

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO, HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, NOVEMBER 8, 1990.

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The meeting was called to order by the Presiding Officer, Mayor Lila Cockrell, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, VERA, WOLFF, LABATT, HASSLOCHER, COCKRELL. Absent: NONE.

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90-49 Invocation - Reverend L. E. Bennet, Galilee Missionary Baptist Church.

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90-49 Pledge of Allegiance to the flag of the United States.

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90-49 "TOY SOLDIERS"

Mayor Cockrell presented an honorary Alcalde certificate to Mr. Nicholas Hassitt, Associate Producer of the motion picture "Toy Soldiers", now filming in San Antonio.

Mr. Hassitt thanked the Mayor and Council for the honor and also thanked the City staff for its cooperation and coordination necessary to complete the filming, especially the Convention and Visitors Bureau.

Ms. Berriozabal singled out Ms. Kathy Rhoads, Convention and Visitors Bureau, for putting together the standards by which such motion pictures are able to utilize San Antonio locations.

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90-49 ACORN SCHOOL KINDERGARTEN CLASS

Mayor Cockrell welcomed a group of students from the Acorn School Kindergarten class.

- - -  
90-49 CONSENT AGENDA

Mr. Labatt made a motion to approve Agenda Items 6 through 25,

constituting the Consent Agenda, with Item 22 having been pulled earlier from consideration by the City Manager. Mr. Thompson seconded the motion.

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

AN ORDINANCE 72,570 .

ACCEPTING THE LOW BID OF WESCO TO FURNISH THE CITY OF SAN ANTONIO ENVIRONMENTAL MANAGEMENT DEPARTMENT WITH ELECTRONIC TEST EQUIPMENT FOR A TOTAL OF \$22,657.00.

\* \* \* \*

AN ORDINANCE 72,571 .

ACCEPTING THE LOW BID OF WINGO EQUIPMENT COMPANY, INC. TO FURNISH THE CITY OF SAN ANTONIO ENVIRONMENTAL MANAGEMENT DEPARTMENT WITH WASTEWATER SAMPLERS FOR A TOTAL OF \$4,650.00.

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AN ORDINANCE 72,572 .

ACCEPTING THE LOW QUALIFIED BID OF LAERDAL MEDICAL CORPORATION TO FURNISH THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH A SEMI-AUTOMATIC DEFIBILLATOR SYSTEM FOR A TOTAL OF \$188,533.00.

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AN ORDINANCE 72,573 .

APPROPRIATING FUNDS AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$86,377.70 TO TEHCO, INC. AND \$801.30 TO DUP'S INC. FOR TWO EXISTING CONTRACTS FOR REMOVAL OF FUEL STORAGE TANKS AND CLEAN-UP.

\* \* \* \*

AN ORDINANCE 72,574 .

CANCELLING THE SECURITY GUARD CONTRACTS OF ACME SECURITY SERVICE AT THE POLICE TRAINING ACADEMY, CONVENTION FACILITIES, MISSION DE LAGO AND CEDAR CREEK GOLF COURSES, AND WASTEWATER TREATMENT PLANTS;

AND AWARDING THE POLICE TRAINING ACADEMY, CONVENTION FACILITIES, AND MISSION DE LAGO AND CEDAR CREEK GOLF COURSE CONTRACTS TO ROSEL-GONZABA SECURITY SERVICES FOR A TOTAL OF APPROXIMATELY \$11,000.00 MONTHLY, AND DECLARING AN EMERGENCY.

\* \* \* \*

AN ORDINANCE 72,575

ACCEPTING SIX LOW QUALIFIED BIDS OF VARIOUS VENDORS TO FURNISH THE CITY OF SAN ANTONIO WITH CERTAIN MATERIALS AND SERVICES ON AN ANNUAL CONTRACT BASIS.

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AN ORDINANCE 72,576

ACCEPTING THE PROPOSAL OF POZNECKI/CAMARILLO & ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$95,000.00 TO PROVIDE ENGINEERING COST ESTIMATES FOR THE CURRENT SANITARY SEWER FACILITIES AND NEW CAPITAL IMPROVEMENTS IDENTIFIED IN THE SANITARY SEWER MASTER PLAN AND SANITARY SEWER IMPACT FEES CAPITAL IMPROVEMENTS PLAN TO SERVE PROJECTED NEW DEVELOPMENT; AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 72,577

APPROPRIATING AN ADDITIONAL \$60,000.00 TO THE CONTRACT WITH RABA-KISTNER CONSULTANTS, INC. TO PROVIDE VARIOUS GEO-TECHNICAL SERVICES ASSOCIATED WITH THE NELSON GARDENS, PEARSALL ROAD, AND ROSILLO CREEK LANDFILL AREAS; RATIFYING WORK; AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 72,578

ACCEPTING THE LOW BID OF LAMBDA CONSTRUCTION COMPANY IN THE AMOUNT OF \$224,000.00 TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE LEON CREEK TREATMENT PLANT CONVEYOR AND BAR SCREENS

IMPROVEMENTS PROJECT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$22,400.00 FOR THE CONSTRUCTION CONTINGENCY; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 72,579

AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$1,458.75 TO FERNANDEZ, FRAZER, WHITE & ASSOCIATES, INC. FOR THE REVISION OF PLANS AND SPECIFICATIONS IN CONNECTION WITH THE PACIFIC DRAINAGE PROJECT # 66A, PHASE II-B.

\* \* \* \*

AN ORDINANCE 72,580

AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$4,950.00 TO GUSTAVE HEYE & ASSOCIATES TO PROVIDE CONSTRUCTION DOCUMENTS TO INSTALL AN UNDERGROUND COMMUNICATION CONDUIT TO PROVIDE A COMMUNICATIONS SERVICE LINK BETWEEN THE CITY HALL ANNEX AND THE MAGNETIC PERIPHERAL BUILDING; AUTHORIZING A REVISION TO THE SCOPE OF WORK; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 72,581

AUTHORIZING PAYMENT OF AN ADDITIONAL \$28,077.00 TO RABA-KISTNER CONSULTANTS, INC. FOR ADDITIONAL SERVICES IN CONNECTION WITH THE MITCHELL LAKE - CHAVANEUX GARDEN REHABILITATION PROJECT; APPROPRIATING FUNDS; AUTHORIZING A REVISION TO THE SCOPE OF WORK; AND AMENDING THE CONTRACT.

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AN ORDINANCE 72,582

AUTHORIZING THE WAIVER OF THE \$68,190.00 FEE FOR A LICENSE AGREEMENT APPROVED BY ORDINANCE NO. 72056 PASSED AND APPROVED AUGUST 9, 1990, FOR THE PURPOSE OF EXCAVATING A BASEMENT UNDER THE LOSOYA STREET RIGHT-OF-WAY (AT 231-237 LOSOYA) THEREBY ENLARGING THE BASEMENT AREA FOR USE BY THE RESTAURANT OPERATION.

\* \* \* \*

AN ORDINANCE 72,583

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$230.00 OUT OF GENERAL OBLIGATION BONDS; ACQUIRING TITLE AND ACCEPTING THE DEDICATION OF TITLE IN CONNECTION WITH THE PACIFIC DRAINAGE PROJECT #66, PHASE II-B; ACQUIRING TITLE TO TWO PARCELS IN CONNECTION WITH THE WEST AVENUE -FREDERICKSBURG TO I.H. 10 PROJECT; AND ACCEPTING THE DEDICATION OF AN EASEMENT FOR A TRAFFIC LIGHT AT MCCRELESS MALL.

\* \* \* \*

AN ORDINANCE 72,584

AUTHORIZING PAYMENT IN THE AMOUNT OF \$8,626.00 TO SACC, INC. FOR EMERGENCY EXCAVATION WORK AT THE RIGSBY LANDFILL SITE; AND RATIFYING THE CONSTRUCTION CONTRACT.

\* \* \* \*

AN ORDINANCE 72,585

ACCEPTING AN ADDITIONAL ALLOCATION OF \$25,658.00 FROM THE TEXAS DEPARTMENT OF HEALTH FOR THE AIDS/HIV SUPPORT PROJECT; AUTHORIZING CONTINUED CONTRACTING FOR THE PROVISION OF PSYCHOLOGICAL SERVICES BY LICENSED PSYCHOLOGISTS; AND AUTHORIZING THE LEASE OF OFFICE SPACE FOR THE AIDS/HIV SUPPORT PROJECT.

\* \* \* \*

AN ORDINANCE 72,586

AUTHORIZING THE EXECUTION OF A THREE-YEAR CONTRACT FOR EMS SERVICE WITH THE CITY OF BALCONES HEIGHTS, THE CITY OF CASTLE HILLS, THE CITY OF HILL COUNTRY VILLAGE, THE CITY OF HOLLYWOOD PARK, AND THE CITY OF SHAVANO PARK.

\* \* \* \*

AN ORDINANCE 72,587

RATIFYING AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$5,875.70 TO PROJECT CONTROL OF TEXAS (PCT) FOR PROFESSIONAL SERVICES AND PRINTING EXPENSES INCURRED

IN THE DEVELOPMENT OF THE BEXAR COUNTY/GSAMA WATER  
SUPPLY PROJECTS REPORT.

\* \* \* \*

AN ORDINANCE 72,588 .

CLOSING PORTIONS OF ALAMO DRIVE EAST, SOUTH ALAMO  
STREET AND CROCKETT STREET ON NOVEMBER 23, 1990, SO  
THAT THEY MAY BE USED FOR THE ANNUAL CHRISTMAS TREE  
LIGHTING CEREMONIES AND RELATED EVENTS.

\* \* \* \*

90-49 The Clerk read the following Ordinance:

AN ORDINANCE 72,589 .

ACCEPTING THE LOW BID OF DAILEY CONSTRUCTION  
COMPANY, INC. IN THE AMOUNT OF \$971,551.55 TO  
PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE  
OLD SALADO CREEK OUTFALL PHASE II PROJECT;  
AUTHORIZING THE EXECUTION OF A CONSTRUCTION  
CONTRACT; AUTHORIZING \$145,732.63 FOR THE  
CONSTRUCTION CONTINGENCY; AUTHORIZING \$11,529.92  
PAYABLE TO SEDA CONSULTING ENGINEERS, INC. FOR  
CONSTRUCTION SUPERVISION; PROVIDING FOR PAYMENT; AND  
DECLARING AN EMERGENCY.

\* \* \* \*

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

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

90-49 The Clerk read the following Ordinance:

AN ORDINANCE 72,590 .

SETTING A PUBLIC HEARING FOR 3:00 P.M. ON DECEMBER

13, 1990, IN THE CITY COUNCIL CHAMBERS AT CITY HALL TO CONSIDER THE ADOPTION OF AMENDMENTS TO THE CITY WATER BOARD'S CAPITAL IMPROVEMENTS PLAN FOR WATER FACILITIES 1988-1998, SUCH AMENDMENTS TO ADDRESS THE CREATION OF ADDITIONAL SERVICE AREAS IN WHICH A LOCAL BENEFIT IMPACT FEE SHALL BE IMPLEMENTED AND THE SETTING OF A MAXIMUM ALLOWABLE FEE FOR EACH ADDITIONAL SERVICE AREA; AND DIRECTING STAFF TO COMPLY WITH ALL NECESSARY NOTICE REQUIREMENTS AND PROCEDURES FOR SAID PUBLIC HEARING ON THE CAPITAL IMPROVEMENTS PLAN FOR WATER FACILITIES 1988-1998 IN COMPLIANCE WITH CHAPTER 395 OF LOCAL GOVERNMENT CODE, VERNON'S TEXAS CODES ANNOTATED.

\* \* \* \*

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

In response to a question by Mrs. Dutmer, Mr. Alex Briseno, City Manager, explained the details of the ordinance, including the method of providing unserved areas of the City with service. He stated that City staff would provide the Council with a briefing prior to consideration.

Ms. Rebecca Q. Cedillo, Director of Planning, noted that three areas of the city are involved, including two in the southeastern portion of the city.

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

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90-49 The Clerk read the following Ordinance:

AN ORDINANCE 72,591 .

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SETTING A PUBLIC HEARING FOR 3:30 P.M. ON DECEMBER 13, 1990, IN THE CITY COUNCIL CHAMBERS AT CITY HALL TO CONSIDER THE ADOPTION OF AMENDMENTS TO THE CITY WATER BOARD'S REGULATIONS FOR WATER SERVICE TO INCLUDE THE LOCAL BENEFIT IMPACT FEE IN COMPLIANCE WITH CHAPTER 395 OF LOCAL GOVERNMENT CODE, VERNON'S TEXAS CODES ANNOTATED.

\* \* \* \*

November 8, 1990  
jd/alh

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

Ms. Rebecca Q. Cedillo, Director of Planning, explained that the Ordinance is part of Senate Bill 336 requirements for actions involving City Water Board.

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

90-49 The Clerk read the following Ordinance:

AN ORDINANCE 72,592

APPROVING A FINANCIAL SETTLEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE ALAMO WATER CONSERVATION AND REUSE DISTRICT (AWCRD); RATIFYING LEGAL EXPENDITURES OF \$97,130.58 MADE FOR AWCRD TO LLOYD, GOSSELINK, RYAN AND FOWLER; AND APPROPRIATING AN ADDITIONAL \$90,872.79 TO THIS CONTRACT FROM THE REPAYMENT MADE BY AWCRD TO THE CITY.

\* \* \* \*

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

Mr. Joe Aceves, Director of Public Works, explained the financial settlement with the Alamo Water Conservation and Re-Use District (ACRD), and spoke to a corrected expenditure noted in the caption of the Ordinance, as originally read by the City Clerk.

City Clerk Norma S. Rodriguez then re-read the Ordinance caption with the correct expenditure notation.

Mr. Aceves spoke to the necessity for the Ordinance, including the matter of legal expenditures, and noted that the funds originally were taken from wastewater funds of the City, which now are being re-paid.

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

90-49 The Clerk read the following Ordinance:

AN ORDINANCE 72,593

RATIFYING AND APPROVING FIELD ALTERATION NO. 3 IN THE AMOUNT OF \$17,602.48 TO THE CONTRACT WITH M&M CONTRACTING OF TEXAS, INC. FOR DEMOLITION WORK ON THE MULTIPURPOSE DOME FACILITY: PHASE 1, PACKAGE 3; AND PROVIDING FOR PAYMENT FROM THE 1/2 PERCENT SALES TAX REVENUE COLLECTION.

\* \* \* \*

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

In response to a question by Mr. Martinez, Mr. Roland Lozano, Director of Dome Development, stated that he would insure that the correct percentage of work done in field alterations on the dome construction will be performed by minority contractors, and that the figure would be carried out in the final recapitulation of the project costs.

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

90-49 Agenda Item 31, being a proposed ordinance accepting the proposal of Boegner & Associates in the amount of \$357,201.70; declaring an emergency; and approving an emergency contract for the Multipurpose Dome Facility: Demolition - Phase 1, Package 1A, which will provide for the remediation of environmental contaminants; authorizing \$35,720.17 for the demolition contingency; and providing for payment from the 1/2 percent sales tax revenue collection, was removed from consideration by the City Manager.

90-49 The Clerk read the following Ordinance:

AN ORDINANCE 72,594

AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH MARMON/SIMPSON/HOK FOR THE PURPOSE OF PROVIDING

November 8, 1990  
jd/alh

SMOKE CONTROL CONSULTING SERVICES IN THE AMOUNT OF \$19,614.00 FOR THE MULTIPURPOSE DOME FACILITY; AND PROVIDING FOR PAYMENT FROM THE 1/2 PERCENT SALES TAX COLLECTION.

\* \* \* \*

Mr. Webb made a motion to approve the proposed Ordinance. Ms. Vera seconded the motion.

In response to a question by Mr. Thompson, Mr. Roland Lozano, Director of Dome Development, explained the need for smoke-control consulting services in the construction of the Domed Stadium.

Mr. Thompson voiced his concern with having to hire another specialist or consultant for Dome construction, and questioned whether such expertise might not be available within the original design-team structure for the dome work.

Mr. Lozano spoke to the complicated procedures involved.

Fire Marshal Steve Worley noted that San Antonio Fire Department does not have the expertise in this area, since only seven experts in smoke-control have been identified in the world. He endorsed this expenditure as necessary.

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

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90-49 The Clerk read the following Ordinance:

AN ORDINANCE 72,595

RATIFYING AN EXTENSION OF THE CURRENT SECURITY SERVICE CONTRACT WITH ROSEL-GONZABA SECURITY COMPANY ON A MONTH-TO-MONTH BASIS AT THE SAME RATE OF \$9,600.00 PER MONTH FOR A PERIOD NOT TO EXCEED THREE MONTHS.

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

In response to a question by Mr. Thompson, Mr. Joe Aceves, Director of Public Works, spoke to the locations involved and addressed the need for security guard protection, in part to comply with the requirement to have City Hall open and its official posted area available for public inspection for the 72 hours prior to each City Council meeting. He noted that this contract is for a period of three months, to cover City facilities until a new Request for Proposal is processed.

Mr. Thompson questioned the need for additional security at a number of City facilities.

Mr. Alex Briseno, City Manager, noted that this reflects a continuation of City policy, and in fact represents a diminishing of such security services from those provided in the recent past.

Mr. Hasslocher noted that he has found City Hall security guards asleep or watching television, in the past, and urged the City Manager to keep an eye on such behavior, noting his concern that fire might break out and go undetected until too late.

Mr. Joe Aceves, Director of Public Works, spoke to actions taken in the past by security contractors to preclude such problems as mentioned by Mr. Hasslocher.

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

90-49 The Clerk read the following Ordinance:

AN ORDINANCE 72,596

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE TITLE TO CERTAIN PROPERTIES LOCATED AT LOTS 9, 10, 11, 12, 13, 14, 15, AND 16, BLOCK 3, NEW CITY BLOCK 2737 AND AT LOTS 1, 2, AND 3, BLOCK 3, NEW CITY BLOCK 641 IN THE SOUTHEAST PART OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR THE CITY OF SAN ANTONIO ELECTRIC SYSTEM, FOR THE PUBLIC PURPOSE OF CONSTRUCTION, OPERATION AND MAINTENANCE OF THE PARSONS STREET SUBSTATION; AUTHORIZING ALL APPROPRIATE ACTION OF THE CITY PUBLIC SERVICE BOARD OF SAN ANTONIO IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE ANY SUCH PROPOSED FEE TITLES; RATIFYING AND AFFIRMING ALL ACTS AND PROCEEDINGS HERETOFORE DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE CITY PUBLIC

SERVICE BOARD TO ACQUIRE SUCH FEE TITLE; AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY AND INCIDENTAL TO SUCH ACQUISITION OR EMINENT DOMAIN PROCEEDINGS TO SURVEY, SPECIFY, DEFINE AND SECURE THE NECESSARY FEE TITLES; AND DECLARING THE SECTIONS OF THE ORDINANCE TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION OF THIS ORDINANCE IS DETERMINED TO BE INVALID.

\* \* \* \*

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

Mr. Donald Schnitz, City Public Service, spoke to the cost differential in comparing the proposed Parsons Street substation site with two other possible sites in the area. A copy of his comparisons is made a part of the papers of this meeting. He addressed the advantages of the recommended Parsons Street site, then addressed relocation commitments made to owner/occupants of properties that would be needed for the site, as well as tenants of affected buildings in the area.

Mr. Frank Vasquez, 122 Johnathan, spoke to his objections to the proposed CPS substation in this area.

Mr. Karl Wurz, 820 Florida, spoke in objection to the taking of this land, and noted that several acceptable areas for the substation are designated as historic but could be changed, if necessary, in his opinion. He stated his belief that the proposed Parsons Street substation site is the key to economic development in this area and should not be taken by eminent domain proceedings.

Mr. Curtis Vasquez, 322 West Palfrey, son of Frank Vasquez, asked for a fair settlement for his father's property.

Ms. Dolores Vasquez, 122 Johnathan, wife of Frank Vasquez, stated that she feels that CPS' offer of less than \$800,000 for all the needed property is unfair.

In response to a question by Mayor Cockrell, Mr. Schnitz explained how the offers for the properties were arrived at, including the hiring of a real estate appraiser used by San Antonio Development Agency. He further noted that additional funds were added to the appraisals because of the site itself, as well as for relocation purposes, and spoke to the process condemnation, should negotiations fail for purchase of the needed properties.

At this point, Mayor Cockrell asked the Council to temporarily suspend consideration of this matter, in order that the full Council might welcome the Consul General of Spain to San Antonio and to City Hall.

Mayor Cockrell then introduced the Consul General of Spain, Excelentissimo Carlos Reparaz, and his wife, present in the audience, and read a proclamation designating the Consul General an "Honorary Citizen" of San Antonio. She presented him with the Proclamation, along with a San Antonio tie and a book on San Antonio.

Consul General Reparaz thanked the Mayor and Council for the honor, and spoke to his duties as Consul General of Spain. He then presented the Mayor with a book on Spanish sculpture in South Texas.

90-49 Agenda Item 34 was continued at this point.

Mr. Carl Peterson, 9107 Rushing, owner of one of the site properties, stated that he has never been contacted by CPS representatives, and asked that his property be deleted from this ordinance.

Mr. Schnitz noted that a large advertising sign is located on Mr. Peterson's property and overhangs adjacent property, covered by a lease. He spoke to the need for some type of easement to allow Mr. Peterson's sign to remain overhanging onto property to be taken for the substation site.

Mr. Peterson spoke to the agreement that permits the sign to overhang adjacent property.

Mrs. Dutmer spoke to the projected costs involved in the various substation sites, and expressed her concern over CPS' actions in this case. She further stated that she feels that property owners cannot purchase comparable properties at the appraised price of their land in the substation site area.

Mr. Thompson noted that CPS, by law, cannot give landowners more than fair market value for their property, and further noted that the CPS offer is some 20 per cent higher than the price that Mr. Vasquez paid for his property in 1987.

A discussion then took place concerning the value of the property in question and the amount offered by CPS.

Mr. Webb stated his opinion that the prices offered by CPS for the properties should be higher.

Ms. Berriozabal noted that the City in the past has purchased

buildings for more than their appraised values, and stated her belief that CPS should re-negotiate for the properties needed for the Parsons Street substation. She stated that she cannot at this time vote for condemnation powers for CPS.

Mr. Lloyd Garza, City Attorney, contrasted "taxed value" and "market value" of any property. He spoke of the many different values given to properties and spoke of the main factors that impact upon the values that CPS places on these properties needed for the electrical substation.

A discussion then took place concerning other downtown improvements to be served by the new CPS electrical substation.

Mayor Cockrell stated that she supports the Ordinance, and explained her reasons. She noted that CPS has little leeway in offering more than fair market appraised value for the needed land.

Mr. Wolff stated his opinion that the landowners involved need to get their own independent real estate appraisals on their properties, and stated his hope that CPS will negotiate further with the landowners, rather than seek condemnation.

Ms. Berriozabal stated her opinion that CPS should work this out with the citizens, then come back to Council with an Ordinance.

In response to a question by Mayor Cockrell, Mr. Schnitz reviewed CPS' actions in this matter over the past month.

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

90-49      ZONING HEARINGS

4A.      CASE Z90118(CC) - to rezone A 0.36 ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 3, NCB 17843, HUEBNER ROAD, FROM "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT TO "B-2" ERZD CC BUSINESS EDWARDS RECHARGE ZONE DISTRICT WITH CITY COUNCIL APPROVAL FOR AN ABOVE GROUND WATER STORAGE TANK, LOCATED ON THE SOUTHEAST SIDE OF HUEBNER ROAD, APPROXIMATELY 1504.11 FEET SOUTHWEST OF THE INTERSECTION OF HUEBNER ROAD AND OLMOS CREEK DRIVE, HAVING 225.60 FEET ON HUEBNER ROAD AND A MAXIMUM LENGTH OF 231.66 FEET.

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

Mr. Wolff made a motion to approve the recommendation of the

Zoning Commission. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 72,597

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.36 ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 3, NCB 17843, HUEBNER ROAD, FROM "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT TO "B-2" ERZD CC BUSINESS EDWARDS RECHARGE ZONE DISTRICT WITH CITY COUNCIL APPROVAL FOR AN ABOVE GROUND WATER STORAGE TANK, LOCATED ON THE SOUTHEAST SIDE OF HUEBNER ROAD, APPROXIMATELY 1504.11 FEET SOUTHWEST OF THE INTERSECTION OF HUEBNER ROAD AND OLMOS CREEK DRIVE, HAVING 225.60 FEET ON HUEBNER ROAD AND A MAXIMUM LENGTH OF 231.66 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4B CASE Z90105(CC) - to rezone LOT 34, BLOCK 7, NCB 17363, 15102 JONES MALTSBERGER ROAD, FROM TEMPORARY "R-1" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-2" CC BUSINESS DISTRICT WITH CITY COUNCIL APPROVAL FOR A TEMPORARY HELP EMPLOYMENT CONTRACTOR, LOCATED ON THE SOUTHEAST SIDE OF JONES MALTSBERGER ROAD, BEING 1532.45 FEET SOUTHWEST OF THE INTERSECTION OF JONES MALTSBERGER ROAD AND MORNING TRAIL HAVING 235.0 FEET ON JONES MALTSBERGER ROAD AND A DEPTH OF 240.0 FEET.

The Zoning Commission has recommended that this request of change of zone be denied as "B-2" and approval of "B-1" on the northwest 118.65 feet and "O-1" special use permit for a temporary help employment contractor on the southeast 120 feet by the City Council.

Mr. Don Canady, 111 Soledad, Real Estate Appraiser, displayed a map of the immediate affected area, showing various zoning uses, including B-2, which has been requested by the proponent.

Ms. Mary Weiner, 4202 Dividend, traced the history of this rezoning request.

Mr. John R. Webb, 15102 Jones Maltsberger, the proponent, stated his opinion that his rezoning case was misrepresented before the Zoning Commission, and he spoke to the history of the property concerned and his need for B-2 zoning.

Ms. Christine Behringer, 15323 Pebble Path, stated her belief that a B-2 zoning would lower nearby residential property values.

Mr. Jim Beard, 15326 Pebble Path, also asked for denial of the rezoning request because of the property's close proximity to nearby residential areas. He also spoke to the many vacant stores in the immediate neighborhood, and voiced support for an O-1 Office zoning with a Special Use Permit for his requested uses for the property, a zoning which he feels would allow Mr. Webb to operate his employment service.

Mr. Joe Butcher, 15311 Pebble Height, President of the Pebble Forest Homeowners Association, spoke to his concerns for traffic safety in the neighborhood and the impact that a B-2 zoning would have on the neighborhood immediately across the street from the entrance to the subdivision. He spoke in support for an O-1 subzoning on the property.

Mr. Webb stated his belief that one tenant in his building would require a B-2 zoning because of the nature of the business, and also stated his contention that he cannot operate with an O-1 zoning, but would accept a B-2NA zoning, instead.

A discussion then took place concerning the present business building tenant who operates a pest control firm from that location, but without a Certificate of Occupancy.

Mr. Andy Guerrero, Land Development Services, confirmed that Mr. Webb needs a B-3 zoning for the continued use by this tenant.

Mr. Hasslocher spoke of efforts made to develop this immediate area over the past few years and attempts made to find some solution to this problem.

Mr. Hasslocher made a motion to approve the City staff recommendation, including the restriction on type of employment services to be rendered, as outlined by City staff. Mrs. Dutmer seconded the motion.

A discussion then took place concerning exclusion of industrial and day-laborer categories from this location.

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

AN ORDINANCE 72,598

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 NORTHWEST 118.65 FEET OF LOT 34, BLOCK 7, NCB 17363, FROM TEMPORARY "R-1" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT; AND THE SOUTHEAST 120 FEET OF LOT 34, BLOCK 7, NCB 17363, FROM TEMPORARY "R-1" SINGLE-FAMILY RESIDENCE DISTRICT TO "O-1" CC SUP OFFICE DISTRICT WITH CITY COUNCIL APPROVAL OF A SPECIAL USE PERMIT FOR A TEMPORARY HELP EMPLOYMENT CONTRACTOR (PROVIDED THAT THE TEMPORARY HELP EMPLOYMENT EXCLUDE CONSTRUCTION AND INDUSTRIAL LABORERS). "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4C. CASE Z90115 - to rezone A 0.382 ACRE TRACT OF LAND OUT OF BLOCK 5, NCB 11721, ~~200~~ BLOCK OF LOCKHILL SELMA ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT, LOCATED ON THE NORTHEAST SIDE OF LOCKHILL SELMA ROAD, 205.37 FEET SOUTHEAST OF THE INTERSECTION OF LOCKHILL SELMA ROAD AND OF BEL AIR DRIVE AND ON THE SOUTHEAST SIDE OF BEL AIR DRIVE, 130.35 FEET NORTHEAST OF THE INTERSECTION OF LOCKHILL SELMA ROAD AND BEL AIR DRIVE, HAVING 30 FEET ON LOCKHILL SELMA ROAD AND A DEPTH OF 185.0 FEET AND 30 FEET ON BEL AIR DRIVE AND A MAXIMUM DEPTH OF 260.02 FEET.

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

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

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

AN ORDINANCE 72,599

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY

DESCRIBED HEREIN AS A 0.382 ACRE TRACT OF LAND OUT OF BLOCK 5, NCB 11721, 200 BLOCK OF LOCKHILL SELMA ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT, LOCATED ON THE NORTHEAST SIDE OF LOCKHILL SELMA ROAD, 205.37 FEET SOUTHEAST OF THE INTERSECTION OF LOCKHILL SELMA ROAD AND OF BEL AIR DRIVE AND ON THE SOUTHEAST SIDE OF BEL AIR DRIVE, 130.35 FEET NORTHEAST OF THE INTERSECTION OF LOCKHILL SELMA ROAD AND BEL AIR DRIVE, HAVING 30 FEET ON LOCKHILL SELMA ROAD AND A DEPTH OF 185.0 FEET AND 30 FEET ON BEL AIR DRIVE AND A MAXIMUM DEPTH OF 260.02 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4D CASE 290116(CC) - to rezone A 1.80 ACRE TRACT OF LAND OUT OF BLOCK 4, NCB 17660, FROM "B-2" BUSINESS DISTRICT TO "B2-CC" BUSINESS DISTRICT WITH CITY COUNCIL APPROVAL FOR A HOSPITAL; AND A 3.89 ACRE TRACT OF LAND OUT OF BLOCK 4, NCB 17660, FROM "B-3R" RESTRICTIVE BUSINESS DISTRICT TO "B-3R CC" RESTRICTIVE BUSINESS DISTRICT WITH CITY COUNCIL APPROVAL FOR A HOSPITAL, 9150 HUEBNER ROAD, LOCATED ON THE SOUTHSIDE OF HUEBNER ROAD, 715.32 FEET EAST OF THE INTERSECTION OF HUEBNER ROAD ON OAKLAND BLVD., HAVING 391.49 FEET ON HUEBNER ROAD AND A DEPTH OF 634.05 FEET.

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

Mr. Wolff made a motion to approve the recommendation of the Zoning Commission. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 72,600

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 1.80 ACRE TRACT OF LAND OUT OF BLOCK 4, NCB 17660, FROM "B-2" BUSINESS DISTRICT TO "B2-CC" BUSINESS DISTRICT WITH CITY COUNCIL APPROVAL FOR A HOSPITAL; AND A 3.89 ACRE TRACT OF LAND OUT OF

BLOCK 4, NCB 17660, FROM "B-3R" RESTRICTIVE BUSINESS DISTRICT TO "B-3R CC" RESTRICTIVE BUSINESS DISTRICT WITH CITY COUNCIL APPROVAL FOR A HOSPITAL, 9150 HUEBNER ROAD, LOCATED ON THE SOUTHSIDE OF HUEBNER ROAD, 715.32 FEET EAST OF THE INTERSECTION OF HUEBNER ROAD ON OAKLAND BLVD., HAVING 391.49 FEET ON HUEBNER ROAD AND A DEPTH OF 634.05 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4E. CASE 290119 - to rezone LOT 12, BLOCK 6, NCB 12836, IN THE 2700 BLOCK OF NORTH IH 35 EXPRESSWAY, FROM "C" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT, LOCATED NORTHWEST OF THE INTERSECTION OF I. H. 35 EXPRESSWAY AND HINES AVENUE, HAVING 311.2 FEET ON I. H. 35 EXPRESSWAY AND 295.4 FEET ON HINES AVENUE.

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

Mr. Martinez made a motion to approve the recommendation of the Zoning Commission. Mr. Hasslocher seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Jayantilal R. Patel, the proponent, stated that he also is the owner of the Roosevelt Motel on Roosevelt Avenue.

Mrs. Dutmer stated her opinion that the motel needs some renovation.

In response to a question by Mr. Webb, Mr. Wayne Talley, representing the proponent, spoke to plans for a large motel on this particular site, such as a Best Western.

Mr. Webb voiced his concern that on a quality motel is acceptable in this area, and he asked for assurance that this would be accomplished.

Mr. Webb made a motion to postpone this case until December 13, 1990 until a properly-executed contract can be produced to substantiate assurances that this motel will have a major operator. Mrs. Dutmer seconded the motion.

Mr. Patel distributed copies of a letter from Best Western, dealing with its proposal to operate the motel when completed.

After consideration, the motion to postpone this case until December 13, 1990, prevailed by the following vote: AYES: Berriozabal,

November 8, 1990  
jd/alh

Webb, Dutmer, Martinez, Labatt, Hasslocher, Cockrell; NAYS: None;  
ABSENT: Wing, Thompson, Vera, Wolff.

Zoning Case Z90119 was postponed until December 13, 1990.

4F. CASE Z90121 - to rezone LOT 28, BLOCK 38, NCB 258; LOTS 1 THRU 12, BLOCK 33, NCB 289; LOTS 1 THRU 13, BLOCK 35, NCB 290; AND LOT 13, BLOCK 32, NCB 295, FROM "B-2" BUSINESS DISTRICT TO "B-4" CENTRAL BUSINESS DISTRICT, FRIO STREET AND MARTIN STREET, LOT 28, NCB 258 LOCATED NORTHWEST OF THE INTERSECTION OF PEREZ STREET AND N. W. I.H. 10 EXPRESSWAY, HAVING 545 FEET ON PEREZ STREET, 490 FEET ON N. W. I.H.10 EXPRESSWAY AND 129 FEET ON THE CUTBACK OF THIS INTERSECTION. THE REMAINING PROPERTIES ARE BOUNDED BY N. W. I.H. 10 EXPRESSWAY ON THE EAST, MARTIN STREET ON THE SOUTH, FRIO STREET ON THE WEST AND PEREZ STREET ON THE NORTH, HAVING 710 FEET ON N. W. I.H. 10 EXPRESSWAY, 635.40 FEET ON MARTIN STREET, 891 FEET ON FRIO STREET, AND 724.05 FEET ON PEREZ STREET.

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

Ms. Berriozabal thanked the Bexar County Hospital District for this long-awaited expansion of its downtown facilities.

Ms. Berriozabal made a motion to approve the recommendation of the Zoning Commission. Mr. Labatt seconded the motion.

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

AN ORDINANCE 72,601

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 28, BLOCK 38, NCB 258; LOTS 1 THRU 12, BLOCK 33, NCB 289; LOTS 1 THRU 13, BLOCK 35, NCB 290; AND LOT 13, BLOCK 32, NCB 295, FROM "B-2" BUSINESS DISTRICT TO "B-4" CENTRAL BUSINESS DISTRICT, FRIO STREET AND MARTIN STREET, LOT 28, NCB 258 LOCATED NORTHWEST OF THE INTERSECTION OF PEREZ STREET AND N. W. I.H. 10 EXPRESSWAY, HAVING 545 FEET ON PEREZ STREET, 490 FEET ON N. W. I.H.10 EXPRESSWAY AND 129 FEET ON THE CUTBACK OF THIS INTERSECTION.

THE REMAINING PROPERTIES ARE BOUNDED BY N. W. I.H. 10 EXPRESSWAY ON THE EAST, MARTIN STREET ON THE SOUTH, FRIO STREET ON THE WEST AND PEREZ STREET ON THE NORTH, HAVING 710 FEET ON N. W. I.H. 10 EXPRESSWAY, 635.40 FEET ON MARTIN STREET, 891 FEET ON FRIO STREET, AND 724.05 FEET ON PEREZ STREET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

4G. CASE Z90122(CC) - to rezone A 69.187 ACRE TRACT OF LAND OUT OF NCB 10915, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE PLANNING DEPARTMENT, IN THE 9000 BLOCK OF SOUTH PRESA, FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "R-A" RESIDENCE-AGRICULTURE WITH SPECIAL CITY COUNCIL APPROVAL FOR OIL AND GAS WELLS, LOCATED ON THE SOUTHWEST SIDE OF S. PRESA (U.S. 181 SOUTH) 435.65 FEET SOUTHEAST OF S. E. LOOP 410, HAVING 1862.14 FEET ON S. PRESA AND A MAXIMUM DEPTH 2086.0 FEET.

The Zoning Commission has recommended that this request of change of zone be approved by the City Council, provided that there be daily monitoring of the wells and tanks, there be fire wall berms around holding tanks, and that the Railroad Commission's rules and regulations are followed.

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

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

AN ORDINANCE 72,602

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 69.187 ACRE TRACT OF LAND OUT OF NCB 10915, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE PLANNING DEPARTMENT, IN THE 9000 BLOCK OF SOUTH PRESA, FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "R-A" RESIDENCE-AGRICULTURE WITH SPECIAL CITY COUNCIL APPROVAL FOR OIL AND GAS WELLS, LOCATED ON THE SOUTHWEST SIDE OF S. PRESA (U.S. 181 SOUTH) 435.65 FEET SOUTHEAST OF S. E. LOOP 410, HAVING 1862.14

FEET ON S. PRESA AND A MAXIMUM DEPTH 2086.0 FEET.  
"THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED  
\$1,000.00."

\* \* \* \*

4H. CASE Z90123 - to rezone LOT 4, BLOCK 6, NCB 7656, 751 DIVISION AVENUE, FROM "B" RESIDENCE DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, LOCATED ON THE NORTHSIDE OF DIVISION AVENUE BEING 203.7 FEET EAST OF THE INTERSECTION OF DIVISION AVENUE AND COMMERCIAL AVENUE, HAVING 45 FEET ON DIVISION AVENUE AND A DEPTH OF 125 FEET.

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

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

AN ORDINANCE 72,603

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 4, BLOCK 6, NCB 7656, 751 DIVISION AVENUE, FROM "B" RESIDENCE DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, LOCATED ON THE NORTHSIDE OF DIVISION AVENUE BEING 203.7 FEET EAST OF THE INTERSECTION OF DIVISION AVENUE AND COMMERCIAL AVENUE, HAVING 45 FEET ON DIVISION AVENUE AND A DEPTH OF 125 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

\* \* \* \*

90-49 The Clerk read the following Ordinance:

AN ORDINANCE 72,604

ACCEPTING AN OFFER FROM ALAMO DOME COMPANIES, INC., WHEREBY ALAMO DOME COMPANIES, INC., ASSIGNS TO THE CITY OF SAN ANTONIO ALL RIGHTS, TITLE, AND INTEREST IN THE TRADEMARK "THE ALAMO DOME"; APPROVING A

LICENSE AGREEMENT BETWEEN THE CITY AND ALAMO DOME COMPANIES, INC., WHEREIN THE CITY GRANTS A NON-EXCLUSIVE LICENSE TO ALAMO DOME COMPANIES, INC., TO USE SAID TRADEMARK UNTIL DECEMBER 31, 1991; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL THE NECESSARY DOCUMENTS; AND PROVIDING A CONTINGENCY FOR THE EFFECTIVENESS OF THIS ORDINANCE.

\* \* \* \*

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

Mayor Cockrell spoke to the history of problems over the name for the Domed Stadium and recent negotiations resulting in this ordinance. She noted that, under terms of the ordinance, the company presently holding rights to the name "Alamo Dome" will pay 10 per cent of its gross sales to the City through the term of the license agreement, which lasts until December 31, 1991. She then stated that the trademark rights would then revert to the City or some other agency at that time.

Mr. Hasslocher spoke to the importance of the name "Alamo Dome" to San Antonio and thanked the Mayor for her work in resolving this matter.

Mrs. Dutmer stated her opinion that the VIA Metropolitan Transit Board of Directors mishandled this matter, and she also thanked the Mayor for mediating the matter.

In response to a question by Mr. Labatt, Mr. Lloyd Garza, City Attorney, stated that the trademark doesn't restrict the use of the word "Alamodome", when it is all one word.

A discussion then took place concerning licensing considerations and expected returns to the domed stadium project.

In response to a question by Mr. Martinez, Mr. Garza explained the process of transferring the trademark rights to VIA, and he addressed those licensing arrangements.

Mr. Alex Briseno, City Manager, recommended that the licensing revenues go to the domed stadium project to help offset some of its costs, such as lowering of Montana Street.

Mr. Webb spoke against the Ordinance, stating that he feels that it is not right to give the licensing agreement to a single firm without first going out with a Request for Proposals.

Mr. Thompson spoke in support for the ordinance in order to secure the rights to the name, Alamo Dome.

November 8, 1990  
jd/alh

In response to a question by Mr. Wolff, Mr. Bob Schulte, partner in the firm which secured the original trademark, spoke to details of the licensing agreement.

Mr. Charles Oualline, Attorney for the firm, spoke to the details of the trademarking of the name "Alamo Dome".

Mr. Wolff spoke in support for the Ordinance, even though he feels the City would have eventually won its case in the courts, regardless.

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

90-49 The Clerk read the following Ordinance:

AN ORDINANCE 72,605

AUTHORIZING AN OFFER TO THE VIA METROPOLITAN TRANSIT AUTHORITY OF AN ASSIGNMENT OF ALL THE RIGHTS, TITLE AND INTEREST IN THE TRADEMARK "ALAMO DOME"; AND PROVIDING A CONTINGENCY FOR THE EFFECTIVENESS OF THIS ORDINANCE.

\* \* \* \*

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

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

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

90-49 DISCUSSION: AIDS/HIV COMMISSION

At this time a discussion took place concerning the AIDS/HIV Commission and Council appointments thereto.

Ms. Berriozabal stated that she would be coming back to the City Council with a formal memorandum to add two women to the AIDS/HIV Commission. She then asked that the name of Porter Loring III be adopted as representative of the United Way category. There was a formal motion and second, and the Council adopted the proposal by voice vote. Ms. Berriozabal noted that a formal ordinance would be forthcoming for Council consideration.

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90-49

WORK SESSION ON CHARTER REVIEW

At this time, the Council held an informal work session on the Charter Review Committee to name their appointments. A formal ordinance will be on a subsequent Agenda.

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90-49

CITIZENS TO BE HEARD

IRENE REYNA - LEVI STRAUS

Ms. Irene Reyna spoke to the history of Levi Straus closure, and organization of ex-employees who filed a lawsuit against Levi's and began a boycott. She then spoke to several problems with training programs under JTPA, with questions about funds earmarked for ex-employee training, and utilities being disseminated to VIPs and not working with people over utilities. She feels Council should work with them.

In response to Mr. Webb, Mr. Kevin Moriarty, Acting Director for DEED, noted that the City Council approved a utilities assistance program for the Levi people and the Bexar County Women's Center will be the administrators.

Mr. Webb asked Mrs. Alvarez to apply for the assistance at the Women's Center.

Ms. Berriozabal stated she had met with other members of the Fuerza Unidad and had given them some information. She is concerned that the information has not filtered out. She stated that she will make the information available to these other women.

\* \* \* \*

MR. ROBERT DUFFY, ATTORNEY

Mr. Robert Duffy, 711 Navarro, stated that his clients, Van De Walle, have tried to appeal a decision to the City Council and have not

been apprised by the City Attorney's office as to the appeal request.

In response to Mayor Cockrell, Mr. Lloyd Garza, City Attorney, stated that he will personally follow-up on this request.

\* \* \* \*

MS. NOREEN CUNNINGHAM

Ms. Cunningham spoke to her concern about the training of the JTPA in particular to the training of CBN Educator Center and Southwest School of Medical Assistants. She feels that a full outside audit of these facilities should be made. She is a graduate of one of these programs and yet has not been successfully placed in any outside employment.

City Manager Briseno referred to two reports prepared by the Director of Internal Review and the Acting Director of DEED, a copy of both reports are filed with the papers of this meeting.

Mrs. Berriozabal stated that the State is telling these persons to get off welfare, yet they are not helping to coordinate the entire effort.

Mr. Robert Salinas, Director of the Office of Internal Review, referred to the report his office prepared with regard to the allegations filed by Ms. Garza.

Mr. Kevin Moriarty, Acting Director of DEED, made his report to the Council regarding the evaluation which was done on the CBM Education Center and the Southwest School of Medical Assistants. He referred to his recommendation that the buy-in program should be phased out in its entirety. Propriety schools should be encouraged to participate in the open competitive bids processed for JTPA funding offered them the Alamo PIC. He praised the performance of the Hallmark program.

In response to Ms. Berriozabal, Mr. Moriarity stated that he will be glad to assist Mrs. Cunningham.

The Council discussed the need to address the overall problem as a whole and make reference to Mr. Moriarity's report.

In response to Mr. Wolff, Mr. J. Rolando Bono stated that the staff is proceeding with the points raised by the COPS organization and will be included as part of the report.

Mayor Cockrell summarized the staff's actions and the Council decided to address the specific concerns brought forward by the speaker at today's meeting.

Ms. Lydia Garza took exception to the report presented by Mr. Robert Salinas and again made statements to the fact that an official JTPA audit should be made.

\* \* \* \*

MR. JESSE WRIGHT

Mr. Jesse Wright spoke to the Council about his present problem. (A copy of Mr. Wright's statement is on file with the papers of this meeting.)

Mayor Cockrell reiterated her previous statements to Mr. Wright.

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90-49

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October 31, 1990

Honorable Mayor and Members of the City Council of the City of San Antonio  
The following petition was received in my office and forwarded to the City Manager for investigation and report to the City Council.

October 30, 1990

Petition submitted by Mr. Ruben Cervantes, P.E., Project Manager, Pape-Dawson, Consulting Engineer, Inc., 9310 Broadway, San Antonio 78217, requesting the annexation of Tract 1 (Rogers Rd.) and Tract 2 (Hyatt San Antonio Resort) further described by the field notes they submitted.

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November 8, 1990  
jd/alh

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27

90-49 There being no further business to come before Council, the meeting was adjourned at 6:20 P.M.

A P P R O V E D

*Lita Cockrell*

M A Y O R

ATTEST

*Arma S. Rodriguez*  
C i t y C l e r k