Lane and Austin Highway, having 97.8 feet on Austin Highway and a depth of 253.2 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Webster made a motion to approve the recommendation of the Zoning Commission. Mr. Peak seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: Avila, Solis, Thornton.

AN ORDINANCE 84,723

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 13 AND THE SOUTH 5 FEET OF LOT 12, NCB 8691, FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT; AND THE NORTH 60 FEET OF LOT 12, NCB 8691, 1051 AUSTIN HIGHWAY, FROM "F" LOCAL RETAIL DISTRICT TO "B- 2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3J. CASE #Z96183 - to rezone and reclassify 10.78 acres out of NCB 12179 and 12188, Loop 410 Interchange Parkway, from "I-1" Light Industry District to "B-3" Business District. Property is located southwest of the intersection of Loop 410 and Interchange Parkway, having 1,465.7 feet on Loop 410 and 763.41 feet on Interchange Parkway.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

In response to a question by Mr. Webster, Mr. Thomas Brendel, representing the investment group involved, explained the rezoning request to allow live rodeo presentations as a part of the nightclub operations. He then spoke to the history of this parcel of land as a former battery manufacturing facility.

Mr. Webster made a motion to approve the recommendation of the Zoning Commission. Mr. Peak seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Solis, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Avila, Marbut, Thornton.

AN ORDINANCE 84,724

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 10.78 ACRES OUT OF NCB 12179 AND 12188, LOOP 410 INTERCHANGE PARKWAY, FROM "I-1" LIGHT INDUSTRY DISTRICT TO "B-3" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

After discussion, Mr. Webster moved to direct City staff to bring back to City Council and the Zoning Commission the request of

Thomas ... al to rezone the rem ... of this tract of 1 ... live
rodeo p ... ances. Mr. Peak second ... e motion.

After consideration, the motion prevailed by the following
vote; AYES: Flores, Lott, Billa Burke, Solis, Herrera, Ross, Peak,
Webster. NAYS: None. ABSENT: Avila, Marbut, Thornton.

3K. CASE #Z96171 - to rezone and reclassify Lot 13, Block 2, NCB
9793, 1311 Base Road, from "B" Residence District to "B-3" Business
District. Property is located on the north side of Basse Road, 114 feet
west of the intersection of Beacon Drive and Basse Road, having 57 feet
on Base Road and a depth of 123.56 feet.

Mr. Frank Gonzalez, representing the applicant, spoke to the
reasons for the rezoning request for a painting contractor, and
discussed the extent of the business uses for the property. He stated
that his client is willing to restrict the uses of the property in order
to insure no adverse intrusions into a residential area, including
erection of a fence at the rear of the property.

Mr. Flores made a motion to continue this rezoning case to the
Council meeting of October 10, 1996 in order to allow sufficient time to
develop proper deed restrictions. Mr. Webster seconded the motion.

After consideration, the motion prevailed by the following
vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Ross, Peak,
Webster. NAYS: None. ABSENT: Herrera, Marbut, Thornton.

Zoning Case Z96171 was continued to the Council meeting of
October 10, 1996.

3L. CASE #Z96177 - to rezone and reclassify Lot 20, Block 63, NCB
7209, 1039 Fresno Street, from "B" Residence District to "B-3" Business
District. Property is located northeast of the intersection of Fresno
Drive and Michigan Street, having 50 feet on Fresno Drive and 140 feet
on Michigan Street.

Mr. Andy Guerrero, Senior Planner, explained the proposed
rezoning request.

Mr. Flores noted that there are other business uses already in
this area, and this request will allow development of a vacant lot.

Mr. Flores made a motion to reject the recommendation of the
Zoning Commission and to grant "B-3NA" Non-Alcoholic Sales Business
District zoning on this property. Mr. Ross seconded the motion.

Mr. Ignacio Villarreal, Jr., the applicant, briefly described
the neighborhood and commercial intrusion into that residential area,
which he felt no longer was a residential area. He spoke of plans to

upgrade the property in question.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Ross, Webster; NAYS: None; ABSENT: Herrera, Marbut, Peak, Thornton.

AN ORDINANCE 84,725

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 20, BLOCK 63, NCB 7209, 1039 FRESNO STREET, FROM "B" RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3M. CASE #Z96147 - to rezone and reclassify Lot 1, Block 3, NCB 12893, 4800 Rigsby Avenue, from "A" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District. Property is located southeast of the intersection of Rigsby Avenue and Kaiser Drive, having 148.75 feet on Rigsby Avenue and 102 feet on Kaiser Drive.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Doyle Grissom, representing the applicant, stated that the remainder of this immediate area is business uses, except for this property.

Ms. Debra Jenkins, 2406 Kaiser, spoke against commercial uses on this property, stating her desire that it remain residential in nature.

Mr. Grissom described the need for businesses in this area, noting that there is only one residence in this entire block. He stated his belief that the southeast side of the street is now mainly business uses.

Ms. Lott stated that this corridor is mainly businesses now, and expressed her belief that it would never revert to residential.

Ms. Lott made a motion to approve the proposed Ordinance. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Marbut, Thornton.

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 1, BLOCK 3, NCB 12893, 4800 RIGSBY AVENUE, FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3N. CASE #Z96158 - to rezone and reclassify Lot 26, Block 22, NCB 10297, 603 Sewanee Street, from "B" Residence District to "R-3" Multiple Family Residence District. Property is located northeast of the intersection of Sewanee Street and Aurelia Avenue, having 79.91 feet on Sewanee Street and 149.86 feet on Aurelia Avenue.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Ms. Lott made a motion to approve the recommendation of the Zoning Commission. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Marbut, Thornton.

AN ORDINANCE 84,727

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 26, BLOCK 22, NCB 10297, 603 SEWANEE STREET, FROM "B" RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

30. CASE #Z96173 - to rezone and reclassify the east 50.63 feet of Lot 20, Block 7, NCB 10623, 4345 East Houston Street, from "F" Local Retail District to "B-3NA" Non-Alcoholic Sales Business District. Property is located on the north side of Houston Street, 117 feet northwest of the intersection of Highway Drive and Houston Street, having 50.63 feet on Houston Street and a depth of 118.02 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Solis made a motion to approve the recommendation of the Zoning Commission. Mr. Avila seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Peak, Webster; NAYS: None; ABSENT: Ross, Marbut, Thornton.

AN ORDINANCE 84,728

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 THE EAST 50.63 FEET OF LOT 20, BLOCK 7, NCB 10623, 4345 EAST HOUSTON STREET, FROM "F" LOCAL RETAIL DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3P. CASE #Z96162 - to rezone and reclassify the west 200' feet of Lot 1, NCB 11693, from "A" Single Family Residence District to "B-3" Business District; The west 582.31 feet of the east 628.31 feet of Lot 1, NCB 11693, from "A" Single Family Residence District to "B-3NA" Non-Alcoholic Sales Business District, and the east 100' feet of Lot 1, NCB 11693, 5210 Blanco Road, from "A" Single Family Residence District to "O-1" Office District. Property is located east of the intersection of Blanco Road and Gilbert Lane, having 157 feet on Blanco Road and a depth of 828.31 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

In response to a question by Mr. Peak, Mr. Gary Gum, representing the applicant, explained the planned use of the property for a restaurant, including the use of alcoholic beverages.

Mr. Andrew Guerrero, Land Development Services, explained that nine affirmative votes of City Council would be required to approve this rezoning request, and further noted that a restaurant operation, allowing sale of alcoholic beverages, is allowable in a B-2 zoning area.

Mr. Peak made a motion to reject the recommendation of the Zoning Commission, and to approve "B-2" zoning on the west 200 feet of Lot 1, NCB 11693; "B-3NA" zoning on the west 528.31 feet of the east 628.31 feet of Lot 1, NCB 11693; and "O-1" zoning on the east 100 feet of Lot 1, NCB 11693. Mr. Avila seconded the motion.

consideration, the carrying with it passage
of the Ordinance, prevailed by the following vote: AYES: Flores, Lott,
Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster; NAYS:
None; ABSENT: Thornton.

AN ORDINANCE 84,729

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 THE WEST 200' FEET OF LOT 1, NCB
11693, FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO
"B-3" BUSINESS DISTRICT; THE WEST 582.31 FEET OF
THE EAST 628.31 FEET OF LOT 1, NCB 11693, FROM "A"
SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA"
NON-ALCOHOLIC SALES BUSINESS DISTRICT, AND THE EAST
100' FEET OF LOT 1, NCB 11693, 5210 BLANCO ROAD,
FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "O-1"
OFFICE DISTRICT. "THE PENALTY FOR VIOLATION IS A
FINE NOT TO EXCEED \$1,000.00."

* * * *

3Q. CASE #Z96159 - to rezone and reclassify 1.99 acres out of NCB
13833, Jones Maltsberger Road and Money Tree Road, from "R-3" Multiple
Family Residence District to "B-1" Business District. Property is
located northwest of the intersection of Money Tree Road and Jones
Maltsberger Road, having 285.24 feet on Money Tree and 272.14 feet on
Jones Maltsberger Road.

Mr. Andy Guerrero, Senior Planner, explained the proposed
rezoning request.

In response to a question by Mr. Peak, Mr. Dan Guess,
Vice-President for Development, Sterling Group, spoke to the results of
negotiations with the neighborhood association in the area.

Mr. Peak read the details of the agreed-upon landscaping plan,
a copy of which is made a part of the papers of this meeting.

Mr. Peak made a motion to approve the recommendation of the
Zoning Commission, based upon the agreed-to landscaping plan as
presented. Mr. Avila seconded the motion.

After consideration, the motion, carrying with it the passage
of the Ordinance, prevailed by the following vote: AYES: Flores, Lott,
Billa Burke, Avila, Solis, Herrera, Marbut, Peak, Webster; NAYS: None;
ABSENT: Ross, Thornton.

AN ORDINANCE 84,730

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 1.99 ACRES OUT OF NCB 13833, JONES MALTSBERGER ROAD AND MONEY TREE ROAD, FROM "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3R. CASE #Z96164 - to rezone and reclassify Lots 1, 2 and 3, save and except the south 50 feet, Block 11, NCB 9311, from "R-2" Two Family Residence District to "B-2" Business District, and the south 50 feet of Lots 1, 2, and 3, Block 11, NCB 9611, 531 Verne Street, from "R-2" Two Family Residence District to "O-1" Office District. Property is located northeast of the intersection of Altura Avenue and Verne Street, having 140 feet on Altura Avenue and 150 feet on Verne Street.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Flores, made a motion to approve the recommendation of the Zoning Commission. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: Thornton.

AN ORDINANCE 84,731

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 1, 2 AND 3, SAVE AND EXCEPT THE SOUTH 50 FEET, BLOCK 11, NCB 9311, FROM "R-2" TWO FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, AND THE SOUTH 50 FEET OF LOTS 1, 2, AND 3, BLOCK 11, NCB 9611, 531 VERNE STREET, FROM "R-2" TWO FAMILY RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3S. CASE #Z96157 - to rezone and reclassify 5.545 acres out of Block 14, NCB 15381, 7203 Marbach Road, from Temporary "R-1" Single Family Residence District to "R-3" Multiple Family Residence District. Property is located northeast of the intersection of Westedge Drive and

Marbach , having 937.46 feet Marbach Road and 212.8 feet on Westedge e.

Mr. Andrew Guerrero, Land Development Services, noted that this rezoning is for existing apartments on the property.

Mr. Herrera made a motion to approve the recommendation of the Zoning Commission. Mr. Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: Thornton.

AN ORDINANCE 84,732

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 5.545 ACRES OUT OF BLOCK 14, NCB 15381, 7203 MARBACH ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3T. CASE #Z96152 - to rezone and reclassify Lots 11 and 12, NCB 6021, 1801 Guadalupe Street, from "B-2" Business District to "B-3NA" Non-Alcoholic Sales Business District. Property is located northwest of the intersection of Nueces Drive and Guadalupe Street, having 71 feet on Nueces Drive and 64.1 feet on Guadalupe Street.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Solis made a motion to approve the recommendation of the Zoning Commission. Mr. Avila seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: Flores, Thornton.

AN ORDINANCE 84,733

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 11 AND 12, NCB 6021, 1801 GUADALUPE STREET, FROM "B-2" BUSINESS DISTRICT TO

"B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3U. CASE #Z96165 - to rezone and reclassify 1.484 acres out of Tracts 1 and 2, Block J, NCB 14662, 8491 Abe Lincoln Road, from "B-1" Business District to "B-3NA" Non-Alcoholic Sales Business District. Property is located 1,049.8 feet south of the intersection of Whitby Road and Abe Lincoln Road, having a width of 188.60 feet and depth of 343.72 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

In response to a question by Mr. Ross, Ms. Shirley Voight, the applicant, addressed certain deed restrictions agreed to by all concerned parties. A copy of those deed restrictions agreed to are made a part of the papers of this meeting.

Mr. Ross asked that the deed restrictions be made a matter of record.

Mr. Ross made a motion to approve the recommendation of the Zoning Commission. Mr. Avila seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: Flores, Thornton.

AN ORDINANCE 84,734

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 1.484 ACRES OUT OF TRACTS 1 AND 2, BLOCK J, NCB 14662, 8491 ABE LINCOLN ROAD, FROM "B-1" BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3V. CASE #Z96182 - to rezone and reclassify 3.813 acres out of NCB's 8267, 8536 and 8537, 4301 W. Commerce Street, from "B-3NA" Non-Alcoholic Sales Business District to "B-2" Business District. Property is located northwest of the intersection of W. Commerce and the Apache Creek, having 179.64 feet on West Commerce Street and 986.81

feet al. Che Creek.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Ross made a motion to approve the recommendation of the Zoning Commission. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Webster; NAYS: None; ABSENT: Flores, Peak, Thornton.

AN ORDINANCE 84,735

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 3.813 ACRES OUT OF NCB'S 8267, 8536 AND 8537, 4301 W. COMMERCE STREET, FROM "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3W. CASE #Z96148 - to rezone and reclassify 0.205 acre tract of land out of Lots 71 and 72, NCB 11260 and Lots 2 and 3, NCB 11264, U.S. Highway 81 South, from "B" Residence District to "B-3NA" Non-Alcoholic Sales Business District. Property is located on the northwest side of U.S. Highway 81 South, 500 feet northeast of the intersection of U.S. Highway 81 South and Pitluk, having 101.00 feet on U.S. Highway 81 South and a depth of 181.0 feet.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Avila made a motion to approve the recommendation of the Zoning Commission. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Webster; NAYS: None; ABSENT: Flores, Peak, Thornton.

AN ORDINANCE 84,736

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 0.205 ACRE TRACT OF LAND OUT OF

LOTS 71 AND 72, NCB 11260 AND LOTS 2 AND 3, NCB 11264, U.S. HIGHWAY 81 SOUTH, FROM "B" RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

3X. CASE #Z96163 - to rezone and reclassify Lot 1, Block 14, NCB 7877, 5500 I.H. 35 Expressway, from "B-2" Business District to "B-3NA" Non-Alcoholic Sales District. Property is located northeast of the intersection of West Harlan and I.H. 35 Expressway, having 105.82 feet on West Harlan and 122.3 feet on I.H. 35 Expressway.

Mr. Andy Guerrero, Senior Planner, explained the proposed rezoning request.

Mr. Avila made a motion to approve the recommendation of the Zoning Commission. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: Flores, Thornton.

AN ORDINANCE 84,737

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 1, BLOCK 14, NCB 7877, 5500 I.H. 35 EXPRESSWAY, FROM "B-2" BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

96-37 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE FOR THE DOWNTOWN IMPROVEMENT DISTRICT.

Mayor Pro Tem Billa Burke declared the Public Hearing to be open.

No citizen was signed to speak to this matter.

Mayor Pro Tem Billa Burke declared the Public Hearing to be closed, and noted that no Council action is required.

clerk read the following ordinance:

AN ORDINANCE 84,738

AUTHORIZING THE PURCHASE CONTRACT WITH THE NEW TERRITORIES HOMEOWNERS ASSOCIATION FOR THE ACQUISITION OF APPROXIMATELY 4 ACRES OF LAND, A 1,000 SQUARE FOOT COMMUNITY BUILDING, AN OUTDOOR SWIMMING POOL, 4 TENNIS COURTS AND ADJACENT PARKING AREA, LOCATED AT 9023 BOWEN DRIVE IN CITY COUNCIL DISTRICT 8; AUTHORIZING UP TO \$10,000.00 FOR PROPERTY ACQUISITION; AUTHORIZING UP TO \$45,000.00 FOR NECESSARY RENOVATIONS AND IMPROVEMENTS; AND PROVIDING FOR PAYMENT.

* * * *

Mr. Solis made a motion to approve the proposed Ordinance. Mr. Avila seconded the motion.

Mr. Ron Darner, Director of Parks & Recreation, narrated a video presentation of the proposed purchase of properties from New Territories Homeowners Association, and spoke of its planned future uses.

In response to a question by Mr. Marbut, Mr. Ernani Falcone, Chairman, Northwest Neighborhoods Alliance, read from a letter from the President of the New Territories Homeowners Association, asking for Council support for the proposed purchase. He spoke to the history of this property and its use by the neighborhood association, and spoke to the need to sell it to the City because of back taxes due. Mr. Falcone stated that this is a much-needed recreation area that will serve six neighborhood associations in the future, and he spoke to the purchase request.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak, Webster; NAYS: None; ABSENT: Thornton.

96-37 The Clerk read the following Ordinance:

AN ORDINANCE 84,739

APPROVING FIELD ALTERATION NO. 6 - FINAL IN THE DECREASED AMOUNT OF \$230,659.91 TO THE CONSTRUCTION CONTRACT WITH SSC OMEGA, INC. IN CONNECTION WITH "CONTRACT A-ALTERATIONS TO THE HEMISFAIR PARKING GARAGE" ASSOCIATED WITH THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT. (AMENDS ORD. NO. 83776 DATED MARCH 14, 1996)

* * * *

Mr. Avila made a motion to approve the proposed Ordinance.
Mr. Solis seconded the motion.

Ms. Jelynn Burley, Director, Convention Center Expansion Office, explained the deletion of a portion of this contract for demolition of a portion of the HemisFair Parking Garage.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Webster; NAYS: None; ABSENT: Ross, Marbut, Peak, Thornton.

96-37 The Clerk read the following Ordinance:

AN ORDINANCE 84,740

APPROVING FIELD ALTERATIONS NO'S 1R (ONE REVISED), 4 (FOUR), AND 5 (FIVE); AMENDING THE CONSTRUCTION CONTRACT WITH INTEGRATED WASTE SPECIAL SERVICES SO AS TO INCREASE THE SCOPE OF WORK, AUTHORIZING PREVIOUSLY PERFORMED WORK; AND PROVIDING FOR PAYMENT IN THE AMOUNT OF \$85,873.38 OUT OF FUND 47-001 IN CONNECTION WITH CONTRACT B-ALTERATIONS TO THE HEMISFAIR PARKING GARAGE," ASSOCIATED THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT. (AMENDS ORD. NO. 83777 DATED MARCH 14, 1996.)

* * * *

Mr. Solis made a motion to approve the proposed Ordinance.
Ms. Lott seconded the motion.

Ms. Jelynn Burley, Director, Convention Center Expansion Office, spoke to the proposed adjustment in the demolition plan for the HemisFair Parking Garage, which now is ahead of schedule. She noted that this action today would add two areas to the contract which involved movement of certain things, among them three arts pieces.

In response to a question by Mr. Webster, Ms. Burley explained the required movement of certain arts objects as part of this project.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Webster; NAYS: None; ABSENT: Ross, Marbut, Peak, Thornton.

96-37 The Clerk read the following Resolution:

A RESOLUTION NO: 96-37-39

SUPPORTING CONTINUED NEGOTIATIONS BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT FOR ACQUISITION OF 4.5 ACRES OF PROPERTY ADJACENT TO THE VILLAS DE ESPERANZA PROJECT.

* * * *

Mr. Solis made a motion to approve the proposed Resolution. Mr. Avila seconded the motion.

Ms. Frances Gonzalez, Director of Special Projects, explained the project and the need for the San Antonio Independent School District to acquire these 4.5 acres of land for the Villas de Esperanza project.

Mr. Solis spoke of the need to move forward with the plan of development for this project.

After consideration, the motion, carrying with it the passage of the Resolution prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Webster; NAYS: None; ABSENT: Marbut, Peak, Thornton.

96-37 The Clerk read the following Ordinance:

AN ORDINANCE 84,741

RENAMING THE DIVISION AVENUE PARK AND RECREATION COMPLEX IN HONOR OF THE UNITED STATES CONGRESSMAN FRANK TEJEDA FOR HIS LONG AND DISTINGUISHED SERVICE TO THE CITY OF SAN ANTONIO AND SURROUNDING COMMUNITIES AS REQUESTED BY COUNCIL MEMBERS HENRY AVILA AND JUAN SOLIS.

* * * *

Mr. Solis made a motion to approve the proposed Ordinance. Mr. Avila seconded the motion.

Mr. Avila and Mr. Solis both spoke to the request and justification for renaming a City park in honor of Congressman Frank Tejada.

Ms. Billa Burke spoke to the congressman's impact upon the city of San Antonio.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Marbut, Thornton.

96-37 The Clerk read the following Ordinance:

AN ORDINANCE 84,742

AUTHORIZING THE EXPENDITURE OF 1,050.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND TO ASSIST THE WESTWOOD TERRACE LITTLE LEAGUE FIELD TO REIMBURSE THE COSTS INVOLVED WITH THE INSTALLATION OF A SIGN, AS REQUESTED BY COUNCILMAN ROBERT A. HERRERA.

* * * *

Mr. Herrera made a motion to approve the proposed Ordinance. Mr. Solis seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Marbut, Thornton.

96-37 The Clerk read the following Ordinance:

AN ORDINANCE 84,743

AUTHORIZING REIMBURSEMENT FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND TO COUNCILWOMAN DOLORES M. LOTT IN THE AMOUNT OF \$700.00 FOR A FULL-TIME ADMINISTRATIVE SERVICES CONTRACT WITH RACHEL YVETTE DUNN FROM SEPTEMBER 16 TO SEPTEMBER 30, 1996, AND AUTHORIZING THE TRANSFER OF \$125.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND FOR USE OF CITY HALL WORK SPACE FOR THE PERIOD SEPTEMBER 16 TO SEPTEMBER 30, 1996, AS REQUESTED BY COUNCILWOMAN DOLORES M. LOTT.

* * * *

Mr. Lott made a motion to approve the proposed Ordinance. Mr. Ross seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Marbut, Thornton.

96-37 TRAVEL AUTHORIZATION - Granted:

Mayor William E. Thornton to travel to Monterrey, Mexico from September 20, 1996 to September 22, 1996, to attend the 400th anniversary of the founding of the City of Monterrey.

* *

Councilman Henry Avila to travel to Monterrey, Mexico, from September 19, 1996 to September 22, 1996, to attend the 400th anniversary of the founding of the City of Monterrey.

* * * *

Councilman Juan F. Solis, to travel to Monterrey, Mexico, from September 19, 1996 to September 22, 1996, to attend the 400th anniversary of the founding of the City of Monterrey.

* * * *

Councilman Roger Flores II, to travel to Monterrey, Mexico, from September 19, 1996 to September 22, 1996, to attend the 400th anniversary of the founding of the City of Monterrey.

* * * *

96-37 It was the concensus of City Council members present to undertake consideration of Agenda item 53 at this time.

The Clerk read the following Ordinance:

AN ORDINANCE 84,744

APPROVING A PARADE PERMIT IN CONNECTION WITH THE DIEZ Y SEIS DE SEPTIEMBRE CELEBRATION PROCESSION SPONSORED BY THE MEXICAN CONSULATE AND AUTHORIZING THE TEMPORARY CLOSURE OF THE FOLLOWING STREETS FROM 7:00 P.M. UNTIL 8:30 P.M., SUNDAY, SEPTEMBER 15, 1996 FOR SAID EVENT: STARTING AT 127 NAVARRO CROSSING NAVARRO UNDER THE CPS BUILDING TO LA VILLITA, LA VILLITA TO ALAMO, ALAMO STREET FROM LA VILLITA TO HOUSTON, HOUSTON FROM ALAMO TO JEFFERSON, JEFFERSON FROM HOUSTON STREET TO END AT THE MUNICIPAL AUDITORIUM; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE OF EIGHT AFFIRMATIVE VOTES.

* * * *

Mr. Solis made a motion to approve the proposed Ordinance. Mr. Lott seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT: Marbut, Thornton.

96-37 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE ON THE 22ND YEAR OF THE CDBG PROGRAM.

Mayor Pro Tem Billa Burke declared the Public Hearing to be open.

No citizen was signed to speak to this matter.

Mr. Andrew Cameron, Director of Housing & Community Development, narrated a brief video presentation on the 22nd Year CDBG program, explaining the proposed allocations and reprogramming for each affected City Council district.

There being no citizens signed to speak to this matter, Mayor Pro Tem Billa Burke declared the Public Hearing to be closed.

The City Clerk read the following Ordinance:

AN ORDINANCE 84,745

AUTHORIZING THE REPROGRAMMING OF \$1,267,222.45 IN PRIOR YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS; AUTHORIZING THE TWENTY-SECOND (22ND) YEAR CDBG PROGRAM; FUNDS; APPROPRIATING REPROGRAMMING FUNDS IN THE AMOUNT OF \$1,267,222.45 AND 22ND YEAR PROGRAM FUNDS IN THE AMOUNT OF \$20,879,000.00; AUTHORIZING THE TOTAL AMOUNT OF \$13,169.51 FOR THE DISTRICT 2 HALLIE (1 STREET TO JEMISON STREET) PROJECT FOR PAYMENT TO R.L. JONES COMPANY, INC. FOR TWO PROJECT FIELD ALTERATIONS; ALLOCATING PROGRAM FUNDS TO PROJECTS; ESTABLISHING ACCOUNTS; DELINEATING PROGRAM RESPONSIBILITIES; AUTHORIZING PERSONNEL CLASSIFICATIONS AND PAY RANGES; AUTHORIZING EXECUTION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION WITH SAID REPROGRAMMING AND 22ND YEAR CDBG PROGRAM; AND RATIFYING A HUD 108 LOAN DEFAULT PAYMENT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN THE AMOUNT OF \$117,002.65. (AMENDS ORDINANCE NO. 84404, DATED JULY 11, 1996)

* * * *

Mr. Solis made a motion to approve the ordinance. Ms. Lott seconded the motion.

Mr. Solis then made an amendment to move \$125,000 from the District 5 Contingency Account to assist with the rehab of the La Clinica Amistad facility. Mr. Avila seconded the motion.

Mr. Marbut then made an amendment to move \$100,000 from the District 8 22nd Year Housing Budget's \$275,000 to assist with the redevelopment of Respite Care House, which is physically located in Council District 9. Mr. Solis seconded the motion.

r discussion, the amendment prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut. NAYS: None. ABSENT: Peak, Webster, Thornton.

The first amendment then prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut. NAYS: None. ABSENT: Peak, Webster, Thornton.

The main motion, as amended, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut. NAYS: None. ABSENT: Peak, Webster, Thornton.

Ms. Pastty Teague, Executive Director, Respite House, spoke briefly to what the allocated funding will do for her facility, and thanked Mr. Marbut for the funds.

96-37 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE IN THE 5TH YEAR HOME PROGRAM.

Mayor Pro Tem Billa Burke declared the Public Hearing to be open.

No citizen was signed to speak to this matter.

Mr. Andrew Cameron, Director of Housing & Community Development, briefly explained the HOME budget and recommended modifications.

There being no citizens signed to speak to this matter, Mayor Pro Tem Billa Burke declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 84,746

AN ORDINANCE AUTHORIZING THE MODIFICATIONS TO THE FISCAL YEAR 1996-97 (5TH YEAR) HOME DISTRICT 1 BUDGET; AUTHORIZING THE FIFTH YEAR HOME ENTITLEMENT BLOCK GRANT (HOME) PROGRAM; DESIGNATING THE 5TH YEAR HOME PROGRAM FUNDS; APPROPRIATING 5TH YEAR PROGRAM FUNDS IN THE AMOUNT OF \$6,247,000.00; ALLOCATING PROGRAM FUNDS TO PROJECTS; ESTABLISHING ACCOUNT; DELINEATING PROGRAM RESPONSIBILITIES; AUTHORIZING EXECUTION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION WITH SAID 5TH YEAR HOME PROGRAM. (AMENDS ORDINANCE NO. 84405, DATED JULY 11, 1996)

* * * *

Mr. Solis made a motion to approve the Ordinance. Mr. Avila seconded the motion.

Mr. Flores then made an amendment to move \$100,000 from the Sacred Heart Housing Project to WestEnd Revitalization Project, noting that both projects will have \$100,000 in 22nd Year HOME funding, and stating that he would be looking for funds to increase both projects in mid-year. Mr. Solis seconded the motion.

After consideration, the amendment prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak. NAYS: None. ABSENT: Webster, Thornton.

The main motion, as amended, carrying with it the passage of the ordinance, prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Avila, Solis, Herrera, Ross, Marbut, Peak. NAYS: None. ABSENT: Webster, Thornton.

- - -
96-37 It was the concensus of City Council members present to now undertake consideration of Agenda Item 48 at this time.

STATUS REPORT ON WATER-RELATED ISSUES

Mr. Russell Johnson, attorney for San Antonio Water System, reviewed the recent appeals court decision that stayed Federal Judge Bunton's injunction ruling on the Edwards Aquifer water use, but noted that the Sierra Club's lawsuit remains in litigation. He stated that SAWS has won one battle, but not the war. He then spoke to future actions scheduled in SAWS' appeal of Judge Bunton's injunction regarding the pumping of water from the Edwards Aquifer, noting that the federal court cannot enforce its injunction until the Fifth Circuit Court of Appeals makes its ruling on the pleadings of the SAWS appeal.

Ms. Billa Burke noted that the stay in the injunction gives SAWS and the City breathing-room to operate toward a solution to the water situation.

Mr. Flores lauded the appellate court's decision.

Mr. Johnson stated his opinion that the SAWS attorneys making the appeal had a strong case.

Mr. Peak noted that San Antonio now has been successful in court in this matter, and thanked the attorneys involved.

Mr. Ross spoke to the alternatives facing the appellate court at its December hearing on the appeal matter, and expressed his opinion that the case ultimately will go all the way to the U.S. Supreme Court.

Mr. Johnson noted that litigation in this matter could go on for about 12 months more, and if the case goes to the Supreme Court, it could take years. He spoke to the timeframes involved, regardless of the ruling.

response to a question. Webster, Mr. Jo spoke to all available options in the matter, and recommended the Council members being work in the U.S. Congress on the Endangered Species Act itself.

Mr. Webster asked the attorneys to look at suggested revisions to the Endangered Species Act.

In response to a question by Mr. Peak, Mr. Mike Thuss, Chief Operating Officer, San Antonio Water System, spoke to the status of the Critical Period Surcharge matter, noting that it will be reviewed by SAWS in October. He noted that the utility is working on a list of needed technical studies to better understand the Edwards Aquifer and what's needed.

In response to a question by Mr. Ross, Mr. Thuss spoke to several timelines, including SAWS' planned report to the City Council on the Surcharge on September 26th and the assembly of a list of needed technical studies of the Edwards Aquifer.

Mr. Ross noted that the Mayor's Water Committee wants to be sure that this list of technical reports fits the agendas of both the committee and SAWS. He stated his preference that Surcharge funds not be used for purposes of covering any budget shortfalls at SAWS.

(At this time, Mayor Pro Tem Billa Burke was obliged to leave the meeting. Mr. Webster presided.)

Mr. Solis spoke to SAWS' use of Surcharge funds.

Mr. Webster noted that regular SAWS budget funds should cover water main breaks, as well.

96-37 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE LAND USE ASSUMPTION PLAN IMPACT FEE 3YR. UPDATE

Mr. Webster, presiding in the absence of both Mayor and Mayor Pro Tem, declared the Public Hearing to be open.

Mr. Raul B. Fernandez, Chairman, Capital Improvements Advisory Committee, spoke briefly to the makeup of the committee and its consideration of the Land Use Assumption Plan relating to be Impact Fee Three-year Update.

Ms. Rebecca Q. Cedillo, Vice-President, San Antonio Water System, spoke to details of the Plan, including its methodology, assumptions, projections, and a timetable leading up to City Council approval of the Impact Fees.

There being no citizens signed to speak to this matter, Mr. Webster declared the Public Hearing to be closed.

AN ORDINANCE 84,747

ADOPTING THE LAND USE ASSUMPTION PLAN RELATING TO
THE IMPACT FEE THREE (3) YEAR UPDATE.

* * * *

Mr. Solis made a motion to approve the proposed Ordinance.
Mr. Peak seconded the motion.

After consideration, the motion, carrying with it the passage
of the Ordinance, prevailed by the following vote: AYES: McClendon,
Avila, Solis, Herrera, Ross, Peak, Webster; NAYS: None; ABSENT:
Flores, Billa Burke, Marbut, Thornton.

96-37 City Council recessed its regular meeting at 4:30 P.M. in
order to convene in Executive Session for the purpose of:

A. Attorney/Client consultation regarding the legal
implications involved with the repealing of certain sections of the City
Code in order to prohibit hunting within the City limits.

B. Attorney/Client consultation regarding litigation case
styled Helen Dutmer vs. City of San Antonio, Cause No. 95-CA-0764 in
the San Antonio Division of the Western District of Texas.

C. Attorney/Client consultation regarding litigation case
styled Elsa T. Marotta vs. Terry Leon Larison, Individually and in his
capacity as a San Antonio Police Officer, and the City of San Antonio,
Cause No. 220608 in the County Court at Law #7.

96-37 City Council adjourned the Executive Session and reconvened the
regular session at 5:26 P.M., Mayor Pro Tem Billa Burke again presiding,
at which time Mayor Pro Tem Billa Burke stated that City Council had
been briefed in Executive Session on the above-styled matters and had
given staff direction, but had taken no official action.

96-37 City Manager Alexander E. Briseno announced that the scheduled
"B" Session for a Budget Work Session, due to be considered at the
completion of the Regular City Council Meeting, was being suspended.

96-37 HUNTING IN THE CITY LIMITS

Mr. Frank Garza, Assistant City Attorney, stated his
recommendations that this proposed ordinance be placed on the agenda for
next week's City Council meeting, as a procedural matter.

Herrera spoke to his concern for public safety, should this matter be postponed for another week.

Mr. Garza noted that the Texas Open Meetings Act requires that City Council agenda items be posted more than 72 hours prior to the beginning of a City Council meeting, and stated that this particular item was posted for consideration on Tuesday of this week, inside of that time-frame, and therefore does not meet the exceptions cited in the Act. He noted that this is a procedural issue, and again recommended that it be placed on the City Council agenda for next week.

In response to a question by Mr. Herrera, Police Chief Al A. Philippus noted that San Antonio police officers are being placed at certain strategic points around the property in question, and video recordings are being made of any questionable acts. He spoke of the officers' ability to legally cite any offenders to the law.

Mr. Herrera stated that he plans to meet with state game wardens and certain state legislators, in the meantime, to discuss this issue.

Mr. Garza stated that the City is looking at other options such as other possible uses for the land in question, during discussions with the landowner. He stated that if such options prove not to be realistic, the ordinance will be placed on the agenda for next week's City Council meeting.

Mr. Herrera stated that he still is concerned for the protection of citizens. He then spoke to incidents in which shotgun pellets have hit people in adjacent residential areas. He stated that he would follow due process in this matter, and spoke to meetings held with concerned parents in this nearby residential areas. He spoke to the need to do the right thing, even though it is frustrating.

Mr. Solis spoke to the need to ask the state to rescind the hunting permit for this land as a matter of public safety.

Chief Philippus noted that at least two additional San Antonio locations have similar problems, and others are being checked.

Mr. Solis stated that state game wardens need to look at the safety issues in these cases, and he spoke to the need to both address and solve this problem.

Mr. Flores noted that everyone involved in this matter is frustrated, and spoke to the need to get help from State Parks & Wildlife and state legislators.

Mr. Flores made a substitute motion to direct City staff to come up with the best solution to the problem, and advise the Police Chief to have a police presence in such hunting areas within the City limits; meanwhile postponing this issue for action until next week. Mr. Peak seconded the motion.

After consideration, the substitute motion prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Solis, Marbut, Peak, Webster. NAYS: Avila, Herrera, ABSENT: Ross, Thornton.

The main motion, as substituted, then prevailed by the following vote: AYES: Flores, Lott, Billa Burke, Solis, Marbut, Peak, Webster. NAYS: Avila, Herrera. ABSENT: Ross, Thornton.

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96-37

CITIZENS TO BE HEARD

CHILDREN'S MUSEUM

JIM LA VILLA HAVELIN AND HENRY GUERRA

Mr. Jim La Villa Havelin relinquished his time to Mr. Henry Guerra, Mr. Guerra then spoke to the one-year anniversary of the Children's Museum and the success it has had during this one-year period. He spoke on behalf of continued funding for this program in the proposed City budget and expressed concern that the Children's Museum is not being rewarded for its success during its first year of operation.

- - -
MRS. MARIA DOMINGUEZ

Mrs. Dominguez spoke on the need for security guards at Public Housing Units.

- - -
MS. MARY BETH DUERLER

Ms. Mary Beth Duerler noted the 60th Anniversary of the flight Amelia Earhart, and spoke about her daughter, Linda Finch, recreating this flight. On March 17, 1997, Linda Finch will attempt to complete Mrs. Earhart's around-the-world flight. She will follow the route as closely as possible, crossing five continents and stopping 30 times in more than 20 countries. She will make the expedition in a restored 1935 Lockheed Electra 10E-the same make and model as the aircraft flown by Ms. Earhart and one of only two remaining in the world. (A copy of material on the flight is on file with the papers of this meeting.)

- - -
NORMAN O. POSEY

Mr. Norman O. Posey, Chairman of the Board of the Taxi-Cab Drivers' Legal Defense Fund, spoke to the Council, noting his concern with the state of the taxi-cab drivers at the Airport and what he sees as harassment by City staff. He asked the Council to dismiss a citation he received.

MRS. MIRIAM GOLDBERG

Mrs. Miriam Goldberg, a member of the Children's Advisory Board of the Children's Museum, reiterated concerns and comments expressed by Mr. Henry Guerra.

96-37 There being no further business to come before the Council, the meeting was adjourned at 6:09 P.M.

A P P R O V E D

M A Y O R



Attest:

Theresa S. Rodriguez
C I T Y C L E R K

September 12, 1996

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

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

August 27, 1996

Petition submitted by Mr. Manuel A. Agüero, 4423 Redondo, San Antonio, Texas 78237, on behalf of area residents of the 4400 block Redondo Drive requesting that their street be included in the on-going drainage and street improvement project.

/s/ Norma S. Rodriguez
City Clerk